

# **Procedure for Managing Allegations against Staff in Relation to Safeguarding of Children and Young People**

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<b>Name of Sponsor:</b>	Linda Dowse, Chief Nurse
<b>Name of originator/author:</b>	Sharon Connell, Designated Nurse Safeguarding Children
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## 1. INTRODUCTION

All NHS Southend Clinical Commissioning Group (Southend CCG) services are required to fulfil their legal duty under Section 11 of the Children Act 2004 and statutory responsibilities set out in Working Together to Safeguard Children (HM Government 2013).

This guidance is to be used in conjunction with:

- Working Together to Safeguard Children (2015)  
<http://www.workingtogetheronline.co.uk/index.html>
  - Southend Thurrock Essex (SET) Safeguarding and Child Protection Procedures (2015)
  - [www.escb.org.uk](http://www.escb.org.uk)
  - Southend CCG –Safeguarding Children and Young People Policy
  - NICE clinical guideline 89 When to suspect child maltreatment  
<http://www.nice.org.uk/nicemedia/pdf/CG89NICEGuideline.pdf>
  - Royal College of General Practitioners
  
  - <http://www.rcgp.org.uk/system-pages/search-results.aspx?keywords=safeguarding+children+toolkit>
  
  - Local - Disciplinary Policy and Procedures
  - Local – Managing Performance Policy
  - Local - Whistleblowing Policy
- and any other National and local safeguarding guidance/procedures as they are produced

## 2.0 PURPOSE

The aim of this policy is to provide staff in NHS Southend Clinical Commissioning Group with information so that they may fulfil their statutory duties to safeguard and protect children and young people by ensuring:

- Allegations about safeguarding children made against staff are reported to the organisation's Named Senior Officer.
- The Named Senior Officer informs the Local Authority Designated Officer within one working day of allegation being made.
- The Named Senior Officer works collaboratively with other agencies contributing to a strategy meeting and taking appropriate action as agreed.
- Consideration is given in regard to Disciplinary Procedures e.g. suspension, referral to the Protection of Children Act (PoCA) list, even if the allegation is not considered sufficiently harmful under the child protection procedures.

## 3.0 SCOPE

This policy is applicable to all NHS Southend CCG staff and members who will be referred to as 'all staff' in the policy.

This policy applies to all staff including temporary or voluntary staff, working for the organisation when it is alleged that they have:

- Behaved in a way that has or may have harmed a child
- Possibly committed a criminal offence against or related to a child or
- Behaved toward a child in a way, which indicates s/he is unsuitable to work with children.
- Behaved towards an adult at risk in any way, which indicates s/he is unsuitable to work with children

The Children Act 1989/2004 states a child is anyone who has not yet reached their 18<sup>th</sup> birthday. 'Children' therefore in most documentation means 'children and young people' throughout. The fact that a child has reached 16 years of age, is living independently or is in further education, is a member of the armed forces, is in hospital, in prison or in a Young Offenders Institution, does not change his or her status or entitlement to services or protection under the Children Act 1989

#### **4.0 DUTIES WITHIN THE ORGANISATION**

All staff have a duty to safeguard children by recognising abuse and referring onwards as required (Working Together 2015) and key responsibilities are set out in NHS Southend CCG Safeguarding Children Policy.

#### **5.0 PROCESS/PROCEDURE**

The CCG will identify a Named Senior Officer to work closely with the Local Authority Designated Officer (LADO) – Southend and Child Abuse Investigation Team (CAIT) or other police investigation units to ensure that any allegation of abuse is dealt with fairly, quickly and consistently to provide effective protection for the child and at the same time supports the member of staff subject to the allegation.

An allegation may require consideration from any of the following inter-related perspectives

- Child protection enquiries by Children's Social Care
- Criminal Investigation by the Police
- Staff disciplinary procedures
- Complaints procedures

If concerns arise about a member of staff's behaviour towards any child, Children's Social Care and/or Police must inform the organisation in order to assess whether there may be implications for children or vulnerable adults with whom the person has contact at work.

#### **Roles and Responsibilities of the Named Senior Officer**

The appointed Named Senior Officer in relation to an allegation made against staff is:

- **NHS Southend CCG:** Chief Nurse  
Deputy: Chief Accountable Officer

The appointed Named Senior Officer in relation to an allegation made against a person working in Primary Care is:

- **NHS England Essex Area Team**      **Director of Quality & Nursing**

(See Appendix 1 for contact details)

The Named Senior Officer is responsible for ensuring:

- The organisation operates procedures in accordance with Southend, Essex & Thurrock (SET) Child Protection Procedures (2015)
- Representing the organisation to resolve any inter-agency issues
- Effective liaison with the Designated Officers for the Local Safeguarding Children Boards in Southend, Essex and Thurrock

The Local Authority Designated Officer (LADO) is responsible for:

- Providing advice and guidance to the local NHS organisations
- Liaison with Police and other agencies
- Monitoring the progress of cases

The Named Senior Officer will oversee the management by the organisation of any individual cases of allegation under this procedure in conjunction with HR and Safeguarding lead.

