



Milton Keynes Dons SET

# Dealing with Allegations of Abuse made against Staff Policy.

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## Policy Statement

MK Dons SET has developed clear policies and procedures for dealing with allegations against its staff who work with children. Examples of allegations that would be covered by this policy, although not intended to be exhaustive, include:

- Behaviour that has, or may have, harmed a child
- Criminal acts against – or related to – a child
- Behaviour towards a child or children in a way that indicates they may pose a risk of harm to children

## Principles

In the first instance, any such allegation against a member of staff must be reported immediately to SET's DSO Designated Safeguarding Officer (DSO) SET's DSO must immediately make SET's Chief Executive (CE) aware of the allegation and the CE will then be responsible for notifying the named Board Safeguarding Lead and the SSM - if different from the CE.

The Board Safeguarding Lead is responsible for informing the Board within 24 hours of the allegation.

## Reporting time limits

The SET's DSO is accountable for contacting the LADO and informing them of all allegations that have come to their attention within 24 hours of the allegations being made.

SET's DSO will be responsible for notifying the EFL's Trust's DSO and The FA Case management team, where an allegation at SET results in a safeguarding referral being made to any of the following:

- The Police
- The LADO
- Any other statutory agency, social care or Children's Services Directorate

SET's DSO is accountable for contacting the EFL's Trust's DSO and The FA Case Management Team as soon as possible after the allegations have been made – but in any event within 72 hours of the allegations being made.

## **DBS Referral**

Where any SET staff member – who is working in regulated activity – is suspended from their duties as a consequence of concerns, allegations and/or internal investigations related to their work with children, then the SET's DSO will notify EFL's Trust's DSO and The FA Case Management Team as soon as possible after the suspension takes place – but in any event within 72 hours of the suspension happening.

As a provider of regulated activity, SET has a legal duty to make a referral to DBS in certain circumstances. The DSO – supported by the SSM – will seek support from the EFL's Trust's CPA, when a DBS referral needs to be made.

Information relating to a DBS referral is available via the EFL Club Portal System, as well as further advice relating to making a DBS referral being available here:

## **Get DBS Referral Advice**

SET will review this Dealing with Allegations of Abuse made against Staff Policy and best practice at least annually. In addition, more frequent reviews will be undertaken following any major safeguarding incident, incident learning outcomes, organisational changes, as well as changes to legislation.

## **Purpose of procedure**

This procedure outlines what should happen if a safeguarding allegation is made against any adult working for, or involved with SET. The procedure provides clear direction to those SET staff who are called upon to deal with such allegations – and how to manage the investigation that may result from them.

The aims of this procedure are:

- To ensure that children who access the services and facilities provided by SET – and any other children who may come to its attention – are protected and supported following an allegation that they may have been abused by an adult from within SET
- To ensure that there is a fair, consistent and robust response to any allegations made, so that the risk posed to other children by an abusive individual is managed effectively
- To facilitate an appropriate level of investigation into allegations – whether they are said to have taken place recently; at any the person in question has been employed by/volunteered with SET or prior to the person's involvement with SET
- To ensure that SET continues to fulfil its responsibilities towards members of staff who may be subject to such investigations
- To ensure that individuals are able to continue in their role if they have been at the centre of allegations that are unfounded or deemed to be malicious in origin

Who does this procedure apply to:

- Any SET staff member to whom an allegation of abuse has been made and which involves another staff member
- Any member of the SET's executive team, senior managers – including SET DSO and wider safeguarding team – as well as SET's line managers and supervisors, who may be required to deal with such allegations and manage investigations that result from them.

## How an Allegation of possible Abuse may be Disclosed

Allegations might be made against an adult working for, or who is involved with SET in the following manner

- By a child or parent/carer making a direct allegation against a SET staff member
- By a child or parent/carer expressing discomfort with the behaviour of a SET staff member that falls short of a specific allegation
- By another SET staff member directly observing behaviour that is cause for concern
- By SET being informed by the police – or another statutory authority – that a SET staff member is the subject of an investigation
- By information emerging from the renewal of a DBS check that suggests that a SET staff member may have committed an offence – or may have been involved in an activity – that could compromise the safety of the children they work with at SET
- By a SET staff member telling someone at SET that they have been the subject of allegations; have actually harmed a child; or have committed an offence against (or related to) a child

