

Royal Northern College of Music

Managing Safeguarding Allegations Against Staff - Procedure

Policy & Procedure

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1. Introduction

- 1.1 It is essential that any allegation of abuse made against any member of staff is dealt with fairly, quickly, and consistently, in a way that provides effective protection for children or an adult at risk and at the same time supports the individual who is subject of the allegation.
- 1.2 This procedure provides a structure for managing cases where allegations are made about RNCM Staff that indicate that children, young people or adults at risk are believed to have suffered, or are likely to suffer, significant harm. Concern may also be raised if the staff member is behaving in a way which demonstrates unsuitability for working with children, young people or adults at risk, in their present position, or in any capacity. The allegation or issue may arise either in the staff members work or private life.

2. Scope

- 2.1 This policy applies to all employees and contractors of the RNCM, including staff seconded into and out of the organisation, volunteers, students, contractors, and temporary workers, including those working on an agency contract. This list is not exhaustive but encompasses all that work for and on behalf of RNCM.
- 2.2 For ease of reference, all employees and workers who fall under these groups will be uniformly referred to as "staff" in this document.
- 2.3 The policy covers allegations made against staff in the course of their RNCM duties and outside of this, including their private life and family home.

3. What to do if there is a safeguarding allegation against a member of staff

3.1 Definition of a safeguarding allegation, this is where a person has:

- a) Behaved in a way that has harmed a child or adults at risk or may have harmed a child or adults at risk.
- b) Possibly committed or is planning to commit a criminal offence against a child or adults at risk or;
- c) Behaved towards a child or adults at risk in a way that indicates they may pose a risk of harm to child/adult at risk.
- d) Behaved or may have behaved in a way that indicates they may not be suitable to work with children or adults at risk.

The allegation may:

- Involve a child/ren, or adults(s) or both
- Not directly have a 'known child' victim as such. For example, if someone is looking at abusive images of children online or using the internet to groom children with the intent to harm in future;
- Be about any type of abuse;
- Relate to a person who no longer works for RNCM
- Concern the child of a colleague

A safeguarding allegation may arise when:

- A child, adult at risk, or someone else makes an allegation against a member of staff.
- Harmful behaviour is witnessed.
- RNCM receives a safeguarding allegation from any individual during another employment procedure, for example in respect of a misconduct enquiry or complaint.
- RNCM is informed by the police or local authority or an individual that they are the subject of a child/adult protection and/or criminal investigation.
- New information is contained in a Disclosure and Barring List (DBS) check.

3.2 There may be up to four strands in the consideration of any safeguarding allegation:

- Enquiries and assessment by social care (England) about whether a child or adult needs protection and/or services
- A police investigation if a criminal offence has been committed
- Consideration of disciplinary action in respect of the individual
- Referral to the Disclosure and Barring Service for 'consideration to bar' a person from working with children and/or adults

3.3 Confidentiality

If a member of staff is concerned about the behaviour of another member of staff then they should not worry about the confidentiality of this information. Even if it turns out to be mistaken, it is better to discuss it and enable a proper investigation and assessment to happen than not report it at all.

Do not:

- Ignore concerns
- Confront the person who is the subject of the allegation
- Discuss the matter with anyone else apart from those identified in this procedure.

The procedures for dealing with allegations need to be applied with objectivity and professional judgement. Many cases may not meet the criteria set out above or may do so without warranting consideration of either a police investigation or enquiries by Local Authority Children's Social Care Services. In these cases, RNCM will follow its safeguarding and other relevant procedures to resolve cases without delay.

It might not be clear whether an incident constitutes an 'allegation'. It is important to be mindful that to be an "allegation" the alleged incident must be sufficiently serious as to suggest that harm has or may have been caused harm to a child(ren)/adult(s) at risk or that the alleged behaviour indicates the individual may pose a risk of harm to children or an adult at risk (or otherwise meets the criteria above). Issues that do not meet this threshold may constitute conduct or disciplinary issues and will be addressed through the College's organisational procedures.

If it is difficult to determine the level of risk associated with an incident the following should be considered:

- Was the incident a disproportionate or inappropriate response in the context of a challenging situation?