## **Confidentiality**

Enquiries must be conducted on the basis of “need to know” to ensure information is shared freely between agencies and in a way that balances the rights of all concerned.

Information about an allegation must be restricted to those who have a need to know in order to protect children, facilitate enquiries and manage the disciplinary/complaints process.

## **Reporting Allegations**

Any member of staff who becomes aware of a concern about an allegation of concerns in relation to safeguarding children by an employee of the organisation must report it to the line manager of that employee.

The Line Manager must take advice from a senior member of the Human Resources Department and must report any allegations to the Named Senior Officer for Southend CCG at the earliest opportunity (the recipient of the allegation must not try to unilaterally determine the validity of the allegation)

A record of the report must be made by the line manager and Named Senior Officer which includes time, date and signature and name in capitals (or name stamp)

The Named Senior Officer must inform the Local Authority Designated Officer of all cases that meet the criteria within **one working day** so that consultation with or referral to the CAIT or Children’s Social Care can take place as appropriate.

The Named Senior Officer and Local Authority Designated Officer will decide when to inform the member of staff subject to the allegation, and should advise the relevant line manager when to do so. This should be as soon as possible but must take into account the need to secure evidence.

## **Managing Allegations**

The Named Senior Officer will be responsible for sharing relevant information on an on-going basis about the allegation, child and accused member of staff with other relevant agencies involved.

A planning meeting should be arranged within 3 working days of receipt of the allegation by the Local Authority Designated Officer with attendance as necessary by the, the Police, Social Care Manager and the Named Senior Officer. Additional members may include a Senior Human Resources manager, Designated Nurse for Safeguarding Children as appropriate.

The planning meeting will agree the course of action needed to be taken by each agency to protect and support the child and the action to be taken about the member of staff. The planning meeting will agree how to co-ordinate the action of the agencies.

The planning meeting should set a review date within one month of the referral being received with a view to concluding the enquiry as soon as possible.

## **6.0 Action by the organisation as the Employer (Disciplinary Action)**

The position of the organisation as the employer when there are allegations of issues concerning safeguarding of children by one or more members of staff is complex and needs to balance:

- the primacy of a police or external local authority led child protection inquiry
- the rights of the accused employees under employment law
- the reputation of the organisation in the eyes of the public

The CCGs procedure for dealing with any allegation about the behaviours of employees (including the allegation of child abuse) which could affect their continuing is the Disciplinary Policy and Procedures and/or Managing Performance Policy (“the disciplinary procedure”).

A criminal investigation by the police or local authority inquiry has primacy. The organisation will consider the implications for an employee of the outcome of such an inquiry under its Disciplinary Policy and Procedures and/or Managing Performance Policy. Alternatively, the organisation may consider whether action under its managing Performance Policy is appropriate in circumstances where the Police or Social Care services decide not to pursue their inquiry.

Any action by the organisation as an employer will be taken on the basis of decisions agreed at the joint planning meetings with the Police and Social Care services.

It may be necessary to consider suspending an employee who is subject to a police or social care inquiry or during the course of an internal enquiry under the organisation’s Disciplinary Policy and Procedures and/or Managing Performance Policy. Any such decision would be taken by the employees’ line manager in conjunction with the Human Resources Department.

### **Allegations against staff in their personal lives**

If an allegation or concern arises about a member of staff, outside of their work with children/adults at risk, and this may present a risk of harm to child/ren/adults at risk for whom the member of staff is responsible, the general principles outlined in these procedures will still apply.

The strategy meeting / discussion should decide whether the concern justifies:

- Approaching the member of staff’s employer for further information, in order to assess the level of risk of harm; and / or

- Inviting the employer to a further strategy meeting / discussion about dealing with the possible risk of harm.

If the member of staff lives in a different authority area to that which covers their workplace, liaison should take place between the relevant agencies in both areas and a joint strategy meeting / discussion convened.

In some cases, an allegation of abuse against someone closely associated with a member of staff (e.g. partner, member of the family or other household member) may present a risk of harm to child/ren/adults at risk for whom the member of staff is responsible. In these circumstances, a strategy meeting / discussion should be convened to consider:

- The ability and/or willingness of the member of staff to adequately protect the child/ren/adults at risk;
- Whether measures need to be put in place to ensure their protection;
- Whether the role of the member of staff is compromised.

On occasion, some abuse/neglect cases involve both children's and adults' services and therefore it is important for Children's services to have 'ONE' link in Adult Safeguards and vice versa. This is where the LADO role comes in for an initial point of contact for advice, rather than workers having to find out which Safeguards Consultant covers which area etc.

