

Allegations & Misconduct Policy – Social Work

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This policy will be reviewed every 12 months (as a minimum).

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Designated Safeguarding Lead contact details:

Designated Safeguarding Lead: Ben Arnold, Managing Director

Designated Safeguarding Lead Contact details: Ben@3drecruit.com, 01424 775404

Deputy Designated Safeguarding Lead: Rachel Power, Safeguarding Manager

Deputy Designated Safeguarding Lead Contact details: Rachel@3drecruit.com, 01424 775404

Introduction

3D Recruit follow strict standards in order to ensure that all candidates that we supply to our clients are of the highest professional and personal calibre. As part of our standards, we follow Safer Recruitment guidance before placing candidates into any workplace but especially those where children and adults at risk may be present. We also take seriously any concerns raised regarding our staff and our candidates.

This policy gives details of what action we will take when such concerns are raised with us and should be raised alongside our Safeguarding Children and Adults at Risk Policy, Complaints Policy, Safer Recruitment & Vetting Policy and Whistleblowing Policy.

Scope of the Policy

This policy applies to anyone employed by 3D Recruit including our Directors, staff, and any work placement/volunteers or anyone registered with us as a candidate.

The legislation and statutory guidance used to draft this policy covers England and where candidates are located elsewhere in the UK, additional guidance may need to be considered. The main statutory guidance for organisations working in the social work sector are Working Together to Safeguard Children 2023 and Care and Support Statutory Guidance 2024.

Any member of staff or candidate who wishes to raise a concern regarding their conditions at work (or similar) should do so through the Company Grievance procedures.

Any organisation or service wishing to complain about our services, or the suitability/capacity of any candidate placed with them should do so under the Complaints procedure.

1. Safeguarding concerns or allegations made about staff or candidates

This part of the guidance has two sections covering the two levels of concerns and allegations:

- Concerns / allegations that do not meet the harm threshold – referred to as “low-level concerns”;
- Concerns / allegations that may meet the harm threshold.

If anyone sees / hears / suspects something against an adult which suggests that they may be a risk to a child there is a statutory duty to report this.

This policy sets out the procedures to be followed by anyone employed and registered with us when dealing with allegations.

2. Concerns that do not meet the allegations threshold: Low-level concerns

3D Recruit recognises the importance of ensuring that all concerns, including those which do not meet the harms threshold are shared responsibly, with the right person and recorded and dealt with appropriately.

This is to facilitate a culture of openness, trust and transparency where the clear values and expected behaviours set out in our staff code of conduct are constantly lived, monitored and reinforced by all staff.

A low-level concern is any concern, no matter how small and even if no more than causing a sense of unease or a 'nagging doubt', that an adult working with children/adults at risk may have acted in a way that:

- is inconsistent with the staff code of conduct, including inappropriate conduct outside of work; and;
- does not meet the allegations threshold or is otherwise not considered serious enough to consider a referral to the Local Authority Designated Officer (LADO) / local social care authorities.

Examples of such behaviour could include, but are not limited to:

- being over friendly with children/ adults at risk
- having favourites
- taking photographs of children/ adults at risk on their mobile phones, contrary to client's policy,
- engaging with a child/ adult at risk on a one-to-one basis in a secluded area or behind a closed door, or
- humiliating children/ adult at risk.

Such behaviour can exist on a wide spectrum, from the inadvertent or thoughtless, or behaviour that may look to be inappropriate, but might not be in specific circumstances, through to that which is ultimately intended to enable abuse.

Low-level concerns may arise in several ways and from a number of sources. For example: suspicion; complaint; or disclosure made by a child, adult at risk, parent or other adult within or outside of the organisation; or as a result of vetting checks undertaken.

2.1 Responding to low level concerns

Where a concern has been raised the Managing Director of 3D Recruit should gain as much evidence as possible in order to help categorise the type of behaviour and determine what further action may need to be taken. This should be done by speaking:

- directly to the person who raised the concern, unless it has been raised anonymously; and
- to the individual involved and any witnesses.

2.2 Enquiries

Whenever there is a doubt as to whether the information which has been shared about a member of staff or candidate as a low-level concern in fact meets the harm threshold, the LADO or the local social care authorities should be consulted.

2.3 Recording low-level concerns

All low-level concerns will be recorded in writing and include the following:

- details of the concern;

- the context in which the concern arose;
- any action taken and;
- the name of the individual sharing their concerns (unless, when possible, the individual has asked to remain anonymous).

