



Allegations Policy

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Introduction

The purpose of this policy and procedure is to assist and encourage effective management of allegations against staff and wider workforce (inc volunteers).

Our aim is to provide a safe and supportive environment which secures the wellbeing and very best outcomes for the children and adults at risk. We do, however, recognise that sometimes allegations of abuse are made.

We recognise that allegations against staff (or volunteer), when they occur, are distressing and difficult for all concerned. We also recognise that some allegations are genuine and that there are adults who deliberately seek to harm or abuse children and adults at risk.

We will take all possible steps to safeguard our children and adults at risk and to ensure that the adults in our organisation are safe to work with children and adults at risk.

Scope

This procedure applies to all staff, workforce, and volunteers.

This policy should be followed if an allegation is made, or information is received about any member of staff (or volunteer) who works for the BJA who has:

- behaved in a way that has or may have harmed a child or adult at risk.
- possibly committed a criminal offence against or related to a child or adult at risk.
- behaved towards a child/children or adult at risk in a way that indicates he or she may pose a risk of harm to children or adults at risk or
- behaved or may have behaved in a way that indicates they may not be suitable to work with children or adults at risk. This can include behaviour in their personal life that raises safeguarding concerns.

Examples include:

- Where a person commits a criminal offence against or related to children, young persons, or adults at risk:
- Behaving towards children, young persons, or adults at risk, in a manner that indicates they are unsuitable to work with children, young persons, adults at risk, who may be at risk of harm or abuse.
- Where an allegation or concern is raised about a member of staff, arising from their private life such as perpetration of domestic abuse or where inadequate steps have been taken to protect vulnerable individuals from the impact of violence or abuse.
- Where an allegation of abuse is made against someone closely associated with a member of staff such as a partner, member of the family or other household member.

BJA will work with openness and transparency with all agencies as required within Working Together 2018 and the Care Act 2014 (and Home Nation equivalent legislation & guidance)

In addition, this policy compliments Allegations Procedures with Children and Adult Safeguarding Partnerships and Boards.

Supporting Principles

Definitions

Child and Children mean any person or persons who have not yet reached their eighteenth birthday (except for Scotland, where this is sixteen in some legislative)

Activity means any activity or series of activities, organised or arranged by or in the name of BJA for or to be attended by children.

An adult at risk is any person who is aged 18 years (or over 16 in Scotland) at or over and at risk of abuse or neglect because of their needs for care and or support.

People with care and support needs are not *all* vulnerable to abuse but may become so at any point due to physical or mental ill health, acquired disability, age, frailty or environmental factors, such as poverty and anti-social behaviour.

There will be circumstances when the policy and procedures may be used concurrently with other procedures such as Safeguarding Children, Safeguarding Adults at Risk, Disciplinary, Whistleblowing and Complaints. In these circumstances the safeguarding process takes precedence and other processes may need to be suspended whilst safeguarding processes are completed.

Historic/complex abuse:

When allegations of historic and/or complex abuse are made and where the case involves an allegation against person(s) who work with children, young persons or adults at risk, this procedure should also be followed.

Procedure

Managing Allegations:

When managing an allegation against a member of staff or volunteer the Head of Inclusion, Safeguarding and Wellbeing will follow the below process:

- The allegation will be referred to the Designated Officer of the Local Authority (LADO, or nation equivalent), Adult Social Care Manager and/or the Police as soon as reasonably practicable to do so, or in any case within 24 hours. This includes those that have been made directly to the Police by third parties.
- The parent/carer of the child, young person or adult at risk will be contacted as soon as possible, following advice from statutory authorities.
- The safeguarding BJA board lead will be notified and if applicable the CPSU.

If the concern raised relates to the conduct of the Head of Safeguarding, the Safeguarding Lead (Board Member) will carry out the above.

The matter should also be referred to the relevant Judo authorities following conclusion of any investigation.

Role of the Designated Officer for the Local Authority (LADO or nation equivalent):

The Local Authority has a designated officer (LADO). Their role is to:

- Provide advice and guidance to employers and voluntary organisations.
- Liaise with the police and other agencies.
- Monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process.

Summary of the Process:

It is in everyone's interest to resolve cases as quickly as possible, consistent with a fair and thorough investigation. All allegations must be investigated as a priority to avoid any delay and done so in a way that provides effective protection for the child, young person, or adult at risk. The time taken to investigate and resolve individual cases depends on a variety of factors including the nature, seriousness, and complexity of the allegation.

The nature of the concern will dictate the level of investigation required and possible outcome.

