

## **Policy and Procedure for Managing Allegations against Employees and Volunteers Working with Children and Vulnerable Adults**

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# Policy and Procedure for Managing Allegations against Employees and Volunteers Working with Children and Vulnerable Adults

## 1. INTRODUCTION

- 1.1. The purpose of this policy is to ensure a consistent and effective response to any formal complaints, expressions of anxiety or other circumstances giving cause for concern about the conduct of Oxford City Council employees, in particular, though not exclusively, where these relate to the abuse of children or vulnerable adults.
- 1.2. Oxford City Council (the Council) aims to respond effectively and sensitively to any such concerns. Allegations against employees can be difficult to deal with and therefore this policy and procedure is intended to assist employees in ensuring they are dealt with effectively and fairly.

## 2. SCOPE

- 1.1. The principles of this policy and procedure apply to all Council workers including contractors, agency workers, employees and volunteers (collectively referred to as employees.)
- 1.2. The Policy will be applied as far as practical to contractors, agency workers and volunteers, but the application may be adjusted based on their employment status.
- 1.3. Allegations may be made by the child or vulnerable adult themselves or from a number of other sources including colleagues, service users, relatives, carers, professionals or partner organisations.
- 1.4. All employees are expected to be aware of the Council's Safeguarding Children, Young People and Vulnerable Adult Policy. Please refer to the [Keeping People Safe](#) page on the intranet for details of the policy and procedures.

## 3. PRINCIPLES

- 3.1. The Council recognises that proper procedures and safeguards need to be in place so that allegations of misconduct against employees are dealt with promptly and effectively so that actual misconduct is identified and appropriate sanctions applied, whilst at the same time minimising the risk of unfounded allegations.

## 4. RESPONSIBILITIES

### **Executive Director for Community Services**

- 4.1. The Executive Director for Community Services is the Council's overall Lead Officer for Safeguarding and therefore has responsibility for ensuring the

effective operation of all safeguarding policies and procedures including this one.

### **Head of Human Resources**

- 4.2. The Head of Human Resources is the Council's lead officer regarding allegations of abuse relating to children or vulnerable adults against employees and is the Council's Local Authority Designated Officer (LADO).

### **Designated Safeguarding Officers**

- 4.3. The following officers also have specific safeguarding responsibilities:-
- The Partnership Development Manager –the primary contact with the Safeguarding Children and Adults Boards and co-ordinator for safeguarding across the Council
  - The Corporate Secretariat Manager – responsible for the co-ordination of information searches and liaising on investigations and Serious Case Reviews
  - The Head of Housing – responsible for providing advice and guidance with regard to vulnerable adults.

### **Directors and Heads of Service**

- 4.4. Directors and Heads of Service are responsible for:
- The effective implementation of this policy within their areas
  - Providing resources for putting this policy into practice within their areas
  - Ensuring that this policy is followed within their areas.

### **Human Resources Business Partners**

- 4.5. Human Resources are responsible for providing support and advice to managers in the implementation of this policy.

### **Line Managers**

- 4.6. Line Managers must familiarise themselves with the provisions of this policy and associated policies and procedures that may be used in dealing with the various consequences of an allegations being made against an employee.

### **Employees**

- 4.7. All employees have right and duty to raise any serious matters of concern that they may have even though this may involve making allegations about the conduct of colleagues. They should therefore raise any such concerns with their line manager, an appropriate alternative senior manager or Head of Service or Human Resources. Employees who are making an allegation against a colleague should be made aware of the [Council's Whistleblowing Policy](#) which is available on the intranet or from Human Resources.
- 4.8. A failure to report an allegation or concern is potentially a disciplinary matter.

- 4.9. Employees are strongly advised to report any incident, involving themselves that could give rise to concern, including the potential for misinterpretation by others.

## **5. PROCEDURE**

### **Allegation against an Employee**

- 5.1. An allegation against an employee may be made by the child or vulnerable adult themselves or from a number of other sources including colleagues, service users, relatives, carers, professionals or partner organisations and may be in person, in writing or by telephone.
- 5.2. The person raising the concern may or may not be willing to be identified, or the allegation may be made anonymously.
- 5.3. An employee receiving the allegation should obtain as much information as possible making a written record of it and must notify the Head of Human Resources (or nominated deputy) immediately regarding the employee against whom the allegation is made. The Head of Human Resources will notify the employee's line manager (i.e. the line manager of the employee against whom the allegation is made) unless it is the line manager making the notification.

