

**OFFICIAL**



# **Safeguarding Staff and Managing Safeguarding Related Allegations**

**Policy No 70**

**April 2024**

<b>Title:</b>	<b>Safeguarding Staff and Managing Safeguarding Related Allegations.</b>
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<b>Implementing Officer:</b>	<b>Head of Prevention, Protection and Engagement.</b>

# **1. Policy.**

## **1.1 Policy Statement.**

Cleveland Fire Authority is committed to maintaining a workplace that upholds the highest standards of integrity, professionalism and ethical conduct. This policy and supporting procedure outline the arrangements and principles to be applied when safeguarding staff, including when concerns and allegations are made about employees and people who work on behalf of the Brigade, to ensure a fair, transparent and confidential process.

As an employer, the Authority is committed to protecting communities through the strategic goal of safer, stronger communities.

Cleveland Fire Authority will enable the organisation to make proportionate and informed decisions regarding the safeguarding staff and managing safeguarding related allegations, including when concerns and allegations are made against employees and people who work on behalf of the Brigade. All concerns, suspicions and allegations will be taken seriously and responded to swiftly and appropriately in line with the supporting safeguarding staff and managing safeguarding related allegations procedure.

Cleveland Fire Brigade staff, and people who work on behalf of the organisation frequently undertake a wide range of public facing roles and activities, which includes education and engagement with all members of our communities including children, young people and adults with complex needs and vulnerabilities.

The Brigade recognises that staff and people who work on behalf of the organisation have a legal and moral obligation to each other, and the communities of Cleveland, to recognise and report concerns about abuse or neglect, and they should also have the necessary skills and training to ensure that they are safe and effective practitioners.

There are various safeguarding concerns which can be encountered<sup>1</sup>, and these may occur as a result of a single action, repeated actions or lack of action. The Brigade also recognises that it has a responsibility to safeguard and protect those that represent the organisation, and it is therefore imperative that they are provided with guidance and support in order to effectively safeguard themselves and others.

## **1.2 Policy Objectives.**

The objective of this policy is to provide a framework for the Brigade to effectively manage concerns or safeguarding related allegations about staff. This includes:

- Firstly, the arrangements when staff may have a concern about a work colleague, or when;

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<sup>1</sup> The [Care Act \(2022\)](#) and supporting guidance identifies ten types of safeguarding concerns; physical abuse, domestic violence or abuse, sexual abuse, psychological or emotional abuse, financial or material abuse, concern slavery, discriminatory abuse, organisational or institutional abuse, neglect or acts of omission and self-neglect.

- Secondly, when an allegation or concern of harm has been made against a member of staff or someone working on behalf of the organisation from an external source.

The objectives of this policy are also to:

- Support anyone who, in good faith, reports concern through the various routes contained within the Brigade's safeguarding procedures, even if those concerns prove to be unfounded;
- Work with other agencies as defined in the Teeswide Safeguarding Adults Board<sup>2</sup> where a member of staff is in danger, is at risk or where a serious crime may have been committed, pass information to another agency without that person's consent;
- Convey information to the relevant local authority if there are concerns that a member of staff or someone who works on behalf of the Brigade may be at risk of harm from the various forms of abuse or neglect;
- To establish a fair and impartial process for addressing concerns and allegations against fire service staff, ensuring that investigations are conducted without bias or prejudice;
- To protect the rights and wellbeing of both the individuals against which concerns are raised or allegations are made, and those raising concerns or allegations, ensuring a balanced approach that upholds the principles of natural justice;
- To maintain public trust and confidence in the organisation by demonstrating a commitment to addressing concerns or allegations transparently, responsibly, and with accountability;
- To safeguard the reputation and integrity of the organisation by addressing concerns and allegations promptly and thoroughly;
- To ensure compliance with relevant laws, regulations, and policies governing the investigation of concerns or allegations against public sector employees, specifically those in the fire service;
- To hold individuals accountable for their actions and behaviour, promoting a culture of responsibility within the organisation;
- To establish procedures that adhere to the principles of due process, including providing individuals with the opportunity to respond to concerns and allegations to present their response;
- To prevent and address any potential retaliation against individuals who report concerns or allegations, or participate in the investigation process;

