



# **North Wales Safeguarding Board**

## **Practice Guide**

### **Safeguarding allegations/ concerns about Practitioners and those in a position of trust**

<b>Version</b>	<b>Date</b>	<b>Action</b>	<b>Approved</b>
1	15/6/20		

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## **1.0. Introduction**

- 1.1. This practice guide sets out the arrangements for responding to safeguarding concerns about those whose work, either in a paid or voluntary capacity, brings them into contact with children or adults at risk. It also includes individuals who have caring responsibilities for children or adults in need of care and support and their employment or voluntary work brings them into contact with children or adults at risk.
- 1.2. This practice guide supports agencies own internal disciplinary procedures and provides guidance to deal appropriately with any concerns or allegations of professional abuse or neglect and to ensure that all allegations of abuse made against staff or volunteers working with children, young people and adults at risk are dealt with in a fair, consistent and timely manner.
- 1.3. The main factor to consider when applying this practice guide is whether the individual subject to the allegation or concern, occupies a position of trust; this is where a member of staff / volunteer is in a position of power or influence over a child or adult, by virtue of the work or nature of activity being undertaken.
- 1.4. The Roles within this practice guide are based on Part 5 of the Wales Safeguarding Procedures. It is acknowledged that these procedures may use different language in different sections. For staff working in North Wales, the practice guide has been approved by the North Wales Safeguarding Boards. As a Safeguarding Board we felt that we needed to strengthen guidance on section 5 in the Wales Safeguarding Procedures.

## **2.0. Purpose**

- 2.1. This practice guide sets out the process to be followed by agencies when responding to allegations against adults who work with children, young people and adults at risk. The practice guide includes the thresholds for implementation and guidance regarding appropriate timescales for investigation.
- 2.2. Reference to children within this document includes any child who has not yet reached their 18<sup>th</sup> birthday.
- 2.3. The definition of Children at Risk follows the definition as set out in the Social Services and Well Being (Wales) Act 2014:
  - Is experiencing or is at risk of abuse, neglect or other kinds of harm
  - Has needs for care and support (whether or not the authority is meeting any of those needs).
- 2.4. Reference to Adults at Risk includes adults over the age of 18 and follows the definition as set out in the Social Services and Well Being (Wales) Act 2014:
  - Is experiencing or is at risk of abuse or neglect,

- Has needs for care and support (whether or not the authority is meeting any of those needs)
- As a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it

### 3.0. **Overarching Principles**

- Children and adults are safeguarded from individuals who may pose a risk in the setting within which they work or volunteer
- Ensure that allegations and safeguarding concerns are dealt with in a fair, consistent and timely manner and in accordance with statutory guidance
- Ensure that there is appropriate support, information and advice for all those affected during this process
- Ensure that individuals who are not suitable to work with children and adults at risk are prevented from doing so by notification to the Disclosure and Barring Service and other relevant professional bodies
- Local Authorities should appoint a Senior Manager as the Designated Officer for Safeguarding with responsibility for acting under the Wales Safeguarding Procedures Part Five Safeguarding Allegations/ Concerns about Practitioners and Those in Positions of Trust and this supporting practice guidance.

#### 3.1. For the purposes of this practice guidance, the definition of 'work' includes the following:

- Those in paid employment, including temporary, casual, agency staff and those who are employed as Personal Assistants under the direct payment scheme
- Individuals undertaking unpaid voluntary work
- Individuals who are self-employed and work directly, or are contracted to work, in the provision of services to children and adults at risk
- Elected Officers

#### 3.2. This protocol is underpinned by the following legislation and should be read in conjunction with:

- Social Services and Wellbeing (Wales) Act 2014  
[http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw\\_20140004\\_en.pdf](http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf)
- Working Together to Safeguard People: Volume 5 – Handling Individual Cases to Protect Children at Risk

- Working Together to Safeguard People: Volume 6 – Handling Individual Cases to Protect Adults at Risk
- Wales Safeguarding Procedures  
[http://www.myguideapps.com/projects/wales\\_safeguarding\\_procedures/default/](http://www.myguideapps.com/projects/wales_safeguarding_procedures/default/)
- Keeping learners safe: managing allegations of abuse against teachers and others engaged in education services in Wales 2015 (due to be updated)  
<https://gov.wales/sites/default/files/publications/2018-11/keeping-learners-safe-the-role-oflocal-authorities-governing-bodies-and-proprietors-of-independent-schools-under-theeducation-act-2002.pdf>

#### **4.0. Roles within this Guidance**

4.1. Within this protocol there are specific roles:

**LADO** – Local Authority Designated Officer (LADO) has been an identified title associated with these responsibilities and a term used with Wales Safeguarding Procedures. Local authorities will have an identified senior manager responsible for safeguarding who is accountable as responsible for allegations against professionals and those in positions of trust.

**DOS** – Designated Officer for Safeguarding. The DOS is responsible for managing all allegations made against staff and volunteers who work with children and adults at risk within their area. Each Local Authority will have a DOS as will each employer. The Local Authority DOS will chair the meetings however the employer DOS will support in much of the coordination of this process. If any employer has concerns about their employee they must speak to the person within their organisation who is responsible for safeguarding.

#### **5.0. When to use this practice guide**

- 5.1. When considering the application of this practice guide a number of factors should be considered. Some concerns could be considered as **poor professional practice** and may be more appropriate to be dealt with via agencies' own internal processes or through providing appropriate advice, guidance or training.
- 5.2. If agencies decide not to take any further action under this practice guide they must record their rationale for this decision via their internal recording mechanisms. It is critical that these records are retained in case there is further or repeated concern.
- 5.3. If agencies are unclear about what action to take, they must seek appropriate advice from the Designated Officer for Safeguarding (DOS) within the local authority. The local authority DOS is responsible for managing all allegations

made against staff and volunteers who work with children and adults at risk within their area.

5.4. Managing cases under this practice guide applies to a wider range of allegations than those in which there is reasonable cause to believe a child or adult at risk is suffering, or is likely to suffer, harm. It also applies to concerns that might indicate that a person is unsuitable to continue to work with children or adults at risk in their present position or in any capacity. It should be used in all cases in which it is alleged that a person who works with children or adults at risk has:

- Behaved in a way that has harmed or may have harmed a child or adult at risk.
- May have committed a criminal offence against a child or adult at risk or that has a direct impact on the child or adult at risk
- Behaved towards a child, children or adults at risk in a way that indicates they are unsuitable to work with either/ or children and adults

5.5. It can be difficult to determine what may fall into the category of "**unsuitable to work with children or adults at risk**". The employer should consider whether the subject of the allegation or concern has:

- Been the subject of criminal procedures that indicate a risk of harm to a child or adult at risk
- Caused harm or possible harm to a child or adult at risk and there is a risk in the working, volunteering, or caring environment
- Contravened or continued to contravene their agency's Safeguarding Policy and Procedures
- Failed to understand or comply with the need for clear personal and professional boundaries in the work place
- Behaved in a way in their personal life which could put children and adults at risk of harm
- Behaved in a way that undermined the trust placed in them by virtue of their position
- Has caring responsibilities for Children who are subject to Child Protection Procedures.
- Has caring responsibilities for an adult who is subject to Adult Protection Procedures
- Additionally this practice guide may be used:

- If there are concerns about the person's behaviour towards their own children or adults at risk, or
- If there are concerns about the person's behaviour towards children unrelated to their employment or voluntary work, and there has been a recommendation from a strategy discussion that consideration should be given to the risk posed to children they work with,

or

- When an allegation is made about abuse that took place some time ago and the accused person may still be working with, or having contact with children or adults at risk
- There are concerns relating to the conduct whether directly or indirectly related to their work or personal life, professional conduct e.g. where they have committed or been involved in a criminal act, misuse of drugs or alcohol, domestic abuse, inappropriate use of the internet.

