

Procedures if allegations / complaints are made against staff, consultants or volunteers working under the remit of the Federation or the Federations Member Bodies.

These procedures are for use where the complaint is in respect of the safeguarding of children, young people and vulnerable adults and should only be used if an allegation has been made against a member of staff, volunteer or consultant which could be construed as abusive behaviour, or an abuse of trust.

1. If an allegation or complaint is made, take it seriously.
2. Listen to the complaint and ask the complainant if they will put it in writing so as to ensure that the listener has not missed anything or misinterpreted what the complainant is saying.
3. **Failure to give a written complaint does NOT mean that the complaint will not be considered or treated seriously.**
4. If necessary, write out the complaint whilst the complainant is there, asking him / her to check it and sign and date it when it is completed. All relevant known contact details must be included. Please note, this not a statement, nor is it part of an investigation at this point, merely a written note of the actual complaint.
5. Give the document to the safeguarding lead for your organisation (Welfare Office/ Child Protection Officer/ District Commissioner).
6. The safeguarding lead for your organisation, on receipt of the written complaint or a verbal account of the complaint, will then contact the lead safeguarding officer for your member body.
7. The lead safeguarding officer, through consultation with BEF Safeguarding Advisory Group, will decide whether to pass it to another agency, eg police or social care services, or LADO or whether there is an internal case required. The BEF Safeguarding Advisory Group will provide the Member Body with safeguarding support from experienced industry professionals. No safeguarding decision should be made in isolation.
8. The lead officer will also inform the Chairperson / Chief Executive of their member body that an allegation / complaint has been made which has been passed to other agencies.
9. The referring officer should ask the receiving agency to keep them informed and ask if they could be included in any strategy meetings which may be held.
10. The person making the original complaint must be informed that other agencies are involved and that s/he will be kept informed as far as is possible.

When the investigation into the allegation / complaint has been completed by the other agencies, the case will return to the original agency to consider the employment/deployment issues. This employment/deployment investigation MUST be carried out regardless of whether the subject of the investigation is still working for that member body, or is in any other contact with the member body.

If the individual(s) has / have been prosecuted and found guilty then there is no need to carry out a full investigation. The DBS must be informed and all member bodies instructed that they should no longer use this person / these people.

If the case has not been considered in Court, then the member body, or the BEF if the member body requests help and support, must carry out an employment investigation to ascertain on the balance of probabilities that the offence took place.

Ideally two people should be commissioned to conduct the investigation which must be as follows:-

- To conduct an open and transparent investigation into the circumstances of the case, ensure the investigation is carried out ethically and proportionately with regards to everyone involved.
- Purpose : to establish the truth of the matter and to ensure any child welfare concerns are addressed effectively .
- To ensure the investigation is carried out by people with the appropriate skills set to help in minimising any distress to all those involved and carry out an effective, ethical and proportionate investigation.
- The investigators' job will be to gain a clear picture of what actually is alleged, an evidence based opinion of what did happen, make recommendations as to future action, and prepare the case for the management side of any disciplinary hearing which may be necessary. It is not the investigators' place to make decisions merely recommendations on the balance of probability and to present the "case for the prosecution" if required.
- To produce a file of evidence which will allow the matter to be dealt with appropriately and to ensure any child safeguarding issues can be addressed effectively.
- Timescales: the investigation should be dealt with due diligence to minimise distress to those involved but will be dictated by the needs of those involved, unless there are any immediate child protection concerns.

The investigators should:-

1. Meet with the complainant and gain a clear and accurate view of the actual complaint with any evidence which is available.
2. Speak to the investigating officers (police or social care) and ascertain if they have any additional information which will help the employment investigation.
3. Meet with any other witnesses which may have been identified by the original complainant or the investigative officers to gain a clear picture of their viewpoint.

4. Meet with the person against whom the allegation is made and gain a clear picture of his / her / their side of the situation.

The people with whom the investigators are meeting should be informed of the confidential nature of the investigation and permitted a supporter if they so wish.

All meetings should be carefully noted and a copy of the resulting statement typed out and sent to them for approval and signature within a few days. The completed statements will form the evidence base for any further action. The officers should have access to legal advice at any point in these investigations.

On completion of the investigation, the officers concerned should be in a position to make recommendations as to further action. These actions will range from No Further Action to Dismissal and Barring. At any point in the investigation, if the officers deem it reasonable, or if further, previously unknown information comes to light, they could return the case to the Police, Social Care Services or LADO and request further formal investigation.

At the close of the investigation the officers will draw up an evidence based case giving their recommendations and the reasons for these. If the result is that no further action should be taken, the complainant, child's family and alleged perpetrator must be informed of the decision and the reasons for it.

If the recommendation is for some form of action to take place, then the member body (possibly in communication with the BEF if required) should follow their disciplinary procedures. It is recommended that these disciplinary procedures includes the Member Body setting up a panel of three to hear the case, advised by a legal representative who has not previously been involved. The process should be similar to a Court of Law in that the investigating officers should present their case to the panel, the panel and alleged perpetrator may then ask questions, then the alleged perpetrator presents his / her case, and the investigators and panel may ask questions. The two sides sum up their case and then leave allowing the hearing panel to make a decision. Both parties should be informed of the decision in writing within 3 days.

A second panel should be available to hear any appeal. The people hearing the appeal should not have been part of any earlier discussions and the process should be as outlined above.

At the end of the process, the complainant, family and alleged perpetrator should be informed of the decisions made, and, if necessary and appropriate, the member bodies of the BEF may need to be informed. The DBS should be kept informed throughout this process and **MUST** be informed of the final decision.