



<b>Policy Title</b>	Managing Allegations against a Person in a Position of Trust (PPoT)
<b>Policy Owner</b>	Emma Jacquest
<b>Version Control</b>	8
<b>Review Information</b>	First Published: October 2012 Approved: 17/05/2024 Review Date: 20 <sup>th</sup> March 2024

#### Version Control

Version #	Date of review	Reviewer	Summary of changes
8	20/03/2024	Julia Harrison	<ul style="list-style-type: none"><li>• Change to title of policy to Allegations against a Person in a Position of Trust</li><li>• Changed to correct headed paper</li><li>• Added page numbers and numbered sections</li><li>• Changed introduction, added definition of PPoT</li><li>• Added additional examples</li><li>• Added flowchart</li><li>• Steps to be taken – added in number form</li><li>• Added LADO contact details for B&amp;H, East and West Sussex.</li><li>• Added references</li></ul>

#### 1.0 Introduction

Although most people who work or volunteer with children, young people or adults at risk will have their best interests at heart, organisations that work with children, young people and adults at risk have a responsibility to prevent anyone who is in a 'Position of Trust' and authority from taking advantage of this trusted role and / or abusing them.

These procedures reflect:

- chapter 2 of 'Working Together to Safeguard Children 2018 - Organisational Responsibilities – People in a Position of Trust'.
- chapter 18 of the Pan Sussex Child Protection and Safeguarding Procedures Manual <https://sussexchildprotection.procedures.org.uk>
- chapter 2.5 of Sussex Safeguarding Adults Policy and Procedures <https://sussexsafeguardingadults.procedures.org.uk/>

and will explain what should happen when allegations are made about the behaviour of a member of staff or volunteer.

They must be followed by all Tarners staff and volunteers (including agency workers and consultants) involved in providing services for children, young people, and/or vulnerable adults.

'Position of Trust' is a legal term that refers to certain roles and settings where an adult has regular and direct contact with children. Examples external and within Tarners include teachers, social workers, youth workers, support workers, counsellors and faith leaders.

The terms 'child' or 'adult' relates to any child or adult; not necessarily only to those with whom staff encounter as a result of their work.

## **2.0 Defining the Concern**

These procedures should be applied when there is an allegation or concern raised against a Person in a Position of Trust (PPoT). This may be reported through Whistleblowing, Safeguarding Reports, observations or Complaints.

The allegation or concern is that the Person in a Position of Trust has:

- behaved in a way that has or may have harmed a child, young person or vulnerable/adult
- possibly committed a criminal offence against or related to a child, young person or vulnerable adult or
- behaved towards a child, young person or vulnerable adult in a way that indicates they may pose a risk of harm to them;
- behaved or communicated in a way that indicates they may not be suitable to work with children, young people or vulnerable adults.

A Person in a Position of Trust's conduct extends to behaviours in and out of the workplace and may also apply to the behaviours of their partner or spouse or associated people. They can relate to a current or historical concern. Please also refer to Tarner's Code of Conduct.

### **2.1 Examples whereby this may apply (this is not an exhaustive list):**

- having a sexual relationship with a child aged under 18, even if deemed consensual (Sections 16-19 Sexual Offences Act 2003).
- 'grooming' behaviour giving rise to concerns of a broader Child Protection concern (Children's Act 1989), or a Vulnerable Adult concern (Care Act 2014).
- inappropriate communication including texting, sexting, e-mail messages or images, gifts, socialising, etc. and possession of abusive images of children, young people or vulnerable adults.
- events in a PPoT's personal life, whereby there is involvement with Children Social Care and/or the Police with regards to safeguarding concerns.
- bullying, threats, intimidation, or personal comments of a derogatory or discriminatory nature which could cause emotional harm.
- physical contact of a non-sexual nature, but which breaches Tarner's 'Code of Conduct'.
- providing rewards and incentives which are not sanctioned within Tarner's 'Code of Conduct'.
- failure to report a safeguarding concern or risks about which they have knowledge.
- a PPoT being arrested cautioned or subject to prosecution for a criminal offence outside of work (for example, Domestic Violence/theft/use of dealing illegal drugs).

## **3.0 Roles and Responsibilities**

### **3.1 Local Authorities**

'Working Together To Safeguard Children' 2018 states that Third Sector organisations should not work in isolation when dealing with allegations against a PPoT and contact with the Local Authority

Ofsted Number: EY471335.

Registered Charity Number: 1152321.

Registered Office: 6 Tilbury Place, Brighton, East Sussex, BN2 0GY

Principal Address: Tarner Park, Sussex Street, Brighton, East Sussex, BN2 9HS

Designated Officer (LADO) should be taken without delay and in a coordinated manner.

The Local Authority LADO will:

- provide advice and guidance to employers, voluntary organisations and community groups.
- be involved in the management and oversight of individual cases.
- undertake an Initial Evaluation to establish if the threshold of 'significant harm' is met.
- when the threshold for 'harm' has been met they will liaise with the Police and Social Care
- monitor the progress of cases to ensure that they are dealt with as quickly as possible with a thorough and fair process.
- provide advice and guidance to employers in relation to making referrals to the Disclosure and Barring Service (DBS) and reporting to Ofsted and the Charity Commission.