#### **6.0. Making a Report (referral)**

- 6.1. Initial action by person receiving or identifying an allegation or concern
- 6.2. The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind.

##### **They should not:**

- Investigate or ask leading questions
- Make assumptions or offer alternative explanations
- Promise confidentiality - the person/persons should be advised that the concern will be shared on a 'need to know' basis

##### **They should:**

- Make a written record of the information (using where possible, the child's / adult's own words), including the time, date and place where the alleged incident took place, what was said and anyone else present
- Sign and date the written record
- Immediately report the matter to the Designated Person (within their agency), or deputy in their absence
- Where the Designated Person is the subject of the allegation, the information should be reported to a more Senior Manager

- 6.3. It must be noted that some allegations are so serious as to require immediate referral to the police and/or Children's and Adult Services



- 6.4. Wales Safeguarding Procedures Part Five Safeguarding Allegations/ Concerns about Practitioners and Those in Positions of Trust and this supporting protocol are not in any way intended to impede the requirement for urgent or immediate responses to circumstances that are clearly serious, although it is expected that the DOS is informed of such events at the very earliest opportunity and in all circumstances within no more than 24 hours after the concern has arisen (next working day - if out of hours).
- 6.5. Any person who has a concern that falls within the scope of this document will refer their concerns by submitting a report (referral) form to the relevant local authority area. The report maker should clearly highlight that this is a concern in relation to an allegation against a practitioner, volunteer or carer and where possible, should send accompanying documentation such as the risk assessment clearly advising what safeguarding action has been taken to protect any children or adults at risk.
- 6.6. In cases where there is an identifiable child or adult at risk who has been subject to abuse or neglect, Child Protection/ Adult Protection Procedures will be implemented and followed alongside the process outlined in this practice guidance. If there is no identifiable child or adult at risk and the professional meets the criteria identified in section 2 then this practice guide will still be invoked.
- 6.7. In cases where there is an identifiable child, young person or adult at risk who maybe raising the concern or has been subjected to possible abuse then a proportionate assessment/enquiry will be carried out by social services in accordance with the Social Services and Well Being (Wales) Act 2014 and the Wales Safeguarding Procedures. The outcome of this assessment must be fed back to the Designated Officer for Safeguarding.
- 6.8. The employer/voluntary organisation or professional body may need to consider suspending the employee without prejudice, or putting in place support or restrictions to safeguard vulnerable persons. This will also safeguard the employee against accusations of interfering with the enquiries and as a safeguard to the organisation.
- 'If the allegation has not come from within the employee's organisation and referred accordingly, then the police and or Children's and Adult Services will inform the DOS within the employing agency that an allegation against a member of their staff has been made and formal investigations are required'. (Wales Safeguarding Procedures online 2019).*
- 6.9. Anyone raising a safeguarding concern should always be treated seriously.
- 6.10. Any person who has a concern should:
- Make the report (referral) as per guidance above
  - Seek advice and support from their line manager

- Make a record of the concerns and any actions taken and by whom, in line with their agency policy. This should include the rationale for any decisions that have been made
- Complete an appropriate risk assessment to ensure children and adults at risk are protected
- If the person is a foster carer or adult placement carer consideration must be given for the need for safe care arrangements for any other children or adults within their care
- If the person works within a health or social care setting consideration must be given to ensure protective measures are implemented for any other children or adults at risk.
- The employer must seek advice from the Police and / or Local Authority Designated Officer (LADO) about how much information can be disclosed to the subject of the concern.
- The employer should provide welfare support to the subject of the concern

6.11. The role of the DOS with responsibility for management of individual cases includes:

- Chairing professional strategy meetings
- Being involved in the management and oversight of individual cases
- Providing advice and guidance to employers and voluntary organisations
- Liaising with the Police and other agencies
- Monitoring the progress of cases to ensure they are dealt with within agreed timescales
- Ensuring a consistent and robust process for all adults working with children and young people against whom allegations are made
- Maintaining information databases in relation to all allegations
- Producing qualitative and quantitative reports for NWSCB and/or NWASB
- Liaising as necessary with chairs of strategy meetings or attending/ chairing strategy discussions/ meetings
- Contributing to NWSCB and NWASB training programmes and awareness raising across the workforce
- Discussing with Senior Managers the possibility of referral to the appropriate regulatory body
- Ensure effective and timely communication with individuals and families (where appropriate) affected throughout the safeguarding process, including signposting to advocacy and support for those affected by incidents within a service delivery context

6.12. The employer/voluntary organisation or professional body may need to consider suspending the employee without prejudice, or putting in place support or restrictions to safeguard vulnerable persons. This will also

safeguard the employee against accusations of interfering with the enquiries and as a safeguard to the organisation.

6.13. Anyone raising a safeguarding concern should always be treated seriously.

6.14. Any person who has a concern should:

- Make the referral as per guidance above
- Seek advice and support from their line manager
- Make a record of the concerns and any actions taken and by whom, in line with their agency policy. This should include the rationale for any decisions that have been made
- Complete an appropriate risk assessment to ensure children and adults at risk are protected
- If the person is a foster carer or adult placement carer consideration must be given for the need for safe care arrangements for any other children or adults within their care
- If the person works within a health or social care setting consideration must be given to ensure protective measures are implemented for any other children or adults at risk.
- The employer must seek advice from the Police and / or Local Authority Designated Officer (LADO) about how much information can be disclosed to the subject of the concern.
- The employer should provide welfare support to the subject of the concern

## **7.0. The Professional Strategy Discussion**

7.1. The initial Strategy Discussion will be co-ordinated and facilitated by the DOS if other safeguarding measures for children or adults at risk are being considered.

7.2. The Professional Strategy Discussion will always take place with the Police and any other appropriate agencies / partners and the employer. In cases where the person is employed by Betsi Cadwaladr University Health Board, the Health Board Corporate Safeguarding Team will be part of that Strategy Discussion. As part of this process Children's Services and Adult Services will consider informing Care Inspectorate Wales (CIW), and Healthcare Inspectorate Wales (HIW) and any relevant professional bodies as appropriate.

7.3. They should be invited to take part in any subsequent strategy meeting / discussion.

7.4. The focus of the Strategy Discussion is as follows:

- Whether the matter meets the threshold for progressing to a formal Professional Strategy Meeting

- Identification of any activities or caring responsibilities for children or adults that the subject of the allegation is involved in outside of their paid employment
- Consideration of interim safeguards whilst further enquiries are made.
- Decision about what information can be shared with the subject of the allegation, the child or adult at risk and their parent/carer.
- Decisions about employer involvement within the process
- Review adequacy of safeguards in place
- Agree any actions to be taken or any further information needed prior to the Professional Strategy Meeting
- Decide whether immediate briefings to management are required

## **8.0. Professional Strategy Meeting**

8.1. The Professional Strategy Meeting will be convened by the DOS when child or adult protection concerns have been raised about an individual. This can either be in a personal or professional capacity, where the individual has wider contact with children or with adults at risk and is in a position of trust.

