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1. Overview

1.1 These procedures are specific to Rochdale and should be used in conjunction with the RBSAB Multi agency safeguarding policies and procedures.

1.2 It is essential that any allegation of abuse made against a professional who works with adults with care and support needs or other members of staff or volunteers in any setting is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the adult or adults and at the same time supports the person who is the subject of the allegation.

1.3 Professionals who work with adults with care and support needs need to be aware that inappropriate behaviour in their private life may affect their suitability to work with adults or children. This should be incorporated into their employer's codes of conduct.

1.4 AML is the abbreviation for Allegation Management Lead. In Rochdale the AML can be contacted on email (aml@rochdale.gov.uk).

1.5 What is an Allegation?

“A suspicion or concern that a trusted individual within an organisation or establishment has mistreated or abused an adult with care and support needs or may be about to do so”

2. Using the Guidance

2.1 The guidance for ‘managing allegations against people in a position of trust’ is contained within section 14 of the Care and Support Statutory Guidance of the Care Act 2014.

Other relevant legislation includes: General Data Protection Regulations (GDPR); Human Rights Act 1998 and employment legislation.

2.2 Role of the AML

The AML has the overall responsibility to:

- Provide advice and guidance to Safeguarding Leads, Senior Managers, Employers, and Voluntary Organisations who oversee those professionals that work with adults with care and support needs.
- Liaise with the police
- Monitor the progress of all cases to ensure that they are dealt with as quickly and consistently as possible through the use of a fair and thorough process.
- Provide management and oversight of individual cases to ensure the progress of an allegation is thorough, fair and dealt with in a timely manner.
- Responsible for initial considerations of allegations
- Responsible for chairing Allegation Management Strategy Meetings and guiding other Safeguarding Adult Manager’s to do so if needed.
- Responsible for chairing Allegation Management Strategy Meetings where the concern has originated from activity outside the workers professional or volunteer place of work.
- Responsible for identifying whether other actions might be required following the completion of initial strategy meetings and to ascertain if a further meeting maybe needed due to wider service concerns.
2.3 **Role of the Safeguarding Lead**

All Local Safeguarding Adult Board organisations should have a Safeguarding Lead with **overall** responsibility for:

- Ensuring that their organisation operates safeguarding procedures including those procedures for dealing with allegations.
- Resolving any inter-agency issues; and
- Liaising with the RBSAB on the subject.

This role relates to the management and oversight of individual cases. The Safeguarding Lead will liaise with and make referrals to the AML.

2.4 **Role of the Senior Manager**

For those organisations NOT represented on the Board, the Senior Manager within an organisation is the senior person to whom all allegations or concerns should be reported and has **overall** responsibility for:

- Ensuring procedures are properly applied and implemented; and
- Providing advice, information and guidance for staff within the organisation.
- Share information as needed with the AML in complex cases where they require support.
- Make referrals to and liaise with the AML.

2.5 It is critical that the relationship between the AML and the Safeguarding Lead or Senior Manager is clear to all. The AML should act independently of any organisation involved in the allegation concerned.

3. **Practice Issues**

3.1 **Information Sharing** - Information sharing is vital to safeguarding and promoting the well-being of adults with care and support needs. Decisions on sharing information must be justifiable and proportionate, based on the potential or actual harm to adults or children at risk and the rationale for decision-making should always be recorded.

When sharing information about adults, children and young people at risk between agencies it should only be shared:

- where relevant and necessary, not simply all the information held
- with the relevant people who need all or some of the information
- when there is a specific need for the information to be shared at that time

The General Data Protection Regulations and the Human Rights Act 1998 are the two main legislative frameworks governing how, what and in what circumstances information may be shared.

3.2 **Informing the individual alleged to have caused harm**

As a general principle, persons subject to an allegation should be informed, by their employer, that an investigation will be carried out unless the initial risk assessment indicates that this disclosure might compromise an investigation or increase the risk of harm.

