

PURPOSE

To ensure children and adults are protected from harm and to ensure allegations of abuse of a child, children or adult service user by an employee, including agency/locum workers, volunteers or foster carers engaged in work on behalf of the City of Edinburgh Council are dealt with effectively. To ensure employees are dealt with fairly, proportionately and effectively, and any response to allegations is compliant with Council policies and procedures in respect of child and adult wellbeing and protection and human resources. (If the allegations have been made against a foster carer, managers should also refer to Foster Carer procedures).

SCOPE

This procedure applies to all allegations, historical or current, of abuse, or harm to a child or adult service user or risk of harm by staff employed by the Council, and volunteers including agency/locum, workers or foster carers engaged in Council duties. The following principles underpin the procedure:

- the wellbeing and safety of the child/adult service user are paramount.
- allegations will be investigated as a child/adult wellbeing or protection concern where the allegation raises concerns of significant harm or likelihood of risk of harm to the child/adult or other children/adults.
- An Interagency Referral Discussion (IRD) must be undertaken for the individual child and should consider the child's need for immediate protection, alongside information regarding the member of staff who is subject to the allegations.
- When the concerns involve multiple children, an IRD should be undertaken for each child and a complex strategy meeting (Strategic IRD) must also be convened regarding the allegations against the staff member, to consider any risk to other children in contact with the member of staff, including children within the staff member's own family if applicable. Where there are concerns regarding a foster carer or a member of staff in Residential Care harming a child or adult, an IRD **must** be undertaken.
- All decisions must be made quickly and are informed by the needs of the child/adult.
- Decisions about the suitability of the member of staff/volunteer continuing to have direct involvement with service users, or whether to remove the child, children or adult, must be based on any further risk posed to children or adults and must be informed by risk assessments and any action agreed by a multi-agency IRD
- Individuals about whom there are concerns should be treated fairly and honestly and principles of natural justice for them should apply
- Decisions on whether to suspend the employee on a precautionary basis are based on the guidelines outlined in the disciplinary user guide and should be made in conjunction with the HR Case Management team.

- Decisions on whether to cease the engagement with workers contracted through an agency or the Locum bureau should be taken following advice from the Head of Service and the HR Case Management Team.
- All allegations must be reported via [Significant Occurrence Notification](#) to the Chief Social Work Officer, Service Director and Corporate Director (Children, Education and Justice) or Chief Officer (Health and Social Care Partnership). The relevant Head of Service, or most senior manager available, is responsible for ensuring that staff understand when this is required and that this is completed within the same working day when allegations have been made or come to light.
- Independent providers from whom the Council purchases services will be expected, as part of the Council's contractual arrangements, to have their own policy, which must require them to inform the Council of the outcome of their investigation. In circumstances when information has come to the attention of Council staff regarding allegations of abuse by an independent provider, this member of staff should be reported as part of the child and adult protection procedures to Social Care Direct, to the contracts team of the relevant department and to the Head of Service and the Chief Social Work Officer.

DEFINITIONS

TERM	DEFINITION
Employee/staff:	Council employees, those engaged through an agency or on a locum basis, foster carers and volunteers.
Independent provider:	voluntary or private organisation from which the Council purchases a service.
Allegation of abuse:	when it is alleged that a member of staff, volunteer or member of an independent provider has harmed or poses a threat of harm to a child or adult service user

PROCEDURE

Receiving an allegation

An allegation may be made:

- by the alleged victim
- by someone else on his/her behalf
- by staff within the context of the Reporting of Staff Concerns procedure (see section 7 for links)
- through a complaint to an Advice and Complaints Officer (Education services) or direct complaint to a service area
- via the Care Service Feedback form.
- Via quality assurance activity and case file reviews
- This is not an exhaustive list

The person reporting the allegation should be advised by the staff member receiving it that this procedure will be initiated along with the relevant adult or child protection procedures as necessary. The person receiving the allegations, including their name and role must be recorded.