### **3.2 Tarner**

Tarner as an employer will have:

- a clear internal allegations management procedure in place.
- a professional Code of Conduct that informs management action.
- Senior Leadership that has responsibilities to oversee the allegations procedure and where appropriate making prompt referrals to the Disclosure and Barring Service (DBS)
- maintain records of the number and nature of allegation made and outcomes to inform service improvement.
- promote and maintain workforce awareness of its Whistleblowing Policy.

Managing allegations against People in Positions of Trust are jointly overseen by the following staff:

- Tarner's Designated Safeguarding Lead (DSL) Emma Jacquest, who is responsible for ensuring that procedures in relation to allegations and concerns are in place, as well as;
- Designated Safeguarding Officers (DSO), Natalie Russ and Amber Stepney, point of contact with the LADO
- Human Resources

## **4.0 Managing Allegations Flowchart – See Appendix 1**

### **4.1 Steps to be taken**

1. An allegation/concern against a PPOt may arise from several sources, e.g., a report from a child, young person or vulnerable adult, a concern raised by another adult in the organisation or from an external organisation, a complaint by a parent or carer, or your observation of inappropriate behaviour by a PPOt.

You should not:

- investigate or ask leading questions if seeking clarification;
  - make assumptions or offer alternative explanations; or
  - promise confidentiality, but you can give assurance that the information will only be shared on a 'need to know' basis.
2. Report the matter to your Line Manager. If your normal Manager is implicated, you should report to another Senior Manager or the CEO. You should record the concerns within a Safeguarding and Monitoring Form, where possible using the child/vulnerable adults' words, including the time, date and place, persons presents and what was said/observed.



3. Line Manager will contact the DSO who will arrange a meeting between the Line Manager, CEO and HR to share concerns and agree next steps. This is a fact-finding neutral process and is not an investigation. This may include deciding if the PPOt should be suspended or refrained or remain in situ, but this may also be decided after Step 4 following guidance from LADO.
4. Line Manager to complete a risk assessment to manage perceived level of risk.
5. The DSO/DSL will contact the LADO to notify them of the allegation within one working day, and to seek advice and guidance from them to determine whether it reaches their threshold and to ascertain which pathway is to be taken. This is prior to any further investigation taking place.
6. If the LADO deems the allegation meets their thresholds, they will make enquiries with other agencies including the Police and Social Care. An Allegations Against Staff and Volunteers Meeting (ASV) and possibly concurrently a Strategy meeting will be called which Tarner will be invited to attend. This will determine whether the investigation will involve:
  - a police investigation of a possible criminal offence. The LADO will offer advice to Tarner given that a Police investigation may be ongoing & sub judicial, and/or;
  - a Section 47/42 Enquiry & Assessment by Social Care.

A Tarner investigation may take place with one or both agencies above, or we may be advised by the LADO to undertake disciplinary action in relation to possible performance /conduct issues.

7. Where it is decided that the incident does not meet the threshold for allegations management and is a concern only, then the Line Manager and HR will take steps to ensure any conduct or behaviour issues are addressed with the member of staff through Tarner employment practices.
8. The ASV meeting will:
  - ensure arrangements are made to protect the child, young person or vulnerable adult.
  - agree allocate tasks to be completed in set timescales.
  - decide what information can be shared with whom and when.
  - consider what support should be provided to the staff member and how they will be updated as to the progress of any investigations.
  - consider further risk assessment to inform Tarner's safeguarding arrangements
  - consider possible referrals to DBS
  - agree dates for future meetings.
9. Any internal investigation should be completed within the timeframes specified in the Disciplinary Policy and Procedures. Once concluded HR should ensure that a summary of the allegation/conduct, the actions taken, and decisions reached, are sent to the Line Manager, DSO and CEO.

As part of the completion of the investigation Tarner will provide an outcome using the following definitions:

- substantiated - A substantiated allegation is one which is supported or established by evidence or proof;



- unsubstantiated - An unsubstantiated allegation is not the same as a false allegation. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
  - unfounded – There is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances;
  - false – There is sufficient evidence to disprove the allegation;
  - malicious – There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
10. A copy of the Summary Report should be given to the PPOt and the LADO (as appropriate) and kept in the HR file.
  11. If the PPOt is dismissed or disciplined, the LADO, DSO and HR should discuss a referral to DBS or other regulatory bodies including Ofsted (regardless of if the PPOt has left their employment with Tarner during the investigation). The DSO will concur or not.

Where the allegation is substantiated, the outcome should be made clear when providing references to prospective employers.

12. If a person is returning to the workplace following suspension they should be supported by their line manager and planned appropriately, including the possible offer of external support.
13. Any learning and good practice from managing allegations against PPOt should be brought to the attention to the Senior Management Team for dissemination to the workforce.

## **5.0 Other Considerations**

### **5.1 Confidentiality**

Every effort possible should be made to maintain confidentiality, as well as guard against publicity whilst an allegation is being investigated or considered. Information must be restricted to those who have a need to know in order to:

- support and/or protect the child, young person or vulnerable adult,
- facilitate enquiries, and
- manage related disciplinary or suitability processes.

