

# Dealing with allegations made against an adult participating in activities or events organised by Abergavenny Orchestral Society

This procedure outlines what you should do if a child protection allegation is made against an adult member of Abergavenny Orchestral Society, the Musical Director, or the Leader, or another adult working with Abergavenny Orchestral Society, or participating in activities or events organised by Abergavenny Orchestral Society. Hereafter referred to as Members and Associates

The purpose of the procedure is to provide clear direction to all adult members of Abergavenny Orchestral Society, the Musical Director, and the Leader, who may be called upon to deal with such allegations and to manage investigations and care plans which may result from them.

## Aims and purpose of procedure

The aims of this procedure are:

- to ensure that children who attend Abergavenny Symphony Orchestra, and any other children who may come to our attention, are protected and supported following an allegation that they may have been abused by an adult Member or Associate
- to ensure that there is a fair, consistent and robust response to any allegations made, so that the risk posed to other children by an abusive individual is managed effectively
- to facilitate an appropriate level of investigation into allegations, whether they are said to have taken place recently, at any time the person in question has been involved with Abergavenny Orchestral Society, or prior to the person's involvement with Abergavenny Orchestral Society
- to ensure that Abergavenny Orchestral Society continues to fulfil its responsibilities towards Members and Associates who may be subject to such investigations
- to ensure that individuals are able to continue in their role if they have been at the centre of allegations that are unfounded or deemed to be malicious in origin

This procedure applies to:

- all Members and Associates to whom an allegation of abuse has been made, that involves any Member or Associate
- anyone in a position of authority (including the Designated Safeguarding Lead (DSL), members of the committee and trustees) who may be required to deal with such allegations and manage investigations that result from them

## Different types of abuse

**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 their 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 they are unable to develop or lead a normal life
- exploiting or corrupting a child, eg by involving them in illegal behaviour
- conveying to the child the message that they are worthless, unlovable, inadequate, or that their 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 in the house.

**Female Genital Mutilation (FGM)** (sometimes referred to as female circumcision) refers to procedures that intentionally alter or cause injury to the female genital organs for non-medical reasons. It has no health benefits and harms girls and women in many ways. It is practised by families for a variety of complex reasons but often in the belief that it is beneficial to the girl or woman. FGM is practised in 28 African countries as well as in parts of the Middle East and Asia. The practice is illegal in the UK. The girls may be taken to their countries of origin so that FGM can be carried out during the summer holidays, allowing them time to 'heal' before they return to school. Some girls may have FGM performed in the UK. FGM is child abuse and a form of violence against women and girls.

From October 2015 it is mandatory to report to the police any act of FGM.

**Child Sexual Exploitation (CSE)** is a type of sexual abuse in which children are sexually exploited for money, power or status. Children or young people may be tricked into believing they are in a loving, consensual relationship. They might be invited to parties and given drugs and alcohol. They may also be groomed online. Some indicators of children being sexually exploited are:

- going missing for periods of time or regularly being late
- appearing with unexplained gifts or new possessions
- associating with other young people involved in exploitation
- having older boyfriends or girlfriends
- suffering from sexually transmitted infections
- mood swings or changes in emotional wellbeing;
- drug and alcohol misuse and displaying inappropriate sexualised behaviour.

The facts:

- A child under the age of 13 is not legally capable of consenting to sex (it is statutory rape) or any other sexual touching
- Sexual activity with a child under 16 is also an offence
- It is an offence for a person to have a sexual relationship with a 16 or 17 year old if that person holds a position of trust or authority in relation to the young person
- Non consensual sex is rape whatever the age of the victim
- If the victim is incapacitated through drink or drugs, or the victim or his or her family has been subject to violence or the threat of it, they cannot be considered to have given true consent and therefore offences may have been committed.

CSE is therefore a child protection issue for all children under the age of 18. Where it comes to our notice that a child under the age of 13 is, or may be, sexually active this will result in immediate referral to Children's Services.

### **Radicalisation**

Protecting children from the risk of radicalisation should be seen as part of wider safeguarding duties, and is similar in nature to protecting children from other harms (e.g. drugs, gangs, neglect, sexual exploitation), whether these come from within their family or are the product of outside influences.

