

# Managing Allegations Against Staff Policy

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V 0.1	Head of Safeguarding Linda Medlicott	22/05/2020		27/09/2020
This policy will be reviewed annually or when there is a legislative change or review due to lessons learnt or best practice guidance.				

MOTORSPORT UK ASSOCIATION LIMITED

Trading as Motorsport UK

Registered in England and Wales

Company Number 01344859

Registered Office

Motorsport UK House Riverside Park Colnbrook SL3 0HG

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## **Policy Statement**

All references in this document to 'members of staff' should be interpreted as meaning all paid or unpaid staff, including volunteers, inclusive of all those who work with children. People whose role places them in 'a position of trust' will be considered within the remit of these procedures.

It is essential that any allegation of abuse made against a person who works with children and young people, including those who work in a voluntary capacity, are dealt with fairly, quickly and consistently, in a way that provides effective protection for the child and, at the same time, supports the person who is the subject of the allegation.

This policy should be read alongside the Low Level Concerns Policy.

## **The aim of the Procedures is to:**

- Ensure that allegations are dealt with quickly and in a fair manner
- Prevent unsuitable people from working with children and young people
- Promote safe practice and challenge poor / unsafe practice
- Contribute to effective partnership working
- Improve practice through sharing experience and lessons learned.

## **Introduction**

Motorsport UK is the national membership organisation and governing body for four-wheel motorsport in the UK, representing competitors, volunteers, clubs, and fans.

Motorsport UK believes every child and young person, who participates in motorsport should be able to take part in an enjoyable and safe environment and be protected from abuse. Safeguarding is the responsibility of everyone involved in motorsport. Motorsport UK recognises its responsibility to safeguard the welfare of all children and young people by seeking to protect them from all forms of neglect and abuse.

Motorsport UK is therefore committed to providing a safe environment for all children and young people to participate at all levels within the sport to the best of their abilities.

This policy is designed to ensure that all staff, volunteers, and participants of motorsport are aware of the procedure for the investigation of allegations of abuse in order that all complaints are dealt with consistently and efficiently as possible.

We hope that having a clear policy outlined will help children and young people to feel comfortable that they can voice concerns about any member of staff. Allegations must be reported to the Head of Safeguarding immediately or to the General Secretary where the Head of Safeguarding is the subject of an allegation. All allegations will be taken seriously and investigated immediately.

This policy is endorsed by the Motorsport UK Board of Directors.

### **Relevant policies**

This policy should be read in conjunction with the following policies

Motorsport UK Safeguarding Children policy

Motorsport UK Safeguarding Adults at Risk policy

Motorsport UK Speak Up Speak Out policy

Motorsport UK Non-recent Abuse policy

### **Timescale**

It is imperative that allegations against staff are dealt with as quickly as possible to:

- minimise the risk to the child adult at risk
- minimise stress to the employee concerned
- ensure a fair and thorough investigation for all parties

To enable this to happen, all staff, volunteers and participants of motorsport should be aware of the procedures set out in this policy.

## Procedure

### Reporting an allegation

An allegation is made when any person who works with children, in connection with their employment or voluntary activity, has:

- Behaved in a way that has harmed a child, or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved towards a child or children in a way that indicates that they may pose a risk of harm to children
- In addition, these procedures should be applied where there is an allegation that: any person who works with children has behaved in a way in their personal life that raises safeguarding concerns. These concerns do not have to directly relate to a child, but could, for example, relate to an arrest for possession of a weapon
- As a parent or carer, has become subject to child protection procedures
- Is closely associated with someone in their personal lives who may present a risk of harm to child/ren for whom the member of staff is responsible in their employment/volunteering.

All allegations made against staff and volunteers should be reported immediately to the Head of Safeguarding Linda Medicott. Complaints about the Head of Safeguarding should be reported to the General Secretary who will then contact the Local Authority Designated Officer (LADO), within one working day.

Staff who are concerned about the conduct of a colleague towards a child, young person or adult at risk are undoubtedly placed in a very difficult situation. They may worry that they have misunderstood the situation and they will wonder whether a report could jeopardise their colleague's career or put the reputation of the sport as a whole in danger. All staff must remember that the welfare of the child is paramount and must report their concerns immediately.

Motorsport UK's Head of Safeguarding will assess the information received and decide if it meets the criteria for referral to the Local Authority Designated Officer (LADO).