- Where the incident involved an inappropriate response to challenging behaviour, had the member of staff received training in managing this, and is training up to date?
- Does the member of staff understand that their behaviour was inappropriate/subject to review and express a wish to behave differently in the future? For example, are they willing to undergo training/can they demonstrate reflective skills?
- Does the child/adult at risk, or family want to report the incident to the Police, or would they prefer the matter to be dealt with by the employer?
- Have similar allegations been made against the member of staff – is there a pattern developing?

Whether an incident constitutes an allegation and hence needs to be dealt with through these procedures, may need to be discussed by the Local Authority Designated Officer (LADO) and the RNCM Designated Safeguarding Lead (DSL). If it falls short of this threshold there may still be a role for the LADO to provide advice and support to the College. Where the matter constitutes a conduct or performance issue, the College will follow the appropriate disciplinary procedures and let the LADO know of the outcome.

3.4 What to do when there is a safeguarding allegation

An allegation or concern raised about a member of staff may arise from several sources, for example, a report from a child / young person, a concern raised by another adult in the organisation, or a complaint by a parent / carer. It may also arise in the context of the member of staff and their life outside work or at home.

The person to whom an allegation or concern is first reported should treat the matter seriously and keep an open mind. They should not:

- Investigate or ask leading questions.
- Make assumptions or offer alternative explanations.
- Promise confidentiality.

The following procedure should be followed.

Step 1 The person should speak to their line manager unless the concern is about them in which case go to a member of HR. This should be done within the same working day of the allegation coming to light.

Step 2 If the line manager thinks this incident may constitute a safeguarding allegation, then they should contact the Deputy Designated Safeguarding Lead (DDSL) and complete the Safeguarding Concern Form CP1 (appendix 1)

Step 3 The line manager and DDSL must inform the DSL within 24 hours about the allegation. The DSL will oversee the management of any allegations together with DDSL.

Step 4 If it is considered that a child or adult is subject to life threatening concerns at risk of immediate harm, or the allegation is of a very serious nature, then the Police should be contacted immediately. (and the parents/carers of the child or adult at risk told that immediate steps are being taken to get help). In these circumstances the DSL will act as contact with parents/ carers.

Step 5 The DSL and DDSL are responsible for agreeing an initial plan of how to proceed with managing the allegation. The safeguarding allegation may be in respect of the person's employment or behaviour towards any other children (including their own) or adults at risk.

Step 6 If, after the initial consideration, the DSL and DDSL do not consider the matter constitutes a safeguarding allegation then they must decide if an internal investigation is required to determine if the behaviour/incident was related to poor practice or misconduct and then follow the appropriate employment procedure to address this. All decisions and the reasons for them, including there being no need to take safeguarding action, must be recorded on the Safeguarding Referral/Action Form CP2 (appendix 2).

Step 7 If confirmed as a safeguarding allegation, the DSL and DDSL must agree an initial plan within one working day. They should consider:

- the immediate safety of any relevant child/ren or adult at risk involved, for example those that are the subject of the safeguarding allegation or other children that the individual has contact with through work or family
- what information to share with the individual who is the subject of the allegation and with any other known employer of the individual, and when to do so
- whether any immediate decision has to be taken about suspension of the individual subject to allegation, pending further enquiries and/or investigation.
- if any records need to be secured or 'locked down', or any equipment removed from the individual who is the subject of the allegation.
- who will make the referral to the local authority and/or the police;
- if further information is required for clarification
- identifying who else is aware of the safeguarding allegation and who has been spoken to
- whether any advice should be sought from the local authority or NSPCC helpline
- any arrangements to support the person who is the subject of the safeguarding allegation, the person who raised the allegation and the alleged victim(s) if known
- Whether it is necessary to report to the Charities Commission in consultation with Principal and Chair of Board of Governors

In addition, there may need to be a plan around the management of information including:

- who needs to know and what information can be shared within College
- how to manage speculation, leaks, and gossip
- what, if any, information can reasonably be given to reduce speculation
- how to manage press interest if, and when, it might arise. If this is the case, the DSL will discuss it with the Director of Marketing and Student Recruitment.

