

How to respond to an allegation of abuse

The thought of having to deal with an allegation of abuse, or responding to a concern, may be something that fills you with fear and trepidation. What if I get it wrong? You worry: 'I might be making a mountain out of a molehill. Maybe I'll forget what they said'.

We have written this 'Help' guidance in order to steer you through the process, so stay calm, you can do this!

Whose responsibility is Safeguarding?

Local authorities have overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area and their statutory responsibilities and responses are outlined in Working Together to safeguard children guidance of 2018.

The guidelines in relation to adults, those over 18 years of age, now fall under the definitions and recommendations of Care Act 2014 and this replaces the previous legislation from 'No Secrets' (Department of Health 2000). It is important to recognise that whilst local authorities play a lead role, safeguarding children and adults from harm is everyone's responsibility.

Everyone that comes into contact with children and families has a role to play. Faith organisations are mentioned within Working Together 2018- 'Voluntary, charity, social enterprise (VCSE) and private sector organisations and agencies play an important role in safeguarding children through the services they deliver. Some of these will work with particular communities, with different races and faith communities and delivering in health, adult social care, housing, prisons and probation services. They may as part of their work provide a wide range of activities for children and have an important role in safeguarding children and supporting families and communities'. This is important to note your responsibilities if you fall within this category as we can't just leave it to the statutory agencies, schools, police and Children/Adult social care.

The definitions for abuse of children, young people and adults with care and support needs can be found on the thirtyone:eight website within the online safeguarding manual. If unsure whether or not something needs to be referred to Children's Social Services or the Police, or you just want support in doing so, contact our helpline. We will give advice over the phone and will confirm this to you in writing.

*NB Applies to England but similar principles operate elsewhere in the UK.

What is your role?

Your responsibility for reporting concerns will depend on your role. Because this is different from being a friend, worker with children, young people or adults care and support needs will need to:

- Listen carefully if someone is telling you about abuse – physical, sexual, emotional or neglect
- Not ask questions – it could prevent them from saying more or you might put things in their mind that were not already there
- Show acceptance of what you are told – even if it seems unlikely or too awful to be true. Reassure the person that they have done the right thing in telling you and you are taking the information seriously
- Not promise to keep the matter secret but explain that you may have to share what they say with others on a ‘need to know’ basis only. It will be the named people in your safeguarding policy.
- Explain what you intend to do and don’t delay in taking action
- Ensure the immediate safety of the individual
- Write notes stating what the person said, what you said in response, and an explanation of how the conversation took place. Include the date, time and your signature
- Consider medical intervention if required.
- Keep the notes, even if typed up, as they could be used as material evidence in court

If the concern is about what has been observed, for example bruises, marks, suspicions of neglect or sexually explicit/abusive behaviour, then it is important to write a full account of what was seen. Include:

- Size, shape, colour, position on the body of any bruises or marks, consider taking a picture unless location of that picture is inappropriate
- Person’s appearance e.g. ragged or dirty clothing, smell, emaciated body, pain or difficulty in moving
- Description of sexually explicit or abusive behaviour
- The date and time of your report and your signature.

The role of the safeguarding coordinator (also see ‘Help’...I’m a safeguarding coordinator)

The safeguarding coordinator must be informed as soon as possible so that the appropriate action can be taken. All workers should know how to contact him or her. If the matter is urgent e.g. there is a need for medical intervention, it is unsafe for a child to return home or there is an allegation of sexual abuse, take immediate action. This action would include taking a child to hospital if necessary because of physical injury, informing Children’s Services (Children’s Social Care) or the Police if concerned

about sexual abuse, neglect or physical abuse, or contacting Adult Social Services where the person concerned is a adult at risk.

Who should be informed?

It is important to deal with allegations and suspicions of abuse in a confidential manner. The Children safeguarding co-ordinator should not inform the parents of a child or young person in any matter of sexual abuse or where there is concern that by doing so you place that child at risk of significant harm.

The problem of the coordinator speaking to the parents beforehand is that parents could, quite understandably, become very upset and angry. They might confront or inadvertently alert an alleged abuser which might result in a child being silenced and an investigation by the authorities disrupted or ruined.

Always check with Children's Services as to whose task it will be to tell parents. Where an adult is not capable of making an informed decision then their relatives may be involved before contacting Adult Social Services, or contact directly if the relatives are implicated in some way.

If you're not sure what to do...