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<sup>2</sup> [Teeswide Safeguarding Adults Board](#)

- To use the investigation process as an opportunity for organisational learning and improvement, identifying areas for training, policy refinement, or systemic changes to prevent similar issues in the future;
- To manage concerns and allegations in a way that minimises the negative impact on overall employee morale and fosters a workplace culture that prioritises professionalism and ethical behaviour;
- To establish procedures for cooperating with external authorities, such as Cleveland Police, where necessary and appropriate;
- To ensure that an investigation process maintains appropriate levels of confidentiality and respects the privacy of individuals involved.

### **1.3 Scope.**

This policy applies to all members of staff throughout the organisation. The policy also applies to people who work for, or on behalf of, the organisation such as volunteers and those commissioned to work on behalf of the Brigade.

### **1.4 Policy Category.**

This policy is categorised as Authority within the policy and strategy framework.

## **2. Organising.**

### **2.1 The Cleveland Fire Authority (CFA) is responsible for:**

- Approving the safeguarding staff and managing safeguarding related allegations policy;
- Promoting safeguarding within the Cleveland Fire Authority.

### **2.2 The Brigade's Executive Leadership Team (ELT) is responsible for:**

- Setting policies and strategies in relation to safeguarding staff and managing safeguarding related allegations;
- Promoting the safeguarding staff and managing safeguarding related allegations policy.

**2.3 The Assistant Chief Officer (ACO) Director of Community Protection is responsible for:**

- Leading on the safeguarding staff and managing safeguarding related allegations policy within the organisation and with external partners;
- Developing and implementing the organisation's safeguarding staff and managing safeguarding related allegations arrangements;
- Ensuring arrangements for the timely review and update of policies and procedures.

**2.4 The Senior Head of Prevention, Protection & Engagement responsible for:**

- Advocating the safeguarding staff and managing safeguarding related allegations policy within the ELT;
- Implementing the safeguarding staff and managing safeguarding related allegations arrangements within the organisation;
- Ensuring the timely provision of reports to the ELT on the safeguarding staff and managing safeguarding related allegations.

**2.5 The Head of Prevention and Engagement is responsible for:**

- Deputising for the Senior Head of Prevention, Protection and Engagement in their absence when required to enable the procedure and arrangements to be implemented as described below:

**2.6 The Head of Human Resources is responsible for:**

- Notify the Disclosure and Barring Service of any appropriate outcomes from this policy and procedure, where required;
- Attend appropriate strategy meetings called by the Local Authority and implement any appropriate actions;
- Ensure that any appropriate support arrangements are established for members of staff affected by the arrangements described within this policy and procedure;
- Provide advice on any staff wellbeing related issues where required;
- Work collaboratively with the Senior Head of Prevention, Protection and Engagement to manage the effective implementation of this policy and procedure, including, the completion of the cause for concern and suspension risk assessments and attendance at any case conference where required.

**2.7 The Human Resources Manager is responsible for:**

- Deputising for the Head of Human Resources in their absence when required to enable the procedure and arrangements to be implemented as described below:

**2.8 Group Managers (designated officers) are responsible for:**

- Dealing with any immediate concerns or potential referrals outside of office hours or in the absence of the Brigade's Safeguarding Officer;
- Ensuring that any action needed to protect the immediate safety of any member of staff who may be at risk is taken, such as contacting the police if required.

**2.9 The Brigade's Safeguarding Officer is responsible for:**

- Providing subject expert advice on safeguarding arrangements and any investigation process, when required.

**2.10 Managers are responsible for:**

- Embracing and supporting the ethos of safeguarding;
- Ensuring staff under their management complete any required development and training in safeguarding terms and that refresher training is completed to maintain competence;
- Ensuring staff under their management are fully aware of the organisation's policy and procedures and the requirements of their role within them.

**2.11 Individuals are responsible for:**

- Embracing and supporting the culture of safeguarding of their colleagues;
- Reporting any concerns in line with established organisational procedures;
- Undertaking training as required for their role;
- Maintaining competence to contribute to the safeguarding staff and managing safeguarding related allegations and individuals throughout the communities of Cleveland who receive the broad range of services delivered by the organisation.