The LADO should be alerted within one day to all cases in which it is alleged that a person who works with children has:

- behaved in a way that has harmed, or may have harmed, a child
- possibly committed a criminal offence against children, or related to a child
- behaved towards a child or children in a way that indicated they may pose a risk of harm to children.

Allegations of non-recent abuse should be reported in the same way; please see the Motorsport UK Managing Non-Recent Abuse policy available on the Motorsport UK website.

Initially, it may be unclear how serious the allegation is. If there is any doubt, or in the absence of Motorsport UK's Head of Safeguarding, Motorsport UK's Compliance Officer Jennifer Carty (under supervision of the General Secretary) will contact the LADO for guidance.

The LADO will decide if:

- more information is required; or
- no further actions are needed; or
- a strategy discussion should take place; or
- there should be immediate involvement of the police or social care.

Motorsport UK will share available information with the LADO about the allegation, the child at risk and the person against whom the allegation has been made and consider whether a police investigation or a strategy discussion is needed. Representatives from other agencies may be invited to the discussion and could include representatives from health, social care and the Police.

Allegations can be made in relation to a wide range of behaviours, including, but not limited to: physical chastisement and restraint, or inappropriate relationships between members of staff and children or young people, for example:

- Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual (see ss16-19 Sexual Offences Act 2003)
- 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence (see s15 Sexual Offences Act 2003)
- Other 'grooming' behaviour giving rise to concerns of a broader child protection nature e.g. inappropriate text / e-mail messages or images, gifts, socialising etc.
- Possession of indecent photographs / pseudo-photographs of children.

## Investigation

An investigation into the allegation will, where criteria is met, be completed by Local Authority Designated Officer (LADO) and supported by Motorsport UK.

Where criteria is not met for Local Authority investigation, Motorsport UK will carry out an investigation; however where there is deemed to be a conflict of interest or in complex cases, Motorsport UK will engage a professional external body to carry out an independent investigation.

This will be agreed at the initial evaluation stage. Where Motorsport UK is not conducting the investigation, it will cooperate with external investigators.

Internal investigations must come second to any safeguarding investigation and may need to be delayed until the external investigation is complete.

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

- Substantiated: there is sufficient evidence to prove the allegation
- Malicious: there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive
- False: there is sufficient evidence to disprove the allegation
- Unsubstantiated: there is insufficient evidence to either 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 which supports the allegation being made

## Supporting those involved

### *The person(s) who makes the allegation and their parents/carers*

Parents and carers will be notified if their child makes or is involved in an allegation against staff if they do not already know. However, if the Police or Social Services are to be involved, they will be contacted first and will advise as to what information may or may not be disclosed to the parents. [The Head of Safeguarding will be designated to the role of liaising with the parents and child about the case and ensuring that they are fully informed as far as is possible]. Parents and carers will be made aware of any progress in the investigation, and where there is no criminal prosecution, the outcome will be explained to them.



This may be a disciplinary outcome. During a disciplinary hearing the deliberations and information used for making a decision are confidential.

Parents and young people will be informed of the staff members employment status with Motorsport UK.

Motorsport UK's Speak up Speak out policy enables staff to raise concerns or allegations against their colleagues in confidence and for a sensitive enquiry to take place. This policy can be found on the Motorsport UK website.

### **The employee**

Motorsport UK has a duty of care to its employees and will take steps to minimise the stress of any allegation and the investigation process.

The person who is the subject of the investigation will be informed as soon as possible and usually after the initial discussion with the Designated Officer has taken place. The employee will then be advised on what the next course of action will be. However, if the Police or Social Services are to be involved, they will be contacted before the employee, and will advise as to what information may be disclosed to the person under investigation.

The HR Manager, Sheila Barter or the General Secretary, Joel Cohen (case dependent) will keep the employee informed of the progress of the case and any other work-related issues.

The employee may need additional support and Motorsport UK will consider what might be appropriate to best accommodate this. If Motorsport UK and the employee mutually agree for the employee to utilise their annual leave allowance, this will be deemed a neutral act, and will have no bearing on the investigation or outcome of the case.

If it is a criminal investigation and the Police are involved, they may provide this additional support.

### **Confidentiality**

Motorsport UK will make every effort to guard the privacy of all parties during and after an investigation into an allegation. It is in everyone's best interest to maintain this confidentiality to ensure a fair investigation with minimum impact on all parties.

A breach of confidentiality will be taken seriously and may warrant its own investigation.