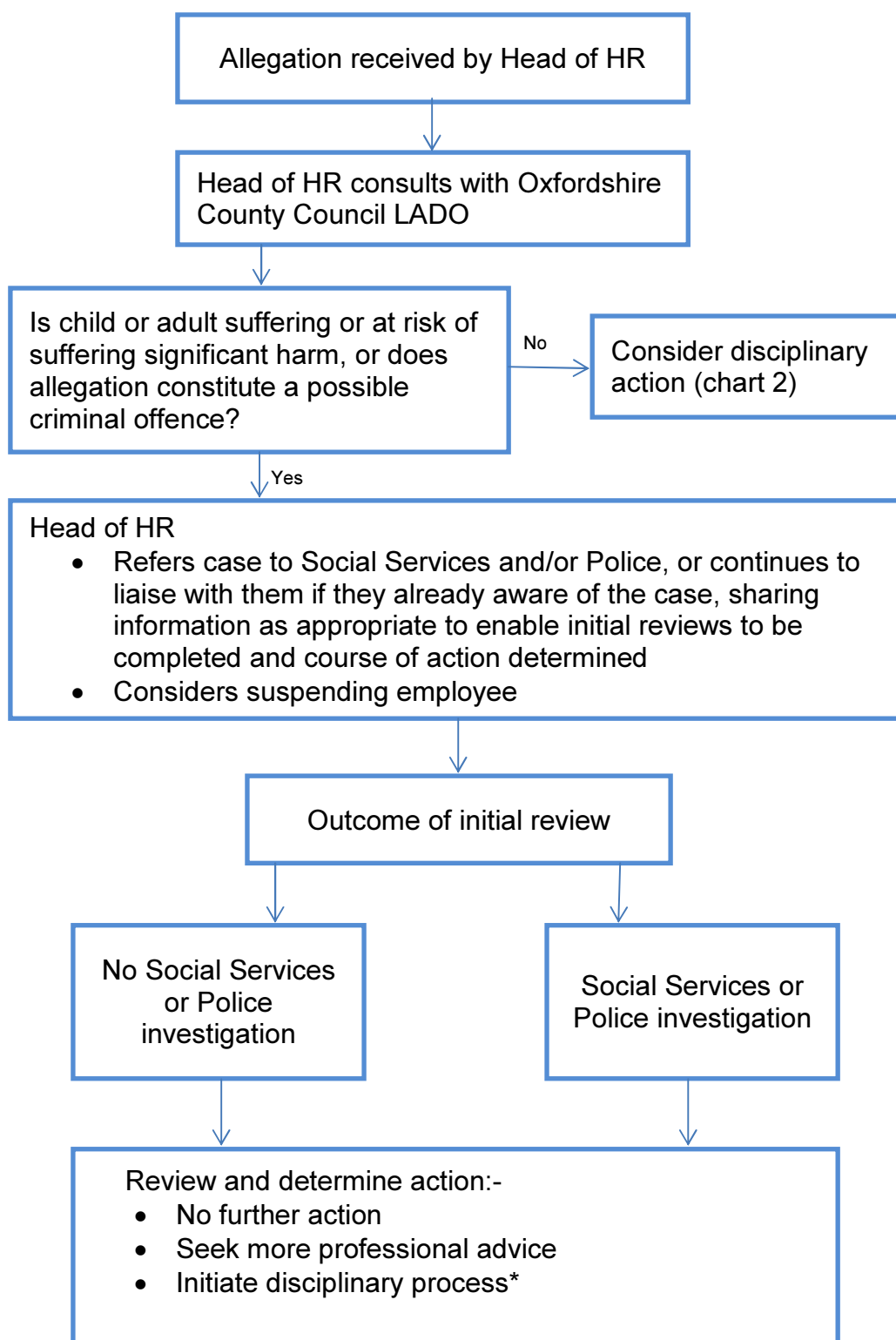
### **Confidentiality**

- 5.4. When an allegation is made it is extremely important that the Council makes every effort to maintain confidentiality and manage appropriate wider communications. Everyone involved in the case must ensure they maintain the strictest confidentiality and comply fully with information sharing protocols.

