



Managing Allegations Against Staff and Volunteers

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1. Introduction

This guidance is issued by The Football Association (The FA) for County FAs (CFAs) to deal with instances when allegations are made against CFA employees and/or people volunteering for the CFA e.g. Board, Council, Committee or CFA members and/or other volunteers directly deployed on behalf of the CFA to work with under-18s and adults at risk (AAR), including those who work on a temporary or locum basis¹.

Allegations about FA Licensed Tutors should however be sent directly to The FA Case Management team who will in turn work with FA Education.

All CFAs must have procedures in place to deal with allegations made against staff and volunteers. This guidance is underpinned by the government guidance Working Together to Safeguard Children (2018)².

As employers, CFAs also have a duty of care to their staff and volunteers and, as such, must also ensure that members of staff against whom an allegation has been made are treated fairly and are provided with effective support.

It is essential that any allegation of abuse is dealt with fairly, consistently and as swiftly as possible, in a way that provides effective protection for the child and/or AAR and at the same time supports the person who is the subject of the allegation.

CFAs are required to inform The FA of any such allegation and this guidance informs CFAs of the process to do so, which includes working with the relevant Local Authority Designated Officers (LADO) or Adult Safeguarding Board (ASB)³.

Investigations into CFA staff or volunteers must be led by the Senior Safeguarding Lead, who must inform the Chairperson. They can take advice from people with specific safeguarding knowledge, such as the Designated Safeguarding Officer, but the responsibility for the investigation sits with the Senior Safeguarding Lead, who is the primary Designated Person in these instances, unless the investigation is about the Senior Safeguarding Lead.

Allegations and complaints against staff can be minimised by having:

- o An open and transparent safeguarding ethos;
- o Safer recruitment practices that are followed;
- o Systematic induction and training procedures;
- o A Code of Conduct for staff and volunteers that is signed up by all staff and volunteers; and
- o Regular briefing and discussion of safeguarding issues.

2. What is an allegation?

An allegation is information or a concern which suggests that a CFA employee or volunteer working with children and young people and/or AAR has:

- o Poses or may pose a risk of harm to an AAR;
- o Behaved in a way that has harmed a child, or may have harmed a child;
- o Possibly committed a criminal offence against or related to a child; or

¹ For a definition of AAR, please see **Appendix 2: Safeguarding Adults: Briefing Note**

² Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children, July 2018: <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

³ Check with the CFA Designated Safeguarding Officer for the current name(s) and contact details of the LADO/ASB and add to Key Safeguarding Contacts Section 13.

- o Behaved towards a child or children in a way that indicates he or she could pose a risk of harm if they worked with children.

If anyone sees, hears, suspects or reports something that fits into one of the four categories above there is a statutory duty to report this.

3. Principles

All CFAs should have procedures for dealing with allegations. The procedures should make it clear that all allegations should be reported immediately, normally to the CEO, who is also most likely to be the Senior Safeguarding Lead. The procedures should also identify the person, often the Chairperson or Board Safeguarding Champion, to whom reports should be made in the absence of the CEO or in cases where the CEO themselves are the subject of the allegation or concern. Procedures should also include contact details for the LADO, Adult Safeguarding Board (ASB) and The FA Case Management team responsible for providing advice and monitoring cases.

If an allegation is made against a CFA member of staff:

- o Priority should be given to resolving the matter as soon as possible;
- o Staff should not be automatically suspended; all other options should be considered before suspending a member of staff.

If an allegation is made against a volunteer, they may be asked not to volunteer, attend the CFAs premises or contact any members of CFA staff or service users.

4. Duties towards staff and volunteers

Employers have a duty of care to their employees. They should ensure they provide effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended. CFAs also take their obligations in relation to volunteers seriously and will therefore also provide volunteers with a named contact whilst any investigation is ongoing. This guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children or AAR in their present position, or in any capacity.

The CFA will use its existing Disciplinary Procedures to handle these cases involving employees. Copies of the Disciplinary Procedure are contained in the Staff Handbook. If, following a disciplinary procedure the employee wishes to appeal against any disciplinary action taken, the employee should follow the appeal process in the Disciplinary Procedure.

If the CEO or equivalent is the subject of a complaint or concern, the matter would need to be heard by the Chairperson, supported by the Board Safeguarding Champion. If there was a subsequent appeal in relation to this matter, then another CFA or The FA should hear the appeal, wherever possible.