The following pages outline the procedure to be followed to when an allegation of abuse is made against a SET staff member and is broken down into distinct sections:

- The Procedure
- Conducting an Investigation
- Reporting an Allegation or Concern
- When to Involve the LADO
- Dealing with a Criminal Offence
- Talking to the Parents about the Allegation or Concern
- Talking to the Person who is the Subject of the Allegation
- Taking Disciplinary Action
- Supporting the Person at the centre of the Allegation
- Managing Risks
- Following Investigation the Employee Returns to Work
- Following Investigation the Employee is Dismissed
- Keeping a Record of the Investigation

## The Procedure

There are potentially two issues that need to be dealt with as a matter of urgency

### Issue 1

Is a child in immediate danger, or do they need emergency medical attention?

- If the child is in immediate danger and is with you, remain with them and call the Police on 999
- If the child is elsewhere, contact the Police on 999 and explain the situation to them
- If the child needs emergency medical attention, call an ambulance by dialling 999 and while you are waiting for it to arrive, get help from SET's first aider
- If a first aider is not available, use any first aid knowledge that you may have yourself to help the child
- You must also make contact with The SET's DSO to let them know what is happening.

The SET staff member of the chicken's DSO should also inform the child's family if the child is in need of emergency medical attention – and arrange to meet them at the hospital or medical centre. The parents/carers should be informed that:

- An accident has occurred
- That the child has been injured
- That immediate steps have been taken to get help

### Issue 2

Is the person at the centre of the allegation working with children now?

If this is the case, the concern needs to be discussed immediately with SET's CE, the SSM and the DSO. Either the SSM or DSO should then, in a sensitive manner, remove the staff member involved in the allegation from direct contact with children.

It should then be explained to the person, in private, that there has been a complaint made against them, although the details of the complaint should not be given at this stage. The person should be informed that further information will be provided as soon as possible but that, until consultation has taken place with the relevant agencies and within the organisation, they should not be working with children. It may be best, under the circumstances, for the person to return home on the understanding that either the SET's SSM or DSO will telephone them later in the day.

The information provided to them at this stage will need to be very limited. This is because discussions need to take place first with other agencies who may need to be involved, such as the LADO, the Local Authority's Children's Social Care Department, the Police, as well as the FA and EFL Trust.

If the person is a member of a Trade Union or other professional organisation, they should be advised to make contact with that Body. Arrangements should also be made for the SET staff member to receive ongoing support in line with the responsibilities the organisation has towards their welfare.

### Conducting an Investigation

Once the above issues have been addressed, attention can now turn to dealing with the implications of the allegations. There are up to three possible lines of enquiry when an allegation is made:

- 1 A police investigation of a possible criminal offence
- 2 Enquiries and an assessment by the Local Authority Children's Social Department about whether a child is in need of protection
- 3 Investigation by SET – and possible disciplinary action being taken against the person in question. This will include implementing a plan to manage any risk posed by the individual to children connected with SET until the outcome of the other investigations and enquiries are known.

### Reporting an Allegation or Concern

- 4 If the allegation is made by a child or family member to a SET staff member – or a SET staff member observes concerning behaviour by a colleague at first hand – this should be reported immediately to the staff member's line manager and the SET's DSO – who will be the SET's lead in relation to handling the allegation.
- 5 If a staff member has received an allegation or observed something of concern about their own manager, the staff member should report the allegation or concern to the person more senior to their own manager.
- 6 If the person who is the subject of the concern is the DSO, the matter should be reported to the the SET's CE and SMM of SET.

### When to involve the LADO

The DSO must report the allegation to the LADO within 24 hours if the alleged behaviour suggests that the person in question:

- A May have behaved in a way that has harmed or may have harmed a child
- B Has possibly committed a criminal offence against, or related to a child
- C Has behaved towards a child in a way that suggests that they may be unsuitable to work with children

### This should also happen if the individual has volunteered the information themselves

- 7 The LADO may be told of the allegation from another source. If this is the case, then the first information received by SET may be when the LADO makes contact with SET's DSO in order to explain the situation.
- 8 Whoever initiates the contact, there will be a discussion between the LADO and SET's DSO to share information about the nature and circumstances of the allegation, and to consider whether there is any evidence to suggest that it may be false or unfounded.