### **Initial Action**

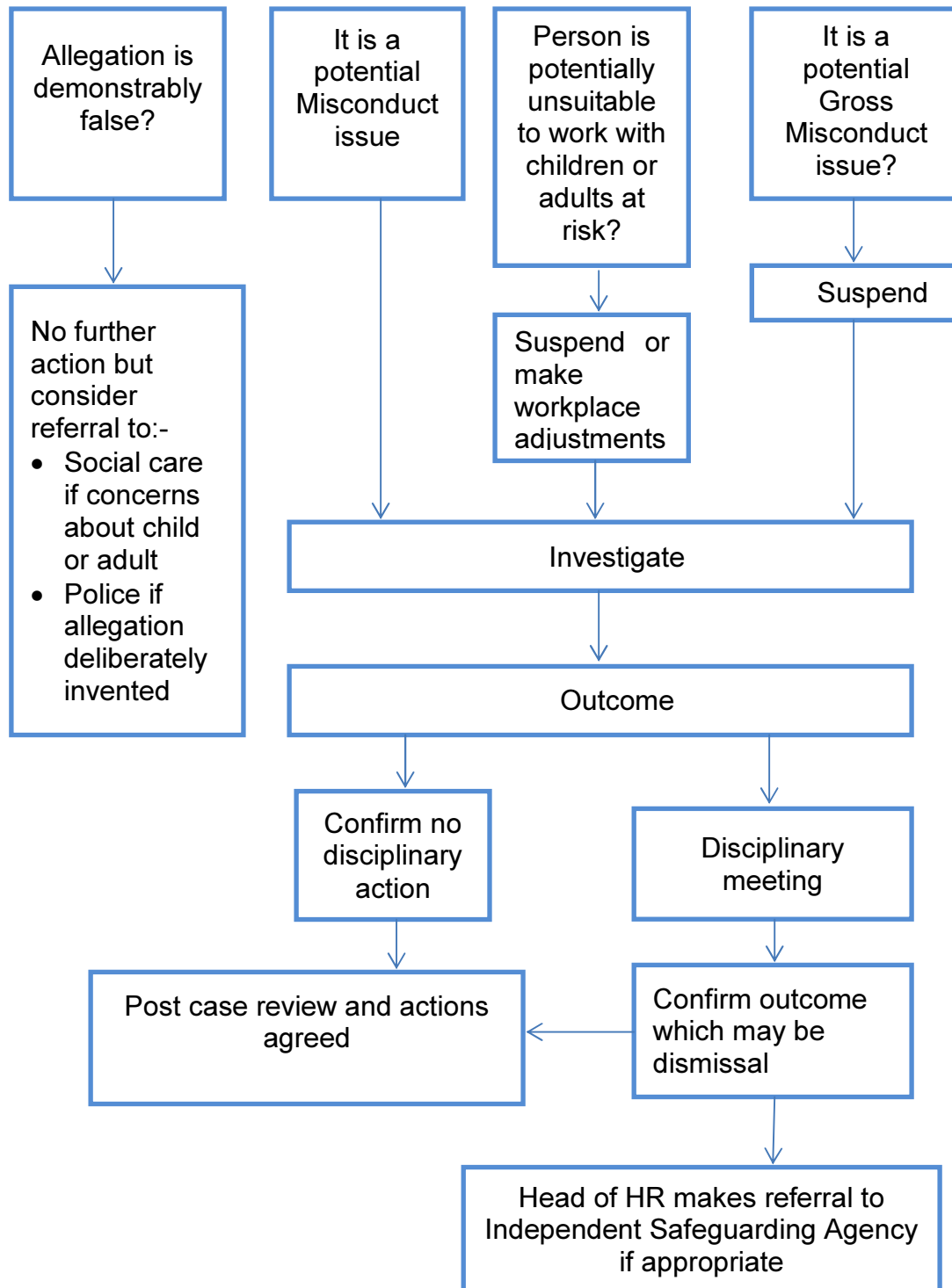
- 5.5. The Head of Human Resources as the Council's LADO (or one of the Designated Safeguarding Officers in the absence of the Head of Human Resources) and determine the most suitable course of action which will be determined by the nature of the allegation.
- 5.6. In all cases the City Council's LADO will consult on a strictly confidential basis with the Executive Director for Community Services and the County Council's LADO to agree a course of action.
- 5.7. The initial consideration will be to determine whether the allegation is so serious that it should immediately be referred to Social Services and/ or the Police as outlined in Chart 1.
- 5.8. Many cases will not warrant referral to Social Services or the Police and the internal process as outlined in Chart 2 below will be instigated as promptly as possible.

**Chart 1 – Consider need for referral to Social Services or Police**



\*Any disciplinary investigation will usually be after any Social Services/Police investigation, although the employee may be suspended. The Council may, however, instigate the disciplinary process earlier if considered appropriate.

