



Policy No: SJD/ORG/22	Authorised by: Davina Powell	Review Date: 2 nd November 2023
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ALLEGATIONS – MANAGEMENT OF		

Introduction

THIS DOCUMENT HAS BEEN ADAPTED FOR SJD HOMES USE FROM THE LOCAL AUTHORITY CURRENT GUIDELINE AND POLICY DOCUMENT OF THE SAME NAME.

IT SHOULD BE READ IN CONJUNCTION WITH SJD Homes SAFEGUARDING POLICY

Why Procedures are needed

1. The majority of people who work with young adults and Young Adults do so from a position of care and concern. However, it is a fact that an extremely small number of people do seek access to young adults and Young Adults, to cause them harm either physically, sexually or emotionally. Research has shown that these professionals are extremely skilled in identifying vulnerable Young Adults and forming relationships with colleagues, which often ensure that they are not challenged or distrusted and use the system to their own advantage. Procedures need to ensure Young Adults have as much protection as possible from such adults.
2. Young adults may misinterpret actions of professionals, which, when reported to their parents could lead to complaints.
3. Small proportions of young adults lie about allegations to create difficulties for teaching and non-teaching staff.
4. Under times of stress or provocation some professionals react inappropriately to young adults and may behave in an unacceptable manner.
5. When an allegation has been made concerning any employee, they should have the case against them dealt with quickly, professionally and impartially. The document recognises the responsibility and vulnerability of employees.

6. The young adult's welfare is paramount, (Young adults Act 1989)
7. Research shows that some "institutions" fail to protect their young adults because of over emphasis on the protection of staff and the natural reaction to believe a colleague rather than a young adult (some of whom may have been presenting difficult behaviors).
8. The system for dealing with allegations within SJD Homes ensures that all allegations are dealt with in a clear structured manner using a procedure that is professional and impartial.
9. The procedures refer to behavior, which may fall into the category of young adult protection or inappropriate behavior. The procedure also relates to emotional abuse of a chronic nature. Other complaints should be dealt with under the Semi independents complaints procedure.

The Designated Safeguarding Semi-independent Officers. The Lead Officer for the Semi independents Safeguarding Team is Gemma Taylor.

Contact details are:

TEL: 0208 461 7775 or 0208 313 4325

If the allegation is to be reported out of office hours, contact Children's Social Care Out of hours Emergency Duty Team on 0300 303 8671

Email: lado@bromley.gov.uk or Gemma.Taylor@bromley.gov.uk

Initial contact regarding any possible allegation must be made directly with Gemma or her nominated deputies as soon as possible. If, at the point of initial contact, the team is unavailable, admin staff will contact one of the team directly where it is clear that the issue relates to a possible allegation.

Procedure

SUMMARY OF KEY ISSUES/INITIAL ACTIONS TO BE TAKEN

1. Suspension should never be an automatic response. Appropriate criteria should be applied in all cases.
2. Do not leave the young adult alone or with other young adults until there have been consultations with one of the Semi independents safeguarding officers and a course of action agreed, including the appropriateness of the young adult remaining in Semi independent.
3. Do not seek to investigate the allegation yourself or interview young adults.
4. You must consult with one of the safeguarding Semi independents officers (as above).

5. Ideally obtain details of the allegation in writing, ideally signed and dated by the person receiving the allegation, and counter signed and dated by the Director or designated person, (but not the young adult who is the subject).
6. An investigating officer will be appointed; (in consultation with police, head and local authority) if a joint decision is made that a formal investigation is appropriate.
7. Consider the need for disciplinary action in respect of the employee where it is clear that a reportable offence has not been committed, again in consultation with local authority staff.
8. However, any disciplinary action must be kept separate from young adult protection investigations except when there is agreement otherwise between the designated safeguarding Semi independents officer and those in charge of investigations.
9. Investigations by the police or assessment team will take priority over an internal investigation by the Semi-independent.
10. When issues are resolved, the designated safeguarding Semi independents officer to write to all relevant parties with findings.

Role of the Advisory Board

The Advisory Panel Members work with the Conducting Management Group to make decisions.

Role of the Management Team

The managers and staff have a commitment to high standards and a responsibility to voice concerns.

Role of Staff

As above

Role of Parents / Carers

The parents/ carers are encouraged to talk to the CMG about any concerns they have.

