

Procedure for dealing with allegations against Staff/Volunteers

- The first priority is to ensure that no child or young person is exposed to unnecessary risk
- Úna Kelly and Anne McAreavey as National Children's Officers are the people to contact if you have an issue or concern about any aspect of a child's or young person's safety and welfare. It is their responsibility to support and advise staff/volunteers about policy and procedures in relation to child protection and to ensure that the procedures are followed. It is also the responsibility of the Children's Officers to liaise with the authorities where appropriate.
- Both the parents/guardians and the child/young person should be informed of actions planned and taken, unless to do so would put the young person at further risk.
- The child/young person should be dealt with in an age-appropriate manner
- If the complaint is made against a staff/volunteer member they will be informed as soon as possible of the nature of the allegation; the staff/volunteer member should be given the opportunity to respond. If the complaint is of a child abuse nature the designated person will consult with the statutory agencies first to clarify when they talk to the person the allegation is about.
- In order to protect children while allegations are being investigated, Michaela Foundation's disciplinary procedures will be followed,
- Michaela Foundation's Director John McAreavey john@michaelafoundation.com should be informed as soon as possible
- The relevant staff/volunteer member will work under supervision pending investigation, or, if necessary be suspended while investigation is being carried out
- Any action following an allegation of abuse against an employee should be taken in consultation with the authorities.
- If allegations are made against the National Children's Officer (namely Orla McIntyre), then the other National Children's Officer (namely Janine Diamond) should be contacted

Physical abuse is violence causing injury or occurring regularly during childhood. It happens when:

- a child is hurt or injured by being hit, shaken, squeezed, thrown, burned, scalded, bitten or cut
- someone tries to drown or suffocate a child
- someone gives a child poison, alcohol or inappropriate drugs
- someone fabricates the symptoms of, or deliberately induces, illness in a child.

In some cases the injuries will be caused deliberately. In others they may be accidental but caused by the child being knowingly put at risk.

Sexual abuse occurs when someone uses power or control to involve a child in sexual activity in order to gratify the abuser's own sexual, emotional or financial needs or desires. It may include:

- forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening
- encouraging children to behave in sexually inappropriate ways
- showing children pornographic material or involving them in the production of such material
- involving children in watching other people's sexual activity or in inappropriate discussions about sexual matters.

Emotional abuse is persistent or severe emotional ill-treatment of a child that is likely to cause serious harm to his/her development. It may include:

- persistently denying the child love and affection
- regularly making the child feel frightened by shouts, threats or any other means
- hurting another person or a pet in order to distress a child
- being so over-protective towards the child that he/she is unable to develop or lead a normal life
- exploiting or corrupting a child, eg by involving him/her in illegal behaviour
- conveying to the child the message that he/she is worthless, unlovable, inadequate, or that his or her only value is to meet the needs of another person. This may or may not include racist, homophobic or other forms of abuse.

Neglect involves persistently failing to meet a child's physical, psychological or emotional needs. It may include:

- failing to ensure that a child's basic needs for food, shelter, clothing, health care, hygiene and education are met
- failing to provide appropriate supervision to keep a child out of danger. This could include a lack of supervision in particular activities or leaving a child alone without the care or supervision required to keep them safe.

How you might find out about a possible case of abuse

Ways that allegations might be made against an adult working for or involved with Michaela Foundation include:

- a child or parent/carer making a direct allegation against a member of staff/volunteer or trustee
- a child or parent/carer expressing discomfort with the behaviour of a member of staff/volunteer or trustee that falls short of a specific allegation
- another member of staff or volunteer directly observing behaviour that is a cause for concern
- the group/organisation being informed by the police or another statutory authority that a member of staff, volunteer or trustee is the subject of an investigation
- information emerging from the renewal of an AccessNI/GCVU check that suggests that a member of staff, volunteer or trustee may have committed an offence or been involved in an activity that could compromise the safety of the children they work with at Michaela Foundation activities
- a staff member or trustee telling the organisation that they have been the subject of allegations, have actually harmed a child, or committed an offence against (or related to) a child.