We should be aware of the increased risk of online radicalisation, as terrorist organisations such as ISIL (aka ISIS) seek to radicalise young people through the use of social media and the Internet. There is no single way of identifying an individual who is likely to be susceptible to a terrorist ideology. As with managing other safeguarding risks, we should be alert to changes in children's behaviour which could indicate that they may be in need of help or protection. Children at risk of radicalisation may display different signs or seek to hide their views. We should use our own judgement to identify children who might be at risk of radicalisation and act proportionately. Examples of ways in which people can be vulnerable to radicalisation and the indicators that might suggest an individual might be vulnerable:

- indicators that an individual is engaged with an extremist group, cause or ideology include:
  - spending increasing time in the company of other suspected extremists
  - changing their style of dress or personal appearance to accord with the group
  - their day-to-day behaviours becoming increasingly centred around an extremist ideology, group or cause
  - loss of interest in other friends and activities associated with the extremist ideology, group or cause
  - possession of material or symbols associated with an extremist cause (e.g. the swastika for far right groups)
  - attempts to recruit others to the group/cause/ideology
  - communications with others that suggest identification with the group/cause/ideology.
- indicators that an individual has an intention to use violence or other illegal means include:
  - clearly identifying another group as threatening what they stand for and blaming that group for all social or political ills
  - using insulting or derogatory names or labels for another group
  - speaking about the imminence of harm from the other group and the importance of action now
  - expressing attitudes that justify offending on behalf of the group, cause or ideology
  - condoning or supporting violence or harm towards others
  - plotting or conspiring with others.
- indicators that an individual is capable of contributing directly or indirectly to an act of terrorism include:

- having a history of violence
- being criminally versatile and using criminal networks to support extremist goals
- having occupational skills that can enable acts of terrorism (such as civil engineering, pharmacology or construction)
- having technical expertise that can be deployed (e.g. IT skills, knowledge of chemicals, military training or survival skills).

These examples are not exhaustive and vulnerability may manifest itself in other ways. There is no single route to terrorism nor is there a simple profile of those who become involved. For this reason, any attempt to derive a 'profile' can be misleading. It must not be assumed that these characteristics and experience will necessarily lead to individuals becoming terrorists, or that these indicators are the only source of information required to make an appropriate assessment about vulnerability. We should understand when it is appropriate to make a referral to the Channel programme. Channel is a programme which focusses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. An individual's engagement with the programme is entirely voluntary at all stages.

### **Ways that allegations might be made against an adult Member or Associate**

- a child or parent/carer making a direct allegation against an adult Member or Associate
- a child or parent/carer expressing discomfort with the behaviour of an adult Member or Associate that falls short of a specific allegation
- another adult Member or Associate directly observing behaviour that is a cause for concern
- Abergavenny Orchestral Society being informed by the police or another statutory authority that an adult Member or Associate is the subject of an investigation
- information emerging from the renewal or updating of a DBS check that suggests that an adult Member or Associate may have committed an offence or been involved in an activity that could compromise the safety of the children they work with at Abergavenny Orchestral Society
- an adult Member or Associate telling Abergavenny Orchestral Society 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:

#### **1. Is a child in immediate danger or do they need emergency medical attention?**

- If either child is in immediate danger and is with you, remain with them and call the police if you are unable to remove the danger yourself
- If the child is elsewhere, contact the police and explain the situation to them
- If a child needs emergency medical attention, call an ambulance and, while you are waiting for it to arrive, get help from a nominated first aider
- If a 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 DSL, their deputy, or the Chairman to let them know what is happening

The DSL, their deputy, or the Chairman 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.

## **2. Is the person at the centre of the allegation in the presence of children now?**

If this is the case, the concern needs to be discussed immediately with the DSL (or their deputy) and the Chairman. One of these (either the DSL or the Chairman) should then, in a sensitive manner, remove the Member or Associate involved in the allegation from direct contact with children.

It should then be explained to the Member or Associate, in private, that there has been a complaint made against them, although the details of the complaint should not be given at this stage. The Member or Associate should be informed that further information will be provided as soon as possible but that, until consultation has taken place with the relevant agencies and within Abergavenny Orchestral Society, they should not be in the presence of children. It may be best, under the circumstances, for the Member or Associate to return home on the understanding that the DSL or Chairman will telephone them within 24 hours.

The information provided to the Member or Associate at this stage will need to be very limited. This is because discussions need to take place first which may include other agencies who might need to be involved, such as the local authority children's social care department, the police or the local authority designated officer (LADO).

If the Member or Associate is a member of a trade union or a professional organisation, they should be advised to make contact with that body.

## **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 and an assessment by the local authority children's social care department about whether a child is in need of protection
- an investigation by the DSL and another trustee, and possible sanctions being taken against the person in question. This includes implementing a plan to manage any risk posed by the individual to children and young people in the orchestra 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 or Associate, or if a Member or Associate observes concerning behaviour by another Member or Associate at first hand, this should be reported immediately to the Chairman and the DSL, Abergavenny Orchestral Society's lead on handling the allegation.

If a Member or Associate has received an allegation or observed something of concern about the Chairman, the Member or Associate should report the allegation or concern to DSL. If the person who is the subject of the concern is a DSL, the matter should be reported to the Chairman.

### **When to involve the local authority designated officer**

The DSL should report the allegation to the local authority designated officer (LADO) within 24 hours 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 they may be unsuitable to work with children.

This should also happen if the individual has volunteered the information themselves.

The LADO may be told of the allegation from another source. If this is the case, then the first information received by Abergavenny Orchestral Society may be when the LADO makes contact in order to explain the situation.