Other Specific Policy Detail

RESTRAINT

Section 550(A) of the Education Act 1996 - The Use of Force to Control or Restrain Young adults

- allows teachers, and other persons who are authorised by the Director to have control or charge of young adults, to use such force as is reasonable in all the circumstances to prevent a young adult from doing, or continuing to do, any of the following:
 - committing a criminal offence (including behaving in a way that would be an offence if the young adult were not under the age of criminal responsibility);
 - injuring themselves or others;

- causing damage to property (including the young adult's own property);
- engaging in any behavior prejudicial to maintaining good order and discipline at the SJD Homes or among any of its young adults, whether that behavior occurs in a classroom during a teaching session or elsewhere.

The provision applies when a member of staff or volunteer, is on the SJD Homes premises, and when he or she has lawful control or charge of the young adult concerned elsewhere e.g. on a field trip or other authorised out of SJD Homes activity. Restraint can only be used when it is fully justifiable as being in the best interests of the young adult and subject to the s.550 (A) criteria set out above. Each staff member will exercise his/her judgment as to whether (a) the statutory criteria are fulfilled at any given time (b) where the young adult's best interests lie and (c) whether the combination of these factors justifies restraint.

Restraint should only be used in line with agreed SJD Homes policy.

Where physical intervention has been used as a method of restraint the policy on restrictive physical intervention and reporting of incidents should be followed.

Records of restraint should be kept in a bound, page numbered book which is open to inspection from named personnel.

Restraint would need to be referred to the assessment team or the Semi independents Safeguarding Team.

- When the young adult has marks or bruising which have been sustained through the use of inappropriate physical intervention or where a parent / carer makes a complaint.
- If the young adult makes a complaint of a particularly serious nature (i.e. assault, unjustified or inappropriate use of restraint resulting in physical injury or distress)
- When a member of staff has raised a concern or complaint about the use of restraint by another member of staff.

ALLEGATIONS/ SUSPICIONS OF ABUSE

1. Allegations are received in a variety of ways. Usually these are:

- Direct complaint by young adult to another staff member.
- Direct complaint of a parent/carer to another staff member/teacher.
- Concerns raised by parties who may have been told about or witnessed abuse.
- Direct contact by parent/carer to a local authority
- Anonymous referral
- Direct complaint to the assessment team or the Police

2. If an employee is informed about a possible allegation they should immediately notify a member of the Semi independent's management team/a Designated Lead (Angus Burnett/Carol Day).

3. Where the allegation is against the Director or CEO, the Chair of Advisory Panel Members & the Advisory Panel Member responsible for Safeguarding should be informed.
4. Under no circumstances should any member of staff, management or Advisory Panel Member conduct their own investigation until the matter has been agreed with the Assessment Team or Police. Attempts to do so could seriously hinder any further investigation and reduces professional impartiality.
5. All allegations should be referred to the Semi independents Safeguarding Team. There should be no time delay and care should be taken to maintain confidentiality as in young adult protection procedures. The SJD Homes or the unit should not commence an investigation before agreement is reached with the Semi independents Safeguarding Team.
6. It should be stressed that all matters relating to allegations are dealt with under SJD Homes Young adult Protection Procedures and therefore confidentiality is essential. Information should be shared on a "need to know "basis only. All documentation should be carefully stored.
7. The Designated Lead(s) will discuss their understanding of the situation to the Semi independents Safeguarding Team including issues such as the context of the allegation and previous concerns about the member of staff or young adult. Following this discussion the level of concern will be determined in consultation with representatives from the police and the Assessment Team. This may lead to a strategy meeting being convened involving the Designated Lead(s) a police officer, the young adult's Social Worker(s).

POSSIBLE ACTION FOLLOWING AN ALLEGATION

No further action

1. Director/Manager/T&NT to communicate this to parents/carers. Where there are concerns that the allegation may be false or malicious consideration needs to be given as to the issues that the young adult may be facing.

Managers should:

2. inform the parent/carers in writing of a decision to take no further action or a view that there has been a false allegation;
3. Inform (verbally and in writing) the relevant employee that an allegation has been made and that no further action will be taken. The employee can have a friend or trade union representative during this discussion;
4. Make appropriate arrangements to offer support to employee;
5. Determine whether the young adult needs further support or whether the allegation could be an indicator of other concerns (e.g. abuse elsewhere);
6. Prepare a report giving reasons for the conclusion that the allegation is without foundation and stating the action taken (as above)
7. Clearly state on the member of staffs record that the staff member has been exonerated and consideration of disciplinary proceedings are not necessary.
8. Consideration given to what action is required to avoid a repeat of the allegation.

Possible Inappropriate Behavior

The Semi independents Safeguarding Team and/or representatives of the Assessment Team or Police will agree that this matter falls into the category of inappropriate behavior as opposed to young adult protection.