The Disciplinary Procedure does not apply to volunteers but any allegations which falls under the scope of this guidance will be fully investigated as set out below.

It is essential that any allegation of abuse made against a member of staff or a volunteer is dealt with quickly in a fair and consistent way that provides effective protection for the child/ children or AAR and at the same time supports the person who is the subject of the allegation.

5. Procedures

When an allegation is received which falls under the scope of this guidance the CFA should:

- o Take the matter seriously and keep an open mind;
- o Not promise confidentiality to the person making the allegation/sharing the concern;
- o Make a written record of the allegation using the words of the person who made the allegation (including time, date and place where the alleged incident took place, what was said and anyone else present). This should be signed and dated. If the concern is about an AAR, their views and wishes (if known) should also be recorded;
- o Contact the Chairperson or Board Safeguarding Champion if the concerns are about the CEO or equivalent;
- o Ensure the Designated Person immediately contacts the LADO/ASB and The FA Case Management Team in 24 hours;
- o Not make decisions without a discussion with the LADO/ASB and The FA Case Management Team;
- o Make a written record of discussions with LADO/ASB and The FA Case Management Team; and
- o Make sure LADO/ASB and The FA Case Management Team have full details of the person against whom a concern has been raised and the person who is the subject of the concern.

The procedures for dealing with allegations need to be applied with common sense and judgement.

Some cases may not meet the criteria set out above, or may do so without warranting consideration of either a police investigation or enquiries by local authority children's and/or Adult Services. In these cases CFAs should use the Disciplinary Procedure (where appropriate), to resolve cases without delay and in consultation with The FA Safeguarding Case Management Team.

When an allegation against a CFA member of staff is made, the CFA needs to contact the LADO/ASB to inform him/her of the allegation and at the same time make a referral to The FA Safeguarding Case Management Team.

If a referral is received by The FA Case Management Team, the relevant CFA CEO or equivalent will be informed within one working day and the normal procedure will apply.

Some rare allegations will be so serious they require immediate intervention by Local Authority children's social care, Adult Services and/or police.

The purpose of an initial discussion is for **the LADO/ASB, the CFA Designated Person and The FA Safeguarding Case Management Team** to consider the nature, content and context of the allegation and agree a course of action.

Actions to be agreed in initial discussion:

- o What further information is required?
- o Whether any immediate action needs to be taken to safeguard and protect children or AAR;
- o When and what should the parents/carers of any child/children involved be told;
- o How and when an AAR should be kept informed;

- o What should be said to the member of staff or volunteer facing the allegation?
- o Whether suspending the member of staff or asking a volunteer to cease their volunteering activities, refrain from attending the CFAs premises or contacting any members of CFA staff or service users is required;
- o What is the appropriate risk management strategy? Suspension should not be an automatic response.

As employers the CFAs must consider carefully whether the circumstances of the case warrant a person being suspended from contact with children and/or AAR or whether alternative arrangements can be put in place. Suspension should be considered where children and/or AAR are at risk of harm or the case is so serious it may be grounds for dismissal.

If suspension is agreed, the reason for suspension must be communicated to the member of staff in writing within one day. Alternatives to suspension might include alternative work, or the deployment of another adult to work alongside the person subject to the allegation to supervise them.

CFAs should consider asking a volunteer to cease their volunteering activities, refrain from attending the CFAs premises or contacting any members of CFA staff. This should be confirmed in writing.

Possible outcomes of the initial discussion include:

- o Strategy meeting normally held within three days;
- o Referral to the LADO/ASB;
- o Referral to Police for investigation; or
- o No further action (NFA).

The LADO/ASB may ask the CFA Designated Person/The FA to provide or obtain relevant additional information, such as previous history, where there have been previous similar allegations and details of the individual's current contact with children.

The CFA should decide with the LADO/ASB and The FA whether an investigation needs to be carried out.

In situations where the person is deemed to be an immediate risk to children or there is evidence of a criminal offence, or even if there is no such evidence, the LADO/ASB should determine whether police involvement is necessary.

The initial sharing of information and evaluation may lead to a decision that no further action is to be taken; in which case this decision and a justification for it should be recorded by the LADO/ASB, the CFA and The FA and agreement reached on what information should be put in writing to the individual concerned and by whom. The CFA Designated Person should then consider with the LADO/ASB and The FA, what action should follow both in respect of the individual and those who made the initial allegation.