8.2. The main functions of the strategy meeting are to:

- Ensure the proper co-ordination of child, adult protection, criminal and employment procedures
- Share all relevant information about the allegation/concern in question
- Consider what action may be required to protect the child or adult at risk
- Consider the likelihood of harm to other children or adults at risk with whom the person has contact at work or other activities, and agree any actions that are required
- Consider and evaluate the risk of harm to the subject's own children, and/ or dependant relatives and agree any actions that are required
- Discuss any previous allegations or other concerns.
- Plan any enquiries needed and allocate tasks and set timescales
- Decide who is to be interviewed and lead agency
- Identify a lead contact manager within each agency
- Decide what information can be shared with whom, when and who will do this
- Agree timescales for actions and/or dates for further meetings
- Consider whether the adult's suitability to continue working with children or adults at risk in his or her current position has been called into question
- Consider whether there are disciplinary issues to be followed up
- Agree at what stage where the disciplinary issues should be followed up
- Consider any other factors that may affect the management of the case e.g. consideration of the need for a media strategy where there is likely to be press interest

- Confirm arrangements regarding who will communicate with the person about whom there are concerns and ensure appropriate support is provided
  - Ensure that the appropriate referrals are made to the Disclosure and Barring Service and registering bodies of the professional involved (this can be completed at any point throughout the process)
  - The employer/voluntary organisation or registering body may need to consider suspending the employee without prejudice, or putting in place support or other restrictions to safeguard vulnerable persons, to safeguard the employee against accusations of interfering with the enquiries and as a safeguard to the organisation
- 8.3. More than one Professional Strategy Meeting is likely to be required to co-ordinate, monitor and review the process.

#### **9.0. Who to Invite to the Professional Strategy Meeting**

- 9.1. The Professional Strategy Meeting will be chaired by the DOS for children or adults, who will also identify who will attend. In cases where a child or an adult protection concern is raised about a worker who is employed under the auspices of Direct Payments, the employer has the particular challenge of fulfilling the role of both employer and parent of the child who may have been harmed or at risk in association with the concern.
- 9.2. In cases where the person is employed by Betsi Cadwaladr University Health Board, the Health Board Corporate Safeguarding Team will be invited and will identify other relevant staff from within the Health Board.
- 9.3. The chair in these cases should give particular consideration to how the parents / employer will be supported in contributing to the process. There should be consultation with the parents / employer about the advantages of a third party who is informed about employment law duties / rights to represent parent as an employer at these strategy meetings.
- 9.4. Consideration will be given to inviting the following:
- Children's Services or Adult Services Manager with details of the reported concerns/ allegations.
  - Police
  - Team Manager and Social Worker for the child or adult at risk
  - Fostering Team Manager, Adult Placement Team Manager
  - Registered Manager of Residential Unit where the allegation is against foster carer or residential worker (including Voluntary sector or private agency)
  - Registered manager for adult services provision, i.e. Care home,
  - Domiciliary provider, supported living and day services (including Voluntary sector or private agency)
  - Legal representative for the Local Authority

- Employer (where the employer is already aware of concerns, or disclosure of concerns has taken place)
- Health Representative (only where the subject of the strategy meeting is a Health employee)
- Local Authority Commissioning Team
- CIW (where the concern is about a Foster Carer, Adult Placement Carer, Childminder or Care Provider Adults and Children)
- HIW (where the concern is about a professional within a health setting they regulate i.e. private hospital)
- Education representative when the individual concerned is working within this agency, and Chair of Governors when the allegation is against a Head Teacher
- Human Resources or Personnel representative (who has authority to advise the employer about suspension)
- Representative of Voluntary organisation
- RI, if appropriate
- Others as appropriate
- Those invited to attend should have a link and role with the person of concern.

## **10.0. Informing the Individual**

10.1. When informing the individual careful consideration should be given to the following:

- The person subject to the allegation should be given appropriate support by their employer or nominated individual
- The person who is the subject of the allegation should be treated fairly and honestly and helped to understand the concerns expressed and processes involved
- The person who is the subject of the allegation should generally be informed that they are subject of an allegation at the earliest opportunity
- If the allegation has been made in respect of a foster carer or adult placement carer they should be informed that an allegation has been made by the registered manager or delegate
- The employer will not inform the employee of the details of the allegation until the timings for doing so have been agreed with Children's or Adults Services /Police. This will be considered during the interim safeguarding arrangements discussed and agreed by the Designated Officer for Safeguarding and the Designated Police Decision Maker.
- Information about the adult, child or family should not be shared with the individual against whom the allegation was made or anyone representing them
- In determining when to inform the individual, consideration should be given to any potential risks to the child or adult involved in the allegations, or to any other children or adults connected to the individual's home, work or community life

- Consideration should also be given to the potential for the individual to impede any investigation, remove or interfere with evidence or to intimidate or coerce potential witnesses
- If suspended, the individual will be kept up to date about events in the workplace by a named contact
- As soon as possible after an allegation has been received, the accused member of staff should be advised to contact their Trade Union or professional association
- Human Resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisation's occupational health, employee welfare arrangements, or individual agencies own safeguarding arrangements
- Consideration should be given to the mental wellbeing of the person to whom the allegation has been made specifically in relation to self-harm or suicidal ideation.

#### **11.0. Informing parents /carers, children, adults at risk or their representatives**

- 11.1. The general principle is that the parents or carers of the adult or child/ren involved and the adult or child/ren where appropriate, should be informed about the allegation as soon as possible but only following discussion with the DOS responsible for professional concerns.
- 11.2. Parents/carers of the adult or child/ren involved and the adult or child/ren where appropriate, must be informed of the outcome of the strategy discussion/meeting and should, when necessary, be helped to understand the decisions reached. It will be agreed in the Strategy Discussion or Outcome Strategy meeting who will undertake this.
- 11.3. Examples where it may not be appropriate to inform parents, carers, adults or child/ren or their representative immediately could include where the allegation made is against a family member, or if the Police investigation could be hampered by informing the parent/carers, child / adult at risk or their representative. In these cases the timings for the parents or carers being told must be confirmed with the relevant Children's /Adults Services and Police. It is also important to consider any issues relating to confidentiality for the practitioner of concern to understand what can be shared.

#### **12.0. Resignations and 'settlement agreements'**

- 12.1. Should an individual under investigation tender their resignation during the safeguarding process, the investigation will continue regardless of any previous settlement agreed.

#### **13.0. Concluding the Process**

- 13.1. The Social Services and Well-being (Wales) Act 2014 and the Wales Safeguarding Procedures highlight the duties of the Outcome Professional



Strategy Meeting to decide, whether on the balance of probabilities the concerns are substantiated.

- 13.2. If the concerns are not deemed to be substantiated, then the outcome should be recorded as substantiated, unsubstantiated, unfounded or deliberately invented or malicious.
- 13.3. The following definitions will guide strategy meetings in determining which outcome applies;
- 13.4. Allegations will have outcomes within the following four categories:
- **Substantiated** – A substantiated allegation is one which is established by evidence or proof.
  - **Unsubstantiated** – An unsubstantiated allegation is not the same as an allegation that is later proved to be false. 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** – this indicates 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. For an allegation to be classified as unfounded, it will be necessary to have evidence to disprove the allegation.
  - **Deliberately invented or malicious** – this means there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- 13.5. The outcomes discussion would normally precede any decision by the employer to invoke disciplinary procedures. Where the concerns are substantiated, employing or volunteer agencies should consult if not already done so with the Disclosure and Barring Service and other relevant professional bodies about the requirement for a referral. (Further information and guidance from the DBS can be obtained from their website at [www.homeoffice.gov.uk/dbs](http://www.homeoffice.gov.uk/dbs) )

#### **14.0. Following Concluding the Process**

- 14.1. At the conclusion of the professional concerns process, consideration needs to be given to informing all relevant professional bodies. If the outcomes of the professional concerns process results in the concern being substantiated, a referral to the Disclosure and Barring Service (DBS) should also be considered by the meeting (see DBS harm test), and recorded within the minutes, summary and recommendations.
- A DBS referral is the responsibility of the employer and this action should be confirmed with the Chair of the meeting.
  - All professional cases reported to the local authority should be recorded on WCCIS to facilitate information sharing and reporting to Welsh Government.