Examples of abuse to report

- Physical abuse – inflicting physical harm, such as hitting or slapping
- Emotional abuse – verbal abuse, humiliation, or intimidation that affects emotional well-being.
- Financial abuse – the misuse or exploitation of an individual's financial resources without their consent or when not able to consent. Stealing money/ misusing funds, coercing someone into signing financial documents
- Sexual abuse engaging in sexual activities with a child, including inappropriate touching, exploitation or grooming behaviour
- Neglect: failing to provide adequate supervision, nourishment /choice medical care or emotional support.
- Bullying: Targeting a child with harassment or bullying behavior that intimidates or humiliates
- Inappropriate relationships: Establishing an inappropriate or unprofessional relationship with a child that goes beyond a teacher -student or caregiver-child dynamic
- Use of restraint: using restraint inappropriately or excessively, leading to physical or emotional harm
- Inappropriate separation or removal of personal items from a child or adults' possession outside of their care plan.
- Allegations of improper use of Technology: sending inappropriate messages, texts or images through social media

- Substance use: Being under the influence of drugs or alcohol whilst responsible for the care of children. The promotion and supplying of any substances. Concerns regarding behaviour such as smoking, drinking and vaping in front of children or during working hours.
- Domestic abuse – where there are concerns that a member of staff has been the perpetrator of domestic abuse. Allegation or conviction.

Reporting an allegation

Staff must report any information, which raises concern about the behaviour of a member of staff towards a child or adult to their line manager (or Social Care Direct 0131 200 2324 or Emergency Social Work Service on 0800 731 6969 when their manager is unavailable/out with office hours) as soon as possible. If the allegation is against their line manager, they should report this to the next tier in the line management structure.

Initial assessment of the information

All allegations of suspected abuse by staff must be treated in line with this procedure. Allegations may be made against current members of staff involved with service users but equally may be made about staff who are no longer involved in the provision of service. In all circumstances, the matter must be treated seriously, and the response must be prompt. Managers have a responsibility to make an initial assessment of the allegation, and this should include discussion with a senior manager and may include some initial enquiries to establish the broad nature of the allegations. **However, these enquiries should not go beyond trying to establish the basic details of the allegation being made.**

It is essential that the manager/senior manager notifies the following in all cases where an allegation of abuse is made, after establishing the basic details of the allegation against a staff member:

- A senior manager of the service in which the person works.
- The Chief Social Work Officer.
- Social Care Direct (0131 200 2324) or Emergency Social Work Service (0800 731 6969 out with office hours) if it is suspected that a child or adult has been or is at risk of harm or significant harm.
 - Social Care Direct will advise as part of the manager's initial assessment and will initiate child/adult protection procedures where appropriate ([see below](#)).
- Human Resources who will provide advice, particularly in relation to 4.5, 4.6 and 4.7 below
- The staff member in consultation with HR, unless advised not to do so, for example by a Senior Manager or Police.
- The parent or carer of the child or adult (where applicable) in consultation with Senior Manager. Police may advise on this part of the process if they are involved.

All allegations of abuse require further information/investigation. After the Interagency Referral Discussion (IRD), if it is not possible at this stage to confirm definitively that there is no case to answer or that the issue is one that should be addressed through supervision and performance management, an immediate decision will be made, in consultation with Human Resources, regarding the suitability of the member of staff/volunteer continuing to have direct involvement with service users, or whether suspension with pay, or restricted duties pending the conclusion of any investigation is necessary.

Precautionary Suspension

Precautionary suspension must only be considered in cases of potential gross misconduct, and/or where it's believed that:

- Allowing the colleague to remain in post will adversely influence or interfere with the investigation.
- It will put any service user or member of staff at risk;
- Moving the colleague to another location isn't an option; or there are conditions/restrictions in place that do not allow the colleague to remain in the workplace.
- Further considerations are outlined in the Disciplinary User Guide.
- Information will then be sought as required, which may include discussion with the Police

Initiate child/adult protection procedures

All allegations against a member of staff regarding harm of a child must involve an IRD.

Where the allegation is regarding a risk of harm to an adult where the adult protection criteria are met, an IRD must also be undertaken.

If there is an allegation against a member of staff regarding a child, and they also have children, an IRD should be considered for children within the staff members own family, or any children they may come into contact with outside of their employment.

Social Care Direct or the Emergency Social Work Service (out with office hours) will initiate child/adult protection procedures to ensure the safety of the individual/individuals at risk. Further discussion between the line manager and Police may be required to establish the next stage in the process; the Police may wish the member of staff to remain within the premises (without placing service users at risk) in order to initiate a Police investigation.