Informal action should be resolved in a timely fashion. Ideally, most cases should be concluded with one month.

Where there may be a case to answer, the CFA should decide with the LADO/ASB and The FA how to proceed further, which may include further investigation and internal disciplinary action or the cessation of a volunteer's activities.

The CFA Designated Person should inform the individual about the allegation as soon as possible after consulting the LADO/ASB and The FA. It is extremely important that the CFA

Designated Person provides the individual with as much information as possible at that time. However, where a strategy discussion is needed, or police or children's social care services or ASB need to be involved, the CFA Designated Person should not do so until those agencies have been consulted, and have agreed what information can be disclosed to the CFA member of staff or volunteer.

If the allegation is not demonstrably false or unsubstantiated, and there is cause to suspect a child or AAR is suffering or is likely to suffer significant harm, a strategy discussion should be convened.

Where an investigation by the police or children's social care services or ASB is unnecessary, or the strategy discussion or initial evaluation decides that is the case, the LADO or ASB should discuss the next steps with the CFA Designated Person and The FA. In those circumstances, the options open to the CFA and The FA will range from taking no further action to dismissal or a decision not to use the person's services in future.

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

- o **Substantiated:** there is enough evidence to prove the allegation;
- o **False:** there is enough evidence to disprove the allegation;
- o **Unsubstantiated:** this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence;
- o **Malicious:** there is enough evidence to disprove the allegation and there has been a deliberate act to deceive.

6. Confidentiality

It is extremely important that, when an allegation is made, the CFA makes every effort to maintain confidentiality and guard against unwanted publicity, including comments on social media, while an allegation is being investigated or considered.

The CFA Designated Person should take advice from the LADO, the police and children's social care services or ASB and The FA to agree the following:

- o Who needs to know and, importantly, exactly what information can be shared;
- o How to manage speculation, leaks and gossip;
- o What, if any information can be reasonably given to the wider community to reduce speculation; and
- o How to manage media interest if and when it should arise.

Breaches of confidentiality may lead to disciplinary action being taken against members of staff or ceasing an individual's volunteering activities.

7. Supporting those involved

Employers should act to manage and minimise the stress inherent in the allegations process. Support for the individual is key to fulfilling this duty.

Individuals should be informed of concerns or allegations as soon as possible and have the likely course of action explained to them, unless there is an objection by the LADO/ASB, children's social care services or the police. The individual should be advised to contact their trade union representative, if they are a member of staff and have one, or a colleague for support. They should also be given access to counselling or medical advice where this is provided by the CFA.

The CFA Designated Person is responsible for keeping the person who is the subject of the allegation informed of the progress of the case and consider what other support is appropriate for the individual.

It should be decided at the outset which of the Designated Persons is leading the investigation and who is providing feedback and support to the person who is subject to the allegation.

Social contact with colleagues and friends should not be prevented unless there is evidence to suggest that such contact is likely to be prejudicial to the gathering and presentation of evidence.

In cases where a child or AAR may have suffered significant harm, or there may be a criminal prosecution, children's social care services, adult services or the police as appropriate, should consider what support the child or children involved may need and discuss with the AAR if they want support.

8. Resignations and 'settlement agreements'

If the person who is subject to the allegation resigns, or ceases to provide their services you must:

- o Follow up any allegations in accordance with this guidance;
- o Remember to make every effort to reach a conclusion in all cases of allegations and concerns relating to the welfare of a child/ children or AAR, including any in which the person concerned refuses to co-operate with the process;
- o Never enter into a "settlement/ compromise agreement" with the accused where they are employed (i.e. an agreement by which the parties agree the individual's employment will end if the employer agrees not to pursue

disciplinary action and/or in exchange for a termination payment. Typically the parties agree a form of words to be used in any future reference).

A settlement/compromise agreement will not prevent a thorough police investigation where that is appropriate nor should it override the statutory duty to make a referral to the Disclosure and Barring Service (DBS) where circumstances require that e.g. someone leaves their employment for safeguarding reasons.

9. Record-keeping

Details of allegations that are found to have been malicious should be removed from personnel records.

However, for all other allegations, it is important that a clear and comprehensive summary of the allegation, details of how the allegation was followed up and resolved and a note of any action taken and decisions reached, is kept on the confidential personnel file of the accused, and a copy provided to the person concerned.

