



Section 5 Allegations/Concerns Against Practitioners/Persons in Positions of Trust, Wales Safeguarding Procedures

When a Safeguarding Allegation Is Made About You

Introduction

This information explains what happens if a safeguarding allegation is made about you in your role working with children, young people and/or adults at risk. Safeguarding allegations/concerns are always taken seriously and carefully considered. At the same time, we recognise that being the subject of a safeguarding allegation can be upsetting and stressful. You should be kept informed and supported throughout the process.

For the purposes of these procedures work means either paid or voluntary, and can be direct or indirect with children/adults at risk

What this process is and is not

This is a safeguarding process under Section 5 of the Wales Safeguarding Procedures. It is not a disciplinary investigation and does not presume fault. Employer disciplinary processes may be undertaken in conjunction with or on conclusion of the process.

What happens when an allegation is made

All safeguarding concerns/allegations must be referred to Social Services. There is a legal duty on employers to refer any safeguarding allegations that involve children/adults at risk.

An initial Strategy Discussion will consider whether the allegation needs to be considered within the Section 5 process. If a decision to proceed is made, Section 5 strategy meetings will be led by **Local Authority** Designated Officer (LADO) or Designated Officer for Safeguarding (DOS) and attended by relevant agencies such as police, your employer, professional/regulatory body, social worker. LADO/DOS roles sit within the Social Services department of Local Councils.

You will not be invited to these meetings. Information will be shared by the agencies in attendance and your employer. Your employer/representative will be asked to share any response and views that you have provided in relation to the safeguarding allegation/concerns..

Information Sharing

Where it is safe to do so and does not compromise anyone's safety or parallel investigations such as criminal investigations, your employer will provide you with information about the concerns/allegations. There may be occasions, where you cannot have a level of detail about the concerns/allegation from your employer and may only be told limited information. The amount of information that is able to be shared with you is under constant review and where it is safe and appropriate to do so this information will be shared.

Role Arrangements During the process

Temporary arrangements may be made regarding contact with children or adults at risk. These are without prejudice and based on risk and safeguarding needs. Your employer will consider this and may decide that alternative duties are undertaken or other mitigating measures are required. These decisions will be undertaken to support and mitigate risk to both yourself and others during this process.

Support

You should receive support from your employer, HR, union, professional body or legal adviser, and wellbeing services where available.

Conclusion & Outcomes

Outcome decisions will be made within the following four categories, based on the balance of probabilities:

Substantiated – one which is established by evidence or proof (on the balance of probability).

Unsubstantiated – there is insufficient evidence to prove or disprove the allegation(s) and is not determined substantiated, unfounded, deliberately invented or malicious.

Unfounded – there is no evidence/grounds to prove or support the allegation. There may be information that completely refutes the allegation made.

Deliberately Invented/Malicious – there is clear evidence to prove there has been a deliberate act to deceive, and the allegation is entirely false.

There will also be considerations around any ongoing transferable risks within your role. The LADO/DOS will write to you outlining the outcome decision and identification of any transferable risks.

Your employer also has a responsibility to share the outcome of the Section 5 process and any next steps with you. Other outcomes may result in further actions/learning and your employer, voluntary organisation and/or registering body will advise you of this.

Records and complaints

Records are retained in line with policy.

You cannot appeal the outcome decision. If information comes to light following conclusion of the process that could change the outcome decision, this should be shared with the LADO/DoS who will determine if a further meeting is required to consider the new information.

If you are concerned that appropriate processes and procedures were not followed you are able to make a complaint following the agreed complaints protocol for Section 5 procedures.

Further information about Section 5 procedures can be found at **www.safeguarding.wales**