2.4 Record Keeping

All records should be kept confidential in accordance with 3D Recruit's data retention policy and with the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR), and also be reviewed so that potential patterns of concerning, problematic or inappropriate behaviour can be identified.

3. Criteria for raising concerns that meet the harms threshold under this Policy

A concern may be raised against an adult which suggests that they may be a risk to a child/ adult at risk. This includes people who may have:

- behaved in a way that has harmed a child/ adult at risk, or may have harmed a child/ adult at risk;
- possibly committed a criminal offence against or related to a child/ adult at risk;
- behaved towards a child, children, or adult at risk in a way that indicates he or she may pose a risk of harm to children/ adult at risk; or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children/ adults at risk.

Where concerns are raised about someone who works with children/ adults at risk, it will be necessary for 3D Recruit to assess any potential risk to other children/ adults at risk who may have contact with the person against whom the allegation has been made. This includes the person's own children/ adults at risk and family members.

4. The procedure to be followed when an allegation is made

There may be up to three strands in considering a concern or an allegation:

- A police investigation of a criminal offence;
- Enquiries and assessment by Children's Social Care/ Adult Social Care to ascertain whether a child or young person is in need of protection or is in need of services;
- Consideration by an employer of disciplinary action in respect of the individual.

5. 3D Recruit Responsibilities and Multi-Agency Partnerships

3D Recruit policies and processes ensure that all candidates and other staff understand that it is their responsibility to protect children and adults who are considered vulnerable because they have care or support needs from abuse or neglect. 3D Recruit's code of conduct gives guidance on what behaviour is expected from candidates when on placement in order to fulfil that responsibility.

All agencies have a joint responsibility to ensure that they work together to protect children and adults at risk from harm.

If 3D Recruit gives a local authority information that suggests an adult may be a risk to children or adults at risk, the local authority should give careful consideration as to what information should be shared with the 3D Recruit to enable a comprehensive risk assessment to be conducted.

Allegations against people who work with children and adults at risk who may be at risk must not be dealt with in isolation. Any corresponding action necessary to address the welfare of other children or adults with care and support needs should be taken without delay and in a coordinated manner, to prevent the need for further safeguarding in future.

Any allegation which arises in relation to historical abuse by a candidate or other member of staff, should be responded to in the same way as a current concern. In such cases, it is imperative to ascertain whether the person concerned is still working with adults at risk and/or children and if so, to inform their current employer/organisation.

The standard of proof for prosecution is 'beyond reasonable doubt'. The standard of proof for internal disciplinary procedures and for discretionary barring consideration by the Disclosure and Barring Service (DBS) is usually the civil standard of 'on the balance of probabilities'. This means that when criminal procedures are concluded without action being taken this does not automatically mean that regulatory or disciplinary procedures should cease, or not be considered. In any event, there is always a legal duty to make a safeguarding referral to DBS if a person is dismissed or removed from their role due to harm to a child or an adult with care and support needs.

If someone is removed from their role providing regulated activity following a safeguarding incident, 3D Recruit has a legal duty to refer them to the DBS. This also applies where a person leaves their role to avoid a disciplinary hearing following a safeguarding incident and 3D Recruit believes they would have dismissed the person based on the information they had.

The Local Safeguarding Partner arrangements/Local Safeguarding Adults Board procedures should specify the timescales, actions and procedures for responding to any allegations or concerns raised.

6. Actions required following an allegation against the candidate or other member of staff

Any allegation against people who work with children and/or adults with care and support needs should be reported immediately to the Managing Director of 3D Recruit.

When an allegation has been made against a candidate or other member of staff, the Managing Director should not investigate the matter by interviewing the accused person, the child or potential witnesses, but should only gather sufficient information to establish whether there is enough credible information to proceed further (this is known as a 'fact find'). If they are unclear about this, they should consult with the LADO/ local adult social care in the area in which the Organisation is located. They should also:

- Obtain written details of the allegation, signed and dated by the person receiving the complaint, or allegation and any other relevant person at the point the allegation has been made;
- Countersign and date the written details;

