



## **MANAGEMENT OF ALLEGATIONS AGAINST VOLUNTEERS OR COMMITTEE MEMBERS**

### Introduction

This policy sets out a framework on steps required if an allegation of child or adult abuse is made against a volunteer at Colourful Minds and how it aligns with Rochdale authority safeguarding policies.

Concern may also be raised if the volunteer is behaving in a way which demonstrates unsuitability for working with children, young people or adults at risk, in their present position, or in any capacity. The allegation or issue may arise either in the volunteer's work or private life.

Examples include:

- Behaving in a way that has harmed a child, or may have harmed a child /adult
- Possibly committing a criminal offence against/related to a child/adult.
- Behaving towards a child in a way that indicates he or she would pose a risk of harm to children/adults at risk
- Failing to work collaboratively with social care agencies when issues about care of children, young people or adults at risk of harm or abuse for whom they have caring responsibilities are being investigated.
- Behaving towards children, young people or adults at risk, in a manner that indicates they are unsuitable to work with children, young people or adults at risk of harm or abuse. This includes unknown previous child abuse.
- Where an allegation or concern arises about a volunteer, arising from their private life such as perpetration of domestic violence or where inadequate steps have been taken to protect vulnerable individuals from the impact of violence or abuse.
- Where an allegation of abuse is made against a person closely associated with a volunteer, who puts a child or adult at risk.

This policy is focused on management of risk, based on assessment of harm and abuse.

Definitions of harm can be found in the Safeguarding Children and Young People Policy and the Adults at Risk Policy as detailed in the Children Act 1989 / 2004, 'No Secrets' (2000), and the Care Act (2014).

There are four categories of Child abuse:

- Neglect
- Sexual
- Emotional
- Physical

There are ten categories of abuse for adults:

- Physical Abuse
- Sexual Abuse and Sexual Exploitation
- Psychological / Emotional Abuse
- Financial / material
- Domestic abuse
- Modern slavery
- Neglect and Acts of omission
- Self-Neglect
- Discrimination
- Organisational

### Commitments and Values

The constitution establishes the principles and values of Colourful Minds and rights that our service users and volunteers are entitled to. It sets out that together with responsibilities of the service users and volunteers operates fairly and effectively.

As an unincorporated association, Colourful Minds expects high standards from all of its volunteers and, in line with the key principles of the constitution, we work to the highest standards of excellence in the volunteers it employs, the training and development they receive and in the leadership and management of the organisation.

### Application and Scope

This policy applies to all Colourful Minds volunteers.

The policy covers allegations made against staff in the course of their Colourful Minds duties and outside of this, including their private life and family home.

This policy applies to the Children Act (1989 /2004) and adults at risk of harm or abuse as per the Care Act (2014). Working Together to Safeguard Children and Young People (2018) sets out expectations that all statutory organisations will have a procedure for managing allegations against staff.

### Managing Allegations – Immediate Actions

Safety of child / adult at risk is a priority

- Assessment by Children/Adult Social Care, about whether a child/young person/ adult at risk of harm or abuse, is in need of protection or in need of services.
- Referral to Local Authority Designated Officer within 24 hours.

The safety of the child, young person or an adult at risk is of extreme high importance. Immediate action may be required to safeguard investigations and any other children, young people or adults at risk. Any concern that children, young people or adults may be at risk of harm or abuse, must immediately be reported. Careful consideration of issues relating to wider reputational damage also needs to be considered. If reputational damage is of concern, advice may be sought from the committee.

All volunteers must be familiar with referral procedures to protect an adult/child at risk. The concern must also be reported to the management and designated safeguarding lead.

A Local Authority Designated Officer (LADO) is appointed by the Local Authority to act on their behalf in investigating allegations; this role plays a critical part to manage risk. The LADO must be informed of allegations, according to local safeguarding procedures.

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## Procedure for Reporting and Managing Allegations

It is essential that every effort must be made to maintain confidentiality and manage communications while an allegation is being investigated.

On becoming aware of an issue of concern all volunteers have a duty to inform their management immediately who will immediately:

- Ensure that a child protection/adults at risk referral is made (or has been made) to the relevant Children/Adult Social Care Team and where appropriate the Police. The referral must be put in writing to Children/Adult Social Care by the individual reporting the concerns within 24 hours or in the event of a weekend the earliest opportunity of the next working day. Where the issue is in relation to safeguarding children, the DSL will liaise with the Local Authority Designated Officer (LADO) within 24 hours, who will agree with the DSL any information that needs to be shared with other services depending on where the volunteer lives. Immediate issues of investigation and management of the volunteer should be discussed and agreed at this time, including what information should be passed to the volunteer who is suspected of an allegation.
- Where the issue is in relation to an adult at risk of harm or abuse, the DSL will discuss the case and allegations with the police and the relevant adult social care department manager and identify which agency will be leading on the investigation.
- Following notification to the LADO, children/adult Social Care and/or the Police if deemed necessary, the DSL should undertake a meeting with the appropriate management to decide how to manage the allegation. The LADO should attend this meeting.

