

Dealing with allegations made against an employee or volunteer

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with allegations made against an employee
/
volunteer

This
procedure outlines what you should do if a child protection
allegation is made against an adult working for or involved in your
group or organisation.

The
procedure should provide a clear direction to staff and BTBA National
Bowling Council member who are called upon to deal with such
allegations and to manage investigations that may result from them.

The
aims of this procedure are:

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to
ensure that children who attend the BTBA,
and any other children who may come to our attention, are protected
and supported following an allegation that they may have been abused
by an adult from within the
BTBA.

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to
ensure that there is a fair, consistent and robust response to any
allegations made, so that the risk posed to other children by an
abusive individual is managed effectively.

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to
facilitate an appropriate level of investigation into allegations,
whether they are said to have taken place recently, at any time the
person in question has been employed by/volunteered with the BTBA
or
prior to the person's involvement with the
BTBA.

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to
ensure that the BTBA continues to fulfill its responsibilities
towards members of staff, volunteers or BTBA National Bowling
Council member who may be subject to such investigations.

-
to
ensure that individuals are able to continue in their role if they
have been at the centre of allegations that are unfounded or deemed
to be malicious in origin.

This
procedure applies to:

-
any
member of staff, volunteer or BTBA National Bowling Council member
to whom an allegation of abuse has been made, that involves another
member of staff, volunteer or BTBA National Bowling Council member

-
anyone
in an official position (including the named person for child
protection, staff
and BTBA National Bowling Council member) who may be required to
deal with such allegations and manage investigations that result
from them.

*The
term BTBA refers to
BTBA
/ NAYBC Club, Tournament or Activity

**The
term "employer" means the BTBA

Different

types of abuse

Physical

abuse is

violence causing injury or occurring regularly during childhood. It happens when:

-

a

child is hurt or injured by being hit, shaken, squeezed, thrown, burned, scalded, bitten or cut

-

someone

tries to drown or suffocate a child

-

someone

gives a child poison, alcohol or inappropriate drugs

-

someone

fabricates the symptoms of, or deliberately induces, illness in a child.

In

some cases the injuries will be caused deliberately. In others they may be accidental but caused by the child being knowingly put at risk.

Sexual

abuse occurs

when someone uses power or control to involve a child in sexual activity in order to gratify the abuser's own sexual, emotional or financial needs or desires. It may include:

-

forcing

or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening

-

encouraging
children to behave in sexually inappropriate ways

-

showing
children pornographic material or involving them in the production
of such material

-

involving
children in watching other people's sexual activity or in
inappropriate discussions about sexual matters.

Emotional
abuse is
persistent or severe emotional ill-treatment of a child that is
likely to cause serious harm to his/her development. It may include:

-

persistently
denying the child love and affection

-

regularly
making the child feel frightened by shouts, threats or any other
means

-

hurting
another person or a pet in order to distress a child

-

being
so over-protective towards the child that he/she is unable to
develop or lead a normal life

-

exploiting
or corrupting a child, e.g. by involving him/her in illegal
behaviour

-
conveying
to the child the message that he/she is worthless, unlovable,
inadequate, or that his or her only value is to meet the needs of
another person. This may or may not include racist, homophobic or
other forms of abuse.

Neglect
involves
persistently failing to meet a child's physical, psychological or
emotional needs. It may include:

-
failing
to ensure that a child's basic needs for food, shelter, clothing,
health care, hygiene and education are met

-
failing
to provide appropriate supervision to keep a child out of danger.
This could include a lack of supervision in particular activities or
leaving a child alone in the house.

How
you might find out about a possible case of abuse

Ways
that allegations might be made against an adult working for or
involved with the
BTBA include:

-
a
child or parent carer making a direct allegation against a member of
staff or Licensed Official or Helper

-
a
child or parent/carer expressing discomfort with the behaviour of a
member of staff or Licensed Official or Helper that falls short of a
specific allegation

-
another
member of staff or volunteer directly observing behaviour that is a
cause for concern

-
the
BTBA being informed by the police or another statutory authority
that a member of staff, volunteer or Licensed Official or Helper is
the subject of an investigation

-
information
emerging from the renewal of a CRB check that suggests that a member
of staff, volunteer or Licensed Official or Helper may have
committed an offence or been involved in an activity that could
compromise the safety of the children they work with at the
BTBA.