Protective measures to safeguard the child/adult at risk of harm

An allegation made against staff

The Senior Manager, in consultation with Human Resources, will decide whether the staff member must be suspended; be placed on restricted duties; or must be moved to another service area pending investigation ([see above regarding circumstances in which suspension should be considered](#)). The Care Inspectorate will be notified, and consideration will also be given to notifying the GTCS, Scottish Social Services Council or other relevant professional body if the staff member is registered.

Staff investigating the allegations must determine how the investigation is recorded on the child or adults case file so that there is record of the actions taken.

An allegation made against a volunteer or member of staff in an independent provider

the relevant agency will be notified of:

- the nature of the allegation, in order for them to initiate their own procedures.
- any pending child/adult protection investigation.
- the Council's expectation that the volunteer or staff member will not continue to work unsupervised with children or adults, pending the outcome of the investigation, irrespective of any decision to suspend.

No details will be disclosed that could jeopardise the child/adult protection investigation.

Duty of Care to Employees

After consultation with the Human Resources service, the line manager, accompanied with an assistant manager or depute head teacher will meet with the employee to inform them:

- that an allegation has been made.
- that an investigation is to be carried out.
- who has been informed.
- of their right to representation and union involvement if they are a member.
- of the availability of support through the Employee Assistance Programme.
- that information relating to the allegation is subject to the usual procedures on confidentiality.
- of any restrictions or suspension of duties during the investigation.
- that the conversation will be followed up in writing to the employee/staff home address.

The line manager is responsible for:

- any adjustments to supervision arrangements.
- informing the employee/staff of who they can be in contact with any questions regarding the progress of the investigation.
- how any questions from service users, staff and others involved will be managed.

The Investigation

The relevant line manager will liaise with the Senior Manager and the assigned Human Resources Case Manager regarding the possibility of an investigation under the child/adult protection procedures before interviewing the staff member. The implementation of any child/adult protection procedure and the conduct of any criminal investigation will take precedence over disciplinary or other internal procedure. In any investigation, whether disciplinary or in relation to child or adult protection, the interests of the service user will be paramount. An investigating officer will be appointed for the internal investigation; the investigating officer will be independent of any of the parties involved and will follow the Council's guidance for conducting a disciplinary investigation.

If it is necessary to interview the child/adult, the investigating officer will not do so without first consulting with the allocated social worker, police and parents or carers. Where approval is granted by police/social work, the investigating officer must ensure that all precautions are taken to minimise any distress to the child/adult; the child/adult should be given the opportunity to identify a trusted person/parent or carer to be present at any interviews.

Outcome of Investigation

Outcome: allegation unfounded

The line manager, accompanied by an assistant manager or depute head teacher and in consultation with Human Resources, will see the employee in person and offer counselling. With the agreement of the employee, support can be offered for a move to a new area of work.

Outcome: substantiated

The Procurator Fiscal will decide on criminal proceedings. Where an employee is alleged to have committed a criminal offence, it is not always necessary to await the outcome of any criminal proceedings before deciding to take disciplinary action. The Courts operate to the criminal standard of proof (beyond reasonable doubt) whereas the disciplinary process operates the civil standard of proof (on the balance of probabilities).

If the allegations are substantiated but there is a decision by the Police and/or the Procurator Fiscal that the threshold for criminal proceedings has not been met, the Nominated Officer, during any subsequent disciplinary investigation or disciplinary hearing, may determine an appropriate sanction, including dismissal of the employee, in line with the Council's Disciplinary Policy and Procedure.

RESPONSIBILITIES

As detailed throughout section 4 of this procedure.

POLICY BASE

[Adult Support and Protection Policy](#)

[Complaints Policy](#)

[Volunteer Policy and Guidance](#)

KNOWN RISKS

No known risks.

RETENTION PERIOD

RECORD	LOCATION	RESPONSIBLE OFFICER	RETENTION PERIOD
Employee Record – where allegations are substantiated	Oracle	HR Consultant	Records Retention Schedule

ASSOCIATED DOCUMENTS

DOCUMENT	TYPE
Significant Occurrence Notification Form and Procedure	Procedure
Adult support and protection procedure	Procedure
Inter-agency child protection procedures Edinburgh and Lothians Council	Procedure
Complaints procedure	Procedure
Council Disciplinary Policy	Policy
Reporting staff concerns procedure	Procedure
Guidance for managing allegations of abuse against staff Disciplinary User Guide	Guidance
SSSC Codes of Practice - Scottish Social Services Council	Registration terms for employees