



Managing Allegations Guidance

Summary

The purpose of this Managing Allegations Guidance is to provide a framework for all UK fire and rescue services to effectively manage cases where an allegation or concern of harm has been made against a representative of your service. This Guidance supports services to meet the [Safeguarding Fire Standard](#) and the [Fire and rescue national framework for England](#), along with being responsive to the local needs of communities in meeting the national requirements across the UK. More information can be found in UK Guidance and Legislation section of this guidance.

There is a clear expectation that fire and rescue services offer support and develop partnerships for those identified as vulnerable and at risk from exploitation or abuse to deliver their core functions, including protection and prevention.

Fire and rescue services must also have appropriate safeguarding arrangements in place to provide the public with the reassurance and confidence that they have every right to expect.

This Guidance will support the appropriate application of Disclosure Barring Service (DBS) checks and takes full account of any potential changes to the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

Furthermore, this Guidance supports services to succeed against the [NFCC Safeguarding Self-Assessment Toolkit](#) which helps services to identify progress against the core legal and moral duties contained within both the Care Act 2014 and Children Act 1989, in particular;

- Section 1: Senior Management Commitment to the importance of Safeguarding
- Section 2: Clear Statement of Service Responsibilities
- Section 6: Safer Recruitment and Managing Allegations.

Managing Allegations against the workforce have clearly defined responsibilities within the area of safeguarding and are referred to within both the Care Act 2014 and Children Act 2004. As such, it is important that every service ensures a clear definition between conduct and investigations within the people strategy, and allegations raised through key statutory safeguarding partners which include Common Law Police Disclosures.

Good practice is that both the Safeguarding Team and People Team within services work together to ensure that all concerns are risk assessed to understand if they cross the threshold of the Managing Allegations protocol, as referenced in the Managing Concerns and Allegations against members of the workforce process flowchart, within this document.

The publication of the [HMICFRS Spotlight Report: Values and Culture in Fire & Rescue Services](#); highlights key safeguarding responsibilities through its recommendations. The [NFCC Safeguarding Self-Assessment Toolkit](#) provides further explanation and assurance with regards to the legal and moral duties for fire and rescue services.

CONSULTATION DRAFT

Introduction

The focus of this guidance is on the management of risk, based on an assessment of actual or suspected abuse or harm. The guidance provides a framework to ensure appropriate actions are taken to manage allegations, for those representing a fire and rescue service, in their private life, or any other capacity.

The guidance is designed to ensure that if information is shared or disclosed it is done so in accordance with the law but in such a way that allows appropriate and proportionate enquiries to be made that ensures adults and children at risk are protected and public confidence in services is maintained.

This guidance applies when an allegation or suspicion concerning harm, arises about an individual regarding their conduct within the workplace or externally. All allegations of harm by those who work with children and vulnerable adults, whether a member of staff, and/or those volunteering or representing fire and rescue services must be taken seriously and may cover a wide range of circumstances.

This guidance should be applied when there is such an allegation or concern made against a person who works with children or vulnerable adults, or is a Person in Position of Trust (PIPOT) that they have:

- Behaved in a way that may have harmed a child or vulnerable adult or may harm a child or vulnerable adult.
- Possibly committed a criminal offence against or related to a child or vulnerable adult.
- Behaved towards a child or vulnerable adult in a way that indicates they may pose a risk of harm to children or vulnerable adults.
- Behaved or may behave in a way that indicates they may not be suitable to work with children or vulnerable adults.

The points above include behaviour that may have happened outside the organisation that might make an individual unsuitable to work with children or vulnerable adults, this is known as transferable risk.

Fire and rescue services, in accordance with the Care Act 2014 Section 42, recognise that a vulnerable adult is any person aged 18 years or over that have been identified to be potentially at risk of abuse or neglect. Similarly, an Adult at Risk; someone identified as being potentially at risk of abuse and neglect because of their needs for care and support (whether or not these needs are being met). It is also recognised that a child at risk, is someone who has not yet reached their 18th birthday and is experiencing or is at risk of abuse, neglect, or other kinds of harm.