The Director will arrange for an investigation to be undertaken by a senior member of staff advising that the investigation may become part of disciplinary procedures.

Where the investigation is to be conducted internally for inappropriate behavior: The Investigating Officer will:

- Define the areas to be investigated;
- Draw up a provisional list of those to be interviewed and the content for discussion. This should include firstly interviewing the alleged victim and any witnesses, (a random selection of young adults could be interviewed). The alleged perpetrator should be interviewed last;
- Check corroborative evidence;
- Assess the credibility of the person making the allegation. (In doing so consideration should be given to the issues of listening to young adults and Young Adults and to any power differential.)

If at any point the investigator becomes aware that there may be young adult protection issues emerging the investigation should be halted and referred under the young adult protection procedures, directly to the Assessment Team and inform the designated officer for Semi independents.

GEMMA TAYLOR

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Statements made should be read and signed and dated by the witnesses.

Staff interview

The person subject to the allegation should be informed of:

- His/her rights under the Semi independents disciplinary procedures including right to representation
- The allegation and invited to make a statement
- The right either to respond (or decline to respond) and to be represented prior to giving a response

Full notes should be taken and the member of staff invited to read and sign them as a true record of the interview, (copy to be made available to the member of staff).

Persons identified by the member of staff as having relevant information should be added to the list to be interviewed as part of the investigation.

On conclusion of the investigation a report should be produced, (which remains confidential) and recommendations made in relation to future action. Consideration should be given to the need to refer back to young adult protection procedures / consider suspension / refer the report under disciplinary procedures.

The Director should retain records of the investigation including statements in a secure and confidential system.

On consideration of the report the designated officer will write to the parent/carer of the young adult involved and the staff involved informing them of the outcome of the investigation. A copy of both of these letters will be sent to the Director.

In some situations the designated officer for allegations will discuss specific courses of action which may assist in the prevention of similar situations occurring.

Where an investigation is likely to follow young adult protection/criminal process:

Where there are marks/bruising to a young adult, complaints of assault or concerns of a sexual nature then there is a strong possibility that this will be treated as a young adult protection referral. In such circumstances swift action is vital.

- a) Where the young adult is injured, medical treatment will need to be considered as a priority.
- b) Where it is agreed that Young adult Protection Procedures need to be followed the Designated Lead(s) will notify the employee that an allegation has been made against them and to advise him/her to contact their professional association.
- c) A young adult protection investigation may need an initial investigation by the police or Assessment Team or a joint investigation.
- d) Any such investigation takes precedence to any possible disciplinary issues or action that SJD Homes wish to take.
- e) The investigation will be undertaken in line with Young adult Protection procedures, which may include a strategy meeting or strategy discussion including relevant personnel.

Details of the complaint must not be discussed within the Semi-independent/unit and the Director should ensure that confidentiality is maintained at all times.

The alleged victim/witness/adult, etc. should not be interviewed.

It may be necessary to hold a strategy meeting prior to the investigation taking place. Under such circumstances those present would usually be - Designated Safeguarding Semi independents Officer, Assessment Team Manager or Social Worker, Police representative, SJD HOMES Designated Lead(s) and the young adult's social workers (as appropriate).

Suspension at the time of discussion with the Safeguarding

Semi independents/Assessment Team the SJD HOMES Designated Lead(s) view will be sought in relation to the risk to other young adults from the alleged perpetrator.

If the Designated Lead/Director has no concerns then the employee should continue working within the Semi-independent. Provision would need to be made to avoid contact with the victim where possible. Suspension should not be used unless absolutely necessary.

If the Director has concerns about the welfare of the alleged victim or any other young adult then steps should be taken to suspend the employee in accordance with the appropriate discipline procedure.

The Safeguarding Semi independents team will liaise with the Assessment Team, the Police and keep the SJD Homes Designated Leads informed of the situation.

On completion of the Young adult Protection investigation there could be:

- a) A review meeting between appropriate staff in the Assessment Team/Police/Safeguarding Semi independents and the Designated Lead(s), to share findings.
- b) Prosecution of alleged perpetrator and internal disciplinary procedures.
- c) Communication to the parents from social worker.

The Safeguarding Semi independents Team will liaise with Designated Lead(s) to discuss the findings of the investigation with them. It is then for the Director, in consultation with the relevant managers, to determine the appropriate course of any further action. In some circumstances this could lead to disciplinary action.

The Director will then write to the alleged perpetrator, parents and director informing them of the outcome of the investigation.