### **5.2 Liaison with the alleged victim and parents**

Tarner must always discuss informing the alleged victim child, young person and vulnerable adult, (and/or the parents/carers), with the LADO in the first instance. The LADO should always be consulted first to ensure that this does not impede the disciplinary or investigative processes and a plan of action agreed.

### **5.3 Consultation with the PPOt subject to the allegation / concern**

After consultation with the LADO, where advice may be given around restrictions on the information that can be provided (if the Police are involved), Tarner DSO, CEO and HR should, as soon as possible, inform the PPOt who is subject to the allegation or concern, about how enquiries will be conducted and the possible outcome e.g. disciplinary action.

Human Resources and/or the DSO should advise the PPOt subject to the allegation / concern, that appropriate support can be provided This may include a referral to occupational health and welfare arrangements. Please see disciplinary policy.

The PPOt should be informed of the name the linked person in HR/DSO who will update them on the progress of the investigation. The LADO will nonetheless remain the Lead Professional / Consultant throughout.

#### **5.4 Resignation and compromise agreement**

Every effort should be made to reach a conclusion in all cases even if:

- the PPOt refuses to cooperate, having been given a full opportunity to answer the allegation and make representations;
- it may not be possible to apply any disciplinary sanctions if a person's period of notice expires before the process is complete. However, in every situation the outcome of the disciplinary process should be recorded.

In these circumstances, consideration should be given to making referrals to the Disclosure and Barring Service's Barred Lists and regulator/registration bodies. The LADO can advise.

'Compromise agreements' must not be used in managing allegations against PPOt, e.g. where a member of staff agrees to resign provided that disciplinary action is not taken or for example that a future reference is agreed.

#### **5.5 Timescales summary**

It is in everyone's interest for cases to be dealt with expeditiously, fairly and thoroughly and for unnecessary delays to be avoided. The target timescales provided within our policies are realistic in most cases, however some cases take longer because of their specific nature, or complexity. Timescales are often determined by the involvement of the Police and Social Care, and thus out of Tarnier's control.

#### **5.6 Record keeping**

The record should include details of how the allegation was followed up and resolved, the decisions reached, and the action taken. It should be completed in collaboration with the Local Authority Designated Officer.

A copy of this summary should be:

- placed on the person's confidential personnel file
- given to the individual, and
- given to the Local Authority Designated Officer as appropriate.

Such information should be retained on file, including for people who leave the organisation to enable accurate information to be given in response to any future request for a reference. It will provide clarification in cases where future vetting and barring reveals information from the police that an allegation was made but did not result in prosecution or a conviction and will prevent unnecessary

re-investigation if, as sometimes happens, allegations re-surface after a period of time. (please refer to the Safeguarding Vulnerable Groups Act 2006). We keep records in line with our data retention policy outlined in the Data Protection and Information Handling policy.

## **6.0 LADO Contact Details**

### **6.1 Brighton and Hove**

- LADO is Kay Whitcroft.
- Consultation number is 07584 217271 and Office number is 01273 290400
- Complete the LADO Referral Form <https://www.bhscp.org.uk/wp-content/uploads/sites/3/2022/04/LADO-Referral-consultation-Form.docx> and email to [LADOenquiries@brighton-hove.gov.uk](mailto:LADOenquiries@brighton-hove.gov.uk)
- For urgent LADO matters outside office hours, weekend and public holidays contact 01273 335905

### **6.2 East Sussex**

- Complete online form using this link <https://www.eastsussex.gov.uk/children-families/professional-resources/allegations/referrals/form-lado-referral>

### **6.3 West Sussex**

- LADOs for West Sussex are Miriam Williams and Donna Tomlinson
- Consultation number is 0330 222 6450 or through MASH 01403 22990
- Completed referral form <https://www.westsussexscp.org.uk/wp-content/uploads/2020/12/LADO-referral-form-2020-December-2020.docx>
- Email to [LADO@WestSussex.gov.uk](mailto:LADO@WestSussex.gov.uk)

## **7.0 Appendices**

Appendix 1 - Managing Allegations Flowchart

## **8.0 References**

- The Disclosure and Barring Service <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- Chapter 2 of 'Working Together to Safeguard Children 2018 - Organisational Responsibilities –People in a Position of Trust'.
- Information for employees and volunteers <https://www.bhscp.org.uk/wp-content/uploads/sites/3/2021/02/LADO-guide-for-Employees-Volunteers.pdf>
- Information for Parents and Carers <https://www.bhscp.org.uk/wp-content/uploads/sites/3/2022/05/LADO-guide-for-parents-and-carers.pdf>
- Information for children or young person <https://www.bhscp.org.uk/wp-content/uploads/sites/3/2020/11/LADO-guide-for-children-and-young-people.pdf>
- LADO Contact and Threshold Guidance <https://www.bhscp.org.uk/wp-content/uploads/sites/3/2023/03/LADO-Contact-Threshold-Guidance.pdf>