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Managing Allegations of Abuse by Staff Procedure

Introduction and Aim

This procedure sets out the process for dealing with allegations of abuse against children, adults at risk of harm and/or alleged perpetrators of domestic abuse made against a worker in Public Health Wales

Linked Policies, Procedures and Written Control Documents

Safeguarding Policy, Capability policy, Disciplinary policy, E-mail policy, Information Governance policy, Internet policy, Incident-reporting policy, and Whistleblowing policy.

Scope

All staff members, agency workers, those on an honorary contracts, a secondment, or a volunteer - for the purposes of this procedure herein all noted will be referred to as 'staff members'.

Equality and Health Impact Assessment

Please refer to the completed [EHIA](#).

Approved by

Quality, Safety and Improvement Committee

Approval Date

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Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the [Corporate Governance](#).

Summary of reviews/amendments				
Version number	Date of Review	Date of Approval	Date published	Summary of Amendments
1	10/04/14	29/04/18	05/2018	Ref: PHW 41.
2	04/06/18	04/10/18	17/10/18	Adapted from a policy to procedure as falls under the Safeguarding policy.

1 Introduction

Public Health Wales procedure for Managing Allegations of Abuse against Staff provides a framework for considering cases where there is an allegation or suspicion that a staff member may have abused a child, young person, an adult at risk of harm and/or an alleged perpetrator of domestic abuse.

The vast majority of adults who work with children and/or adults at risk of harm do act professionally and aim to provide a safe and supportive environment. However, Public Health Wales recognises that the behaviour of staff can give rise to allegations of abuse being made against them. Allegations may be malicious or misplaced or they may arise from differing perceptions of the same event, however it must be recognised that some allegations will be genuine and there are adults who will deliberately seek out, create or exploit opportunities to abuse children, young people, or adults at risk of harm. It is therefore essential that Public Health Wales ensures that all possible steps are taken to safeguard children, young people, adults at risk of harm and/or alleged victims of domestic abuse in order to ensure that the adults working with them or having access to their information are safe to do so.

2 Roles and responsibilities

The Line Manager will be responsible for providing line management support to their member of staff, ensuring the process is managed, sensitively, fairly and thoroughly, and that appropriate support mechanisms are in place for the individual(s) affected/involved.

The Public Health Wales Named Lead for Safeguarding has the responsibility for supporting the implementation of this procedure.

The People & OD department will be responsible for providing advice, guidance and support on the employment aspects of cases.

3 Procedure

The following procedure has been devised to enable staff to respond to a concern of harm or abuse against children, young people, or adults at risk of harm and/or alleged victims of domestic abuse.

3.1 Raising and managing notifications of concerns of harm or abuse against children, young people, adults at risk of harm and/or alleged victims of domestic abuse

The safety of a child, young person or adult at risk is of paramount importance. Immediate action may be required to safeguard investigations and any other children, young people or adults at risk. All staff must be familiar with referral procedures to protect a child, young person or adult at risk.

A concern can be raised with Public Health Wales in a number of ways:

1. Staff members raising concerns of harm or abuse against children, young people, adults at risk of harm and/or alleged victims of domestic abuse
2. Safeguarding colleagues in other Trusts notifying Public Health Wales of allegations received
3. Social Services or the Police notifying Public Health Wales of allegations received

If a staff member witnesses or suspects harm or abuse by another staff member, whether within work, outside of work, or at home (for example, allegations by their own or other children or adults at risk of harm), they have a statutory duty to report these concerns to the Social Services of their Local Authority.

Any concern that children, young people, or adults may be at risk of harm or abuse **must be reported immediately** to the staff member's line manager (unless this is the alleged perpetrator in which case the concern should be escalated to a higher level immediately), who should take advice from Public Health Wales' Named Lead for Safeguarding.

Likewise, if a staff member receives a notification from Safeguarding colleagues in another trust, Social Services, or the Police, they should notify their line manager, who will make the necessary contact with the Named Lead of Safeguarding, and HR.