SUPPORT FOR MEMBER OF STAFF

Obviously being the subject of an allegation can cause distress to the member of staff.

When a member of staff is suspended the SJD Homes may choose to also offer a link to a named member of staff. As much as possible staff subject to allegations will be kept informed of the status of any investigation.

Employees should also seek advice from their professional association. The SJD Homes may also offer counselling to the staff member through the SJD HOMES Therapy Team

Under any circumstances it is important to identify support for the staff member from the outset.

ALLEGATION AGAINST THE DIRECTOR

When the allegation is made about the Director direct contact should be made with the SJD Homes Director.

- a) The Designated Lead(s) will follow procedures in relation to having a discussion with the Assessment Team support to determine whether thresholds for young adult protection are met.
- b) The Designated Lead(s) will inform the Chair of Advisory Panel Members and the Advisory Panel Member with Safeguarding responsibilities.
- c) The Director will contact the Advisory Panel to inform them of the allegation.
- d) If the allegation falls into the category of inappropriate behavior the Chair of Advisory Panel Members can take advice from the Safeguarding Semi independents team about how best to proceed.
- e) If the allegation is deemed to be Young adult Protection the normal procedures will apply.
- f) The Chair of the Advisory Panel Members will consider the need for suspension in consultation with the Safeguarding Semi independents team. Suspension will only be used if it is considered that the Director poses an on-going risk to young adults.

Supply Teachers/Agency Workers

When a supply teacher is contracted to work in a SJD Homes the Director will ensure that the supply teacher is made aware of the Semi independents procedure in relation to care and control of young adults, including the use of physical intervention and young adult protection procedures.

THE ROLE OF THE ADVISORY BOARD

Issues relating to allegations are of a confidential nature in accord with SJD Homes.

SJD Homes' Young adult Protection Procedures. Therefore, information should only be shared on a "need to know" basis.

For example, it may be appropriate for the Director to share some issues about suspension/impact on the SJD Homes community with the Chair of the Advisory Board. Advisory Panel Members who are involved in possible young adult protection issues should have had an appropriate disclosure check and ideally appropriate training.

Other members of the Advisory Board should neither become involved in, nor have details linked to the allegations. Any such knowledge would prejudice their possible involvement in any future appropriate action which the Advisory Board may be advised to take. In addition the Advisory Board has to be clear that it is not taking any action that would prejudice the position of the individual under investigation.

When the allegation refers to the Director, the Chair of the Advisory Board may be involved, as outlined above in allegations against the Director. When the outcomes of the investigations are known and it is appropriate for the Advisory Board to deal with the matter, the Chair will then decide the course of action to be taken. This will be within the Semi independents' agreed procedures. No other members of the Advisory Board should be involved in any proceedings before this stage. In the event of the Chair being unavailable the Vice Chair would be expected to act on behalf of the Advisory Board.

CONTRACTORS (OF ANY ORGANISATION) WORKING IN ENVIRONMENTS WITH YOUNG ADULT CONTACT

When an allegation is received in relation to the above, the employer should notify the Safeguarding Semi independents team of their procedures for handling the allegation. It is expected that those issues which are of a young adult protection nature should be referred to the Assessment Team/Police.

FALSE ALLEGATIONS

Where (following consultation and investigation) the Designated Lead(s) believes that the allegation is without foundation, he/she should:

- a) consider with Assessment Team Manager and/or Service Manager Attendance & Welfare whether the young adult might have been abused by someone else.
- b) inform the employee at a formal meeting that no further action is to be taken under disciplinary or young adult protection procedures (the employee may be accompanied by a union representative or friend).
- c) consider whether support, counselling and/or informal professional advice for the employee is appropriate and the form this might take.
- d) inform the parents of the young adult/young adults of the allegation and the outcome
- e) consider appropriate counselling and support for the young adult/young adults and parents particularly where a false/malicious allegation has been made.
- f) Prepare a report embodying (me) to (V), to be copied to the employee, recording that the allegation is without foundation.

RECORDS

The Safeguarding Semi independents team must keep documents relating to an investigation and must retain a written record of the outcome. Where disciplinary action has been taken against an employee, a copy should be retained on the personnel SJD Homes confidential file in accordance with the Semi independent's disciplinary procedures. Where a young adult has made an allegation, a copy of the statement or record made of it must be kept on the section of the young adult's personal file which is not open to disclosure together with a written record of the outcome of the investigation. If there are criminal or civil proceedings, records may be subject to disclosure. Therefore no assurances can be given of confidentiality. Details of outcomes of disciplinary or criminal investigation should be passed to relevant personnel sections.