## **Suspensions**

Motorsport UK will not suspend a member of staff without serious consideration and will not do it automatically once an allegation has been made. Depending on the nature and severity of the case, it may be possible that alternative arrangements are made so that the individual can continue working. Based on risk assessments, alternatives can be considered in individual cases, such as redeployment so the employee doesn't have direct contact with the child, providing an assistant is present when children are, redeploying to alternative work or location.

Motorsport UK holds the power to suspend an employee but will listen to the views of the Police and or Social Services regarding suspension.

In the case of suspension, the employee will receive written confirmation within one working day and will be informed of the reason for the suspension.

## **Resignations**

If an employee resigns when the allegation is made against them or during an investigation, the investigation will continue until an outcome has been reached, with or without the employee's cooperation. They will be given the opportunity to respond to the allegation.

## **Record keeping**

It is important to keep a clear and comprehensive summary of:

- all allegations that have been made
- details of how allegations have been followed up and investigated
- decisions made about the allegation and actions taken.

Where an allegation is found to be unsubstantiated, it will be removed from the personnel file of the employee concerned.

For all other allegations, records of investigations and outcomes will be kept in the employee's personal file and they will be given a copy. The record will be kept, including for people who leave the organisation, at least until the person reaches normal retirement age or for 10 years if that will be longer, from the date of the allegation.

Details of all allegations received will be maintained in line with Motorsport UK's Recording and Retention policy.

### **Action on conclusion of the case**

If the allegation is substantiated and the employee is dismissed or resigns, or we cease to use the volunteer's services, Motorsport UK recognises its legal duty to make a referral to the Disclosure and Barring Service.

- In England, Wales and Northern Ireland, refer to the Disclosure and Barring Service (DBS) (DBS, 2018).
- In Scotland, refer to Disclosure Scotland (Disclosure Scotland, 2019).

If it is decided that the employee may return to work after a suspension, then provisions will be put in place by Motorsport UK to ensure that the transition is as smooth as possible. This may involve a phased return for a trial period or the use of another member of staff as a support in the short term. If the child or young person who made the allegation is still involved in Motorsport UK activities, Motorsport UK will consider what needs to be done to manage the contact between employee and the child.

### **Action in the case of false or malicious allegations**

Where an allegation is proved to be false, the Head of Safeguarding may refer to Social Services to determine whether the child or young person needs support or has been abused by someone else.

If the claim has been made by a person who is not a member of Motorsport UK, the Motorsport UK may pass the information to the Police who may take further action against that person.

### **After the case**

No matter what the outcome is of an allegation of abuse against staff, Motorsport UK will review the case details to determine if there are any improvements that can be made in its practice or policy.

If an allegation is substantiated Motorsport UK will look at the lessons that can be learnt. This should include:

- considering any factors that may have contributed to or failed to prevent abuse occurring
- reviewing safeguarding and child protection measures to ensure ongoing vigilance
- making changes to organisational policies and procedures as necessary.

In some cases, a case review may be appropriate. Motorsport UK will engage an independent reviewer to speak all the agencies involved and consider the case. They will consider whether there are lessons that should be shared more widely to improve safeguarding practice.

## **Legislation and Guidance on Managing Allegations**

In England, the relevant Guidance is as follows:

Working Together to Safeguard Children: A Guide to inter-agency Working to Safeguard and Promote the Welfare of Children 2018.

Keeping Children Safe in Education 2019

In Scotland, the national guidance is:

Safer Recruitment through Better Recruitment 2016

In Wales, the national guidance is:

Volume 5 of Working Together to Safeguard People, Welsh Government, 2019

Sexual Offences Act 2003

Data Protection Act 1998/GDPR Regulation

## **Useful Contact details**

Motorsport UK Safeguarding

Email: [safeguarding@motorsportuk.org](mailto:safeguarding@motorsportuk.org)

Motorsport UK Head of Safeguarding, Linda Medlicott

Tel; 07851 248672

Email: [linda.medliocott@motorsportuk.org](mailto:linda.medliocott@motorsportuk.org)

General Secretary, Joel Cohen

Email: [joel.cohen@motorsportuk.org](mailto:joel.cohen@motorsportuk.org)

Motorsport UK HR manager Sheila Barter

Email: [sheila.barter@motorsportuk.org](mailto:sheila.barter@motorsportuk.org)

England and Wales Disclosure and Barring Service online referral form follow link:

<https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs#how-to-make-a-referral>

Scotland Disclosure and Barring Service online referral form follow link: <https://www.mygov.scot/pvg-referrals/>