If a safeguarding allegation is made against an individual working for Public Health Wales through an agency, an honorary contract, a secondment agreement, or as a volunteer or contractor engaged under a contract for services, i.e. someone who is not directly employed by Public Health Wales, the allegation must also be shared with their employer or the body that engaged them at the earliest opportunity. The Senior HR Advisor will provide the necessary guidance on this.

3.2 Professional Concerns Meeting

An internal Professional Concerns meeting will be convened as matter of urgency with the line manager, Named Lead for Safeguarding or nominee, and a Senior HR Advisor, or senior nominee, to:

- Review the allegation;
- Undertake a risk assessment;
- Agree immediate actions, including whether redeployment or suspension, without prejudice, should be considered;
- Agree a support package for the staff member; and
- Consider reputational issues that must be managed appropriately by discussion with the relevant communications team.

The Named Lead for Safeguarding will normally Chair this meeting.

It is essential that thorough notes are made to demonstrate that the discussions and agreed outcomes were comprehensively considered and thought through. As such, the risk assessment template (appendix 1) must be used for this.

One of three possible determinations will arise from this meeting. It may be deemed that:

- a) Children, young people, or adults at risk are considered to be at risk of significant harm;
- b) Children, young people, or adults at risk are not considered to be at risk of significant harm, but further investigation is required;
- c) Children, young people, or adults at risk are not considered to be at risk of significant harm, or, no case exists – the allegation is dismissed and no further action is required.

3.3 Risk assessment

If the professional concerns meeting identifies that children, young people, or adults are at risk of significant harm, or that further investigation is required, the meeting attendees will undertake a risk assessment to determine:

- The risk to the safety of children and adults at risk
- The risk to other members of the public
- The risk to the employee themselves

- The risk to the organisation and its integrity

If any risks are identified then it should be explored how those risks may be mitigated. This may include but is not exhausted to:

- Placing safety measures into the existing working environment;
- Redeployment; or
- Suspension as a necessary step for the protection of those at risk and the staff member.

Any redeployment or suspension is without prejudice and must be dealt with sensitively, in line with sections 11 and 12, respectively, of the All Wales Disciplinary Policy and Procedure.

Any action taken at this point will be subject to change, and as a maximum will be in place until either the outcome of any Multi-Disciplinary Strategy meeting (see below), or any substantial changes are advised.

If having to suspend a staff member at this stage, it is best practice to inform them of the reason for the suspension unless to do so would jeopardise any subsequent investigation. If that is the case then careful consideration will be given to the reason for suspension at the internal meeting.

A package will be agreed by the group to ensure the staff member implicated receives the necessary organisational support during this difficult period. This will include, but is not limited to named contacts from Safeguarding and HR, and a named person of the staff members choosing, Trade Union engagement and support, and counselling through Public Health Wales' Employee Assistant Programme.

Any decisions made at the professional concerns meeting that affects the working arrangements of the staff member will be shared with the individual in writing.

Communications to colleagues will also need to be considered with the staff member.

3.4 Multi-Agency Strategy Meetings

The Named Lead for Safeguarding or deputy will inform Social Services and/or the police as appropriate. This may result in a Multi-Disciplinary Strategy meeting in line with current all Wales legislation and guidance.

Internal action in relation to allegations raised, will be determined by the agreed next steps of the Multi-Disciplinary Strategy meeting, these may include:

- No further action will be taken;
- Child/adult protection enquiries continue;
- A criminal investigation led by the Police;
- An internal disciplinary investigation (see note).

Note: Public Health Wales will not usually instigate internal disciplinary procedures until any external or criminal investigations are complete so as not to compromise the external enquiries. Any internal proceedings should be separate from Police or Social Services processes and internal proceedings may continue even if Police or Social Services decide not to proceed.

3.5 Internal disciplinary investigation

The individual who is the subject of the allegation will be given a full and fair opportunity to answer the allegation and make representations about it, as per section 10 of the All Wales Disciplinary Policy and Procedure.

The process of investigation will continue to a conclusion even if the individual refuses to cooperate or make any representations. In these circumstances, decisions will be taken on the merits of the information available and a written record should be made of the formal conclusion and the reasons for it.

Should a staff member tender their resignation or cease to provide their services this must not prevent an allegation being followed up in accordance with the safeguarding procedures; it is important that a formal conclusion be reached in all cases. Under no circumstances should a compromise agreement be used in situations to which this policy applies.