Where the allegation is found to be false, unsubstantiated, or malicious, the information should not be included in any reference.

The purpose of the record is to enable accurate information to be given in response to any future request for a reference, where appropriate. It will provide clarification in cases where future DBS disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary reinvestigation if, as sometimes happens, an allegation re-surfaces after a period.

The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on employment retention (ico.org.uk/for-organisations/).

10. Timescales

It is in everyone's interest to resolve cases as swiftly as possible, consistent with a fair and thorough investigation. All allegations must be investigated as a priority to avoid any delay. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness, complexity of the allegation and whether external agencies, such as the police, are involved. The CFAs should set targets to conclude these investigations in order to bring the matter to a close as soon as possible. The CFAs can refer to the LADO/ASB for guidance on timescales.

11. Action on conclusion of a case

If the allegation is substantiated and the person is dismissed or the CFA ceases to use the person's services, or the person resigns or otherwise ceases to provide his or her services, the LADO or ASB should discuss with the CFA Designated Person and The FA whether a referral to the DBS is required.

There is a legal requirement for employers to make a referral to the DBS where they think that an individual has engaged in conduct (including inappropriate sexual conduct) that harmed (or is likely to harm) a child; or if a person otherwise poses a risk of harm to a child. In such circumstances, the duty to refer an individual to the DBS arises where an employer has removed the individual from relevant work with children or the person has chosen to cease relevant work in circumstances where they would have been removed had they not done so. Please see point 14 on **page 150** for further details on how to refer to DBS.

There is a duty to refer to DBS where an individual has been working in Adult Regulated Activity and may have engaged in "relevant conduct" with an adult.

Referrals can also be made in other situations, see Point 13 below.

12. Action in respect of unfounded or malicious allegations

If an allegation is determined to be unfounded or malicious, the LADO should refer the matter to the children's social care services to determine whether the child concerned is in need of services, or may have been abused by someone else.

The same process could be considered for AAR.

Details of allegations that are found to be malicious should be removed from personnel records and should not be included in any references. Consideration should be given as to whether any action should be taken in relation to the individual who made the malicious allegation (e.g. disciplinary action in the case of an employee).

13. Allegations Involving Adults At Risk (AAR)

If the CFA becomes aware of an allegation that a CFA Staff member or volunteer has harmed an adult at risk (see **Appendix 2: Safeguarding Adults: Briefing Note**) a report must be made to The FA's Case Safeguarding Management Team (**safeguarding@TheFA.com**).

Whilst the procedures will be similar it will also be necessary to involve the adult and consider their views and wishes. This process must be guided by Case Management who will have access to expert external help and advice.

Norfolk County FA Safeguarding Team:

County FA Board Safeguarding Champion

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County FA Senior Safeguarding Lead (SSL)

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County FA Senior Safeguarding Lead (SSL)

Deputising role in the absence of SSL

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The Safeguarding Team

The Football Association (The FA)

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[TheFA.com/football-rules-governance/safeguarding](https://www.thefa.com/football-rules-governance/safeguarding)

International and Corporate Affairs – strategy, policy, standards, education, DSO support, survivor support and good practice

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Local Authority Designated Officers (LADOs or ASBs)
Norfolk FA Safeguarding Contacts – External Children Services Agencies

MASH - Telephone 0344 800 8020

Email: mash@norfolk.gcsx.gov.uk

Fax: (01603) 762445

Postal: The MASH Team Manager, Floor 5, Vantage House, Fisher's Lane, Norwich NR2 1ET

LADO – General LADO Team (01603) 223473

Email: cs.norfolkLADOsecure@norfolk.gcsx.gov.uk or LADO@norfolk.gov.uk

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Useful web pages are:

<https://www.norfolkscb.org/>

<https://www.norfolkscb.org/contact/>

<https://www.norfolkscb.org/wp-content/uploads/2015/03/Organisational-Structure-Dec-2016.docx>

Adult Safeguarding Board - <https://www.norfolksafeguardingadultsboard.info/>

Referral Contact Tel Number - 0344 800 8020

Adult Social Care - <https://www.norfolk.gov.uk/care-support-and-health/contact-our-social-care-team>

Contact Tel Number - 07767 647670

14. Process for referrals to the Disclosure and Barring Service

