

# Appendix Q

## A Guide for Staff Facing Allegations

This guide is for staff serving the United Reformed Church. The aim of this guide is to explain the processes involved, and the support and guidance available, if it is alleged that you have:

- harmed a child/young person/adult or may have harmed a child, young person or adult.
- committed a criminal offence against or related to a child or adult.
- behaved in a way which indicates that a risk of harm may be posed to a child/children or an adult/adults.

### Initial action

When the allegation is made and it is related to a child or a young person, your manager should consult the Designated Officer (DO) to consider the next steps, taking advice from children's services and the police as needed. The police may advise that you are not told about the allegation immediately. The Synod Safeguarding Officer should also be informed and will be on hand to offer advice and support.

When the allegation is made and it is related to an adult, your manager should consult the Church Safeguarding Coordinator, and if not available the Synod Safeguarding Officer. The Synod Safeguarding Officer should be informed to offer advice and support.

Your manager's decision, in consultation with the DO and Synod Safeguarding Officer, will include one, or a combination, of the following:

- a) immediate referral to children's or adult's services (required if the child/young person/adult at risk is alleged to have suffered, or is likely to suffer, harm, abuse or neglect)
- b) referral to children's or adult's services and the police (required if a criminal offence is alleged)
- c) disciplinary and/or capability procedures, including referral, if appropriate, to any professional body to which you may belong (if the allegation represents poor or inappropriate behaviour)
- d) no further action (if the allegation is clearly and demonstrably without foundation).

If the conclusion of the initial discussions are a) or b), the local authority children's or adult's services or the police will direct the process. A strategy discussion may take place involving the police, social care, your manager, DO and, where possible, a HR representative.

The Synod Safeguarding Officer will attend the strategy meeting if convened, to share information and inform the meeting's decision. You will not be asked to attend such a discussion.

The discussion will focus on the needs of the person who may be at risk, with the priority being to keep them safe from any harm. It will determine what action should be taken regarding further investigation, but it is not part of any disciplinary procedure.

If the initial discussions conclude that the situation is as outlined in c), the synod safeguarding officer will refer the matter to relevant persons of the Church for an investigation under the disciplinary and/or capability procedures.

If the conclusion is as outlined in d), you should be told orally, and in writing, that the allegation is without foundation and that no further action will be taken

## Types of possible investigation

- Child protection enquiries by the social care team in the local authority.
- Adult safeguarding enquiries carried out by the local authority's adult's services.
- Criminal investigation by the police.
- Disciplinary/capability investigation.

A disciplinary investigation will usually need to wait until external statutory investigations are complete, unless prior agreement is reached with the DO. Whilst these investigations should be conducted as speedily as possible, they should also be balanced against the need to be thorough and fair. Statements taken in external investigations could be used in subsequent disciplinary proceedings.

## Suspension

Suspension of a worker, pending the outcome of an investigation, should be carried out in consultation with the statutory authorities. Your manager should consult with the DO and the Synod Safeguarding Officer and consider recommendations from the strategy meeting, if appropriate, before any decision to suspend is taken to protect a child. In the case of adults, your manager should consult with the Synod Safeguarding Officer before any decision to suspend is taken to protect an adult.

Suspension should only occur when the known facts relating to the allegation indicate:

- a child/young person/adult may be at risk;
- the allegations are so serious that dismissal for gross misconduct is possible;
- suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

Alternatives, such as leave of absence, transfer of duties or additional supervision should be considered.

Where suspension is being considered, an interview will normally be arranged. You have the right to be accompanied by a trade union representative, colleague or friend. You are advised to seek the assistance of their union representative, if you have one. you are considered for suspension, one of your roles will be to promote your interests in the interview and raise issues that may be of concern to you. The interview is not an examination of the evidence but is an opportunity to make representations concerning possible suspension.

You will be asked if you undertake any other roles, either paid or voluntary, where you have contact with children or adults at risk. Where this is the case, those employers will also be informed, usually by the DO or social care. Depending on the nature of the allegation, social care may also initiate an assessment with your own children, if you have any.

Other people, including your colleagues, should only be told about the allegation on a proportionate and necessary basis. You will be told who will be informed. Notification may be delayed if the police think this could prejudice an investigation.

Those likely to be told of the allegation and likely course of action include yourself, your manager, the Synod Safeguarding Officer, the Church Safeguarding Co-ordinator, the Moderator, your minister, the person concerned, their parent/carer where appropriate, the person making the allegation, the DO and the investigating agencies as above.

If you are suspended, the persons appointed to a disciplinary panel, if convened, will also be given the necessary information.

Every measure should be taken to ensure that confidentiality is maintained throughout the process, however it may be necessary to issue a brief press statement, which will be agreed by the agencies concerned. If this is considered necessary, you will be informed of what will be said and when this will happen.

## **Resignation**

If you decide to tender your resignation during an investigation, or before one is commenced against them, the investigation will continue regardless. If you apply for another position, then the fact of a disciplinary investigation will be mentioned in any future references that are provided for you. This is unless the allegation was proved to be unfounded.

## **Referral to DBS/PVG**

The law (*The Safeguarding Vulnerable Groups Act 2006* in England and Wales and *The Protection of Vulnerable Groups Act 2007* in Scotland) places duties on organisations to refer individuals to the Disclosure and Barring Service (DBS) or Disclosure Scotland in order to protect vulnerable people from harm in certain situations. The DBS maintain registers of people who are barred from working with children or adults because of their conduct, and there are situations where churches have a duty to make a referral. The DO and the synod safeguarding officer will provide guidance on this matter and will suggest when a referral is appropriate and what further information may be required. Irrespective of whether a referral has been made to DBS, it remains the duty of the employer to decide whether they should be allowed to continue working. They may carry out a risk assessment with the person considered for referral for the DBS/PVG barring lists. The Synod Safeguarding Officer should be informed of the referral or the need for a risk assessment

The full criteria for these referrals is contained in *Good Practice 5*, at pages 81-82.

## **Reporting to the Charity Commission/Scottish Charity Regulator(OSCR)**

The Charity Commission in England and Wales and the Scottish Charity Regulator (OSCR) advise that where a report to the DBS/PVG is made, this constitutes a threat to the reputation of the charity and should be reported to the Charity Commission or OSCR as a serious incident. Charity trustees, in most local church contexts these will be Elders, are responsible for making this decision and report to the Charity Commission or OSCR. This responsibility may be delegated to the Synod Safeguarding Officer or URC's denominational safeguarding adviser. However, all serving elders as trustees of church's assets bear ultimate responsibility for ensuring their charity makes a report, and does so in a timely manner. You may be informed that this process has happened.

## **Return to work**

If you have been suspended and it is decided that you are able to return to work, your union representative, colleague or friend can assist in negotiating and planning this return.