- Record discussions about the child/adult and/or candidate/member of staff, any decisions made, and the reasons for those decisions;
- Decide whether any immediate action needs to be taken to safeguard any child or adult at risk or whether an urgent referral needs to be made to either Children's or Adult's Social Care and/or the Police;
- The accused adult must not be informed of the allegations before consideration has been given to the implications this may have on any subsequent investigation.
- Consult the local procedures in the area in which the organisation is based and seek advice from the Local Authority Designated Officer (LADO). The LADO is responsible for dealing with allegations against people who work with children. Consult with the local adult social care authority if the allegation is made against people who work with adult at risk. 3D Recruit should make a clear distinction between an allegation, a concern about the quality of care or a complaint when speaking to the LADO/ local adult social care authority. Contact with the LADO/ local adult social care authority should be made within one working day of the allegation being brought to the attention of the Managing Director.
- At an agreed appropriate time, the Managing Director should also make the person concerned aware of their rights under employment legislation and any internal processes.

Whilst any allegation is being investigated and until the outcome is decided, candidates or other staff against whom there is an allegation, should always be treated fairly and respectfully, helped to understand the concerns expressed and processes involved, and supported through the process.

It is the responsibility of the local authority to ensure that there are appropriate arrangements in place to effectively liaise with the police and other agencies, to monitor the progress of cases and ensure that they are dealt with as quickly as possible, consistent with a thorough and fair process.

6.1 Persons to be first notified

Any concerns should be shared with the Managing Director of 3D Recruit. A plan of action should be agreed including of who needs to be notified and by whom and consider whether any action needs to be taken to preserve evidence or prevent further harm.

Managing Director must inform the LADO, for the area in which 3D Recruit is based, of the allegation. Where it is suspected that a criminal offence may have been committed, the Managing Director should also inform the police.

If the person against whom the allegation has been made has contact with other children (for example, children in their own family), a referral should also be made to Children's Social Care.

6.2 Enquiries

The Managing Director should refer to the Safeguarding Children Partnership or Local Safeguarding Adult Board procedures (for the area where 3D Recruit is based) which should specify:

- action to be taken pending the outcome of the police investigations;
- action to be taken following a decision to prosecute an individual;

- action to be taken following a decision not to prosecute;
- action to be taken pending a trial;
- responses to both acquittal and conviction.

Where the LADO/ local adult social care authority, in conjunction with the police as appropriate, decides that the information gathered requires further discussion, the factors below should be considered. These may be considered as part of a strategy discussion/meeting, depending on the circumstances of the case and what decisions are made if any section 47 (child protection) enquiry is instigated.

The LADO/ local adult social care authority Strategy Discussion should:

- Consider the three possible strands set out earlier in this policy;
- Review any previous concerns or allegations about conduct of the accused person;
- Decide whether there should be a Section 47 Enquiry and/or Police investigation and consider the implications;
- Consider whether any parallel disciplinary process should take place;
- Consider whether a complex abuse investigation is applicable;
- Scope and plan enquiries;
- Allocate tasks;
- Set timescales;
- Decide what information can be shared, with whom and when;
- Ensure that arrangements are made to protect the child/ren/ adult(s) at risk involved and any other child/ren/ adult(s) at risk affected, including taking emergency action where needed;
- Consider what support should be provided to all children who may have been affected directly and indirectly;
- Consider what support should be provided to the person against whom the complaint or allegation has been made and others who might have been affected;
- Ensure that investigations are sufficiently independent;
- Make arrangements to inform the child's/ adult at risk's parents, and consider how to provide them with support and information during enquiries;
- Identify a lead contact manager within each agency;
- Agree protocols for reviewing investigations and monitoring progress by the LADO, noting the target timescales;
- Agree dates for future LADO Strategy Meetings;
- Consider obtaining consent from the individuals concerned by the Police and the Children's Services Trust to share the statements and evidence they obtain with 3D Recruit and/or regulatory body for disciplinary purposes.

6.3 Possible risk to others

The possible risk of harm to other adults or children should be assessed and managed including those adults or children who may be at risk in the accused's home, work or community life.

Where necessary, action should be taken, using the Safeguarding Children Partnership and Safeguarding Adults Board procedures as appropriate to protect children and adults from abuse or neglect.

6.4 Sharing information

Unless it puts the child/ adult at risk in danger, risks harm to others, or raises the possibility of evidence being destroyed, the individual concerned should be informed that the information regarding the allegation against them will be shared, and with whom. Each case must be assessed individually as there may be rare cases where informing the person about details of the allegations may increase the risks to the child/ adult at risk. Decisions on sharing information must be justifiable and proportionate, based on the potential or actual harm to children or adults at risk and the rationale for decision making should always be recorded. This decision should always be made in consultation with the LADO/ local adult social care authority.