3.3 **Data Controller**

If an organisation is in receipt of information that gives cause for concern about a person in a position of trust, then that organisation should give careful consideration as to whether they should share the information with the person’s employers (or student body or voluntary organisation) to enable them to conduct an effective risk assessment.
The receiving organisation becomes the Data Controller as defined by the General Data Protection Regulations.

If, following an investigation a person in a position of trust is removed by either dismissal or permanent redeployment to a non-regulated activity, because they pose a risk of harm to adults with care and support needs, (or would have, had the person not left first), then the employer (or student body or voluntary organisation) has a legal duty to refer the person to the Disclosure and Barring Service (DBS). The new employer should also be informed.

*It is an offence to fail to make a referral without good reason.*

If a person subject to an investigation attempts to leave employment by resigning in an effort to avoid the investigation or disciplinary process, the investigation by the employer (or student body or voluntary organisation) should continue and depending on the outcome the DBS or regulatory bodies may be notified.

If the investigation outcome warrants it, the employer can dismiss the employee or volunteer instead and make a referral to the DBS.

**Record Keeping**

3.3 Record keeping is an integral part of the management of allegations. In Rochdale there is an expectation that complete and accurate records will need to contain information which provides comprehensive details of:

- Events leading to the allegation or concern about an adult’s behaviour
- The circumstances and context of the allegation
- Professional opinions
- Decisions made and the reasons for them
- Action that is taken
- Final outcome

3.4 Employers, managers and officers who are involved in the process of managing allegations should follow the principles of record-keeping contained within the Data Protection Act 1988, the Human Rights Act 1998 and the Freedom of Information Act 2002.

3.5 In Rochdale, employers are responsible for keeping all accurate up to date records regarding any allegation involving an employee. Records will be kept in a secure area of the individual’s HR file and not on a service user’s file.

3.6 In Rochdale the AML will keep accurate up to date records when an allegation meets the threshold for referral or when information is considered at initial consideration stage, the AML will record any advice given to employers or agencies.

3.7 For allegations that are substantiated the information will be kept on the Allegation Management system until the person alleged to have cause harm reaches 100 years of age. Where the allegation is unsubstantiated, unfounded or malicious/false, records should be kept on the Allegation Management system for 10 years, as this provides a safeguarding assurance to the employee. These arrangements are in line with Rochdale Local Authority Designated Officer (LADO) procedures.

**4. The Process**

**Responding to an Allegation**

4.1 When allegations arise against a person working with adults with care and support needs (this includes people working as volunteers) the employer should follow the procedures outlined in this procedure which is compliant with ‘The Care Act 2014.’
The procedures should be used when an allegation is made that a person who works with adults with care and support needs who has:

- Behaved in a way that has harmed, or may have harmed an adult or child
- Possibly committed a criminal offence against, or related to, an adult or child
- Behaved towards an adult or child in a way that indicates they may pose a risk of harm to adults with care and support needs.

If the answer is YES Safeguarding Lead or Senior Manager (see points 2.3 and 2.4 above) to complete the referral form and email this to the AML email address box for a decision to be made. The AML can be contacted on email aml@rochdale.gov.uk

If unsure and advice is required please complete an initial consideration form for this to be considered – the form is available on www.rbsab.org.

Should the allegation require police involvement, this information will need to be sent to GM Police for consideration. If it is clear a criminal offence has taken place, employer to contact GM Police directly. Email address: rochdale.hub@gmp.police.uk. If unsure meets criminal threshold, seek clarification from AML.

4.2 Children
When a person’s conduct towards an adult may impact on their suitability to work with or continue to work with children, this must be referred to the Local Authority Designated Officer (LADO).

4.3 All organisations that provide services for adults with care and support needs or provide staff or volunteers to work with or care for adults with care and support needs should operate a procedure for handling such allegations that is consistent with this guidance and should identify a Safeguarding Lead or Senior Manager (see points 2.3 and 2.4 above) within the organisation to whom all allegations or concerns are reported (RBSAB Multi agency Safeguarding Policy and Procedures).