9	If there is any reason to suspect that a child has suffered (or be likely to suffer) significant harm and there are no obvious indications that the allegation is false, the LADO, in cooperation with SET, will make an immediate referral to the Local Authority Children's Social Care Department to ask for a strategy discussion
10	The LADO and SET's DSO will take part in the strategy discussion. SET's DSO – and any other representative from SET – will co-operate fully with this – and any subsequent discussion with the Children's Social Care Department.
11	SET will ask from the outset that the Children's Social Care Department shares any information obtained during the course of their enquiries with SET's DSO where it has any relevance to the person's employment or volunteering with the organisation.

### Dealing with a Criminal Offence

12	If there is a reason to suspect that a criminal offence may have been committed (whether or not the threshold of significant harm is reached), the LADO will contact the police and involve them in a similar strategy discussion, which will include SET's DSO
13	The LADO – and any other representative from SET – will co-operate fully with any discussions involving the police and will ask for similar cooperation from the Police in terms of the sharing of information relevant to the person's employment or volunteering with the organisation.
14	Discussions with the police will also explore whether there are matters that can be acted on in a disciplinary process while the criminal investigation takes place – or whether disciplinary action must wait until the criminal process is complete.

### Talking to the Parents about the Allegation or Concern

15	If the child's parents/carers do not already know about the allegation, the Club's DSO and the LADO will discuss how they should be informed by whom.
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### Talking to the person who is the subject of the Allegation

16	The person at the centre of the allegation will be informed as soon as possible after the initial consultation with the LADO. However, if a strategy discussion with Children's Social Care or the Police is needed, this might have to take place before the person concerned can be spoken to in full. The Police and Children's Social Care Department may have the views on what information can be disclosed at present.
17	Only limited information will be given to the person in question, unless the investigating authorities have indicated that they are happy for all information to be disclosed – or unless there is no need for involvement from the statutory.
18	SET's DSO will keep in close communication with the LADO and other agencies involved, in order to manage the disclosure of information.

## Taking Disciplinary Action

- 19 If the Initial allegation does not involve a possible criminal offence, the SET DSO and the line manager of the person at the centre of the allegation will consider whether formal disciplinary action is needed.
- 20 If the Local Authority Children's Social Care Department has undertaken any enquiries to determine whether a child or children are in need of protection, SET's DSO will take account of any relevant information from these enquiries when considering whether disciplinary action should be brought against the person at the centre of the allegations.

### The following timings should be kept to wherever possible, depending on the nature of the investigation

- 21 If formal disciplinary action is not needed, other appropriate action should be taken within three working days.
- 22 If disciplinary action is required – and can be progressed without further investigation – this should take place within 15 days.
- 23 If SET decides that further investigation is needed in order to make a decision about formal disciplinary action, SET's DSO will discuss with LADO the possibility of this investigation being done by an independent person to ensure that the process is objective. Whether or not the investigation is handled internally or independently, the report should be presented to SET's DSO within 10 working days.
- 24 Having received the report of the disciplinary investigation, the SET DSO should decide within two working days whether a disciplinary hearing is needed.
- 25 If a Disciplinary hearing is needed, it should be held within 15 working days
- 26 SET's DSO will continue to liaise with the LADO during the course of any investigation or disciplinary proceedings – and will continue to use the LADO as a source of advice and support.

If a criminal investigation is required, it may not be possible to make decisions about initiating disciplinary proceedings – or about the person's future work arrangements – until this is concluded. The Police are required to complete their work as soon as reasonably possible and to set review dates, therefore the SET's DSO will either liaise with the Police directly or via the LADO to check on the progress of the investigation and criminal process.

- 27 The Police are required to inform SET immediately if the person is either convicted of an offence or acquitted or, alternatively, if a decision is made not to charge them with an offence, or to administer a caution. In any eventuality, once the outcome is known, SET DSO will contact the LADO to discuss the issue of disciplinary proceedings.

If the allegation is substantiated and if, once the case is concluded, SET dismisses the person or ceases to use their services, or the person ceases to provide their services, SET's DSO will consult with the LADO about referral of the incident to the DBS. This should take place within a month.