- A Police investigation of a possible criminal offence
- Enquiries and assessment by either Children's or Adult Social Care about whether a child, young person, or adult at risk needs protection or in need of services, and
- Consideration by BJA and judo authorities of action in respect of the individual.

Duties as an Employer

The BJA has a duty of care to its employees, members & athletes. The BJA will ensure that it provides effective support for anyone facing an allegation and provide the employee with a named contact if they are suspended.

The BJA will act to manage and minimise the stress inherent in the allegation process. Support for the individual is vital to fulfilling this duty.

Individuals should be informed of concerns or allegations as soon as possible and explained the likely course of action unless the advice of the Police or the relevant Social Services is otherwise.

Employees and volunteers should be kept informed of the progress of the case and current work-related issues.

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 preservation of evidence.

Parents/carers of the child, young person or adult at risk should be told about the allegation as soon as possible if they do not already know of it. However, where statutory agency involvement is required, this should not be done until consultation with these agencies has taken place. Parents/carers should also be kept informed about the progress of the case and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process.

Parents/carers should also be made aware of the requirement to maintain confidentiality about any allegations made against staff and volunteers whilst investigations are ongoing.

Appendix 1 contains specific information for employees coping with allegations:

Duties as an Employee/Volunteer:

Where an employee or volunteer is subject to an allegation or if a concern is made directly to them or they are aware that an allegation or concern about them could subsequently be made to the BJA, they should bring this to the attention of their Line Manager/CWO or Head of Inclusion, Safeguarding & Wellbeing as soon as possible, so that the BJA can consider its response.

Immediate Actions and Considerations:

Any allegation or concern received should be immediately reported to the Head of Inclusion, Safeguarding & Wellbeing or in their absence a Safeguarding Lead (Board).

Where the Head of Inclusion, Safeguarding & Wellbeing is subject of the allegation the BJA Safeguarding Board Lead should be contacted.

A record of the concern should be made (on BJA Case Management System). Where the concern is raised by a member of staff or via CWO, they should be asked to make a written record of what they have heard.

If there is an immediate risk, appropriate actions may need to be taken e.g. urgent involvement of the Police, removal of a staff member, securing evidence or urgent medical attention.

A meeting to agree next steps should be convened. This should include the Head of Inclusion, Safeguarding & Wellbeing, Head of Human Resources, the Safeguarding Lead for the board and Departmental Manager and/or CWO.

Initial Discussions and Planning Meetings (in line with BJA SafeLandings Policy)

The initial meeting will need to consider the following.

- The safety and welfare of the child, young person, or adult at risk:
- Support for the child, young person, or adult at risk:
- Support for the person making the allegation:
- Agreement regarding what staff should be involved in any internal investigation.
- Consideration of the need to suspend without prejudice the employee or volunteer from duties, including:
 - Evaluating the risk of ongoing harm to children, young persons, or adults at risk from the employee or volunteer under investigation. A joint decision should be made as to whether employee or volunteer can have continued contact with children, young persons and adults at risk or their families, or whether they should be suspended without prejudice.
 - How the employee or volunteer who has had the allegation made against them is supported.
- Initial fact-finding and securing evidence.

Suspension should not be the default position; an individual should only be suspended if there is no reasonable alternative. The BJA should consider whether alternative arrangements could be put in place until the allegation or concerns is resolved (in line with BJA Safe Landings Policy)

No action is to be taken prior to the referral unless there is an immediate risk to children or adults at risk.

In less serious cases, Police and Social Services may not need to be involved but the LADO (or nation equivalent) or Adult Social Care Manager will provide an objective view and may:

- be involved in the management and oversight of individual cases:
- provide advice and guidance to the BJA:
- liaise with the Police and other agencies to ascertain if a Social Care or Police response may be appropriate and if a strategy meeting and/or evaluation meeting needs to be held:
- monitor the progress of cases to ensure that they are dealt with as quickly as possible consistent with a thorough and fair process:
- advise if the allegation should be managed solely by the BJA (with the proviso that, if further information comes to light suggesting a child/adult protection response or a criminal response may be necessary, then a further consultation will take place)

Referral Outcomes:

Outcomes following a safeguarding investigation regarding employees and volunteers can be.

- **Substantiated allegations:** This is when there is sufficient evidence to prove the allegation or concern that a child, young person or adult at risk has been harmed, or there was a risk of harm from the actions of an employee or volunteer.
- **Malicious allegations:** This is when there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive.
- **False allegations:** This is when there is sufficient evidence to disprove the allegation.
- **Unsubstantiated allegations:** This is when there is insufficient evidence to either prove or disprove the allegation, therefore the term does not imply guilt or innocence.
- **Unfounded:** This is an additional definition used where there is no evidence or proper basis to support the allegation being made. It may indicate that the person making the allegation misinterpreted the incident, was mistaken about what they saw, or may not have been aware of all the circumstances.