-
a
staff member, Licensed Official or Helper telling the organisation
that they have been the subject of allegations, have actually harmed
a child, or committed an offence against (or related to) a child.

What
to do if an allegation is made or information is received

There
are potentially two issues that need to be dealt with as a matter of
urgency:

1.
Is a child in immediate danger or does she/he need emergency medical
attention?

-
If
a child is in immediate danger and is with you, remain with him/her
and call the police.

-
If

the child is elsewhere, contact the police and explain the situation to them.

-

If the child needs emergency medical attention, call an ambulance and, while you are waiting for it to arrive, get help from your first aider.

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If the first aider is not available, use any first aid knowledge that you may have yourself to help the child. You also need to contact your BTBA National Council Member or named person for child protection to let them know what is happening.

The member of staff or manager should also inform the child's family if the child is in need of emergency medical attention, and arrange to meet them at the hospital or medical centre. The parents/carers should be informed that an incident has occurred, that the child has been injured and that immediate steps have been taken to get help.

2.
Is the person at the centre of the allegation working with children now?

If this is the case, the concern needs to be discussed immediately with BTBA Head Office and the named person for child protection. One of these (either the BTBA Head Office or named person) should then, in a sensitive manner, remove the member involved in the allegation from direct contact with children.

It should then be explained to the person, in private, that there has been a complaint made against him/her, although the details of the complaint should not be given at this stage. The person should be informed that further information will be provided as soon as possible but that, until consultation has taken place with the relevant agencies and within the organisation, they should not be working with children. It may be best, under the circumstances, for the person to return home on the understanding that BTBA Head Office or named person will telephone him/her within 1 working day.

The information provided to him/her at this stage will need to be very

limited. This is because discussions need to take place first with other agencies who may need to be involved, such as the local authority children's social care department, the police or the local authority designated officer (LADO).

If the person is a member of a relevant organisation, he/she should be advised to make contact with that body. Arrangements should also be made for the member of staff or volunteer to receive ongoing support in line with the responsibilities the organisation has towards his or her welfare.

Conducting
an investigation

Once any urgent necessary steps have been taken, attention can be given to dealing with the full implications of the allegations.

There are up to three possible lines of enquiry when an allegation is made:

-

a
police investigation of a possible criminal offence

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enquiries
and an assessment by the local authority children's social care department about whether a child is in need of protection

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Investigation
by a National Governing Body and possible disciplinary action being taken against the person in question. This includes implementing a plan to manage any risk posed by the individual to children and young people until the outcome of the other investigations and enquiries is known.

Reporting
an allegation or concern

If the allegation is made by a child or family member to a BTBA member, or if a member observes concerning behaviour by a colleague at first hand, this should be reported immediately to a BTBA National Council Member supervisor/manager and the named person for child protection; BTBA Child Protection

Officer on handling the allegation.

If
a member has received an allegation or observed something of concern
about a BTBA
National Council Member ,
the member should report the allegation or concern to BTBA Head
Office.

If
the person who is the subject of the concern is a named person for
child protection, the matter should be reported to the chair of the
BTBA..

When
to involve the local authority designated officer

The
named person should report the allegation to the local authority
designated officer (LADO) within one working day if the alleged
behaviour suggests that the person in question:

-

may
have behaved in a way that has harmed or may have harmed a child

-

has
possibly committed a criminal offence against or related to a child

-

has
behaved towards a child in a way that suggests that he/she may be
unsuitable to work with children.

This
should also happen if the individual has volunteered the information
him/herself.

The
LADO may be told of the allegation from another source. If this is
the case, then the first information received by the
BTBA maybe
when the LADO makes contact in order to explain the situation.

Whoever initiates the contact, there will be discussion between the LADO and the BTBA named person to share information about the nature and circumstances of the allegation, and to consider whether there is any evidence to suggest that it may be false or unfounded.