If a safeguarding allegation is made against:

- DSL – DDSL and a nominated member of Executive will manage the allegation.

- DDSL – the DSL and a nominated member of Executive will manage the allegation.
- The Principal – Chair of the Board of Governors, DSL and Head of Human Resources (HHR) will manage the allegation.

Step 8 If it is agreed that the safeguarding allegation meets one or more of the criteria in Section 3.1 then the DSL or DDSL must make a referral within one working day to:

- the Designated Officer for the Local Authority (LADO) where the child resides.
- the LADO (or equivalent) where the colleague resides where the allegation is about adult behaviour but there is no identifiable victim.

The LADO will:

- discuss the allegation and obtain further details of the allegation and the circumstances in which it was made;
- discuss whether there is evidence/information that establishes the allegation is false or unfounded.

Step 9 If the allegation is reported to the local authority, then any child or adult protection investigation and/or police investigation must take priority over any RNCM employment processes which might need to follow later.

Step 10 The DSL and DDSL will need to determine if the allegation warrants RNCM to suspend the member of staff who is the subject of the allegation. The act of suspension does not indicate a person's guilt. An individual must not be suspended automatically when there has been an allegation or without careful thought. Suspension should be considered in any case where:

- there is cause to suspect a child or adult is at risk of significant harm;
- or the allegation warrants investigation by the police;
- or is so serious that it might be grounds for dismissal;
- or there are concerns that the person about whom the allegations are made may put pressure on or interfere with potential witnesses.

The power to suspend the accused member of staff is the sole responsibility of RNCM. However, in making these decisions the DSL in consultation with the DDSL will need to take into consideration the views of the police and the local authority.

3.5 Action following the conclusion of the investigative process

3.5.1 At the conclusion of any external investigations, the DSL in conjunction with the DDSL and the LADO will formally review the outcome and determine if any further action is required. The range of options open will depend on the circumstances of the case and will need to consider the result of any police investigation or trial, any investigations in respect of the child and adults at risk, as well as the different standard of proof required in disciplinary and criminal proceedings. Options include:

- reintegration of the member of staff.
- invoking the disciplinary process in respect of staff.

- alerting other known employers of the individual concerned (which is a responsibility of the LADO to do if necessary).
- making a referral to the Disclosure and Barring Service (DBS) for consideration to bar the person from working with children and/or adults at risk if they were working in regulated activity or in a Position of Trust.

3.5.2 The following definitions should be used when recording the outcome of allegation:

- **Substantiated:** there is sufficient evidence to prove the allegation.
- **False:** there is sufficient evidence to disprove the allegation.
- **Malicious:** there is sufficient evidence to disprove the allegation and that there has been a deliberate act to deceive.
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation.
- **Unfounded** - there is no evidence or proper basis which supports the allegation being made.

Every effort should be made to reach a conclusion in all cases even if:

- the individual refuses to cooperate, although they should be given a full opportunity to answer the allegation and make representations.
- it is difficult to reach a conclusion.
- the member of staff has resigned.
- the person is deceased.

3.5.3 RNCM **never** agrees to the use of a 'settlement agreement' or non-disclosure agreement with a member of staff. This is where the member of staff subject to the allegation agrees to resign, the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in future references. Nor can it be used to override RNCM's duty to make a referral to the DBS where they meet the criteria for consideration to bar them from working with children and/or adults at risk.

3.5.4 The DSL and DDSL must determine who needs feedback following the conclusion of any investigation and the nature of that feedback in accordance with the principles of data protection and confidentiality.

3.5.5 If an allegation is determined to be false or malicious, the DSL with the DDSL must consider if any further action is required which includes:

- if the safeguarding allegation was deliberately invented or malicious then this should be discussed with the police and advice sought.
- whether disciplinary action is required.
- the support needs of the person that was the subject of the safeguarding allegation or the person that was harmed by them.

3.5.6 At the end of the process of managing an allegation and its conclusions, the DSL and DDSL are responsible for the identification of any lessons learned. This learning may need to feed into policy and procedural revisions and/or safeguarding training.