## **15.0. Cross Boundary Issues**

- 15.1. This is an area of work that is best supported by sound inter-authority working. Where child or adult protection enquiries have been made in one area but the alleged perpetrator lives or works within other areas, there will be need for information to be shared between the 2 areas.
- 15.2. The Designated Officer for Safeguarding must ensure that they share all information with their counterpart in the other Local Authority. It is usually the responsibility of the Local Authority where the alleged abuse took place /concern arose to hold the Professional Strategy Meeting. After discussion between Designated Officer for Safeguarding it will be decided and recorded which authority will be responsible for convening the Professional Strategy Meeting and the reasons why.

## **16.0. Confidentiality and Record of the Professional Strategy Meeting**

- 16.3. In view of the potential sensitivity of the information and the lessons of the Bichard Inquiry, ([police.homeoffice.gov.uk/publications/bichard-inquiry-report](http://police.homeoffice.gov.uk/publications/bichard-inquiry-report)), care should be taken in recording the concern and the outcome of the process.
- 16.4. The Wales Safeguarding Procedures state the following  
  
*'A record of the meeting will be made and retained by the local authority in accordance with their record, retention and disposal practice guidance. Attendees representing the employer should receive a copy of the summary and recommendations of the meeting with the child's or adult at risk's name removed. All other attendees will receive a copy of the summary and recommendations'. (Wales Safeguarding Procedures online 2019)*
- 16.5. However we have agreed within North Wales that all those who attend will receive a copy of the minutes of the strategy meeting that will include details of the child/adult at risk.
- 16.6. The local authority DOS will consider any request for a full record of the meeting and ensure that in the event of disclosure, an appropriately redacted version of the record is disclosed.
- 16.6. Where the person makes a data subject access request for the record of the Professional Strategy Meeting, this will be considered and the local authority DOS will ensure redaction of the document prior to disclosure. Other meeting attendees will be made aware of the request and can be sent a copy of the redacted document where requested.
- 16.7. The summary and recommendations information provided to the employer can be shared as part of an internal disciplinary process, providing data protection legislation is adhered to and sharing information remains strictly on a 'need to know basis'.

- 16.8. Similarly, relevant information can be shared with relevant professional bodies (NMC, GMC etc.), again in strict accordance with data protection legislation, on a 'need to know basis', and with the purpose of ensuring children and adults at risk are safeguarded in the future. The local authority DOS should ensure that sharing information with relevant professional bodies is discussed as part of the Strategy Meeting, and decisions made around this recorded. This includes which agency will facilitate this, in cases where it's agreed relevant to share information about a registered professional.
- 16.9. Where the use of personally identifiable information is considered to be essential, each individual item of information should be justified with the aim of reducing identifiability. Only those individuals who need access to personally identifiable information should have access to it.
- 16.10. Action should be taken to ensure that those handling personally identifiable information are aware of their responsibilities and obligations to respect confidentiality.
- 16.11. Every use of personally identifiable information must be lawful. The local authority DOS should seek advice from the person within their organisation who is responsible for ensuring the organisation complies with all legal requirements.

#### **17.0. Resolving Professional Differences**

- 17.1. Where there is a professional difference of opinion, reference should be made to North Wales Children and Adult Safeguarding Boards *Multi Agency Practice Guidance: Resolving Professional Differences*

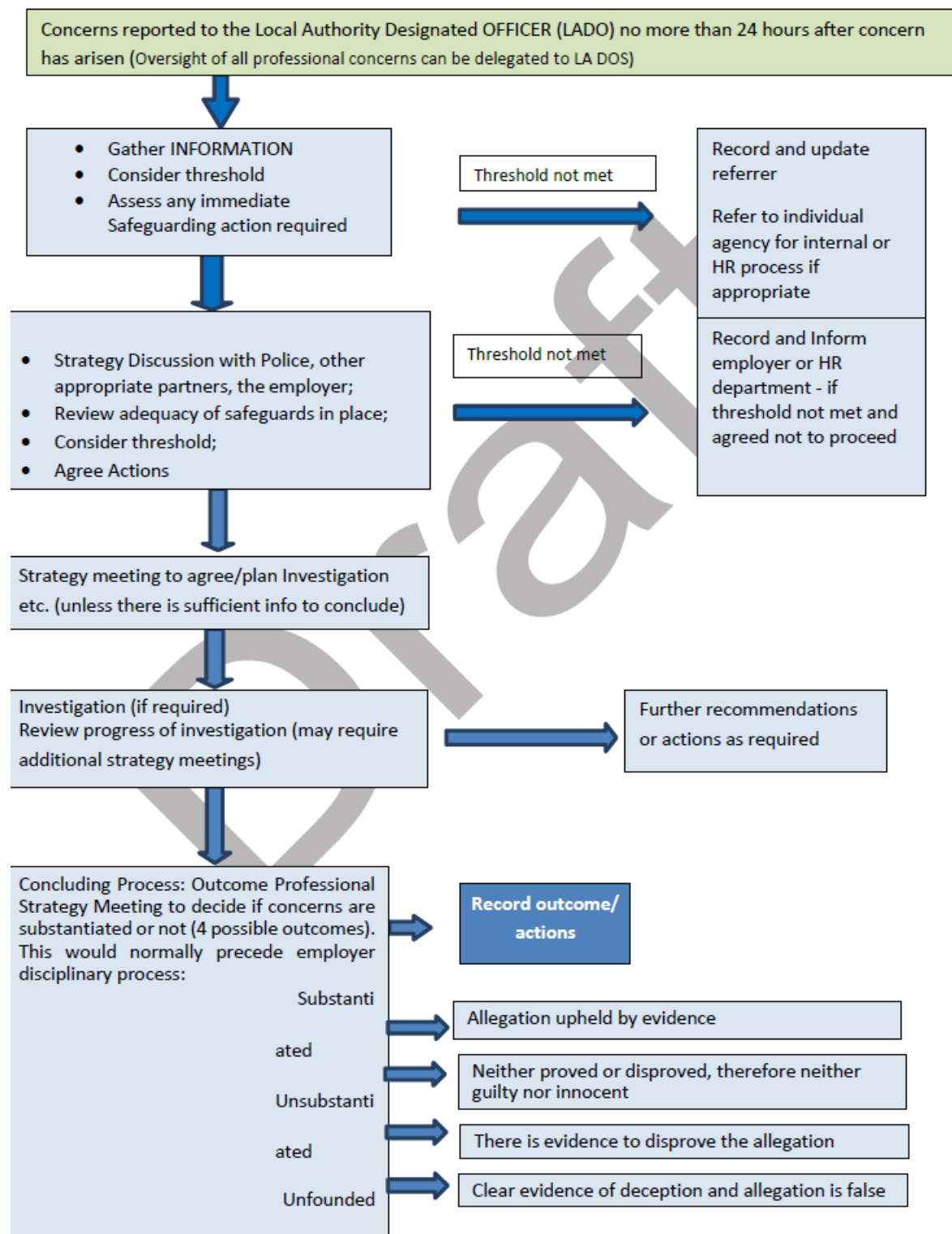
#### **18.0 North Wales Safeguarding Complaints process in relation to the Professional Strategy Meeting**

- 18.1. Within ten working days of the professional receiving the outcome letter from the Professional Strategy Meeting, the individual has the right to contact the Chair of the meeting regarding concerns in relation to the process.
- 18.2. The Chair of the meeting will notify the North Wales Safeguarding Board who will arrange for an independent DOS with support from another partner agency representative to review the case within 20 working days of the Board being notified.
- 18.3. The review can only focus on whether due process/ guidance has been adhered to.