If there is any reason to suspect that a child has suffered, or be likely to suffer, significant harm and there are no obvious indications that the allegation is false, the LADO, in cooperation with the BTBA, will make an immediate referral to the local authority children's social care department to ask for a strategy discussion.

The LADO and named person will take part in the strategy discussion. The named person and any other representative from the BTBA should cooperate fully with this and any subsequent discussion with the children's social care department.

It should be asked from the outset that the children's social care department shares any information obtained during the course of their enquiries with the BTBA if it has any relevance to the person's employment.

Dealing with a criminal offence

If there is reason to suspect that a criminal offence may have been committed (whether or not the threshold of 'significant harm' is reached), the LADO will contact the police and involve them in a similar strategy discussion, which will include the named person for child protection.

The named person and any other representative from the BTBA should cooperate fully with any discussion involving the police and should ask for similar cooperation from the police in terms of the sharing of information relevant to the person's employment.

Discussions with the police should also explore whether there are matters that can be acted on in a disciplinary process while the criminal investigation takes place, or whether disciplinary action must wait until the criminal process is completed.

Talking

to parents about the allegation or concern

If the child's parents/carers do not already know about the allegation; the named person and the LADO will need to discuss how they should be informed and by whom.

Talking to the person who is the subject of the allegation

The person at the centre of the allegation should be informed as soon as possible after the initial consultation with the LADO. However, if a strategy discussion with children's social care or the police are needed; this might have to take place before the person concerned can be spoken to in full. The police and children's social care department may have views on what information can be disclosed to the person.

Only limited information should be given to the person in question, unless the investigating authorities have indicated that they are happy for all information to be disclosed or unless there is no need for involvement from these statutory agencies.

The named person will need to keep in close communication with the LADO and the other agencies involved in order to manage the disclosure of information appropriately.

Taking disciplinary action

If the initial allegation does not involve a possible criminal offence, the named person and person appointed by BTBA head office at the center of the allegation should still consider whether formal disciplinary action is needed.

If the local authority children's social care department has undertaken any enquiries to determine whether a child or children are in need of protection, the named person should take account of any relevant information from these enquiries when considering whether disciplinary action should be brought against the person at the centre of the allegations.

The following timings should be kept to wherever possible, depending on the nature of the investigation:

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If

formal disciplinary action is not needed, other appropriate action should be taken within three working days.

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If disciplinary action is required, and can be progressed without further investigation, this should take place within 15 days.

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If
The
BTBA decides
that further investigation is needed in order to make a decision about formal disciplinary action, the named person for child protection should discuss with the LADO the possibility of this investigation being done by an independent person to ensure that the process is objective. Whether or not the investigation is handled internally or independently, the report should be presented to the named person within 10 working days.

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Having
received the report of the disciplinary investigation, the named person should decide within two working days whether a disciplinary hearing is needed.

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If
a hearing is needed, it should be held within 15 working days.

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The
named person should continue to liaise with the LADO during the course of any investigation or disciplinary proceedings, and should continue to use the LADO as a source of advice and support.

If
a criminal investigation is required, it may not have been possible to make decisions about initiating disciplinary proceedings or about the person's future work arrangements until this is concluded. The police are required to complete their work as soon as reasonably possible and to set review dates, so the named person should either liaise with the police directly or via the LADO to check on the progress of the investigation and criminal process.

The

police are also required to inform the BTBA straight away if the person is either convicted of an offence or acquitted or, alternatively, if a decision is made not to charge him/her with an offence or to administer a caution. In any eventuality, once the outcome is known, the named person should contact the LADO to discuss the issue of disciplinary proceedings.

If the allegation is substantiated and if, once the case is concluded, the BTBA dismisses the person or ceases to use their services, or the person ceases to provide his/her services, the named person should consult with the LADO about referral of the incident to the Independent Safeguarding Authority (ISA). This should take place within a month.

Managing risk and supporting the person at the centre of the allegation

The first priority of the BTBA must always be the safety and welfare of children and young people. However, as an employee or volunteer, the person who is the subject of the allegation has a right to be treated in a fair, sensitive and non-judgmental manner and to have his or her privacy respected as far as this ensures the safety of the child and other children.