At the conclusion of the investigation consideration must be given to whether a referral to the Disclosure and Barring Service (DBS) and the Registered Professional Body of the staff member should be

made (see sections 13 and 14 of the All Wales Disciplinary Policy and Procedure).

4 Record Keeping

It is essential that all records are written clearly, accurately, legibly and contemporaneously with all details recorded to provide as full a picture of the account as possible.

All records should be signed and dated. If not written contemporaneously then the date when they were written should be made clear, as well as the date of the contact.

Copies of any correspondence made to other agencies must be retained in line with the Trust's Information Governance Policy.

5 Media Interest

In the event of any media interest this will be responded to by the Head of Communications based on any Multi-Disciplinary Strategy meeting recommendations.

Appendix 1



Public Health Wales Professional Concern RISK ASSESSMENT

Employee: *****
Allegation: *****
Date and time of notification: **** (*:*)
Notified by: *****

MEETING DETAILS

Meeting date and time: ***** (*:*)
Present at meeting:

- ***** Head of Safeguarding (Chair)
- ***** Line Manager – job title
- ***** Senior HR Advisor

BACKGROUND

What do we know?

Who has been notified?

Executives

Names and job titles

Service

Names and job titles

What action has been taken so far (as at **:, date)?**

-

Context of Previous Behaviour

-

RISK ASSESSMENT

The purpose of this risk assessment is to examine:

1. The risk to the safety of children and adults at risk
2. The risk to other members of the public/other staff members
3. The risk to the employee themselves
4. The risk to the organisation and its integrity

Standard to which considerations will be made: *Highest risk i.e. that *** will be convicted*

Note: The decision made as a result of this assessment is a point in time consideration. This is not a final decision and may change based on information and decision from other parties that becomes available, as the process continues.

Risk Factor	Considerations	Mitigations to consider	Risk Value	Risk posed?	Agreed?
The risk to the safety of children and vulnerable adults			Likelihood *** Impact **** Risk: *** (score)		
The risk to other members of the public			Likelihood *** Impact **** Risk: *** (score)		
The risk to the employee themselves			Likelihood *** Impact **** Risk: *** (score)		
The risk to the organisation and its integrity			Likelihood *** Impact **** Risk: *** (score)		

Decision:

PROCESS

Part 4 Investigation (informal allegations)

- This will be led by the Local Authority
- The Local Authority will convene a professional (Part 4) strategy meeting within the next 7 to 21 days, to include: ***Senior Manager; PHW HR; PHW Head of Safeguarding; The Police
- They will undertake a further risk assessment of *****

Four possible outcomes will come from this assessment:

1. A criminal investigation will be taken forward
2. A Local Authority investigation will be taken forward
3. An internal investigation will be taken forward
4. No further action will be taken

NEXT STEPS

It was agreed that we would *****

Action (for example)	Lead	By when
Risk assessment to be written up		
Executives to be briefed		
Invite ** in for meeting		
Feedback to *****		
Contact the Public Protection Unit (PPU)		
Chase up the Local Authority		
Suspension letter to be drafted		

Risk Matrix 5x5

Enter subtitle information text

		CONSEQUENCE				
		How severe could the outcomes be if the risk event occurred?				
		INSIGNIFICANT 1	MINOR 2	SIGNIFICANT 3	MAJOR 4	SEVERE 5
LIKELIHOOD What's the chance the of the risk occurring?	ALMOST CERTAIN 5	MEDIUM 5	HIGH 10	VERY HIGH 15	EXTREME 20	EXTREME 25
	LIKELY 4	MEDIUM 4	MEDIUM 8	HIGH 12	VERY HIGH 16	EXTREME 20
	MODERATE 3	LOW 3	MEDIUM 6	MEDIUM 9	HIGH 12	VERY HIGH 15
	UNLIKELY 2	VERY LOW 2	LOW 4	MEDIUM 6	MEDIUM 8	HIGH 10
	RARE 1	VERY LOW 1	VERY LOW 2	LOW 3	MEDIUM 4	MEDIUM 5

Appendix 2

Process overview