The Care Act 2014 Section 42 states:

“This section applies where a local authority has reasonable cause to suspect that an adult in its area (whether or not ordinarily resident there) —

(a) has needs for care and support (whether or not the authority is meeting any of those needs),

(b) is experiencing, or is at risk of, abuse or neglect, and

(c) as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.”

An allegation may also be in relation to an adult’s behaviour outside work, and their relationships with others, if they:

- have behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child or vulnerable adult but could, for example, include an arrest for the possession of a weapon or accusations relating to domestic abuse.
- have, as a parent or carer, become subject to child protection procedures.

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The difference between an allegation and a complaint or concern

It might not be initially clear whether an incident constitutes an 'allegation' in comparison to a 'complaint or conduct concern'. It is important to remember that to meet the threshold of an allegation, the alleged incident has to be sufficiently serious as to suggest that harm has or may have occurred, or that the alleged behaviour indicates the individual may pose a risk of harm (or otherwise meet the criteria above).

If it is difficult to determine the level of risk associated with an incident, it is recommended that the Safeguarding team initiate a case discussion with key internal stakeholders such as the Complaints Team, Human Resources and/or Line Manager and the Safeguarding team themselves. Information can be shared as to whether similar allegations have been made against the employee in the past and whether there is a pattern developing.

Where it is decided that the incident does not meet the threshold of harm/risk of harm, then the employer should take steps to ensure any conduct or behaviour issues are addressed with the member of staff through normal Human Resources employment practices.

Whistleblowing – all staff should be made aware of their organisations whistleblowing policy and feel confident to voice their concerns about the attitudes and actions of colleagues.

Raising Concerns – Safe Share

Following the [HMICFRS Spotlight Report: Values and Culture in Fire & Rescue Services](#), there were a number of key recommendations, in particular Recommendations 1, 2 and 24.

There are existing examples of good practice that supports these recommendations. For example, Essex County Fire & Rescue Service have implemented a Safe Share initiative. Safe Share is an intelligence based early identification and intervention approach that could be available to all fire and rescue service employees as well as those who represent the service (volunteers).

Benefits of Safe Share

Organisational culture is the basis for safeguarding to be practiced well. An example of good practice for safeguarding, includes early identification and intervention enabling the mitigation of risk at the earliest opportunity.

- Safe Share provides a further internal route, managed by representatives from the Safeguarding and People teams, that supports the services commitment to a positive and healthy culture, where anyone in, or impacted by an organisation is empowered to report concerns where they may arise.

- Safe Share further supports a person-centred approach that incorporates the wishes and feelings of those that would like to seek advice and guidance, and where they chose to access this.
- Safe Share provides a further internal route, one that provides the option of anonymised reporting of concerns, concerns relating to self and/or others.
- Safe Share enables a central hub that gathers intelligence from all existing routes to inform a culture dashboard that will enable an intelligence lead approach to future practice, early intervention, and identification of existing or emerging risks.

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UK Guidance and Legislation

The statutory guidance in the Care Act 2014, the Children Act 1989 and 2004, the Keeping Children Safe in Education 2020 and Working Together to Safeguard Children 2018, requires Safeguarding Partnerships to establish and agree a framework and process to respond to allegations against anyone who works either paid or unpaid with adults with care and support needs, and/or children/young people in any setting. Allegations should be dealt with fairly, quickly, and consistently, in a way that provides effective protection for the adult(s), child(ren) and at the same time supports the person who is the subject of the allegation.

Statutory guidance applies to the local authority, all partner agencies and commissioned local authorities' relevant partners, and those providing care and support services.

Where concerns are raised about someone who works with children and/or adults with care and support needs, the employer or voluntary organisation must assess any potential risk to adults with care and support needs who use their services, and, if necessary, to take action to safeguard those children and/or adults.

There are differences in the way allegations should be handled in each nation of the UK.