Disciplinary/Internal Investigation:

Where an investigation by statutory agencies is unnecessary, or has been completed, Human Resources and Head of Inclusion, Safeguarding & Wellbeing will need to determine if any further disciplinary/internal investigation is needed in consultation with the (LADO or nation equivalent).

Confidentiality:

It is extremely important that, when an allegation is made, every effort is made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The police will not normally provide any information to the press or media that might identify an individual who is under investigation, unless and until the person is charged with a criminal offence.

The Head of Inclusion, Safeguarding & Wellbeing should take advice from the Designated Officer (LADO or nation equivalent), Police and BJA Communications Manager to agree the following:

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

Resignations and 'settlement agreements'

If the person resigns, or ceases to provide their services, this should not prevent an allegation being followed up in accordance with this guidance. A referral to the DBS (or nation equivalent must be made if the criteria is met (Head of Inclusion, Safeguarding & Wellbeing). If the person resigns or their services cease to be used and the criteria are met, it will not be appropriate to reach a settlement/compromise agreement. Any settlement/compromise agreement that would prevent the BJA from making a DBS (or nation equivalent) referral even though the criteria for referral are met, is likely to result in a criminal offence being committed. This is because the BJA would not be complying with its legal duty to make the referral.

It is important that every effort is made to reach a conclusion in all cases of allegations bearing on the safety or welfare of children and adults at risk, including any in which the person concerned refuses to cooperate with the process.

Wherever possible, the person should be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be substantiated based on all the information available, should continue even if that cannot be done or the employee/volunteer does not cooperate. It may be difficult to reach a conclusion in those circumstances, and it may not be possible to apply any disciplinary sanctions if a person's period notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible.

'Settlement agreements' (sometimes referred to as compromise agreements), by which a person agrees to resign if the employer agrees not to pursue disciplinary action, and both parties agree a form of words to be used in any reference, should not be used in cases of refusal to cooperate or resignation before the person's notice period expires. Such an agreement will not prevent a thorough Police investigation where that is appropriate.

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 personnel file of the person, and a copy provided to the person concerned.

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 (or nation equivalent) checks reveal information from the Police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period. In this sense it may serve as a protector to the individual themselves, as well as in cases where substantiated allegations need to be known about to safeguard future children and adults at risk.

The BJA have an obligation to preserve records which contain information about allegations of sexual abuse for the Independent Inquiry into Child Sexual Abuse (IICSA), for the term of the inquiry (further information can be found on the IICSA website). All safeguarding records are retained indefinitely.

References:

Cases in which an allegation was proven to be false, unsubstantiated, or malicious should not be included in employer references. A history of repeated concerns or allegations which have all been found to be false, unsubstantiated, or malicious should also not be included in any reference.

[Making barring referrals to the DBS - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

(And nation equivalent)

Information Sharing:

The Head of Inclusion, Safeguarding & Wellbeing may be invited to a strategy discussion or initial evaluation of the case, the agencies (inc BJA) involved should share all relevant information they have about the person who is subject of the allegation and about the alleged victim.

Where the Police are involved, wherever possible the BJA will ask the Police to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process. This should be done as their investigation proceeds and will enable the Police to share relevant information without delay at the conclusion of their investigation or any court case.

Children's and Adult's Social Care will adopt a similar procedure when making enquiries to determine whether the child, children or adults at risk named in the allegation are in need of protection or services, so that any information obtained in the course of those enquiries which is relevant to a disciplinary case can be passed to the employer without delay.

Disclosure and Barring Service - Legal Duty to Refer Conduct:

Under the Safeguarding Vulnerable Groups Act 2006 (and nation equivalent), The BJA has a legal duty to notify the Disclosure and Barring Service (or nation equivalent) of relevant information, so that individuals who pose a threat to children and adults at risk can be identified, allowing the DBS (or nation equivalent) to decide whether to bar them from working with these groups.

A referral will be made by the BJA when both of the following conditions are met:

1. The BJA withdraws permission for an individual to engage in regulated activity or would have done so had that individual not resigned, retired, been made redundant, transferred out or otherwise ceased to engage in regulated activity.
2. The BJA thinks that the individual:
 - has engaged in 'relevant conduct'.
 - satisfies the 'harm test'.
 - has received a caution or conviction for a 'relevant offence'.