What to do if an allegation is made or information is received

There are potentially two issues that need to be dealt with as a matter of urgency:



Is a child in immediate danger or does she/he need emergency medical attention?

- If a child is in immediate danger and is with you, remain with him/her and call the police.
- If the child is elsewhere, contact the police and explain the situation to them.
- If the child needs emergency medical attention, call an ambulance and, while you are waiting for it to arrive, get help from your first aider.
- If the first aider is not available, use any first aid knowledge that you may have yourself to help the child.
- You also need to contact your supervisor/manager or named person for child protection to let them know what is happening.

The member of staff or manager should also inform the child's family if the child is in need of emergency medical attention, and arrange to meet them at the hospital or medical centre. The parents/carers should be informed that an incident has occurred, that the child has been injured and that immediate steps have been taken to get help.

Is the person at the centre of the allegation working with children now?

If this is the case, the concern needs to be discussed immediately with John McAreavey (Director) john@michaelafoundation.com and National Children's Officers Orla McIntyre – orla.mcintyre@michaelafoundation.com ; Janine Diamond – janine@michaelafoundation.com . One of these members should then, in a sensitive manner, remove the staff member involved in the allegation from direct contact with children following consultation with statutory agencies.

If the concern is a child protection allegation then before discussing with the person the allegation is about Michaela Foundation will consult with statutory agencies first about how to proceed. Then it may be explained to the person, in private, that there has been a complaint made against him/her, although the details of the complaint should not be given at this stage. The person should be informed that further information will be provided as soon as possible but that, until further consultation has taken place with the relevant agencies and within the organisation, they should not be working with children. It may be best, under the circumstances, for the person to return home on the understanding that the manager or National Children's Officers will telephone him/her later in the day.

The information provided to him/her at this stage will need to be very limited. This is because further discussions may need to take place first with other statutory agencies who may need to be involved..

If the person is a member of a trades union or a professional organisation, he/she should be advised to make contact with that body. Arrangements should also be made for the member of staff or volunteer to receive ongoing support in line with the responsibilities the organisation has towards his or her welfare.

Conducting an investigation

Once any urgent necessary steps have been taken, attention can be given to dealing with the full implications of the allegations.

There are up to three possible lines of enquiry when an allegation is made:

- a police investigation of a possible criminal offence
- enquiries about whether a child is in need of protection and an assessment may be conducted by:



- **Belfast Trust: During Office Hours: 028 90507000 / 90204550 Out of hours: 028 9504 9999**
- **Northern Trust: During Office Hours: 0300 1234 3333 Out of hours 028 94468833**
- **South Eastern Trust Gateway: During Office hours: 0300 100 0300 Out of hours: (028) 9056 5444 / 028 9504 9999**
- **Southern Trust: During Office Hours: 0800 783 7745 (Free phone) Out of hours: 028 38 334444**
- **Western Trust Gateway: During Office Hours: 028 7131 4090**

South of Ireland: TUSLA (00353 1 635 28 54) <http://www.tusla.ie/>

- investigation by the Michaela Foundation and possible disciplinary action being taken against the person in question. This includes implementing a plan to manage any possible risk posed by the individual to children and young people in the camp/activity until the outcome of the other investigations and enquiries is known.

Reporting an allegation or concern

If the allegation is made by a child or family member to a member of staff, or if a member of staff observes concerning behaviour by a colleague at first hand, this should be reported immediately to the staff/volunteer member's supervisor/manager and the National Children's Officers (Orla McIntyre & Janine Diamond); Michaela Foundation's lead on handling the allegation.

If a staff member has received an allegation or observed something of concern about their own manager, the staff member should report the allegation or concern to the person more senior to their manager. If the person who is the subject of the concern is a named person for child protection, the matter should be reported to the named person's manager.

When to involve the HSCT/TULSA (statutory services)

The named person should report the allegation to the HSCT Gateway Team/TULSA) within one working day if the alleged behaviour suggests that the person in question:

- may have behaved in a way that has harmed or may have harmed a child
- has possibly committed a criminal offence against or related to a child
- has behaved towards a child in a way that suggests that he/she may be unsuitable to work with children.