In England, the national guidance is Working together to safeguard children; a guide to inter-agency working to safeguard and promote the welfare of children. (Department for Education, 2018). Local safeguarding partners will also have child protection procedures. There is separate statutory guidance for schools in England; Keeping children safe in education: statutory guidance for schools and colleges (Department for Education, 2021)

In Northern Ireland, the national guidance is Co-operating to safeguard children and young people in Northern Ireland (Department of Health, Social Services and Public Safety, 2017). Section 7.2.10 covers allegations of abuse by a person in a position of trust. Department of Education Northern Ireland (DENI) has also published a circular advising school principals and governors on how to manage an allegation of abuse against members of staff (DENI, 2015).

In Scotland, Safer recruitment through better recruitment (Care Inspectorate, 2016) includes guidance on dealing with concerns or allegations about a worker's fitness to practise or harm to a user of a service.

In Wales, volume 5 of Working together to safeguard people deals with handling individual cases to protect children at risk, including managing allegations of abuse (Welsh Government, 2019). Working together to safeguarding people (2021) is the statutory guidance in relation to Part 7 of the Social Services and Well-being (Wales) Act 2014. The guidance for schools is Keeping learners safe (Welsh Government, 2021).

Local Authority Responsibilities and Processes

Local Authority Designated Officers (LADO)

Working Together to Safeguard Children (England) requires each local authority to ensure that allegations against people who work with children and young people are not dealt with in isolation and that any corresponding action to address the concerns relating to the child, is coordinated without delay.

Local Authorities should have a designated Officer(s) (qualified social workers) as part of their multiagency arrangements, dedicated to the management and oversight of allegations against people who work with children. Their role is to provide advice and guidance to employers and voluntary organisations on how to deal with allegations and to ensure that arrangements are in place to liaise with the police and other agencies to monitor the progress of cases, consistent with a thorough and fair process.

People in Positions of Trust (PIPOT Protocols)

It is also a requirement of the Care Act 2014 (England) that Safeguarding Adult Partnerships establish an agreed framework and process for any organisation to respond to allegations against anyone who works (in either a paid or unpaid capacity) with adults with care and support needs.

Whilst there is not a dedicated role within Adult Social Care as per the LADO function, all partner agencies are individually responsible for maintaining organisational procedures for dealing with PIPOT concerns, overseen by a dedicated PIPOT lead. The latter will have responsibility for sharing and escalating information outside of their organisation (proportionately and appropriately), if required to do so, to further protect the adult(s) at risk. Whenever there are concerns about an adult at risk of abuse or neglect a Safeguarding Concern should be made to Adult Social Services to consider the most appropriate adult safeguarding enquiry route.

It is important that when an allegation is made against someone who works with children that consideration is given to any role that they have in working with vulnerable adults and vice versa. It is everyone's duty to refer any current or historical allegations of abuse against children to Children's Services, whether the alleged source of harm is in a position of trust or not.

Legislation in England, Scotland, Wales, and Northern Ireland may differ in terms of both language and detail, but the principles are similar. It is recommended that, every fire and rescue service is familiar with the information, policies and procedures published on their local Safeguarding Adults and Safeguarding Children Partnership websites.

An overview of the key points involved in the LADO (children's workforce) process will be provided in Appendix B, but these should also be considered when an allegation is about a PIPOT, and an adult is at risk of harm.

Behaviours

These behaviours should be considered within the context of the categories of abuse identified in The Care Act 2014 and support statutory guidance (section 1 of the Care Act 2014):

- Physical abuse
- Domestic violence or abuse
- Sexual abuse
- Psychological or emotional abuse
- Financial or material abuse
- Modern slavery
- Discriminatory abuse
- Organisational or institutional abuse
- Neglect or acts of omission
- Self-neglect

Concerns relating to inappropriate relationships between members of staff and children or vulnerable adults as well as other concerns for example:

- Having a sexual relationship with a child under the age of 18 even if consensual (see s16-19 Sexual Offences Act 2003).
- 'Grooming', such as meeting a child under the age of 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003).
- Other 'grooming' behaviour, that raises concerns of a broader child protection nature (such as inappropriate text / e-mail messages or images, gifts, socialising).
- Physical assault such as smacking or hitting a child or vulnerable adult.
- Possession of indecent photographs / pseudo-photographs of children or vulnerable adults.