**2.12 Trade Unions are responsible for:**

- Embracing and supporting the culture of safeguarding staff and managing safeguarding related allegations.

### **3. Planning and implementing.**

- 3.1 This policy is underpinned and implemented through the supporting safeguarding staff and managing safeguarding related allegations procedure. The safeguarding staff and managing safeguarding related allegations policy and procedure should be read in conjunction with each other to gain a comprehensive understanding of the subject.
- 3.2 This policy also supported by CFB's:
- Safeguarding Children, Young People & Vulnerable Adults Policy (Policy No. 48);
  - Disclosure and Barring Policy and Procedure Policy;
  - Information Governance Framework;
  - Information Assurance Policy and Procedures Policy;
  - Information Compliance Policy and Procedures Policy;
  - Information Security Policy and Procedures Policy.
- 3.3 All new staff in the organisation will be required to be aware of the organisation's safeguarding staff and managing safeguarding related allegations policy and procedure as part of their induction.
- 3.4 All existing staff will be informed of this policy and supporting procedure in line with the recognised policy framework procedure and they will be made available from the Brigade's [Key Document Framework](#), available on [The Bridge](#).
- 3.5 The Brigade's safeguarding staff and managing safeguarding related allegations policy and procedure will be implemented together to ensure that developments in the Brigade's safeguarding arrangements are appropriately communicated to staff, managers and Elected Members.

### **4. Resource Implications.**

- 4.1 Many of the safeguarding related training courses are provided free of charge by the Teeswide Safeguarding Adults Board due to the organisation's membership of the board. Any additional training required will be submitted through the existing organisational training needs analysis to request additional development.
- 4.2 Time may be required to attend safeguarding meetings, including Multi Agency Risk Assessment Conferences (MARAC)<sup>3</sup> and Multi Agency Tasking and Coordination (MATAC)<sup>4</sup> meetings as necessary.

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<sup>3</sup> A MARAC, or multi-agency risk assessment conference, is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors.

<sup>4</sup> MATAC refers to the Multi-Agency Tasking and Coordination process of identifying and tackling perpetrators of domestic abuse. The overarching objectives of the MATAC are to safeguard adults and children at risk of domestic abuse and to reduce the offending of domestic abuse perpetrators.

- 4.3 The nature of any safeguarding staff and managing safeguarding related allegations concerns or allegations would influence whether any out of hours safeguarding matters would be necessary. If required, flexible duty officers are able to maintain continuity of service provision.

## **5. Equality Impact Assessment.**

- 5.1 This policy has been assessed in accordance with the Brigade's People Impact Assessment Procedure. The findings of the People Impact Assessment conclude that the Safeguarding Staff and Managing Safeguarding Related Allegations Policy and Procedure does not have a detrimental impact on any group of staff, including those with one or more protected characteristics. Conversely, the Safeguarding Staff and Managing Safeguarding Related Allegations Policy and Procedure is considered to provide additional benefits to staff, in the context of protection against unacceptable behaviour.

## **6. Monitoring.**

- 6.1 Monitoring of this document will be aligned to the organisation's register of policies and strategies, the key document framework.

## **7. Audit**

- 7.1 This policy will be audited in accordance with the procedure detailed within the Brigade's Assurance Framework.

## **8. Review.**

- 8.1 This policy will be reviewed in line with the document review process, or beforehand if any legislative or other influencing factors change.