4.4 When managing any allegation, the welfare of the adult with care and support needs should remain paramount, making sure their wishes and feelings are respected under making safeguarding personal. Persons about whom there are concerns should be treated fairly and honestly and should be provided with support.

It is the responsibility of all to safeguard and protect adults with care and support needs. This responsibility extends to a duty of care for those people employed, commissioned or contracted to work with adults with care and support needs.

The Manager’s (provider or voluntary organisation manager) initial response

4.5 It is helpful prior to contacting the AML to obtain basic information from the person that is making the allegation. These enquiries should be kept as simple as four basic questions:

- Who – who is the allegation against?
- What – what happened?
- When – When did the incident happen?
- Where – Where did the incident occur?
Managers need to understand which behaviours to address directly through their own complaints or disciplinary procedures and under what circumstances they should contact the AML. Please see allegation management lead referral indicator matrix.

They need to ensure robust and clear processes are in place to follow should an allegation be made. Advice and support can be sought from the AML and Adult Care Services.

**Initial Consideration**

This may be over the phone, via e mail or in some cases face to face between the Allegation Management Lead and the Employer, Police or Safeguarding Lead or Senior Manager. There are three possible outcomes to an initial consideration:

- Allegation does not meet the threshold and a referral to allegation management is not required
- The threshold is met, an allegation management referral form is completed and a strategy meeting is to be convened. Allegation Management Lead to inform police and Adult Care Services if appropriate – should safeguards be required for the adult with care and support needs.
- Allegation is BORDERLINE. The matter should be investigated by the Safeguarding Lead or Senior Manager and appropriate action taken under internal disciplinary procedures. AML will liaise with employer on the outcome of their investigation and any disciplinary action taken.

To assist in making this decision, employers should use the initial consideration form; this can be forwarded to Allegation Management Lead inbox aml@rochdale.gov.uk in order to obtain a response and advice as to whether the action taken by the organisation is appropriate. The detail of the alleged perpetrator is not required at this stage, just the detail of the allegation. This form can be downloaded from www.rbsab.org.

If it is clear that an allegation meets the criteria for the allegation management process, an allegation management referral form should be sent to the AML by the employer immediately. The form can be downloaded from www.rbsab.org.

If another agency such as Adult Care Services identifies a person who works with adults with care and support needs (possibly as part of a safeguarding concern that is received) that poses a risk of harm they should alert the Allegation Management Lead via e mail (aml@rochdale.gov.uk) outlining the risk the individual poses, the AML will then share the information with the employer in order for the employer to make a risk assessment, and to decide whether they feel a strategy meeting is required. The AML will also ensure that the information is passed if necessary to GMP who will screen the referral and decide if it is appropriate for them to investigate.

The employer will then complete the referral and send this into the AML, where the thresholds will be applied and a decision made whether it meets the criteria.
Process for managing allegations against those who work with Adults with care and support needs

Allegation made:
What is the allegation about?
When did it happen? What happened? Where did it happen?

Information should be passed immediately to the Safeguarding Lead or Senior Manager (see points 2.3 and 2.4 in allegation management procedure) within the organisation.

Behaved in a way that has harmed, or may have harmed, an adult with care and support needs.

Possibly committed an offence against or related to an adult with care and support needs.

Behaved in a way that indicates that he/she poses a risk of harm to adults with care and support needs OR children.

Based on initial information, Safeguarding Lead or Senior Manager to determine whether the member of staff has:

Contact Allegation Management Lead to discuss course of action. (aml@rochdale.gov.uk)

DECIDE ON ACTION

Organisation undertakes their own internal investigation. Employer to keep a record of this information. AML may complete tracking form of the advice provided.

Police Investigation

No Further action. Employer to keep a record of the information. AML may complete a tracking form with the advice provided.

Employer Action

Assessment or intervention from Adult Care Services.