Allegations of historical abuse should be responded to in the same way as contemporary concerns. A requirement in such cases is to find out whether the person against whom the allegation is made is still working with children and/ or vulnerable adults or continues to hold a position of trust. If so, refer to your Fire and Rescue Service's Safeguarding Team who will threshold assess whether further engagement with the Local Authority Safeguarding Team (including Teams within Local Authority Safeguarding Teams, such as Local Authority Designated Officer 'LADO' and/or Persons in Position of Trust 'PIPOT' officer) is necessary. The Local Authority Safeguarding Team would need to undertake an enquiry if safeguarding concerns are determined.

The Fire and Rescue Service

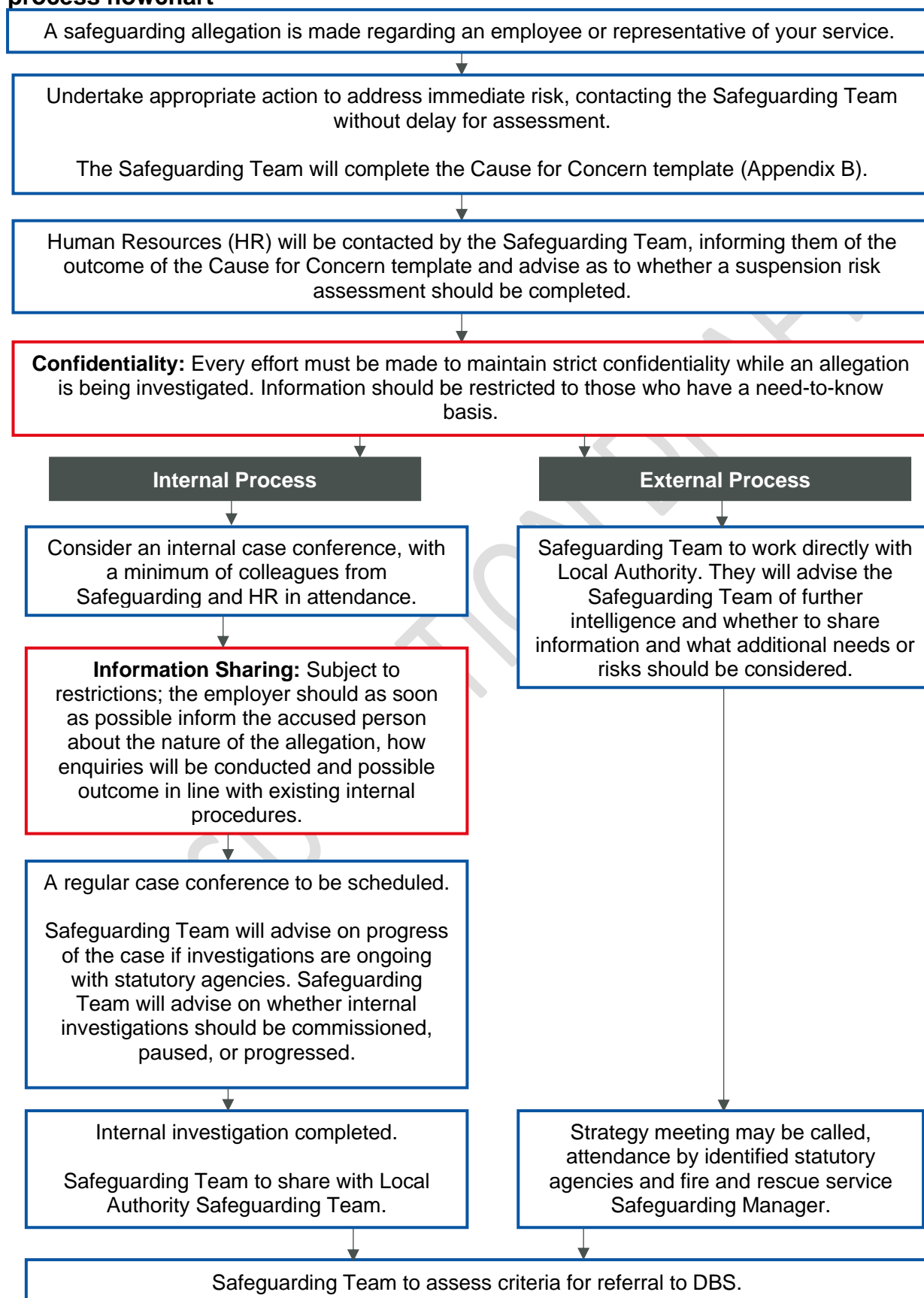
Every person representing, working, or volunteering for fire and rescue services must work honestly and ethically. The public expect services to do the right thing in the right way at the right time. These principles reflect the personal beliefs and aspirations that in turn serve to guide behaviour and shape the services' culture. The combination of principles and standards of behaviour encourages consistency between what people believe in and aspire to, and what they do.