# Safeguarding Staff and Managing Safeguarding Related Allegations Procedure.

## 1. Introduction.

- 1.1 The purpose of this safeguarding staff and managing safeguarding related allegations procedure is to provide a framework for the Brigade to effectively manage concerns or safeguarding related allegations about staff. This includes the arrangements for when staff may have a concern about a work colleague or when a safeguarding allegation or concern of harm has been made against a member of staff or someone working on behalf of the organisation from an external source.
- 1.2 The Fire and Rescue National Framework for England<sup>5</sup> sets out the Government's priorities and objectives for fire and rescue authorities in connection with the discharge of their functions. Fire and rescue services are expected to develop partnerships that support risk reduction services to those identified as vulnerable, including from exploitation or abuse, and wherever possible to share intelligence and relevant risk data. Fire and rescue services must also have appropriate safeguarding arrangements in place to provide both staff and the public with the reassurance and confidence that they have every right to expect.
- 1.2 The focus of this procedure is on the safeguarding of staff, to ensure their health and wellbeing, and where necessary, if concerns are raised or allegations made, they are investigated based on an assessment of actual or suspected abuse or harm. This procedure is also designed to ensure that if information is shared or disclosed, it is done so in accordance with the relevant law(s)<sup>6</sup> but in such a way that allows appropriate and proportionate enquiries to be made that ensures staff and people working on behalf of the organisation are protected and public confidence in the Brigade is maintained.

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<sup>5</sup> [The Fire and Rescue National Framework for England](#)

<sup>6</sup> The Data Protection Act 2018 is the UK's implementation of the General Data Protection Regulation (GDPR). Everyone responsible for using personal data has to follow strict rules called data protection principles. They must make sure the information is: used fairly, lawfully and transparently.

## **2. Background.**

- 2.1 The Care Act (2014) and the Children Act (1989, amended 2004) require the organisations that constitute safeguarding partnerships<sup>7</sup> to establish and agree a framework and process to respond to allegations against staff and people who work on behalf of the organisation with adults with care and support needs, and/or children /young people in any setting. Concerns and 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 staff member or representative of the organisation who is the subject of an allegation.
- 2.2 Where concerns are raised about someone who works with children and/or adults with care and support needs, the Brigade must assess any potential risk to those who use the organisation's services, and, if necessary, take action to safeguard those children and/or adults.

## **3. What we mean by safeguarding of staff.**

- 3.1 The Care Act (2014) guidance<sup>8</sup> describes safeguarding as the means of protecting an individual's opportunities to live in safety, free from abuse and neglect. It further states that safeguarding is about staff and organisations working together to prevent and stop both the risks and experience of abuse or neglect, while at the same time making sure that a person's wellbeing is promoted, including, where appropriate, having regard to their views, wishes feelings and beliefs in deciding any action. Within this context, the guidance recognises that adults sometimes have complex interpersonal relationships and may be indifferent, unclear or unrealistic about their personal circumstances.
- 3.2 Abuse and neglect can take many forms and it is important that staff are not constrained in their own view of what constitutes these safeguarding harms, and the circumstances of their colleagues must always be considered.
- 3.3 The types of abuse and neglect that this safeguarding staff and managing safeguarding related allegations procedure aims to protect members of the organisation from are described in appendix two.

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<sup>7</sup> Cleveland Fire Brigade is represented within three safeguarding partnerships throughout Cleveland. These are the Teeswide Safeguarding Adults Board (TSAB), the South Tees Safeguarding Children Partnership (STSCP) and the Hartlepool and Stockton-on-Tees Safeguarding Children Partnership. The statutory guidance applies to the local authority, all partner agencies and commissioned local authorities' relevant partners, and those providing care and support services.

<sup>8</sup> [The Care Act \(2014\)](#)

## 4. Scope.

- 4.1 While the organisation's safeguarding arrangements are primarily focused on children and vulnerable adults throughout the communities of Cleveland<sup>9</sup>, this procedure supports the established arrangements and provides a framework to ensure appropriate actions are taken to manage concerns that may be raised by staff about a work colleague. This may apply within an individual's employment, within their private life, or in any other capacity.
- 4.2 This procedure also applies when concerns, suspicions and allegations of harm, are made about a member of staff regarding their behaviour or conduct within the workplace or externally. All concerns and allegations of harm by those who work with children and vulnerable adults, whether a member of staff, or those volunteering or representing the organisation shall be taken seriously and may cover a wide range of circumstances.
- 4.3 Furthermore, when staff or those volunteering or representing the organisation work with children or vulnerable adults, they are considered to be Persons in a Position of Trust (PIPOT) and examples of where safeguarding allegations against staff may be made include circumstances when 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.
- 4.4 A concern may be raised, or safeguarding allegation made in relation to a staff member's behaviour or conduct 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 or accusations relating to domestic abuse;
  - Have, as a parent or carer, become subject to child protection procedures.
- 4.5 These examples of when concerns may be raised or when safeguarding allegations made include behaviour that may have happened outside the organisation that might make an individual unsuitable to work with children or vulnerable adults and is known as a transferable risk.