## Appendix 1

### PROFESSIONAL CONCERNS PROCESS MAP

Reports of concerns about people whose work brings them into contact with children or adults at risk (may run concurrently with the child or adult protection process)



## Appendix 2

### PROFESSIONAL STRATEGY MEETING

#### AIDE MEMOIRE FOR AGENDA

#### **1. Introduction, apologies, Chair's Statement of purpose and summary of threshold/rationale for holding PSM.**

Welcome to the meeting. Introductions are made and apologies noted.

##### **Confidentiality Statement to be read**

This is a Professional Concerns Strategy Meeting held under Part 5 of the Wales Safeguarding Procedures. Information shared is confidential and should not be shared outside of this meeting without permission of the Chair.

The minutes will be shared with participants of the meeting. The minutes can be subject to access requests under the Data Protection Act and this process will be managed by the Chair including the use of third party information and issues of consent.

##### **Purpose of Meeting**

The purpose of today's meeting is to:

- Share information
- Decide whether an investigation is warranted / or should continue if commenced
- Plan any enquiries
- Ensure that the child's/ person at risk's voice is heard
- Co-ordinate & review the implementation of child/ adult protection procedures, criminal and employment procedures
- Ensure that effective safeguards are in place
- To ensure that individuals involved have access to information and support.

##### **Summary of Threshold and rationale for PSM**

Chairs summary of threshold and rationale for this case (refer to part 2 of the North Wales Safeguarding Boards Safeguarding Allegations/Concerns about Practitioners and Those in a Position of Trust Protocol).

#### **2. Referral Details**

(a) Child/ Adult at risk details, DOBs;

- Addresses;
- Childs family composition
- Identity of any children/ adult who may be at risk.
- Any other significant/professionals involvement

(b) Details of individual about whom allegations are made or concerns raised  
allegation and risk identified:

- Name, DOB and address
- Role, Employer, place of work, voluntary work and any contact with children or adults who may be at risk

(c) Source of referral

### **3. Previous Minutes and Actions (where applicable)**

- Any errors / amendments;
- Matters arising
- Recommendations from previous meeting

### **4. Discussion/Concern**

- Information sharing in the form of a timeline from all professionals including current and any previous allegations
- Consideration needs to be given to whether the subject has their own children and if so, if there are any concerns regarding their behaviour towards them. Consideration will also be given to any access the subject could have to children or adults who may be at risk in other roles (grandparent, volunteer, sports coach, scouts leaders, youth club workers etc.) Check affiliations
- Consideration of the 3 strands: child/adult protection enquiries, criminal investigation and employment
- Analysis, risk assessment and risk management

### **5. Wider Communication and Media Strategy**

- Consideration of any joint or single agency strategies

### **6. Summary**

- Chairs summary of key points
- For final strategy meeting ensure that the process is concluded using one of the outcome categories
- Record decision making by each agency /practitioner in attendance and reasons for outcome

### **7. Action/recommendations and timescales**

All Action Planning must be SMART

- Clarify all recommendations and actions
- Set Review date (if required)



**Guidance and information for  
everyone who works with children,  
young people or adults at risk when  
a safeguarding concern has been  
made against you**

## Introduction

This leaflet aims to provide you with information about what happens if an allegation of abuse or neglect is made against you.

It is always important that such allegations are taken seriously and investigated properly, as there are occasions when children/adults are abused by people who are working with, or caring for them.

It is recognised becoming the subject of an allegation is very stressful for the individual and their family, and everyone involved in an investigation will work to ensure that children/adults are safeguarded whilst at the same time treating you fairly. You will be provided with support during an investigation and kept informed about what is happening.

### 1. What happens when an allegation is made?

All allegations against those working with children and/ or adults (whether paid or unpaid as a volunteer) must be referred to Children's Services/Adult Services. The Social Services and Wellbeing Act places a legal duty on all '*practitioners*' (Wales Safeguarding Procedures online 2020) to report a concern that a child or adult is or may be at risk, and all concerns made about those working with children and adults (whether in paid/ unpaid role) must be investigated by the local authority.

If a child/adult protection concern has been raised about you outside of your work, it is your duty to tell your employer (or voluntary organisation) immediately. This concern may lead to further enquiries about your work and any contact you may have with children/adults outside your working life (e.g. as a volunteer, parent, carer or family member).

When Children's/Adults Services receive an allegation/ concerns report about anyone who works with children or adults at risk, they are required to arrange an initial **Strategy Discussion** with the Police and other professionals who know the child/adult at risk to look at the information and make recommendations about further action. This discussion might identify that a **Strategy Meeting** is required to plan an investigation into the allegation/concern and then to determine what needs to happen in response to the outcome of that investigation.

### 2. Contact with children/ adults

In addition to looking into the allegation, consideration has to be given to any ongoing contact with children/adults while this process is underway.

Children's/Adults Services may need to complete assessments for any children or adults with whom you have close contact. This is done to establish whether there is a need to take steps to safeguard or support those children/adults. This includes children/ adults within your own family. Children's/Adults Services will assess what is in relevant children's/adults' best interests.

The need for any action to be taken will be decided in accordance with the nature and severity of the allegation.

### 3. The Initial Strategy Meeting

If further action is necessary under Wales Safeguarding Procedures, an initial strategy meeting will be held. The meeting is held to ensure that all relevant information is shared and to plan what action needs to be taken to establish the facts of what has occurred and the impact on any child involved.

If an investigation is undertaken, this will be done by a Local Authority worker who is deemed independent.

### 3. Who will be at the Strategy meeting?

The meeting will be chaired by a senior member of Children's/Adults Services and may include;

- Relevant Local authority staff - e.g. children/ adult social services, education
- Police
- Your employer / Manager / Representative from Voluntary Organisation
- Human Resources or Personnel staff
- Relevant Senior Health professional
- Someone from the regulating body (as defined in the Regulation and Inspection Act) e.g. if you are a foster carer, residential worker or child minder

### 4. What will happen at the strategy meeting?

The initial strategy meeting will decide whether further enquiries will need to be made and whether sufficient safeguards are in place while those enquiries are happening. This can include a police/ criminal investigation.

The meeting may decide that child/adult protection enquiries and/or a criminal investigation are not warranted as there is not enough evidence to establish that the alleged incident occurred. However, if there are still concerns about what may have happened, the meeting can recommend that the organisation you work/ volunteer for should conduct its own investigation or implement its own relevant procedures.

The meeting will consider:

- **The safety and welfare of children or adults at risk with whom you have regular contact, including your own where appropriate.**
- **Other employment or voluntary activity you are involved in which brings you into contact with children or adults at risk.**

The strategy meeting will also plan how you (and anyone else affected) will be supported through the enquiries. It is very important that you get the recommended support and advice so that you are prepared for and informed about what will happen.