It is essential that any allegation, made against any members of staff, volunteering, or representing fire and rescue services is dealt with fairly, quickly, proportionately, and consistently. This should be conducted in a way that provides effective protection for the adult(s), child(ren) and at the same time supports the person who is the subject of the allegation. As such, good practice suggests that the first point of contact must always be your Safeguarding Team. The Safeguarding Team are to contact a member of the Human Resources Team, and the two teams must work collaboratively to ensure the professional views of both safeguarding and human resources are considered throughout and that relevant information is shared to enable a proportionate and efficient response. In the event that HR professionals are informed of an allegation, good practice suggests that immediate contact is made with the Safeguarding Team to follow the above process.

When required, action will be taken to ensure that individuals who are not suitable to work with children and vulnerable adults are prevented from doing so by notification to the Disclosure and Barring Service and any other relevant and professional bodies. This is illustrated in the DBS Barring referral flow chart, refer to [Appendix A](#) for more information.

Fire and rescue services are committed to the rehabilitation of offenders, as such the risk assessment incorporates appropriate and proportionate responses. Refer to Appendix B - Managing Allegations – Cause for Concern Template for more information.

Managing Concerns and Allegations against members of the workforce process flowchart



Process considerations

The member of staff/volunteer who is subject of the allegation should:

- be treated fairly and honestly and helped to understand the concerns expressed and processes involved.
- be offered the appropriate wellbeing support measures identified such as signposting to trade union representation or occupational health referral.
- kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process.
- If suspended be kept up to date about events in the workplace.

Allegations against staff in their personal lives - if an allegation or concern arises about a member of staff, outside of their work and this may present a risk of harm to a child/children or vulnerable adults, the principles and procedures described in this guidance will also apply.

Police investigations - an internal process can be carried out whilst a police investigation is ongoing. Police investigations can take a long time to complete and to wait for its conclusion could be costly to the public purse. It is important to consider that the employee may not want to engage in the internal process for fear of jeopardising their defence in the criminal case. Likewise, the police may be reluctant to share information that would prejudice the internal investigation. Any internal investigation must strike a balance with the Police investigation. Where appropriate, your Safeguarding Team will liaise with the Police and/or LADO/PIPOT and share information which will assist in the decision making as to whether to pause or progress internal investigations.

Resignations and “compromise agreements - every effort should be made to reach a conclusion even if the individual refuses to cooperate or it is not possible to apply any disciplinary actions if a person’s period of notice expires before the process is complete. A settlement or compromise agreement must not be used. This may prevent the employer from making a referral to the Disclosure and Barring Service when the criteria are met and failure to do would likely result in a criminal offence for failure to comply with the duty to refer.