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<sup>9</sup> Brigade policy No. 48 describes the arrangements for Safeguarding Children, Young People and Vulnerable Adults.

## **5. Allegations, complaints and concerns.**

- 5.1 It might not be initially clear whether an incident constitutes an allegation in comparison to a complaint or concern in relation to an individual's conduct. 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 member of staff may pose a risk of harm. If it is difficult to determine the level of risk associated with an incident, an assessment of the incident or circumstances should occur to determine whether similar allegations have been made and whether a pattern of behaviour has developed.
- 5.2 Where it is decided that a concern or incident does not reach the threshold of harm/risk of harm, then the Brigade will take steps to ensure that any conduct or behaviour issues are addressed with the member of staff through existing Brigade policies and procedures.

## **6. Safeguarding of work colleagues (internal arrangements).**

- 6.1 During the delivery of prevention, protection or response services, or other routine activities, it may become apparent that a member of staff has a concern for one of their work colleagues. The concerns that staff may have about their work colleagues may fall within the ten distinct safeguarding categories of abuse or harm, such as neglect and/or acts of omission, or self-neglect which covers a wide range of behaviour neglecting to care for an individual's personal hygiene, health or surroundings.
- 6.2 In these circumstances the individual who identifies a safeguarding concern about one of their work colleagues has a range of options, and an initial discussion on the circumstances that led to a concern being identified may clarify any understanding and lead to the concern being negated. Further advice may also be sought from Human Resources on any staff wellbeing related issues.
- 6.3 If a member of staff continues to have a safeguarding concern about one of their work colleagues, they have a duty to act and they should inform their line manager, who must then inform the Head of Human Resources or, in their absence, a Human Resources manager. For out of hours arrangements, the line manager who has a safeguarding related concern about one of their work colleagues must inform the on-duty Group Manager (who is termed the designated officer) and a HR manager must be informed at the earliest subsequent opportunity. The Brigade has established safeguarding arrangements in place and this procedure aims to support the existing procedures, by ensuring that, where necessary, safeguarding concerns for work colleagues are made in the same way as for those vulnerable individuals throughout the communities of Cleveland.

- 6.4 Where staff have a safeguarding related concern for one of their work colleagues, the on-duty Group Manager (termed the designated officer) will then make a safeguarding adult's referral for the member of staff to the relevant local authority, which will require the following information:
- Name of the member of staff;
  - Date of birth and age;
  - Address and telephone number;
  - Why the member of staff is considered to be vulnerable;
  - Whether consent has been obtained for the referral, and if not, the reasons why consent has been withdrawn.
- 6.5 In these circumstances, it is essential that the Head of Human Resources is notified and confidentiality is maintained, and that information sharing arrangements are followed, as described with the Brigade's existing Safeguarding Adults Procedure (No.3).

## **7. Managing a safeguarding allegation from an external source.**

- 7.1 In addition to above arrangements for when a member of staff has a safeguarding related concern about one of their work colleagues, there may be occasions when a safeguarding related allegation is made about a member of staff regarding their behaviour or conduct within the workplace or externally from an external source.
- 7.2 Every person representing, working, or volunteering for the Brigade must work in line with the Brigade's values and ethical behaviour framework (PRIDE) and the public expect the Brigade 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 Brigade's culture. The combination of principles and standards of behaviour encourages consistency between what people believe in and aspire to, and what they do.
- 7.3 It is essential that any allegation made against any members of staff or those representing fire and rescue services, such as volunteers, is dealt with fairly, quickly, proportionately, and consistently. This should be conducted in such a way that it provides effective protection for the adult(s), child(ren) and the individual who is the subject of an allegation. In the circumstances where an allegation is made, the Senior Head of Prevention, Protection and Engagement and the Head of Human Resources 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 Human Resources are informed of an allegation, contact should be made with the Senior Head of Prevention, Protection and Engagement to follow the process described in appendix three.
- 7.4 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 (DBS) and any other relevant and professional bodies.