Information about the allegation must only be shared on a need to know basis with those directly responsible for supervising and managing the staff member or volunteer. Any other information (for example, explanations to other staff members as to why the person is not at work or working to different arrangements) should be agreed and negotiated with the individual concerned.

If the person is a member of a relevant organisation, he/she should be advised to make contact with that body as soon as possible after being informed that he/she is the subject of an allegation. Arrangements should also be made for him/her to receive ongoing support and information about the progress of the investigation.

The possible risk of harm to children and young people presented by the person who is the subject of an allegation needs to be carefully managed both during and after any conclusion to the investigation processes following the allegation. This means that the BTBA may need to consider suspending the person if there is cause to suspect that a child may be at risk of significant harm, or if the allegation is serious enough to warrant investigation by the police, or if it is so serious that it could lead to dismissal. However, a decision to suspend should not be taken automatically, as there may be other ways of managing any risk presented by the person.

The situation should be discussed fully between the named person, the

individual's manager/supervisor and the LADO, who will seek the views of the police and the children's social care department on the question of possible suspension. The conclusions of the discussion should also be carefully documented. Grounds for suspension should be clearly set out if this is the conclusion. If suspension is not the conclusion, then a clear plan should be made as to how any possible risk posed by the individual is to be managed. This could involve, for example, changes to the person's duties so that they do not have direct contact with children, and/or increased levels of supervision..

If it is decided, once the case has been concluded, that a person who has been suspended has suffered stress induced by the allegation, is able to return to duty, the named person and the appointed supervisor of the person who has been the subject of the allegations should consider how best to support the

individual in this process. A plan to facilitate a return should be drawn up in consultation with the individual him/herself, and should take into account the need to manage any remaining child protection risks and also to support the person concerned after what will have been and will remain a very difficult experience.

If the decision is that the person cannot return and has to be expelled or chooses to leave, the named person and the LADO should discuss the need for the matter to be referred to the Independent Safeguarding Authority (ISA) and/or to any professional body to which the person may belong. The BTBA does not enter into agreements with individuals who leave following the conclusion of investigations into allegations made against them, and will always comply with its statutory obligations to share information about the individual in the interests of protecting children and young people.

If the allegation is found to be without substance or fabricated, the BTBA will consider referring the child in question to the children's social care department for them to assess whether he/she is in need of services or whether he/she may have been abused by someone else. If it is felt that there has been malicious intent behind the allegation, the BTBA will discuss with the police whether there are grounds to pursue any action against the person responsible.

Keeping a record of the investigation

All those involved in dealing with the allegation should keep clear notes of the allegations made, how they were followed up, and any actions and decisions taken, together with the reasons for these.

These notes should be compiled gradually as the situation unfolds, with each entry being made as soon as possible after the event it describes. The notes should be signed and dated by the person making them, and the person's name should be printed alongside.

The notes should be kept confidentially on the file of the person who is the subject of the allegation. Discussion should take place with the LADO to determine whether any aspects of the notes may not be shared with the person concerned. If there are no reasons not to do so, a copy of the records should be given to the individual.

The notes should be held on file for a 10-year period, whether or not the person remains with the BTBA for this period.

Useful contact details

BTBA
Contact: Mrs. Bernice Bass Phone: 020 8478 1745 Fax: 020 8514 3665

Named person for child protection: Mr. Lee Hart Phone: 01283 212207 Mobile: 07702543226

Local police: Phone 101 or 0300 333 4444

Local authority children's social care department <http://www.escb.co.uk>
phone: 0845 603 7634

Routine:
0845 603 7627

LADO
Essex
Tamsyn
Basson
tamsyn.basson@essex.gov.uk

NSPCC
Helpline: Phone 0808 800 5000 help@nspcc.org.uk

Childline:
Phone 0800 1111 (textphone 0800 400 222)

This procedure is consistent with the government guidelines set out in Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children, DCSF, March 2010, and with the Children's Workforce Development Council's publication, Recruiting Safely: Safer recruitment guidance helping to keep children and young people safe, CWDC, 2009.

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