Support

In managing any allegation there is a need 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. It may include support for the:

- person who raised the concern at the outset

- person who is the subject of the allegation
- the person who was subject to alleged harm

Confidentiality - every effort must be made to maintain strict confidentiality and guard against any publicity while an allegation is being considered or investigated. Information should be restricted to only those that need to know.

Information Sharing - should be justifiable and proportionate based on the potential for actual harm to adults or children at risk and the rationale for decision- making should always be recorded. There must be a legal basis for doing so (Children Act and Care Act), information should be limited to what is relevant and necessary, specific, and timely and must be shared securely.

HMICFRS request notification of any allegations that have the potential to constitute staff gross misconduct. This reporting process is to be considered in addition to Local Authority managing allegations procedures.

Record Keeping - employers should keep a clear and comprehensive summary of the case record on a person's confidential and personal file. The record should include details of how the allegation was followed up, the decisions reached, and the action taken. It should be kept until the person reaches retirement age or for ten years if longer.

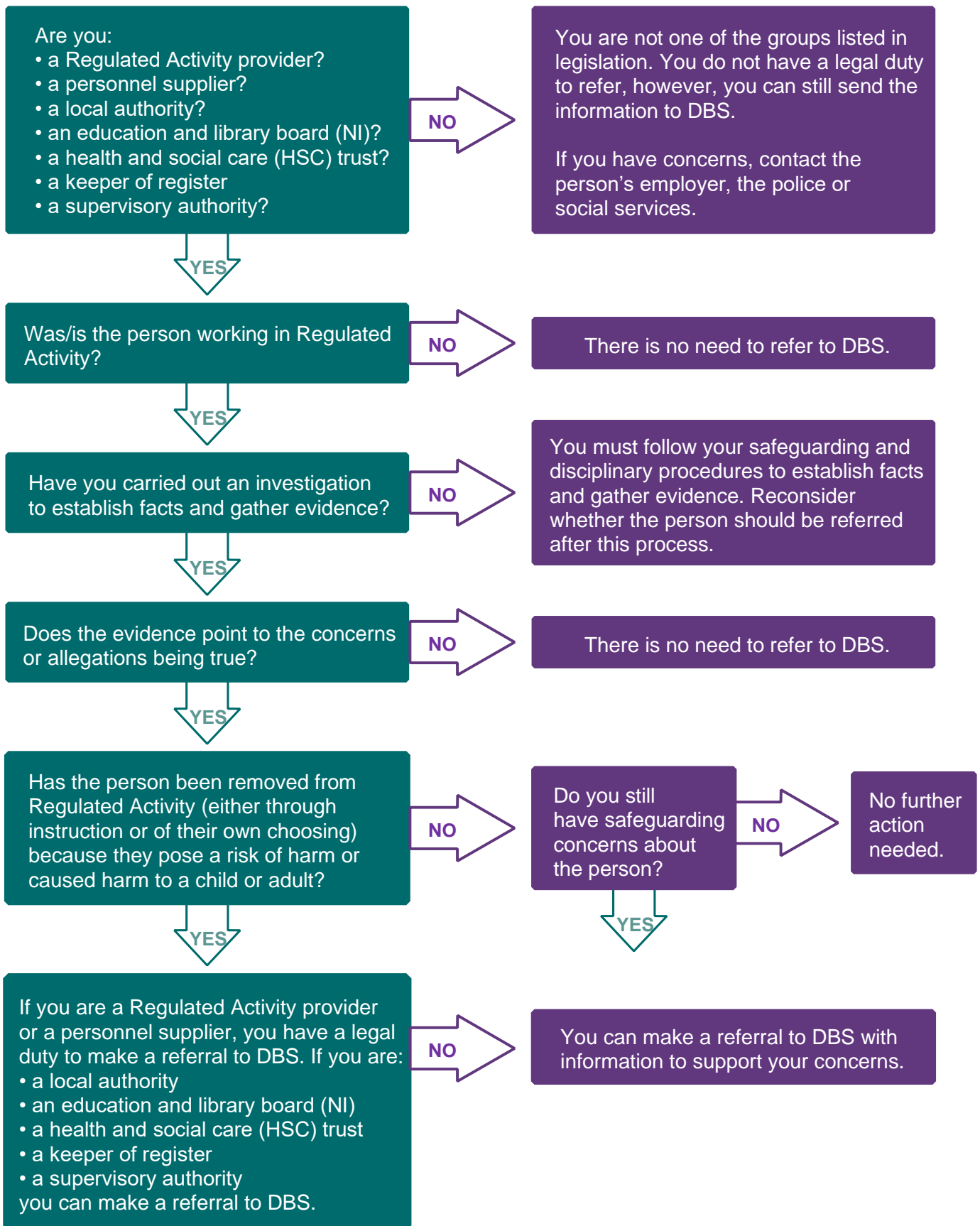
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Relevant Legislation or Guidance