## **8. The procedure of managing an allegation.**

- 8.1 On the notification of an allegation being made against a member of staff or a person who works on behalf of the Brigade, appropriate and proportionate action must be taken to address any immediate risk. The Senior Head of Prevention, Protection and Engagement must be informed of the allegation who will then complete the cause for concern risk assessment (appendix four) and a suspension risk assessment with the Head of Human Resources.
- 8.2 Confidentiality must be maintained while an allegation is being investigated. Information must be restricted to those staff who have a need to know any relevant information only.
- 8.3 The process for managing an allegation against a member of staff or a person who works on behalf of the Brigade would then follow two distinct paths, an internal and an external process.
- 8.4 For the internal process, a case conference between The Senior Head of Prevention, Protection and Engagement, the Head of Human Resources and a principal officer should be arranged. Subject to any restrictions, the individual against which an allegation(s) has been made, should be informed of the nature of the allegation as soon as possible, that an investigation would be completed and any possible outcomes, in line with existing Brigade procedures.
- 8.5 A regular case conference<sup>10</sup> should be arranged where the Senior Head of Prevention, Protection and Engagement will advise on the progress of the case if investigation(s) are ongoing with any statutory agencies. The Senior Head of Prevention, Protection and Engagement will advise on whether an internal investigation should be commissioned, paused or progressed. The Head of Human Resources should provide updates of any information relating to internal investigations. On completion of an internal investigation, the Senior Head of Prevention, Protection and Engagement should inform the Local Authority Safeguarding Team of the outcome.
- 8.6 For the external process, the Senior Head of Prevention, Protection and Engagement will work directly with the Local Authority, who will advise the Senior Head of Prevention, Protection and Engagement of any further intelligence where appropriate, and what additional needs or risks should be considered.
- 8.7 A strategy meeting may be called by the Local Authority team, attended by identified statutory agencies, the Senior Head of Prevention, Protection and Engagement and any other appropriate representative from the Brigade. In these circumstances, HR must also be informed to enable any appropriate actions to be completed.

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<sup>10</sup> Case conference: when managing a safeguarding related allegation within the scope of this Safeguarding Staff and Managing Safeguarding Related Allegations policy and procedure, it is the responsibility of the Senior Head of Prevention, Protection and Engagement to convene a case conference, when required. The case conference enables the opportunity to assess the progress of any investigations that may be ongoing with statutory agencies and whether internal investigations need to be commissioned, paused or progressed. The case conference is the opportunity to discuss the possible outcomes of the safeguarding concern, agree conclusions and to decide whether it is necessary to establish longer-term arrangements. A record of the case conference must be retained by HR, and should include the attendees, a chronology of events, relevant records or documentation and a record of agreed decisions and actions.

- 8.8 On completion of both the internal and external process, the Head of Human Resources will assess the criteria for referrals to the Disclosure and Barring Service, with any advice, where required, from the Senior Head of prevention, Protection and Engagement.
- 8.9 The process of managing an allegation against staff or a person who works on behalf of the Brigade is illustrated and attached as appendix three.

## **9. Procedure considerations.**

- 9.1 The member of staff 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.

## **10. Allegations against staff in their personal lives.**

- 10.1 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 adult(s), the process and principles described in this procedure will also apply.

## **11. Police investigations.**

- 11.1 An internal process to manage an allegation can be carried out at the same time while a Police investigation is ongoing. Police investigations may take a long time to complete and an individual who is subject to an allegation may not want to engage in an internal process as it may be perceived to be a risk to their defence in a criminal investigation. Similarly, the Police may be reluctant to share information that would prejudice their investigation. A Brigade internal investigation must therefore strike a balance with the Police investigation, and where necessary the Head of Human Resources will liaise with the Senior Head of Prevention, Protection and Engagement, the Police and the Local Authority Designated Officer (LADO)<sup>11</sup> and share information that will assist in the decision-making process as to whether to temporarily suspend or progress an internal investigation.