Other LADO involvement might be if Children's services require an Adult's consultant to attend a meeting for 'expert' advice where a case may involve risks that overlap children's and adults or where a child may still be at risk once they turn 18 years of age.

Sometimes Children's services will have a concern that an adult implicated in child abuse allegations or investigations may be a risk to adults at risk as well as children. For example, if the alleged perpetrator works directly with adults at risk in a care setting, as a care worker, volunteer, nurse, social worker etc. In those circumstances the LADO will need to consider a risk assessment on basis of information and decide as to whether there are enough grounds to justify informing the alleged perpetrator's employers. If this is justified then the LADO will need to inform the alleged perpetrator to allow them opportunity to disclose in first instance and then to check this has occurred approx. a week later. The LADO will also need to satisfy themselves that the employers have considered all risks and that these have been suitably dealt with

## **7.0 Referral to Regulatory Bodies**

At the conclusion of an inquiry the organisation, in conjunction with the police and social services will consider whether to refer an employee to a regulatory body, e.g. General Medical Council, Nursing and Midwifery Council, Health Professions Council, or to make a referral under the Protection of Children Act, Safeguarding Vulnerable Groups Act or their successors.

## **8.0 Unfounded allegations**

If the allegation is determined to be unfounded the Named Senior Officer together with other agencies should consider:

- Referring the matter to Children's Social Care to determine if the child is otherwise in need or may have been abused by someone else

- Asking Police what action may be required in the rare event that the allegation was deliberately invented or malicious.

The member of staff subject to the allegation will be informed by their line manager of any final outcome

## **9.0 Record Keeping**

Records in relation to the allegation must be retained until the individual concerned has reached retirement age or for 10 years from the date of the allegation if longer

## **10. Associated Documentation**

Southend Essex & Thurrock (SET) Safeguarding and Child Protection Procedures (2015)

[https://www.southend.gov.uk/downloads/file/3436/set\\_child\\_protection\\_procedures\\_2015](https://www.southend.gov.uk/downloads/file/3436/set_child_protection_procedures_2015)

Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children (Department of Education 2015)

Safeguarding Vulnerable People in the reformed NHS – Accountability and Assurance Framework (NHS Commissioning Board 2013)

## **11. Communications**

The CCGs website will hold information relating to the CCGs responsibilities for safeguarding children.

This policy will be held on the CCG staff Intranet and NHS Southend CCG staff and members will be made aware of changes to this policy via the authorised in house communication pathways and in child protection training.

## **12. Archiving of Documents**

Documents must be retained in accordance with the requirements of Records Management: NHS Code of Practice (DH 2006) and the CCGs Records Management Policy.

## **13. Equal Opportunities**

This policy reflects the organisation's determination to ensure that all parts of our community have equality of access to services and that everyone receives a high standard of service as a service user, a carer or employee.

This policy anticipates and encompasses NHS Southend CCGs commitment to prevent discrimination on any illegal or inappropriate basis and recognise and respond to the needs of individuals based on good communication and best practice. We recognise that some groups of the population are more at risk of discrimination or less able to access to services than others and that services can often unintentionally put barriers in place that can limit or prevent access. The organisation is continually working to prevent this from happening.

## 15. Equality Impact Assessment

NHS Southend CCG is committed to carrying out a systematic review of all its existing and proposed policies to determine whether there are any equality implications.

This policy has been assessed using the CCGs Equality Impact Assessment framework which identified the following impact/s upon equality and diversity issues:

Age	Marital Status	Disability	Gender & Pregnancy	Race	Sexuality	Religion	Human Rights	Total Points	Impact
2	0	2	1	2	1	2	1	11	Medium

### Points

3 – This area has a high relevance to equalities

2 – This area has a medium relevance to equalities

1 – This area has a low relevance to equalities

0 – This area has no relevance to equalities

### Scoring

13-18 points – high impact

7-12 points – medium impact

0-6 points – low or no impact

## 16. Version Control

Version	Author name and title	Date policy issued	Date policy due for review
1.0	Sharon Connell Designated Nurse Safeguarding Children	March 2014	March 2017
2.0	Sharon Connell Designated Nurse Safeguarding Children	November 2015	November 2018

## Appendix 1: Contact Details

Contact Name	Contact Number
CCG Senior Named Officer Chief Nurse, Linda Dowse	Harcourt House: 01702 313701 Mobile: 07906 451253
CCG Deputy Senior Named Officer:	
NHS England, Essex Area Team Senior Named Officer Director of Quality & Nursing	Swift House: 01245 598751
Designate Nurse Safeguarding Children Sharon Connell	Castle Road: 01268 464567 Mobile: 07980 921291
Local Authority Designated Officer (LADO)	Essex County Council: 03330 139 797  Southend Borough Council: 01702 534539
Child Abuse Investigation Team (CAIT)	Dial 101 ext. 384140