'Relevant Conduct' – is that what endangers or is likely to endanger a child or adult. Such conduct includes emotional, psychological, sexual, and verbal abuse, as well as conduct involving sexual material relating to children or violence against human beings (including the possession of such material).

Financial abuse (for example, unauthorised withdrawals from an account). Theft and fraud are also included, as is neglect (which would include failing to meet basic physical and/or psychological needs including treatment of medical conditions)

The 'harm test' is met when the BJA believes that an individual may harm, may cause to be harmed, may put at risk of harm, may attempt to harm, or may incite another person to harm a child or adult. A 'relevant offence' for the purposes of the DBS (or nation equivalent) is an offence that would result in the individual's automatic inclusion in the children's or adult's barred list, as set out in the Safeguarding Vulnerable Groups Act 2006 (Prescribed Criteria and Miscellaneous Provisions Regulations 2009). Or equivalent nation legislation.

If the above criteria are met a referral will be made by the BJA to the relevant nation barring service. This is regardless of whether the action or offence was in connection with the individual's role at the BJA. A referral will be made to the barring service when the BJA has gathered sufficient evidence as part of its own investigations.

[Making barring referrals to the DBS - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

(or nation equivalent)

Malicious or Unsubstantiated Allegation:

If an allegation is determined to be unsubstantiated or malicious, the Designated Officer (LADO or equivalent) refer the matter for the relevant Social Care Team to determine whether the child or adult at risk needs services or may have been abused by someone else. If an allegation is shown to be deliberately invented or malicious, Human Resources and Head of Inclusion, Safeguarding & Wellbeing should consider whether any disciplinary action is appropriate against the child or adult at risk who made it, or whether the Police should be asked to consider if action might be appropriate against the person responsible.

Learning Lessons and Review:

At the conclusion of a case in which an allegation is substantiated, the Designated Officer (LADO or nation equivalent) should review the circumstances of the case with the Head of Inclusion, Safeguarding and Wellbeing to determine whether there any improvements to be made to the BJA procedures or practice to help prevent similar events in the future.

This should include issues arising from the decision to suspend the member of staff, the duration of the suspension and whether the suspension was justified.

Lessons should also be learnt from the use of suspension when the individual is subsequently reinstated. The Designated Officer (LADO or nation equivalent) and Head of Inclusion, Safeguarding & Wellbeing should consider how future investigations of a similar nature could be carried out without suspending the individual.

Any recommendations from the review will be implemented and information disseminated to appropriate Managers, the Executive Board representative or safeguarding leads across the BJA.

As well as supporting the member of staff throughout the investigation, consideration must be paid to supporting the member of staff through integration back into the workplace should this be appropriate post-investigation.

Other Applicable Club Policies:

Disciplinary Policy & Procedures.

Grievance Procedures.

Safeguarding Adults Policy & Procedures.

Safeguarding (Safe Landings) Policy & Procedures.

Whistleblowing Policy & Procedures.

1. Appendix 1 - Coping with Allegations

What are allegations?

An allegation is defined as 'a claim or assertion that someone has done something illegal or wrong and is typically made without proof'.

Examples of allegations could include:

- an inappropriate relationship with a child or adult at risk.
- inappropriate language used with/towards children/adults at risk.
- physically inappropriate behaviour (e.g., being overly affectionate/hugging or being overly punitive, forceful/aggressive)
- Overly aggressive tone with children/adults at risk when angry or frustrated.
- Poor practice by a coach.
- child neglect (leaving a child unattended)
- Discrimination based on race, gender or sexuality.

Emotional Impact on the Staff Member:

Allegations can result in immediate suspension pending an investigation, and the individual may be given very little information about what the allegation is or how long the investigation may take.

Common emotional responses staff may feel include:

- Fear
- Anxiety
- Shame
- Confusion
- Uncertainty
- Depression or sadness
- Anger
- Isolation
- Mistrust
- Powerless
- Failure
- Feeling trapped
- Lack of confidence or feeling devalued
- Feeling as if there's little hope.

If suspended, employees/volunteers are often advised not to contact colleagues.

For staff or volunteers whose workplace/club is their main place of social interaction, this can then leave them feeling very isolated at a vulnerable time.

Allegations and suspension can also be very shaming, which can compound matters and make it hard for the individual to seek support.

Coping Mechanisms:

Coping with an allegation of any kind is stressful and frightening. The levels of stress can cause a leaning towards unhealthy coping mechanisms (such as drugs and alcohol).