- Fire and Rescue Service Act 2004
- [NFCC Safeguarding Guidance for Children, Young People and Adults](#)
- Children Act 1989
- Children Act 2004
- [Working Together to Safeguarding Children](#)
- [Keeping Children Safe in Education](#)
- Care Act 2014
- Vulnerable Persons Act 2005
- General Data Protection Regulations
- Data Protection Act
- Crime & Disorder Act 1988
 - States any person may disclose information to a relevant authority under Section 115 “Where disclosure is necessary for the purposes of the Act (reduction and prevention of crime and disorder)
- Scotland - Safer recruitment through better recruitment (Care Inspectorate, 2016)
- Wales - Volume 5 of Working together to safeguard people.
 - Working together to safeguarding people (2021) Part 7 of the Social Services and Well-being (Wales) Act 2014.
- Co-operating to safeguard children and young people in Northern Ireland (Department of Health, Social Services and Public Safety, 2017)
- Human Rights Act 1998
 - Article 6 – right to a fair trial, presumed innocent until proven guilty.
 - Article 7 – may bring proceedings against public authorities.
 - Article 8 – right to respect for private and family life.

Appendix A: DBS Barring referral flow chart

The following flow chart to help you decide if it is appropriate to refer someone to us.



Appendix B: Managing Allegations – Cause for Concern Template

FACTORS TO CONSIDER

Questions	No cause for concern	Some cause for concern	Cause for concern
1. Has the person behaved in a way that has harmed children or may have harmed children which means their ability to hold a position of trust must be reviewed?	No	Cause for concern that harm has taken place or concerns of harm may take place.	Serious harm alleged or serious potential of harm concerns.
2. The person has behaved in a way that has harmed or may have harmed an Adult with care and support needs which means their ability to hold a position of trust must be reviewed?	No	Cause for concern that harm has taken place or concerns of harm may take place.	Serious harm alleged or serious potential of harm concerns.
3. Otherwise behaved in a way that indicates they may be unsuitable to work with children or adults for example, is there a risk to the safety or welfare of others?	No	Cause for concern regarding welfare or safety for others.	Yes
4. Committed a criminal offence against child(ren) or adult(s)	No	Cause for concern that this may have taken place.	Yes
5. Is there a risk to reputation if the individual is allowed to work?	No	Yes	Yes
6. Is there a risk to internal or external investigation (for example potential for interference)?	No	Yes	Yes
7. Other identified risks (for example patterns of behavior or concerns)	No	Yes	Yes

RESULT	ALL GREEN	MORE THAN TWO AMBER	ONE OR MORE RED
ACTION	No immediate Safeguarding concerns	Safeguarding procedures to be implemented and immediate referral to PIPOT and/or LADO	Safeguarding procedures to be implemented and immediate referral to PIPOT and/or LADO

HMICFRS Spotlight Report: Values and Culture in Fire & Rescue Services; Recommendation 17 states:

With immediate effect, chief fire officers should notify HMICFRS of any allegations that have the potential to constitute staff gross misconduct that:

- involve allegations of a criminal nature that have the potential to affect public confidence in FRSs;
- are of a serious nature; or
- relate to assistant chief fire officers or those at equivalent or higher grades.