- Have you looked at your safeguarding policy?
- thirtyone:eight's online safeguarding manual has a flow chart for action (in the Downloads section)
- You can always ring thirtyone:eight's 24 hour helpline – 030300031111 - if you need advice
- Don't delay when there are serious concerns
- Once you have contacted the authorities (probably by phone initially) confirm your concern in writing

Giving support

Whatever action you may have to take, and even if the authorities are involved, don't lose sight of the person or persons at the centre of the concern. Ensure that there is someone to whom they can turn for support but do not question the person concerned. If they give further information, then go through the process of listening and recording as already described. Usually a child will seek support and disclose to someone they trust. It will save the child having to repeat a disclosure if they have support from the person they initially disclosed to. (See 'Help... how can I support a child). Don't forget that abuse can affect many people – friends, families, workers and leaders too – and they may need some help.

Remember thirtyone:eight is available to offer advice and support as you deal with these difficult areas. You may also have people in your organisation or denomination who can assist you or provide a listening ear. It is important to ensure that workers are themselves given adequate support when dealing with allegations of abuse.

Ongoing involvement by the church/organisation

If the authorities are involved in investigating a child or adult protection matter, it will be important for the safeguarding coordinator or leader to co-operate fully in the inquiry. The notes and observations of workers could be used in any court proceedings and they might need to attend court to give evidence.

Social workers might want the church or organisation to be part of any care plans that are made for the individual particularly where there is significant contact or input by them.

What do I do about non-recent abuse?

Suppose you are told by someone that when they were little they were sexually abused, but it doesn't happen any more. This is still a matter of concern. The person has alleged that someone has committed a sexual crime against them. You have to think about the consequences of doing nothing – could other children be at risk now from this person?

You will also need to consider the age of the alleged victim. If they are an adult, they may or may not choose to make a formal complaint to the police. If you are concerned that the alleged abuser could pose a risk to children now, then you should point out to the person that they could decide to give the information to the police. Even if they decide not to make a formal statement, action can still be taken which would help to protect children. If the person is unable or unwilling to make a formal complaint to the police, then the safeguarding coordinator should speak to an officer in the Child Abuse Investigation team in their area (via 101).

What do I do about an allegation against a worker or leader?

You are doing everything right – measures are in place to deal with allegations of abuse, workers are trained to listen and pass on concerns, there are procedures for reporting concerns and suspicions of abuse to statutory agencies and, of course, you might well use the thirtyone:eight helpline for additional advice and support. However, in spite of all your best efforts, no one can rule out the possibility of an allegation being made against a worker. Working together 2018 states that in line with Section II of the Children Act 2004 that:

"Employers, school governors, trustees and voluntary organisations should ensure that they have clear policies in place setting out the process, including timescales for investigation and what support and advice will be available to individuals against whom allegations have been made. Any allegation against people who work with children should be reported immediately to a senior manager within the organisation or agency. The designated officer, or team of officers, should also be informed within one working day of all allegations that come to an employer's attention or that are made directly to the police. If an organisation or agency removes an individual (paid worker or unpaid volunteer) from work in regulated activity with children (or would have, had the person not

left first) because the person poses a risk of harm to children, the organisation or agency must make a referral to the Disclosure and Barring Service to consider whether to add the individual to the barred list. This applies irrespective of whether a referral has been made to local authority children's social care and/or the designated officer or team of officers. It is an offence to fail to make a referral without good reason. In addition the church insurance company (and your denominational safeguarding officer, if appropriate) is likely to want to know as well".

In this sort of situation you might wish to take immediate advice from thirtyone:eight who will help you deal with the matters appropriately and guide you in whom to contact and when.

The role of LADOs (children)

Where immediate action is needed to protect a child or investigate a serious allegation, an immediate referral will need to be made to the Police or Children's Social Care, after which the Local Authority Designated Officer (LADO) needs to be informed. In other less urgent situations contact the LADO first. Where appropriate the LADO will refer to police or Children's Social Care if they have not been informed. Some less serious situations may not warrant police or Children's Social Care investigation. LADOs are responsible for providing advice, liaison and monitoring the progress of cases to ensure they are dealt with as quickly as possible, consistent with a fair and thorough process. 'Working Together' stresses that procedures need to be applied by LADOs with 'common sense and judgement'. If an allegation is substantiated then the LADO will advise whether a referral to the Disclosure and Barring Service is required or advisable, and the form and content of the referral.