A better approach would be to:

Maintain perspective – It is important to regard the allegation as a problem to work through, not a matter of life and death (though it may feel like it). Write a gratitude list every day to remind you of the things you appreciate beyond your job (on difficult days). Work on keeping busy in the hours between getting up and going to bed.

Focus on facts – Keep to the facts of the situation as they are revealed to you and recognise that you are in a process that is largely outside of your control. What action can you take, or do you need to take? Do you need to seek legal advice? Do you need some emotional support to talk things through? Do you need to ask for more information about the process you are in? What do you know about the allegation made about you?

It may help to write everything down from your perspective. This way, as the process unfolds, you have the facts as you know them to be. Put this in a safe place and leave it alone (you can add to the list if you remember anything else later). This may stop your mind overanalysing the situation.

Seek outside support – It is very important not to go through this alone. Find ways to break the isolation, which can undermine your ability to cope. Widen your support network and talk to trusted people – this could be friends and family, a professional, chaplaincy or spiritual/religious leaders, or an independent support organisation (several are listed at the end of this article). Turning to others can provide you with not only reassurance, but also alternative perspectives.

Build new routines – Suddenly finding yourself without your usual routine of work can leave you feeling lost and with a lot of time to fret about the situation. Getting a new routine in place is very important, no matter how simple. Undertake small tasks or activities to keep you moving. Exercise can be extremely beneficial – the release of endorphins relieves anxiety and can help you to feel more positive about yourself and the situation. Sleeping can also be difficult at times of stress, so make sure you're getting enough rest and consider seeing a doctor if this is proving impossible.

Gain control – Focus on what you can do and let go of the rest. Keep things simple. Avoid projecting and imagining an uncertain future. Keep to the facts. Though tempting, avoid searching online for similar stories. Reading about people whose circumstances are not the same as yours can increase fear and anxiety.

Take care of yourself - It is really important to have compassion for yourself in difficult situations. Find healthy ways to soothe and nurture yourself. Take walks, exercise, meditate or start a new hobby. Both gentle and energetic workouts can be helpful distractions. Maintain a good and healthy diet (even if you do not feel like it). Get enough sleep or at least plenty of rest.

Be proactive - Avoid sitting for long periods thinking things over. Do something positive, however simple the task. The allegation can leave you feeling bad about yourself and taking positive action can be an antidote to that negativity by creating a sense of productivity and achievement.

Avoid addictive substances or behaviours – Alcohol, drugs, comfort eating, gambling, retail therapy and unnecessary spending may give temporary relief, but can make the problem worse in the long run. These vices can also fuel anxiety and guilt once the short-term rush wears off.

Use positive self-talk – Remember that all things pass, and this situation will be resolved one way or another. Positive self-talk and affirmations are important to carry you through. When you find yourself thinking negatively about how you are coping or how you will survive this, ask yourself ‘how does this serve me? If those thoughts are not helping, replace them with more positive alternatives, such as ‘this is difficult right now, but it will pass, and I will get through it’ Remind yourself that you have encountered difficulties before. What knowledge could you draw on now?

For BJA Staff:

Employee Support Programme: ESP (Health Assured)

Contact Human Resources for details or BREATHE

For BJA Members:

MH&W Hub on BJA Website (inc Inside Out AI app)

Emotional Support:

BJA to identify emotional support for all parties.

Mind - For Better Mental Health:

Phone 0300 123 3393 or text 86463 / www.mind.org.uk

In addition to the helpline, the mind website has some useful self-help sheets on managing stress, anxiety, sleep disturbance etc.

Samaritans:

Phone 116 123 / www.samaritans.org

Samaritans provide telephone support 24 hours a day, 365 days a year. They are an impartial, non-critical and confidential helpline that can provide emotional support to people who are experiencing feelings of distress or despair.

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NHS General Health Information:

111 / www.nhs.uk

Practical Support:

The Advisory, Conciliation and Arbitration Service (ACAS):

For employees who are not members of a union. ACAS can advise on employee rights and responsibilities in regard to the process for workplace disputes, suspension, discipline, allegations etc. 0300 123 1100 / www.acas.org.uk

False Allegations Support Organisation (FASO) UK:

Voluntary organisation that provides practical advice and advocacy and clear information and support for anyone affected by false allegations of abuse.

Phone 0844 335 1992 – Monday to Friday 1800-2200

support@false-allegations.org.uk

In addition to the organisations listed above, you might consider:

- Structured counselling for ongoing support throughout the process and beyond.
- Your GP.
- Leaning on family and friends.
- Seeking independent legal advice.
- Support via the BJA Mental Health & Wellbeing Strategy
- Support from club Employee Support Programme

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