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<sup>11</sup> The Local Authority Designated Officer (LADO) is the person who should be notified when it has been alleged that a professional or volunteer who works with children 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.

## **12. Resignations from the Brigade.**

- 12.1 As an organisation that delivers regulated activities, the Brigade has a duty to make a referral to the Disclosure and Barring Service when an employee has been dismissed following harm to a child/vulnerable adult, or where there is a risk of harm<sup>12</sup>.
- 12.2 Every effort should be made to reach a conclusion from an investigation even if an individual refuses to cooperate or it is not possible to apply any disciplinary sanctions if an individual's period of notice has expired before the process is completed.
- 12.3 A settlement or compromise agreement must not be used, as this may prevent the Brigade from making a referral to the Disclosure and Barring Service when the necessary criteria are met and failure to do so would likely result in a criminal offence for failure to comply with the duty to refer.
- 12.4 Any referral to the Disclosure and Barring Service will be made by the Head of Human Resources or the Human Resources Manager with any advice, where required, from the Senior Head of Prevention, Protection and Engagement. Further information on these arrangements is described within the Brigade's Disclosure and Barring Service Policy and Procedure.

## **13. Support.**

- 13.1 In managing any allegation, there is a need to consider the support needs of all individuals involved. The support they require depends on the circumstances of each case and will be managed on an individual case by case basis. Support may be required for the following individuals:
- The person(s) who raised the concern at the outset;
  - The person(s) who is the subject of the allegation;
  - The person(s) who was subjected to the alleged harm.
- 13.2 Within the scope of these arrangements, where Brigade staff are involved, support will be arranged by a Human Resources manager, however, the Senior Head of Prevention, Protection and Engagement should also confirm that support arrangements are in place for individuals outside the organisation through the appropriate agency.

## **14. Confidentiality.**

- 14.1 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.

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<sup>12</sup> [DBS barring referrals](#)

## **15. Information recording and sharing.**

- 15.1 Information 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 1989<sup>13</sup> and Care Act 2004<sup>14</sup>) and information should be limited to what is relevant and necessary, specific, and timely and must be shared securely.
- 15.2 His Majesty's Inspectorate of Constabulary and Fire and Rescue Services (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 reporting procedures.

## **16. Record keeping.**

- 16.1 Clear records and an accurate summary of the case record should be kept on an individual's personal record file where appropriate. The record should include details of how the allegation was followed up, the decisions reached, and the action taken. Records must only be kept in line with the Brigade's established data retention arrangements.

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<sup>13</sup> [Children Act 1989](#)

<sup>14</sup> [Care Act 2014](#)