3.5.7 The DDSL must provide in writing feedback to the person who has been subject to the investigation, clarifying the outcome and any implications for their employment. This must be provided within five working days of the conclusion of the investigation.

3.6 Poor Practice

There may be circumstances where allegations are about poor practice rather than abuse. Where there is any doubt, the manager should consult with the DSL. If enquiries indicate that the allegation is about poor practice then DSL and DDSL will determine how best to remedy this e.g., performance or disciplinary processes.

3.7 Support

RNCM will fully support and protect any member of staff, who, in good faith, reports their concern that a colleague is, or may be abusing a child or adults at risk. If an allegation is made that is found to be malicious or fraudulent RNCM retains the right to take appropriate action against the individual responsible for making the claim.

RNCM has a duty of care to its staff and will therefore act to manage and minimise the stress inherent in the allegations process. In managing any allegation there is a need for the DSL and DDSL to consider the support needs of individuals involved. The support they require depends on the circumstances of the case and will have to be negotiated and agreed on a case-by-case basis. Support may include responding to the impacts of shock, anger or being a risk to self, for example. It may include support for the:

- person who raised the concern at the outset.
- person who is the subject of the allegation.

Routes for support within RNCM are to contact a member of the HR team, Employee Assistance Programme or from the Trade Union.

3.8 DSL & DDSL

The DSL and DDSL are responsible for ensuring that the staff and all those named in this document who are subject of the allegation are:

- informed of the allegation against them (once agreed by the local authority/police as relevant), notified of the processes that will follow and signposted to independent support should they require it.
- kept up to date about any progress in relation to their case.
- advised to contact their trade union at the outset if applicable.
- kept up to date about what is happening in the workplace in cases where the person is suspended. This is to enable their reintegration should they return to work.
- sent correspondence confirming all the above including the arrangements for support.

3.9 Referral to the Disclosure and Barring Service (DBS)

Once the outcome of the allegation management process is concluded, the following actions must be considered by the DSL in conjunction with the DDSL and the LADO:

- Where a member of staff is engaged in providing 'regulated activity' or acting in a position of trust, then the issue of whether they can continue in this role must be considered by RNCM depending on the outcome of the enquires. If it is concluded that the person should no longer be engaged in regulated activity then there is a legal requirement for RNCM to refer the person to the DBS for consideration to bar the person from working with children or adults at risk. The referral process is outlined on the DBS website and they can be contacted for advice if there is uncertainty as to what to do. The DSL or DDSL are responsible for making such a referral to the DBS.

- The actions outlined in the preceding paragraph must be considered even if the person has resigned or the person is deceased.

3.10 References

Cases in which an allegation was proven to be false, unsubstantiated, or malicious should not be included in employer references.

3.11 Record keeping and retention

- DDSL will keep a clear and comprehensive summary of the case record
- The record will include details of how the allegation was managed, resolved and the decisions.
- Details of allegations that are found to be malicious, false or unsubstantiated should be removed from personnel records but kept in the safeguarding record with a cross reference from the HR record to the safeguarding record. However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how it was followed up and resolved, and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.
- Records of safeguarding allegations must be kept until the person reaches retirement age or for a period of 10 years from the date of the allegation if that is longer. This is because of future requests for references.

APPENDIX 1

**FORM CP1
STRICTLY RESTRICTED
SAFEGUARDING CONCERN FORM**

For

a) Disclosure between.....and.....

or

b) Cause for concern raised by (& Job Role).....

Date and time.....