This should also happen if the individual has volunteered the information him/herself.

The statutory services may be told of the allegation from another source. If this is the case, then the first information received by Michaela Foundation may be when the statutory services makes contact in order to explain the situation.

Whoever initiates the contact, there will be discussion between the statutory services and Michaela Foundation's National Children's Officers to share information about the nature and circumstances of the



allegation, and to consider whether there is any evidence to suggest that it may be an immediate risk or alternatively unfounded.

If there is any reason to suspect that a child has suffered, or be likely to suffer, significant harm and there are no obvious indications that the allegation is false, the statutory services, in cooperation with the Michaela Foundation, will allocate the referral for a strategy discussion.

The Michaela Foundation National Children's Officer will take part in the strategy discussion. The named person and any other representative from Michaela Foundation should cooperate fully with this strategy discussion and any subsequent discussion with the statutory services.

It should be asked from the outset that the statutory services shares any information obtained during the course of their enquiries with Michaela Foundation if it has any relevance to the person's employment/voluntary role.

Dealing with a criminal offence

If there is reason to suspect that a criminal offence may have been committed (whether or not the threshold of 'significant harm' is reached), the statutory services will contact the police and involve them in a similar strategy discussion, which will include the National Children's Officer.

The National Children's Officer and any other representative from Michaela Foundation should cooperate fully with any discussion involving the police and should ask for similar cooperation from the police in terms of the sharing of information relevant to the person's employment/voluntary role.

Discussions with the police should also explore whether there are matters that can be acted on in a disciplinary process while the criminal investigation takes place, or whether disciplinary action must wait until the criminal process is completed.

Talking to parents about the allegation or concern

If the child's parents/carers do not already know about the allegation, the named person and the statutory services need to discuss how they should be informed and by whom. Talking to the person who is the subject of the allegation. The person at the centre of the allegation should be informed as soon as possible after the initial consultation with the statutory services. However, if a strategy discussion with statutory services or the police is needed, this might have to take place before the person concerned can be spoken to in full. The police and children's statutory services may have views on what information can be disclosed to the person.

Only limited information should be given to the person in question, unless the investigating authorities have indicated that they are happy for all information to be disclosed or unless there is no need for involvement from these statutory agencies.

The National Children's Officer will need to keep in close communication with the statutory services and the other agencies involved in order to manage the disclosure of information appropriately.



Taking disciplinary action

If the initial allegation does not involve a possible criminal offence, the Michaela Foundation management group, which will include the National Children's Officers and manager of the person at the centre of the allegation should still consider whether formal disciplinary action is needed.

If the local authority children's social care department has undertaken any enquiries to determine whether a child or children are in need of protection, the named person should take account of any relevant information from these enquiries when considering whether disciplinary action should be brought against the person at the centre of the allegations.

The following timings should be kept to wherever possible, depending on the nature of the investigation:

- If formal disciplinary action is not needed, other appropriate action should be taken within three working days.
- If disciplinary action is required, and can be progressed without further investigation, this should take place within 15 days.
- If Michaela Foundation decides that further investigation is needed in order to make a decision about formal disciplinary action, the National Children's Officers for child protection should discuss with the statutory services the possibility of this investigation being done by an independent person to ensure that the process is objective. Whether or not the investigation is handled internally or independently, the report should be presented to the Director, John McAreavey within 10 working days.
- Having received the report of the disciplinary investigation, the director should decide within two working days whether a disciplinary hearing is needed.
- If a hearing is needed, it should be held within 15 working days.
- The National Children's Officers should continue to liaise with the statutory services during the course of any investigation or disciplinary proceedings, and should continue to use the statutory services as a source of advice and support.

If a criminal investigation is required, it may not have been possible to make decisions about initiating disciplinary proceedings or about the person's future work/volunteer arrangements until this is concluded. The police are required to complete their work as soon as reasonably possible and to set review dates, so the National Children's Officers should either liaise with the police directly or via the statutory services to check on the progress of the investigation and criminal process.