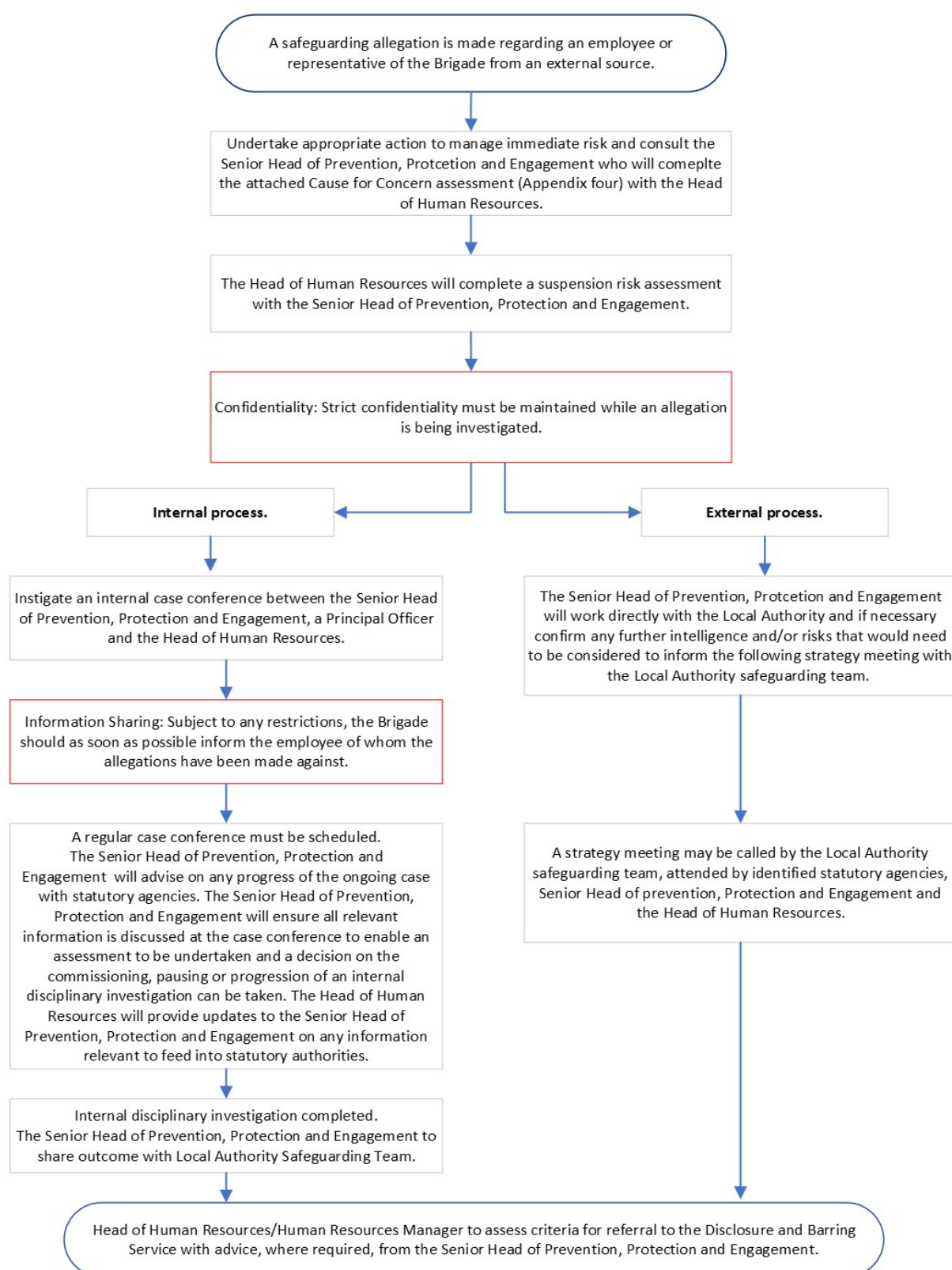
### **Safeguarding categories of abuse or harm.**

The types of concern or safeguarding allegations fall within ten distinct categories of abuse or harm, as described below:

- Physical abuse Including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions.
- Financial or material abuse including theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
- Sexual abuse including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.
- Psychological abuse including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.
- Modern slavery encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.
- Discriminatory abuse including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion.
- Organisational abuse including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home. This may range from one off incidents to on-going ill treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.
- Neglect and acts of omission including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.

- Self-neglect which covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.
- Domestic abuse which includes any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can be, but not limited to, psychological, sexual, financial and emotional.

**Figure 1: Procedure for Managing an Allegation.**



### Cause for concern template/risk assessment.

The cause for concern factors to consider when managing allegations against staff and people who work on behalf of CFB is presented below:

Questions	No cause of concern	Some cause for concern	Cause for concern
1. Has the individual 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. Has the individual 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. Has the individual 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. Has the individual 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. Are there other identified risks (for example patterns of behaviour 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

*Table 1 Cause for concern factors to consider when managing allegations against staff and people who work on behalf of Cleveland Fire Brigade*

Note: the Brigade has a responsibility from the HMICFRS Spotlight report: Values and Culture in Fire and Rescue Services<sup>15</sup> for chief fire officers to notify HMICFRS of any allegations that have the potential to constitute staff gross misconduct immediately 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.

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<sup>15</sup> [Values and culture in fire and rescue services \(Published March 2023\)](#)