You (or your representative) will not be involved in the meeting, but the nature of the concern will be explained to you and you will be told if your employment will be affected. A decision may be made to suspend you from your work, but this is a neutral decision and does not imply guilt or



innocence. This decision would be made with regard to the protection of adult/s/ child/ children and yourself as an employee/ volunteer.

It may be decided that there should be follow-up strategy meeting/s once more information has been gathered or there are further actions to be completed. There may be a number of strategy meetings held before the final decisions and recommendations are made.

The Chair of the meeting will write to you and confirm the recommendations and action that will be taken.

- **The meeting may recommend that further enquiries need to be made and/or a criminal investigation will take place.**
- **The meeting may decide that enquiries and/or a criminal investigation are not warranted, however your organisation may decide to implement its own disciplinary procedures.**
- **The meeting may decide to reconvene when there is more information or there are further actions to be completed.**

You will be given as much information as possible (while remaining in accordance with Data Protection legislation) and kept informed where appropriate of the progress of the process.

When all enquiries/ investigations have been completed, an outcome strategy meeting will be held to conclude the process.

## **5. What are the possible outcomes?**

At the final or outcome strategy Meeting, a decision will be made, on balance of probabilities whether the concerns are substantiated or not. Allegations can have the following four outcomes:

**Substantiated** – an allegation which is substantiated by evidence or proof

**Unsubstantiated** – used where there is insufficient evidence to prove or disprove. This outcome does not imply guilt or innocence.

**Unfounded** – there is evidence to disprove the allegation. This outcome can be used in cases where the person making the allegation misinterpreted the incident or was mistaken by what they saw, or else was not aware of all the circumstances

**Deliberately invented or malicious** – there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false

The outcomes strategy meeting should proceed any decision by the employer to invoke disciplinary procedures.

You will receive a letter from the Chair of the meeting informing you of the outcome and explaining as fully as possible the reasons for the outcome. You can contact the Chair if you are not clear about the reasons, or disagree with them.

## **6. Where can I get additional support and advice?**

You will be given support from your Manager/ volunteer representative where appropriate and can get more support from your human resources department, professional body, member organisation, union or legal adviser. Your organization may also have access to a well-being or counselling service that may help you. You are always entitled to seek legal advice, information and support.

### **List of Helpful Contacts (to be completed by agencies)**

<b>ROLE</b>	<b>NAME &amp; CONTACT</b>
-------------	---------------------------

Employer	
Human Resources	
Union Representative	
Occupational Health	
Staff Wellbeing/Counselling	
Membership Organisation	

## **7. Can I complain?**

If you are unhappy with the professional concerns process, initially you should raise a concern with the Chair of the process. If you continue to be unsatisfied you can consider raising a complaint with the Safeguarding Adult/ Children's Board about the process undertaken. The latter can only consider whether due process was followed/ adhered to.



# **Guidance and Information for Foster Carers, Kinship Carers and Adult Placement Carers when an allegation has been made against you**

This leaflet aims to provide you with information about what happens if an allegation of abuse or neglect is made against you.

It is acknowledged becoming the subject of an allegation is very stressful for carers, and their family. Everyone involved in cases involving professional concerns/ concerns about people in a position of trust will endeavour to ensure you are treated fairly, while at the same time ensuring that children and any adult at risk are safeguarded. You will be provided with support during the process and kept informed about what is happening.

It is recognised that where allegations relate to someone caring for vulnerable children or adults in their own home, this adds an additional dimension.

This protocol is designed to answer some of the issues most commonly raised by carers caring for children or adults in their own home who have been subject to the safeguarding concerns process and to clarify exactly what you can expect in terms of the process itself and the support available to you.

## **1. What happens when an allegation is made?**

The allegation will be referred in to Children's/Adults Services or the Police and preliminary enquiries or an assessment will be carried out to decide whether there are grounds for taking further action in line with Wales Safeguarding Procedures. This means that a decision will be made about whether the referral is about an allegation that requires further investigation, or a concern or a complaint that should be dealt with by the agency you foster/administer care for.

## **2. Actions in respect of your position as a foster carer, kinship carer or adult placement carer**

All allegations against registered carers or those working under a "carer agreement" must be referred to Children's Services/Adult Services. The Social Services and Wellbeing Act places a legal duty on all practitioners to report a concern that a child or adult is or may be at risk.

If you are employed by an Independent Provider, your agency will also have to inform the Care and Social Services Inspectorate Wales (CIW) of the allegation.

If a child/adult protection concern has been raised about your personal life or professional conduct, it is your duty to tell your Social Worker or their Manager immediately. This concern may lead to further enquiries about your fitness to be a carer.

## **3. Actions in respect of the adult subject to a carer agreement or children you foster**

In addition to investigating the allegation, consideration has to be given to the safety of all the children/adults placed with you. Children's/Adults Services will assess what is in the children's/adults' best interests in making a decision about whether or not they can remain in your care while the investigation is on-going. No further placements will be made with you while the process is on-going.

#### **4. Actions in respect of children/ adults in your own family**

Children's/Adults Services may also need to complete assessments for any children or adults at risk in your family with whom you have close contact. This is done to establish whether there is a need to take steps to safeguard or support those children/adults at risk.

The need for this action to be taken is decided in accordance with the nature and severity of the allegation.

#### **5. The Initial Strategy Meeting**

If further action is necessary under Wales Safeguarding Procedures, an initial strategy meeting will be held. The meeting is held to ensure that all relevant information is shared and to plan what action needs to be taken to establish the facts of what has occurred and the impact on any child involved.

If an investigation is undertaken, this will be done by a Social Worker who has not previously been involved with you and is independent of the family placement/fostering/adult placement service in your Local Authority area.

#### **6. Who will be at the strategy meeting?**

The meeting will be chaired by a senior member of Children's/Adults Services and may include:

- Children's/Adults Services staff - the relevant Managers, the Social Worker who completed any assessment to do with your own family, the Social Workers and Independent Reviewing officers for the child/children/adult you care for
- Police
- The Social Worker completing the investigation into the allegation
- The Manager of your Service and your Social Worker
- Any professionals with information about the child/children/adults you care for
- Someone from CIW

#### **7. What will happen at the strategy meeting?**

The strategy meeting will decide whether further enquiries will need to be made and what safeguards will be in place while those enquiries are happening.

The meeting will have to consider:

- All the children/adults placed with you and make recommendations as to whether they should remain with you while enquiries are being completed. The safety of the children/adults placed with you is the over-riding concern but their views should always be taken into account. If there is a change of placement, consideration should be given to the need for the children/adults to have contact with you.
- The safety and welfare of your own children, any other children or adults at risk with whom you have regular contact. Any assessments completed with these children/adults will be

shared with the meeting.

- Any other employment or voluntary activity you are involved in which brings you into contact with children or adults at risk.

The Strategy Meeting will decide what information can be given to you about the allegation and the protection investigation, and by whom.

The Chair of the Strategy meeting will write to you to confirm this information and to inform you of any recommendations of further action in respect of you or any family members, as long as this would not place any children/adults at risk.

The Strategy meeting will also plan how you (and anyone else affected) will be supported through the enquiries, and by whom. It is very important that you get the recommended support and advice so that you are prepared for and informed about what will happen. Foster Carers can access advice through Fostering Network and you can also request a referral from your Fostering Service to an Independent Social Worker. Adult Placement Carers can access support from Shared Lives Plus if a member, you can request a referral through your line manager.

You (or your representative) will not be invited to the meeting, but the nature of the concern will be explained to you and you will be told if your care status will be affected. A decision may be made to suspend you from fostering/adult placement while the investigation is being completed but this is a neutral decision and does not imply guilt or innocence.