Strategy Planning Meeting- (the following issues should be considered;)

- Whether the child/young person/adult at risk of harm or abuse is safe from any further risk of harm or abuse
- The safety of the young child/person/adult at risk.
- Review action undertaken so far to ensure the safety of the victim.
- Decide the internal investigation strategy to be undertaken. The Police and / or Social Care should be consulted when they are involved in any on-going investigation and/or criminal proceedings are pending.
- Decide how to present the allegations to the relevant volunteer concerned and how to manage the investigatory process. Agreement should be reached with children/adult Social Care and the Police about what information should be passed to the volunteer concerned.
- The management should be asked to provide appropriate support to the individual while the case is on-going and keep them regularly informed.
- Where police investigations are ongoing, any internal action could be delayed pending police findings. Engagement with the police will be required throughout this period.
- Decide how the person/child/ adult at risk of harm or abuse, or their nominated parent/guardian/nominated carer making the allegation is to be kept informed of what is happening to their allegation, whilst adhering to the requirements of maintaining confidentiality and observing the requirements of the Human Rights Act and the Data Protection Act. The sharing of information must not 'contaminate' any Police or children/adult Social Care investigations that are on-going.
- Decide the frequency of review meetings which need to be set up to manage the on-going investigation and the various actions required.

## Disclosure and Barring Service (DBS)

As a volunteer for Colourful Minds, they have a responsibility to refer concerns to the DBS in accordance with the Safeguarding Vulnerable Groups Act 2006. Management must report concerns to the LADO.

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The following groups may be referred for information to the Disclosure and Barring Service:

- If a volunteer has been permanently removed from 'regulated activity' through dismissal or permanent transfer from 'regulated activity', or where they would have removed or transferred that person from regulated activity if they had not left, resigned or retired and they believe the person has:
  1. engaged in 'relevant conduct'
  2. satisfied the 'harm test' (i.e. no action or inaction occurred but the present risk that it could occur was significant);
  3. received a caution or conviction for a 'relevant offence' (see DBS website [www.gov.uk/disclosure-and-barring-service-criminal-record-checks-referralsand-complaints](http://www.gov.uk/disclosure-and-barring-service-criminal-record-checks-referralsand-complaints)).
- A referral to the DBS should be made following initial information gathering to establish whether there is cause for concern. A referral should be made even if the person in question has left Colourful Minds before an investigation and/or disciplinary process has been completed. The referral should be made using the DBS referral form and posted to the DBS enclosing all relevant information held. Please see further guidance and information at <https://www.gov.uk/government/publications/dbs-referrals-form>

### Record keeping

The DSL will have the responsibility for ensuring the following records are kept:

- The nature of the allegation/concern.
- Who was spoken to as part of the process and what statements/notes were taken and when.
- Any records that were seen and reviewed.
- What actions were considered and justification for specific decisions, including suspension and any actions taken
- What alternatives to actions were explored?
- Minutes and actions of all meetings that take place. All documents must be accessed and retained in accordance with the requirements of Records Management: General Data Protection Regulation (2018) All records should be saved in a secure area and not on personal drives as they may need to be accessed, the folder should be restricted to certain personnel on the shared drive.

For these particular records;

- Name the files appropriately.
- Apply a retention period in accordance with the requirements of Records Management: General Data Protection Regulation (2018)
- Save in an agreed area and apply security measures to the records as they contain personal information
  - Remember that emails can form part of records or can be seen as individual records, so if they are also a critical part of the investigation, they should also be securely stored in the file accordingly.

### Post Investigation Review

Following the completion of the initial investigation, the DSL will lead a review of the case and its actions. Further actions may still be pending, including consideration of disciplinary matters or an ongoing criminal investigation.

Any recommendations from the review will be implemented and information disseminated to the appropriate people within Colourful Minds management.

As well as supporting the volunteer throughout the investigation, consideration must be paid to supporting the volunteer through integration back into the workplace should this be appropriate post-investigation.

### Monitoring

Colourful Minds management will monitor compliance of this policy.

The DSL is responsible for the monitoring, revision and updating of this policy.

This policy will be monitored with regard to the implications of equality and diversity on a regular basis.

Notes