### Supporting the Person at the Centre of the Allegation

- 28 The first priority of SET must always be the safety and welfare of the children. However, as a SET staff member, the person who is the subject of the allegation has a right to be treated in a fair, sensitive and non-judgemental manner – and to have their privacy respected – as far as this ensures the safety of the child and other children.
- 29 Information about the allegation must only be shared on a need to know basis with those directly responsible for supervising and managing the staff member. Any other information  
  
e.g. explanations to other staff member as to why the person is not at work or working to different arrangements, should be agreed and negotiated with individual concerned.
- 30 If the person is a member of a Trade Union or a professional organisation, they should be advised to make contact with that Body as soon as possible after informed that they are the subject of an allegation. Arrangements should also be made for them to receive ongoing support and information about the progress of the investigation.

### Managing Risks

- 31 The possible risk of harm to children presented by the person who is the subject of an allegation needs to be carefully managed both during and after any conclusion to the investigation processes following the allegation. This means that SET may need to consider suspending the person if there is cause to suspect that a child may be at risk of significant harm, or if the allegation is serious enough to warrant an investigation by the Police – or if it is so serious that it could lead to dismissal.

A decision to suspend should not be taken automatically, as there may be other ways of managing any risk presented by the person

- 32 The situation should be discussed fully between SET's DSO, the individual's line manager and the LADO – who will seek the views of the police and the Children's Social Care Department on the question of possible suspension. The conclusions of the discussion should also be carefully documented. Grounds for suspension should be clearly set out if this is the conclusion. If suspension is not the conclusion, then a clear plan should be made as to how any possible risk posed by the individual is to be managed. This could involve, for example, changes to the person's duties so that they do not have direct contact with children, and/or increased levels of supervision whilst at work.



### Following Investigation the Employee Returns to Work

- 33 If it is decided, once the case has been concluded, that a person who has been suspended  
Or who has taken sick leave due to the stress induced by the allegation – is able to return to work, the SET's DSO and the line manager of the person who has been the subject of the allegations should consider how best to support the individual in this process.
- 34 A plan to facilitate a return will be drawn up in a consultation with the individual themselves and should take into account the need to manage any remaining child protection risks; as well as supporting the person concerned, after what will have been and will remain a very difficult experience.
- 35 If the allegation is found to be without substance or fabricated, SET will consider referring the child in question to the Children's Social care Department for them to assess whether they are in need of services or whether they may have been abused by someone else. If it is felt that there has been malicious intent behind the allegation, SET will discuss with the Police whether there are grounds to pursue any action against the person responsible.

### Following Investigation the Employee is Dismissed

- 36 If the decision is that the person cannot return to work and has to be dismissed or chooses to resign, then SET's DSO and the LADO will discuss the need for the matter to be referred to the DBS and/or to any professional body to which the person may belong.

### Managing Risks

- 37 The possible risk of harm to children presented by the person who is the subject of an allegation needs to be carefully managed both during and after any conclusion to the investigation processes following the allegation. This means that SET may need to consider suspending the person if there is cause to suspect that a child may be at risk of significant harm, or if the allegation is serious enough to warrant an investigation by the Police – or if it is so serious that it could lead to dismissal.

SET does not enter into compromise agreements with individuals who resign following the conclusion of investigations into allegations made against them, and will always comply with its statutory obligations to share information about the individual in the interests of protecting children

### Keeping a Record of the Investigation

- 38 All those involved in dealing with the allegation should keep clear notes of the following:
- The allegations made
  - How they were followed up
  - Any actions and decisions taken including the reason why

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These notes should be compiled gradually as the situation unfolds, with each entry being made as soon as possible after the event it describes. The notes should be signed and dated by the person making them, and the person's name should be printed alongside.

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The notes should be kept confidentially on the file of the person who is the subject of the allegation. Discussion should take place with the LADO to determine whether any aspects of the notes may not be shared with the person concerned. If there are no reasons not to do so, a copy of the records should be given to the individual.

Notes must be held for a 10 year period, whether or not the person remains with SET for this period

## Review and Updated

SET will review this Dealing with Allegations of Abuse made against Staff Procedure and best practice at least annually. In addition, more frequent reviews will be undertaken following any major safeguarding incident, incident learning outcomes, organisational changes, as well as changes to legislation.