The police are also required to inform the Michaela Foundation if the person is either convicted of an offence or acquitted or, alternatively, if a decision is made not to charge him/her with an offence or to administer a caution. In any eventuality, once the outcome is known, the National Children's Officers should contact the statutory services to discuss the issue of disciplinary proceedings.

Northern Ireland only- If the allegation is substantiated and if, once the case is concluded, the Michaela foundation dismisses the person or ceases to use their services, or the person ceases to provide his/her services and the Foundation would have removed them from their role had they not decided to leave then the National Children's Officers must consult with the statutory services about referral of the incident to the Disclosure and Barring Service (DBS). This should take place within a month.

Managing risk and supporting the person at the centre of the allegation



The first priority of Michaela Foundation must always be the safety and welfare of children and young people. However, as an employee or volunteer, the person who is the subject of the allegation has a right to be treated in a fair, sensitive and non-judgemental manner and to have his or her privacy respected as far as this ensures the safety of the child and other children.

Information about the allegation must only be shared on a need to know basis with those directly responsible for supervising and managing the staff member or volunteer. Any other information (for example, explanations to other staff members as to why the person is not at work or working to different arrangements) should be agreed and negotiated with the individual concerned.

If the person is a member of a trades union or a professional organisation, he/she should be advised to make contact with that body as soon as possible after being informed that he/she is the subject of an allegation. Arrangements should also be made for him/her to receive ongoing support and information about the progress of the investigation.

The possible risk of harm to children and young people presented by the person who is the subject of an allegation needs to be carefully managed both during and after any conclusion to the investigation processes following the allegation. This means that the Michaela Foundation may need to consider suspending the person if there is cause to suspect that a child may be at risk of significant harm, or if the allegation is serious enough to warrant investigation by the police, or if it is so serious that it could lead to dismissal. However, a decision to suspend should not be taken automatically, as there may be other ways of managing any risk presented by the person.

The situation should be discussed fully between the National Children's Officers, the individual's manager/supervisor and the statutory services, who may seek the views of the police on the question of possible suspension. The conclusions of the discussion should also be carefully documented. Grounds for suspension should be clearly set out if this is the conclusion. If suspension is not the conclusion, then a clear plan should be made as to how any possible risk posed by the individual is to be managed. This could involve, for example, changes to the person's duties so that they do not have direct contact with children, and/or increased levels of supervision whilst at work.

If it is decided, once the case has been concluded, that a person who has been suspended or who has taken sick leave due to the stress induced by the allegation, is able to return to work, the National Children's Officers and the manager/supervisor of the person who has been the subject of the allegations should consider how best to support the individual in this process. A plan to facilitate a return should be drawn up in consultation with the individual him/herself, and should take into account the need to manage any remaining child protection risks and also to support the person concerned after what will have been and will remain a very difficult experience.

If the decision is that the person cannot return to work and has to be dismissed or chooses to resign, the National Children's Officers and the statutory services should discuss the need for the matter to be referred to the Disclosure and Barring Service (DBS) and/or to any professional body to which the person may belong. The Michaela foundation will not enter into compromise agreements with individuals who resign following the conclusion of investigations into allegations made against them, and will always comply with its statutory obligations to share information about the individual in the interests of protecting children and young people.

If statutory services find the allegation to be without substance or fabricated, they may consider referring the child in question for assessment as to whether he/she is in need of services or whether he/she may



have been abused by someone else. If it is felt that there has been malicious intent behind the allegation, the police will decide whether there are grounds to pursue any action against the person responsible.

Keeping a record of the investigation

All those involved in dealing with the allegation should keep clear notes of the allegations made, how they were followed up, and any actions and decisions taken, together with the reasons for these.

These notes should be compiled gradually as the situation unfolds, with each entry being made as soon as possible after the event it describes. The notes should be signed and dated by the person making them, and the person's name should be printed alongside.

The notes should be kept confidentially on the file of the person who is the subject of the allegation.

Discussion should take place with the statutory services to determine whether any aspects of the notes may not be shared with the person concerned. If there are no reasons not to do so, a copy of the records should be given to the individual.

The notes should be held on file for a 6-year period, whether or not the person remains with Michaela Foundation for this period.