Whoever initiates the contact, there will be discussion between the LADO and Abergavenny Orchestral Society's DSL 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 false or 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 LADO, in co-operation with Abergavenny Orchestral Society, will make an immediate referral to the local authority children's social care department to ask for a strategy discussion.

The LADO and DSL will take part in the strategy discussion. The DSL and any other representative from Abergavenny Orchestral Society should co-operate fully with this and any subsequent discussion with the children's social care department.

It should be asked from the outset that the children's social care department shares any information obtained during the course of their enquiries with Abergavenny Orchestral Society if it has any relevance to the person's position within the orchestra.

### **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 LADO will contact the police and involve them in a similar strategy discussion, which will include the DSL.

The DSL and any other representative from Abergavenny Orchestral Society should co-operate 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 position within the orchestra.

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 DSL and the Chairman or the LADO (if they are involved) 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 LADO. However, if a strategy discussion with children's social care 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 social care department 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 DSL will need to keep in close communication with the LADO 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 DSL and the Chairman 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 DSL 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 Abergavenny Orchestral Society decides that further investigation is needed in order to make a decision about formal disciplinary action, the DSL should discuss with the LADO 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 DSL within 10 working days
- Having received the report of the disciplinary investigation, the DSL should decide within two working days whether disciplinary action is needed
- The DSL should continue to liaise with the LADO during the course of any investigation or disciplinary proceedings, and should continue to use the LADO 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 involvement with Abergavenny

Orchestral Society until this is concluded. The police are required to complete their work as soon as reasonably possible and to set review dates, so the DSL should either liaise with the police directly or via the LADO to check on the progress of the investigation and criminal process.

The police are also required to inform Abergavenny Orchestral Society straight away if the person is either convicted of an offence or acquitted or, alternatively, if a decision is made not to charge them with an offence or to administer a caution. In any eventuality, once the outcome is known, the DSL should contact the LADO to discuss the issue of disciplinary proceedings.

If the allegation is substantiated and if, once the case is concluded, Abergavenny Orchestral Society dismisses the person or ceases to use their services, or the person ceases to provide their services, the DSL should consult with the LADO 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 Abergavenny Orchestral Society must always be the safety and welfare of children and young people. However, as a Member or Associate, 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 their privacy respected as far as this preserves the safety of the child and other children.

Information about the allegation must only be shared on a need to know basis with the Chairman and those on the committee directly involved in the case. Any other information (for example, explanations to other Members and Associates as to why the person is not at rehearsals) should be agreed and negotiated with the individual concerned.

If the person is a member of a trade union or a professional organisation, they should be advised to make contact with that body as soon as possible after being informed that they are the subject of an allegation. Arrangements should also be made for them 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 Abergavenny Orchestral Society may need to consider suspending the membership of 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 permanent removal from the orchestra and/or a criminal record. However, a decision to suspend membership 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 DSL, the Chairman and the LADO, who will seek the views of the police and the children's social care department on the question of possible membership suspension. The conclusions of the discussion should also be carefully documented. Grounds for membership suspension should be clearly set out if this is the conclusion. If membership 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 rehearsals.



If it is decided, once the case has been concluded, that a person who has had their membership suspended or who has been off sick due to the stress induced by the allegation, is able to return to the orchestra, the DSL and the Chairman 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 themselves, 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 and has to be permanently removed from the orchestra or chooses to resign or leave, the DSL and the LADO 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. Abergavenny Orchestral Society should not enter into compromise agreements with individuals who resign or leave following the conclusion of investigations into allegations made against them, and should always comply with its statutory obligations to share information about the individual in the interests of protecting children and young people.

If the allegation is found to be without substance or fabricated, Abergavenny Orchestral Society should consider referring the child in question to the children's social care department for them to assess whether they are in need of services or whether they may have been abused by someone else. If it is felt that there has been malicious intent behind the allegation, Abergavenny Orchestral Society should discuss with the police 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 in a file of the person who is the subject of the allegation. Discussion should take place with the LADO 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 10-year period, whether or not the person remains with Abergavenny Orchestral Society for this period.

## Useful contact details

Designated Safeguarding Lead: Heather Leighton – 07920 408583

Deputy Designated Safeguarding Lead: Bethan Barlow – 07929 357779

Chairman: Peter Geraghty - 07930 164604

Local police: 01633 838111

Local authority children's social care department: 01633 644644

Local authority designated officer (LADO) 01291 635669

NSPCC: 0808 800 5000 [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

ChildLine: 0800 1111 (textphone 0800 400 222) or [www.childline.org.uk](http://www.childline.org.uk)

This procedure is consistent with the government guidelines set out in *Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children*, HM Government, March 2013, and with the Children's Workforce Development Council's publication, *Recruiting Safely: Safer recruitment guidance helping to keep children and young people safe*, CWDC, 2009.