The person with the allegation against them should be offered a right to reply, and wherever possible given the opportunity to consent to the information being shared.

The Managing Director should be advised as to what information (whether fully or partial) can be shared, and when, with the child/ adult at risk and their parents (where applicable). The LADO/ local adult social care authority and the police should discuss with the Managing Director and decide what information they can share with the candidate or member of staff to whom the allegation relates, including being kept updated about any investigation which is undertaken, any disciplinary or related actions. Ofsted/CQC should be informed of any allegation or concern made against a person who works with children or adults with care and support needs. They may also be invited to take part in a related strategy meeting/discussion.

When an allegation is made against a candidate or member of staff, it can be a challenging and emotive situation for all those involved, but also for colleagues and family of the accused person. Every effort should be made to maintain confidentiality in relation to the child, their parents and the candidate or member of staff. All candidates and members of staff should be reminded that the allegation must not be discussed outside of formal meetings with approved personnel, and no comment regarding it should be made on social media. It should be made clear that breach of this would result in disciplinary action being taken against the person concerned.

6.5 Media strategy

Until a person is charged, the police should not normally provide the media with any identifying information, for example a public appeal to trace a suspect. In such cases, reasons for the publicity should be recorded with prior consultation of involved partner agencies.

Any media interest whilst an allegation is being investigated or considered should be handled very carefully, and a media strategy agreed by a multi-agency strategy meeting, including the 3D Recruit, where appropriate.

6.6 Support for the child/adult and their family

The person who is the main point of liaison with the child/ adult at risk and their parents should keep them up to date, as far as possible, with the progress of the investigation whilst not breaching confidentiality in relation to the accused person.

Other professionals providing care and support to the child/ adult at risk and their parents should remain impartial throughout the process. Whilst they should provide support specific to their role, they should refrain from offering opinion on the case and in particular, not be seen to favour either side. This duty applies to all those involved, including the placement agency.

6.7 Support for the accused person

As soon as possible after an allegation has been received, the candidate or member of staff should be advised to contact their union or professional association if they have one. The Managing Director should explore how they can be supported if an investigation takes place. This may be via a named person in the organisation or via external agencies.

Following the outcome of the investigation, if the candidate or member of staff returns to work after a period of suspension, the Managing Director should consider what help and support might be appropriate. This may include a phased return to work or deciding on what information to give to other professionals.

6.8 Suspension

Suspension should not be automatic when an allegation is received. It should be considered when:

- there is concern that a child/adult at risk is suffering or likely to suffer abuse or neglect;
- the allegation has resulted in an investigation by the police; or
- the allegation is so serious there may be grounds for dismissal.

Although those involved in the investigation can discuss views on suspension, only the Managing Director has the power to suspend an employee or candidate. The service cannot be required to suspend an employee by the local authority or the police. Suspension may be considered when there is no other way to prevent the person concerned having contact with children or adults with care and support needs while the investigation is ongoing.

6.9 Outcomes

The following definitions should be used when determining the outcome of allegation investigations:

- **Substantiated:** there is sufficient identifiable evidence to prove the allegation;
- **False:** there is sufficient evidence to disprove the allegation;
- **Malicious:** there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
- **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term therefore does not imply guilt or innocence;
- **Unfounded:** to reflect cases where there is no evidence or proper basis to support the allegation made.

If it is established that an allegation has been deliberately invented, the police should be asked to consider if any action may be appropriate. 3D Recruit should also consider whether there is any appropriate action they can take, including giving advice to other members of staff, risk assessments or changes to working practices.

6.10 Disciplinary process

Managing Director should decide, in conjunction with the LADO, whether disciplinary action is required. The disciplinary procedures of the organisation should be followed in such circumstances. In the case of candidates, they should decide whether it is appropriate to use/employ them in the future, and whether a referral to the DBS is warranted. Referrals to other regulatory bodies (such as Social Work England) may also be required.

Wherever possible and necessary during the disciplinary process, consent should be obtained from the relevant people to share information with required organisations/bodies.

Where there are prosecutions, the police should inform the Managing Director and the LADO of the outcome immediately, to enable them to act as required in relation to the person's future employment and any required DBS referral.