It may be decided that there should be follow-up strategy meeting/s once more information has been gathered or there are further actions to be completed. There may be a number of strategy meetings held before the final decisions and recommendations are made.

The Chair of the meeting will write to you and confirm the recommendations and action that will be taken.

- The meeting may recommend that further enquiries need to be made and/or a criminal investigation will take place
- The meeting may decide that child/adult protection enquiries and/or a criminal investigation are not warranted as there is not enough evidence to establish that the alleged incident occurred. However, if there are still concerns about what may have happened, the meeting can recommend that the organisation you foster/ equivalent for should conduct its own investigation or implement its own relevant procedures
- The meeting may decide to reconvene when there is more information or there are further actions to be completed. There may be a number of strategy meetings held before the final decisions and recommendations are made.

You will be given as much information as possible (while remaining in accordance with Data Protection legislation) and kept informed where appropriate of the progress of the process.

When all enquiries/ investigations have been completed, an outcome strategy meeting will be held to conclude the process.

## What are the possible outcomes?

At the final or outcome strategy Meeting, a decision will be made, on balance of probabilities whether the concerns are substantiated or not. Allegations can have the following four outcomes:

**Substantiated** – an allegation which is substantiated by evidence or proof

**Unsubstantiated** – used where there is insufficient evidence to prove or disprove. This outcome does not imply guilt or innocence

**Unfounded** – there is evidence to disprove the allegation. This outcome can be used in cases where the person making the allegation misinterpreted the incident or was mistaken by what they saw, or else was not aware of all the circumstances

**Deliberately invented or malicious** – there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false

The outcomes strategy meeting should proceed any decision by the employer to invoke disciplinary procedures.

You will receive a letter from the Chair of the meeting informing you of the outcome and explaining as fully as possible the reasons for the outcome. You can contact the Chair if you are not clear about the reasons, or disagree with them.

- For foster carers: A review of your status as an approved foster carer will be completed and a report presented to the Panel whatever the outcome of the investigation. This is a requirement under the Fostering Regulations and is detailed in your Foster Carer Handbook.
- For Adult Placement carers, the Registered Manager will make an initial decision regarding your status and then present this to the Panel.

## 8. Where can I get support and advice?

It is recognized that this process is often very stressful and upsetting for those personally affected and we are required in the strategy meeting to consider your need for support. You should expect personal support from your Supervising or Link Social Worker/ Registered Manager (Adult Placement) but they will not be able to discuss the allegation or the investigation with you as they are likely to be part of it. If you feel that this will make it more difficult for you to discuss your worries or feelings about what is happening, you can ask for contact with another member of your Fostering Service/Adult Placement Service. However, they will also be unable to discuss specifics of the allegation with you.

You should expect to be kept updated about the investigation and any Children's/Adults Services involvement with your own family.

### Fostering Network

Internet address: <https://www.fostering.net/wales>

Telephone advice line 08003167664

## **Shared Lives Plus**

Internet address: <https://sharedlivesplus.org.uk>

Telephone advice line 0151 227 3499

### **9. Can I complain?**

Yes. If your complaint is about an individual you need to contact their Manager who will deal with your complaint. If you are not happy with the conduct of the investigation of the allegation against you, you should contact the Chair of the Strategy Meeting in the first instance. If you continue to be unsatisfied you can consider raising a complaint with the Safeguarding Adult/ Children's Board about the process undertaken. The latter can only consider whether due process was followed/ adhered to.

### **List of Helpful Contacts**

<b>ROLE</b>	<b>NAME &amp; CONTACT NUMBER</b>
Employer	
Support Worker /Supervising Social Worker	
Independent social Worker	
Human Resources	
Union Representative	
Occupational Health	
Staff Counselling	





**A guide for a child, young person or adult who has raised a concern or made an allegation of abuse against an adult who works or volunteers with them**

## **Introduction**

If you feel that you have been harmed or threatened by someone who works with you and you have told another worker about it or you have told someone else about it like a police officer, a social worker, or another trusted adult – then this leaflet tells you what you need to know.

## **What will happen?**

Your concern will be taken seriously and will be looked into further.

The person you told will need to report it – usually to their manager, or to a social worker or a police officer.

If you haven't done so already, we will also need to let your parents/carers/ family members know about what is happening. Only the people who need to know will be told.

## **The investigation**

A small group of people - including the person's employer, Social Services and the Police – will meet up to decide what should happen next. An investigation may take place – this means that the issue or concern that you have raised is being looked into further. As part of this you may be asked to speak to a social worker or a Police Officer to say what happened from your point of view, or tell them more about your concern. Sometimes a worker might be asked not to come to work whilst an investigation takes place.

A person from the Local Authority– called the Designated Children's Services Manager (DCSM) - oversees the group of people carrying out the investigation. Their role is to ensure that all the right steps are taken so that the concern is investigated properly. The DCSM will make sure that everyone directly involved (including you) is listened to and that all the evidence is considered carefully.

Once the investigation is complete, some decisions will be made about what should happen next. You may not be able to have information about all the decisions but you should be informed about anything that affects you directly.

It may be that the worker you were concerned about will continue to work in the same job and that you will continue to have contact. If this is the case, then you should both be supported to make sure this feels okay.

## **Who can I talk to?**

Until the investigation is complete, it is best that you and your family do not talk about the matter with other people, such as friends, friends of your parents or family members.

This is to protect you and ensure that the matter can be investigated as fairly as possible.

If you want to speak to someone about what is happening or how you are feeling, then think about speaking to an advocate, or parent/ carer first. There are other people that will understand what you are going through such as your Social Worker, a trained worker or an Advocate. Any of

these people are fine to talk to if you wish.

### **Meeting your needs**

If you or your family need any additional help and support, this can be discussed as part of the investigation. An assessment is undertaken by Social Services to help identify the best way of making sure the right support is in place.

### **Additional support available to you**

If you would like to speak in confidence to someone about how you are feeling, you can contact the following:

Child Line on 0800 11 11 (24 hour hotline) or visit: [www.childline.org.uk](http://www.childline.org.uk)

National Youth Advocacy Service: **0808 8081001** [www.nvas.net/services/helpline](http://www.nvas.net/services/helpline)

Age UK 0800 055 6112 [www.ageuk.org.uk/services/age-uk-advice-line/](http://www.ageuk.org.uk/services/age-uk-advice-line/)

Advocacy Support Cymru: 029 2054 0444 [www.ascymru.org.uk/](http://www.ascymru.org.uk/)

Scope UK 0808 800 3333 [www.scope.org.uk](http://www.scope.org.uk)

Live Fear Free Helpline (Wales): 0808 8010 800 <https://www.welshwomensaid.org.uk/what-we-do/our-services/live-fear-free-helpline/> - Domestic abuse, sexual violence and violence against women

### **INFORMATION ON LOCAL SUPPORT SERVICES CAN BE INSERTED HERE**

#### **List of Helpful Contacts for You to Fill In**

<b>Role</b>	<b>Name &amp; Contact Number</b>
Social Worker	
Police Officer	
Advocate	



**A guide for parents/ carers of a child or young person who has raised a concern or made an allegation of abuse against an adult who works with or volunteers with children and young people**

## Introduction

As parent/carer you have a right to expect that any professional working with your child should keep them safe and that they should not act in a way which may put a child at any risk of harm. By professionals we mean any adult outside your circle of family and friends who you would expect your child to trust. So this would include people like a GP, teacher, nurse, foster carer or social worker. It would also include others such as a volunteer, a parent who runs a football team or a person in a position of authority such as a police officer or councillor.