**Chart 2 – Internal Disciplinary Process**



## **Informing the Employee**

- 5.9. The Council will inform employees of concerns and allegations as soon as possible, unless there is an objection by Social Services or the Police.

## **Supporting the Employee**

- 5.10. The Council recognises its duty of care to employees and will act to manage and minimise stress inherent in the process. Employees are advised to contact their Trade Union Representative, if they have one, or a colleague for support. The employee will be offered access to counselling or occupational health.

## **External Investigations**

- 5.11. In cases where an external investigation by Social Services or the Police is necessary these will normally be undertaken and completed before internal action is considered.
- 5.12. All employees should co-operate as far as is reasonably possible with external investigations.
- 5.13. If considered appropriate the internal disciplinary process (which will be conducted and completed as soon as reasonably possible) may run in parallel with external investigations.

## **Employee in Custody**

- 5.14. If an employee against whom an allegation is made is in custody, either on remand or following a sentence, reference should be made to the Council's Policy on the Employment of People with Criminal Records.

## **Suspension**

- 5.15. If suspension is necessary this will be done in accordance with the Council's Disciplinary Policy and Procedure. An employee who is suspended should not conclude that the Council is presuming guilt. Suspension is sometimes a necessary action to protect the employee and/ or the Council. The employee will be given a named contact who will keep them informed of case progress.

## **Internal Investigation**

- 5.16. Internal investigations will be carried out in accordance with Council's [Disciplinary Policy and Procedure](#).

## **Return to Work after Suspension**

- 5.17. Where an employee returns to work after a period of suspension the line manager in conjunction with Human Resources will determine how best to facilitate this to minimise any stress and ensure the employee is supported.

## **Informing Parents, Carers or Complainants**

- 5.18. In cases where Social Services or the Police are involved they will inform and update parents, carers or complainants of case progress as appropriate and advise them of the outcome.
- 5.19. When the Council conducts its own internal review where there is no external review or following an external review the parents, carers or complainants will be informed of the outcome as appropriate. They may be informed of the final outcome of the review but deliberations and details of the process will not normally be disclosed.

### **Referral to the Independent Safeguarding Authority**

- 5.20. The Council has a duty to refer to the Disclosure and Barring Service anyone who has harmed, or poses a risk of harm, to a child or vulnerable adult, if there is a reason to believe the employee has committed one of a number of offences, and who has been removed from working (paid or unpaid) in a regulated activity, or would have been removed had they not left.

### **Malicious or Unsubstantiated Allegations**

- 5.21. If an allegation is determined to be unsubstantiated or malicious the Head of Human Resources will consider referring the matter to Social Services if there may be a child or vulnerable adult in need or to the Police if the allegation was deliberately invented.

### **Resignations and 'Settlement' Agreements**

- 5.22. If the accused person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this procedure.
- 5.23. If the criteria are met a referral to the Disclosure and Barring Service must be made.
- 5.24. The Council will not enter into a settlement agreement that prevents it from making a Disclosure and Barring Service referral when the criteria are met as this would likely result in a criminal offence being committed by the Council as it would not be complying with its legal duty to make a referral.
- 5.25. A settlement agreement will not be considered if the employee refuses to co-operate with an investigation or resigns before their notice period expires. Any settlement agreement will not prevent a thorough police investigation where appropriate.

### **Record Keeping**

- 5.26. Details of allegation that are found to be malicious will be removed from personnel records. For all other allegations a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved, and a note of actions taken and decisions reached will be kept on the employee's personal file and a copy will be provided to them.
- 5.27. This will enable accurate information to be given in response to any future request for a reference, where appropriate and will provide clarification in cases



where future DBS checks reveal information from the Police that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time. The record will be kept until the employee's normal retirement age or 10 years from the date of the allegation if that is longer.

## **6. RELATIONSHIP WITH OTHER POLICIES AND PROCEDURES**

6.1. This policy should be read in conjunction with the following policies as appropriate:

- Safeguarding Policy and associated guidance
- Disciplinary Policy and Procedure
- Employee Code of Conduct
- Whistleblowing Policy
- Dignity at Work Policy and Procedure

## **7. REVIEW AND MONITORING**

- 7.1. At the conclusion of a case Human Resources will review the case to determine whether any improvements can be made to the Council's procedures or practices to help prevent similar events in the future.
- 7.2. The policy will normally be reviewed every three years unless there is a need to review it earlier.
- 7.3. The Head of Human Resources reports any exceptions or issues arising under the policy to the Chief Executive who, as Head of Paid Service, has overall responsibility for employees.

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