6.11 Terminating employment

Wherever possible a conclusion to the investigation should be achieved, even if:

- the employee does not cooperate with the investigation;
- disciplinary sanctions are not possible because the employee terminates their employment before the process has been completed.

In cases where an employer has a duty to refer an employee to Disclosure and Barring Service as the criteria for referral are met, agreements that enable the employee to resign with no disciplinary action and provision of future references should not be made.

Where the Managing Director dismisses an individual from work with children/adults at risk (or would have, had the person not left first) because they pose a risk of harm, it must make a referral to the DBS. It is an offence to fail to make a referral without good reason. Where in doubt, advice should be sought from the DBS.

7. Record keeping

The Managing Director should keep a clear and comprehensive record of the allegation, decisions reached, and actions taken on the person's personnel file, a copy of which should be given to them.

The record should include details of how the allegation was followed up and resolved, the decisions reached, and the action taken. It should be kept at least until the person reaches normal retirement age or for 10 years if longer.

The record will provide accurate information for any future reference and provide clarification if a future DBS disclosure reveals an allegation that did not result in a prosecution or a conviction. It will prevent unnecessary re-investigation if the allegation should resurface.

Details of allegations that are found to be malicious should be removed from personnel records.

Each agency/organisation must take great care to ensure that the records they keep respect the confidentiality of the alleged victim and/or the accused adult.

8. References

Cases in which an allegation was proven to be false, unsubstantiated or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unfounded, unsubstantiated or malicious, should also not be included in any reference.

9. Unsubstantiated or false allegations

Where it is decided there is not enough evidence to substantiate an allegation, the person undertaking the investigation should inform the Managing Director in writing.

If it is established that an allegation has been deliberately invented, the police should be asked to consider if any action may be appropriate.

10. Referral to the Disclosure and Barring Service

Where allegations are substantiated, and in observance with our legal responsibilities, 3D Recruit will report candidates to the Disclosure and Barring Service (DBS) where appropriate and seek advice where there is uncertainty.

11. Learning lessons

At the conclusion of an investigation, 3D Recruit and the LADO/ Local adult social care authority, and any other relevant parties, should undertake a review of the case.

This should ascertain whether there are lessons to be learned for the organisation, which would result in improvements to procedures or practice, in relation to the circumstances which led to the allegation.

The process of investigating the allegation should also be evaluated, to decide if there are also recommendations for improvements.

Where changes to policy are recommended, this should be implemented as soon as possible and communicated to all staff.

Consideration should be given by 3D Recruit regarding how lessons learned can best be communicated to staff – whether this be by internal communication, supervision, staff meetings or training events.

Allegations & Misconduct Policy - Review Dates:

Version	Review Date	Review By	Amendments	Next Review Date
v.1	May 2014	Rachel Power, Safeguarding Manager	No change	May 2015
v.1	May 2015	Rachel Power, Safeguarding Manager	No change	May 2016
v.1	May 2016	Rachel Power, Safeguarding Manager	No change	May 2017
v.1.2	May 2017	Rachel Power, Safeguarding Manager	Contact details	May 2018
v.1.3	May 2018	Rachel Power, Safeguarding Manager	Change of Policy name to Allegations & Misconduct	May 2019
v.2	Feb 2019	Rachel Power, Safeguarding Manager	Alignment of the policy with the APSCo model template. Inclusion of information regarding allegations from candidates about clients	Feb 2020
v.2	Feb 2020	Rachel Power, Safeguarding Manager	No change	Feb 2021
v.2.1	Jan 2021	Rachel Power, Safeguarding Manager	Update to legislation and KCSIE. Inclusion of term adults, following update by APSCo.	Jan 2022
v.Oct-21	Oct 2021	Rachel Power, Safeguarding Manager	Update to legislation and KCSIE. No updates yet made to Working Together to Safeguard Children, so a separate policy created for Education sector.	Oct 2022
v.Oct-22	Oct 2022	Rachel Power, Safeguarding Manager	Update to legislation and KCSIE 2022.	Oct 2023
v.Oct-23	Oct 2023	Rachel Power, Safeguarding Manager	Update to legislation and KCSIE 2023.	Oct 2024
v.May-25	May 2025	Rachel Power, Safeguarding Manager	Aligned with the latest APSCo model template version.	May 2026