Allegation Management Strategy meeting to be convened. (see process)
Allegation Management Strategy Meetings

4.11 An Allegation Management Strategy meeting should take place within 5 days of receipt of a referral.

4.12 In Rochdale it is expected that the referrer will provide the AML with a list of key agencies that require an invite to the Allegation Management meeting. The alleged perpetrator **DOES NOT** attend the meeting. Only key agencies should be invited to Allegation Management meetings. These may include:
- Police
- HR
- The Employer
- Representative from Adult Care Services
- Representative from the Integrated Commissioning Directorate.

4.13 An invite will be emailed out to professionals along with a copy of the report (where appropriate) and a copy of the definitions of outcomes following an allegation. Professionals are expected to provide a brief report as to the context of the allegation along with any enquiries they have made. Professionals will be asked at the end of the meeting to outcome whether they feel that the allegation is:
- **Substantiated** – There is sufficient identifiable evidence to prove the allegation. Relevant Conduct has occurred.
- **Unsubstantiated** – This is not the same as a false allegation, it simply means that there is insufficient identifiable evidence to prove the allegation. The term does not imply guilt or innocence.
- **Unfounded** – There is no evidence or proper basis which supports the allegation being made, or there is evidence to prove that the allegation is untrue. It may also indicate the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances.
- **Malicious/False** – There is “clear” evidence to prove that there has been a deliberate act to deceive and the allegation is entirely false.

4.14 In some cases an outcome is reached following the first Allegation Management Strategy meeting. In other cases further investigation will be required from Police, Adult Care Services, or the Employer in order to reach an outcome. Therefore as a result of the strategy meeting the AML may make recommendations as to what further action is required. A second meeting may then be re convened if needed.

There may be the need to address issues of wider service safeguarding concerns following an Allegation Management strategy meeting. The AML may need to pass information on to Heads of Service within Adult Care and the Integrated Commissioning Directorate should other service users be potentially at risk from the identified allegation, this will need to be addressed as part of an action plan in order to ensure that service users are protected.

4.15 Minutes will be taken at the meeting and will be distributed within 10 working days of the meeting taking place.

**Disciplinary Investigation**

4.16 An Employer must ensure any risk to adults with care and support needs is managed. If this is not possible in the workplace the employer may suspend an alleged perpetrator – this is a neutral act and should not been seen as sanction, more as a way in which to safeguard both the Adult with care and support needs and the employee.
4.17 Suspension should be considered in every case where:
- There is cause to suspect an adult with care and support needs has been abused or neglected.
- The allegation warrants investigation by police, or
- The allegation is so serious that it might be grounds for dismissal (RBSAB procedures)

If the Police are leading on the investigation, as part of the strategy meeting there will be a discussion around when the Employer should begin their internal investigation.

4.18 All evidence gathered as part of the investigation should be managed and kept by the employer to complete the Disciplinary Investigation, consent must be sought from interviewees during the allegation in order that correct procedures are followed in relation to Data Protection.

4.19 It is the responsibility of the Employer or Governing Body to keep the AML informed of the progress of the internal investigation and within agreed time scales.

4.20 Alternatives to suspension can be considered if available and deemed suitable, this may be achieved by:
- The individual undertaking duties which do not involve direct contact with adults with care and support needs
- Providing an assistant/colleague to be present when the worker has contact with the adult with care and support needs.

Should it become apparent that there is a conflict of interest within an organisation for any internal investigation, the organisation will need to have clear processes in place for managing such a situation. This may include the nomination of a lead person within the organisation to carry this out.

5. **Referral to the Disclosure & Barring Service**

5.1 If an Allegation is *substantiated* the Allegation Management Lead should discuss during the Allegation Management Strategy Meeting whether a referral should be made to the DBS (Disclosure and Barring Service).

5.2 It is the responsibility of the employer to make this referral. However, should the employer be reluctant to make the referral this may need to be undertaken by Adult Care Services.

5.3 The DBS holds responsibility for making decisions about barring individuals from working with adults with care and support needs.