Disclosure and Baring Service

The task of the DBS is to make decisions as to whether an individual poses a risk to children and/or vulnerable adults, based on a full picture of all the circumstances relating to the person concerned. The Safeguarding Vulnerable Groups Act 2006 stipulates that organisations are under a statutory duty to refer relevant information to the DBS in certain circumstances. There is a requirement to inform the scheme where an individual (paid or volunteer) has been dismissed or resigned (either prior to or following the conclusion of a disciplinary investigation), because they harmed, or may harm, a child or vulnerable adult. The DBS will assess each situation and if they are minded to bar (the person from working with children or vulnerable adults) the individual will be given the information and the opportunity to make representations.

Workers should be assured that there are criminal sanctions that could be applied where there are malicious allegations. These could include offences related to wasting police time, perverting or attempting to pervert the course of justice, conspiracy and perjury. However, organisations such as, churches have nothing to worry about if they have passed on information received in good faith. If a worker is convicted of certain of the most

serious offences then they will be automatically barred from working with children / vulnerable adults, without being able to make any representations. In less serious cases there is an auto-bar with the ability to make representations to the DBS for the situation to be reviewed. In other cases the DBS will consider information (not just in relation to convictions) and can bar based on individual case assessment.

Individuals would be informed that the DBS is 'minded to bar' and would be able to see all available information and be able to make representation (unless of course it is an auto-bar offence). A barred person loses their DBS registration and cannot engage in 'regulated activity'.

Charity Commission (children and adults)

Any incident that has taken place in a charity is considered serious and should be reported to the Charity Commission if it has resulted, or could result, in a significant loss of funds or a significant risk to the charity's property, work, beneficiaries, or reputation. Suspicions, allegations and incidents of abuse or mistreatment of beneficiaries include incidents whilst under the care of the charity or by someone connected with the charity, such as a trustee, member

of staff or volunteer. Such concerns must be reported if there are grounds to suspect that an incident may have occurred, whether or not the matter has been proved. Such matters would always be given immediate attention by the Charity Commission. The role of the Charity Commission is to assist the trustees where possible in restoring faith in the charity and other charities within the same sector (e.g. other places of worship).

Regulators

If you have a project regulated and inspected by a government department or agency (e.g. OFSTED, Care Quality Commission in England, or equivalent elsewhere in the UK), there is an expectation that all safeguarding matters will be reported to them, especially if it involves the suspension of a worker. So if you provide a nursery, crèche or other early years provision or other social care service, the matter will need to be reported.

thirtyone:eight is happy to advise places of worship and other organisations who contact our helpline as soon as concerns are raised. We will provide the necessary advice and support in responding appropriately to allegations and concerns and help you to ensure that the relevant authorities are contacted.

Tick list - Allegation of abuse

- Advised the Safeguarding Coordinator in my church/organisation?
- Have they: Spoken to the statutory agencies as appropriate: Police? Children's Social Care? Adult Social Services?
- Or taken advice from thirtyone:eight

- Conformation sent in writing to the relevant agency?
- Have they contacted someone from the denomination or organisational structure (e.g. DSA, Bishop's Adviser) where appropriate?
- Have they contacted our insurance company?
- Where concerns involved a worker (paid or voluntary):
 - Does the matter suggest the DBS 'harm test' has been met and following an internal inquiry the person has been suspended or removed from regulated activity?
 - Has a referral been made to the DBS?
- Has the Local Authority Designated Officer (LADO) been informed?
- Where our activities are regulated and inspected by agencies such as OFSTED, Care Quality Commission etc, have they been informed?
- Where there is a serious incident (such as child abuse) has the charity informed the Charity Commission?
- Despite the number of agencies that may need to be informed, has everything been kept on a need to know basis, maintaining confidentiality?

Useful information

thirtyone:eight , PO Box 133, Swanley,
Kent, BR8 7UQ
Helpline: 0303003 1111
Email: info@thirtyoneeight.org

NSPCC, Weston House, 42 Curtain Road, London EC2A 3NH
Help for children/young people: 0800 1111
Help for adults: 0808 800 5000

ChildLine – free and confidential number: 0800 1111

DBS helpline – 0300 123 1111

Charity Commission – 0300 066 9197 or email directly from their website
www.charity-commission.gov.uk

Care Quality Commission,
CQC National Correspondence,
Citygate, Gallowgate, Newcastle upon Tyne, NE1 4PA
Telephone: 03000 616161

OFSTED have a whistleblower hotline.

There may be times when council employees and those working with young children will want to report to them concerns about practices and procedures for the safeguarding of children and young people.

Telephone: 0300 123 3155 (Monday to Friday from 8.00am to 6.00pm).



Email: whistleblowing@ofsted.gov.uk.

WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester, M1 2WD.

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