Persons Present (full names and Job titles):

Full Name of Child/ Children and Date of Birth/s:

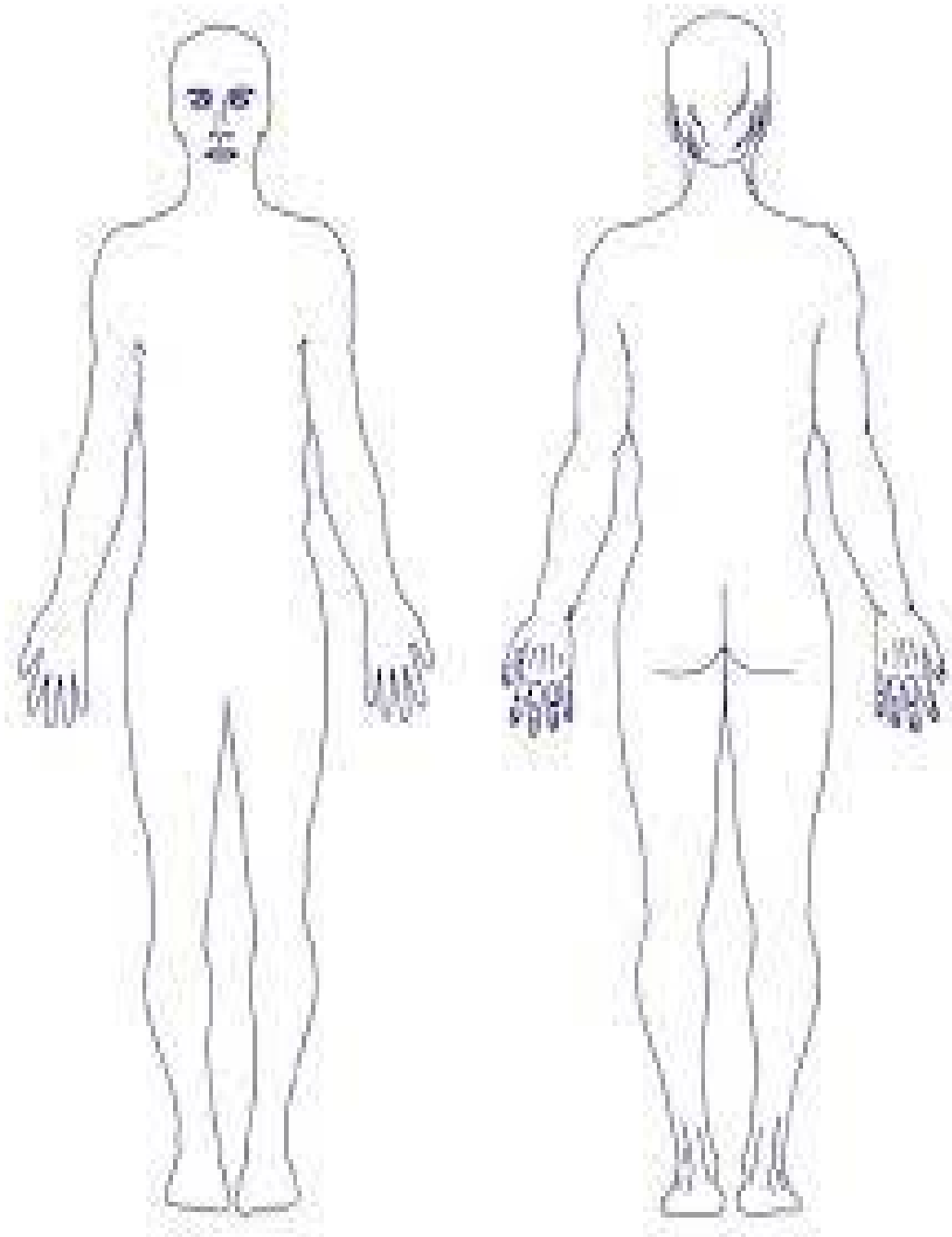
Circumstances:

Disclosure/Concern and details of any action already taken:

Contacts on File (Parents/ Carers):

Any signs of injury: Yes / No

If Yes, please complete details on the body map included in this form.



Signed

Date/time

Report passed to DSL

Report passed to relevant authority by..... on.....

APPENDIX 2

**SAFEGUARDING REFERRAL/ACTION FORM CP2
STRICTLY RESTRICTED
DESIGNATED SAFEGUARDING LEAD & DEPUTY SAFEGUARDING LEAD
REFERRAL/ACTION**

Name of Child.....**DoB**.....

Date and Time	Record of Conversation	Decisions / Action