All local authorities take any concern raised about professionals very seriously and have a process in place to investigate. This leaflet is to answer any queries you may have if either you have concerns about a professional working with your child, or if someone else has raised concerns about a professional.

## What happens if I have a concern about a professional working with children?

If you are worried about anyone working with a child the most important thing to do is to talk to someone other than the professional you are concerned about. This may be the manager of the person you are concerned about. Alternatively if you are not comfortable speaking to their manager; or if you do not think they will be able to do anything; or there is an allegation of abuse; you can choose to contact social services directly. Alternatively if you feel there has been a crime you can contact the Police.

## What happens when an allegation is made?

Most organisations working with children identify a senior member of staff to take a lead on managing allegations. They are often referred to as a designated person (DP). If your child discloses an allegation of abuse to a staff member, the lead person or designated person (DP) should be notified.

The designated person should immediately contact Children's Services if it is alleged that a member of staff or volunteer has:

- **Behaved in a way that has harmed a child, or may have harmed a child; or**
- **Possibly committed a criminal offence against or related to a child; or**
- **Behaved towards a child or children in a way that indicates they are unsuitable to work with children.**

The organisation should then immediately put steps in place to keep children safe while the matter is investigated. These steps may include the staff member not working unaccompanied or not working directly with children. These actions are confidential to the employee, so may not be shared with you. Therefore it is important for you to know that steps will be taken to safeguard children during the investigation even if these are not immediately obvious. If you have concerns that nothing is being done you should share these with Children's Services.

Actions to safeguard children during the investigation may also include suspension. Suspension does not mean the person has been found guilty, and it is important not to make assumptions if

the person is not in work. Please look at the section on confidentiality and in particular the importance of not discussing the situation too widely.

Any allegation will be investigated. Depending on the circumstances this may be an employment investigation by the employer, a criminal investigation by the police or a children protection investigation by Police and Social Services, or a combination of investigations.

### **What happens at the end of the investigation?**

Following an investigation a decision will be made on whether the allegation is substantiated. As a parent you may not be told this information as it is confidential to the employee. However it is important for you to know that not being told the outcome does not mean steps are not being taken to keep your child safe.

After an investigation some allegations may be substantiated. The next step depends on many things, including the type of employment and seriousness of the conduct. In some cases the allegation may lead to a criminal conviction, or caution, or the employee losing their job. In other cases, an allegation may come about due to naivety or poor practice on the part of the staff member. In situations such as this, it may be more appropriate for the allegation to be managed internally by their organisation, or for the member of staff or volunteer to undergo additional training.

In some case it may be impossible to come to a conclusion, and in these circumstances the employer may be offered advice on steps to continue to keep children safe. In these circumstances it is important to understand that this does not mean that the allegation has not been believed. It may mean that the person making the allegation had misinterpreted the incident, or was mistaken about what he/she saw, or was not fully aware of the situation and all the circumstances. It may also be that although there was not enough evidence to follow criminal or employment procedures. In these cases the situation will be monitored and additional safeguards put in place.

### **Help and Support?**

When allegations are made it can be a very distressing time for yourself and your child, and you may need additional support. Children's Services can organise an assessment to identify services that can help. This might be short term whilst the matter is being investigated, or longer term - going into the aftermath of the incident.

### **Support for Parents/Carers, Children & Young People:**

Child Line on 0800 11 11 (24 hour hotline) or visit: [www.childline.org.uk](http://www.childline.org.uk)

For online information on local youth information, advice, counselling and support services visit: <https://www.youthaccess.org.uk/>

If you would like to speak to someone in confidence, you can visit The British Association for Counselling and Psychotherapy [www.bacp.co.uk](http://www.bacp.co.uk) to find a qualified counsellor in your local area.

Voice UK [www.voiceuk.org.uk](http://www.voiceuk.org.uk) supports children and young people affected by abuse, as well as their families.

MOSAC <https://www.mosac.org.uk/> is an organisation offering support and advice to non-abusing parents and carers of children / young people who have experienced sexual abuse.

### **How am I kept informed?**

Confidentiality regarding the child or young person should be respected and people only told about the allegation on a 'need to know' basis.

Those informed of the allegation will include:

- The child or young person's parents / carers.
- The employer of the member of staff or volunteer.
- The Designated Children's Services Manager (DCSM)
- Senior members of staff (where relevant)
- Manager of the placing agency (if appropriate)

There may be occasions when the Police will need to decide the appropriate timing for individuals to be notified.

Where a matter becomes common knowledge or subject to speculation, it may also become necessary to issue a brief statement for the public.

It is strongly advised that families who are directly affected do not discuss the case widely, in order to help limit unnecessary speculation.

### **INFORMATION ABOUT LOCAL SUPPORT SERVICES CAN BE INSERTED HERE**

List of Helpful Contacts for You to Fill In

Role	Name & Contact Number
Social Worker	
Police Officer	
Advocacy	

## Appendix 7



# Disclosure & Barring Service

## Wales Safeguarding Procedures – Unsubstantiated Allegations Outcome

The Wales Safeguarding Procedures, live from April 2020, outline a section relating to Safeguarding Allegations and the outcomes of these allegations. The Procedures categorise the outcomes following investigation into allegations as either:

- Substantiated
- Unsubstantiated,
- Unfounded, or;
- Deliberately invented or malicious.

Definitions for each outcome can be found [here](#).

This has led to queries relating to allegations that fall into the unsubstantiated category, and whether these should be referred to DBS. The wording from the website for this outcome is below:

**“Unsubstantiated** – an unsubstantiated allegation is not the same as an allegation that is later proved to be false. It simply means that there is insufficient identifiable evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

...

Where the concerns are substantiated, employing or volunteer agencies should consult if not already done so with the Disclosure and Barring Service and other relevant professional bodies about the requirement for a referral. (Further information and guidance from the DBS can be obtained from their website at <http://www.homeoffice.gov.uk/dbs> )

As the above definition used in the procedures for the term unsubstantiated indicates that there is some evidence to support the allegations of harm and/or misconduct, but not enough to meet the substantiated category, some cases may still be appropriate to refer to DBS.

In cases following investigation where the outcome is not substantiated, but there is some evidence to support an allegation, or where an organisation still believes a risk



of harm exists, then the employer or volunteer agency should still contact DBS to make a referral, or to discuss the requirement for a referral.

It is essential that DBS is provided with information and evidence available following an internal investigation where there is a risk of harm, DBS has no investigatory powers, so rely on the information provided by referring employers and organisations. This is important even in cases where an organisation has evidence of a risk of harm but does not feel it has sufficient evidence to make a formal disciplinary decision, because it allows DBS to assess this evidence and any other evidence they may have in relation to the individual. They can then establish a bigger picture of an individual and, taking everything into account, the potential safeguarding risk they pose.

#### Example Scenario:

A person has been employed by three different care agencies over the course of several years.

While working for each agency, there were allegations made against that person suggesting that they had posed a risk of harm to vulnerable people.

Each agency conducted its own internal investigation, and although there was some evidence of harm, there was never sufficient evidence for the agencies to prove or disprove the allegations. Therefore, no formal disciplinary action was ever taken following the investigations.

All three agencies provided the evidence they gathered during investigations in referrals to the DBS, as they felt that this person displayed a risk of harm.

Although each agency felt that individually they did not have sufficient evidence of harm to make a disciplinary decision, DBS was able to use all the information received from different sources to make a proportionate decision about whether this person posed enough of a risk to be placed on a Barred List.