

Recording and Managing Concerns and Information Sharing Policy¹

Approved by EACP Trustees: 23 May 2019

Purpose and Scope

This document outlines East Africa Children's Project (EACP) procedure for dealing with reports of breaches of our Safeguarding Policy where the violation is perpetrated by EACP Staff, or associated personnel or where an accusation is made against a member of EACP staff.

Reporting concerns

In England, people working with children are expected to report concerns about a child's welfare to the relevant agencies.

Duty to protect children

The [key guidance for child protection in England is: Working together to safeguard children](#) (Department for Education, 2018). This states:

- everyone who works with children has a responsibility for keeping them safe
- everyone who comes into contact with children and families has a role to play in sharing information and identifying concerns.

How to report concerns about a child's welfare

If you think a child is in immediate danger, contact the police (In UK call: 999).

If you're worried about a child but they are not in immediate danger, you should share your concerns.

- Follow EACP child protection procedures.
- In the UK contact the NSPCC Helpline on [0808 800 5000](tel:0808 800 5000) or by emailing help@nspcc.org.uk. Trained professionals will talk through your concerns with you and give you expert advice.
- Contact local child protection services. Their contact details can be found on the website or related source for the local authority the child lives in.
- Contact the police.

Services will risk assess the situation and take action to protect the child as appropriate either through statutory involvement or other support.

¹ This guidance draws on guidance provided by the Charity Commission (<https://www.gov.uk/government/publications/strategy-for-dealing-with-safeguarding-issues-in-charities>), National Council for Voluntary Organisations (<https://www.ncvo.org.uk/practical-support/information/safeguarding>), National Society for the Prevention of Cruelty to Children (<https://learning.nspcc.org.uk/safeguarding-child-protection/>), and learning from best practice from both larger organisations (<https://www.build-africa.org/>) and smaller organisations (<https://www.livingstonetanzaniatrust.com/governance>) in the Africa Charity Sector.

Sharing information: Key legislation

Article 16 of the [UN Convention on the Rights of the Child \(PDF\)](#) states that all children have a right to privacy. The convention also states that children should be protected from abuse and that their best interests should be prioritised when making decisions that affect them. This means that, if a child is at risk of harm, it is in their best interests for an adult to share information with relevant agencies – even without the child’s consent.

In England, Northern Ireland, Scotland and Wales, the [Data Protection Act 2018](#) sets out how personal information should be processed under the General Data Protection Regulation (GDPR). The introduction of GDPR does not affect the principle that adults should share child protection information with other agencies in order to keep a child safe.

Receiving Reports of Concerns

Reports can reach the organisation through a number of avenues including emails, letters, text or another message medium. It may also occur through direct or informal disclosure. If a staff member hears something in an informal discussion or chat that they think is a safeguarding concern they should report this to the appropriate Safeguarding Lead.

If a safeguarding concern is disclosed directly to a member of EACP Staff they should

Always

- Stay calm
- Ensure the individual making the disclosure is safe and feels supported
- Show and tell the individual that you are taking what she/he says seriously, be empathetic and understanding
- Reassure the individual and stress that she/he is not to blame
- Be honest; explain you will have to tell someone else about the concern/issue
- Record in writing what was said as soon as possible, but avoid interrupting a disclosure to take notes
- Maintain confidentiality - only tell those it is essential to tell in terms of protecting the individual
- Report safeguarding concerns by following the procedure outlined below
- Ask who when where and what but do not investigate the why.

Never

- Rush into actions that may be inappropriate
- Make promises you cannot keep
- Enquire unnecessarily into details of any abuse or make the individual repeat the story unnecessarily. It is not your role to carry out an investigation
- Ask leading questions
- Take sole responsibility – as you should consult the Safeguarding Lead as soon as you can so that you can protect the individual and gain support for yourself
- Offer opinions on what is happening or express shock or disgust
- Attempt to respond to the incident/issue/disclosure yourself – it is not your responsibility to investigate safeguarding concerns but you must report them to the Safeguarding Lead.

Recording safeguarding concerns/incidents.

1. If an EACP Staff member witnesses or is involved in a situation that gives cause for concern the incident should also be recorded, regardless of whether or not an investigation is deemed necessary following a report. If a report is being made to a member of staff the person receiving the report should document the following information:
 - a) Name of person making the report
 - b) Name of alleged survivor of safeguarding incident if different from above
 - c) Name of alleged perpetrator/s
 - d) Description of the incident
 - e) Date, time and location of incident/s.

A standard reporting form is available on the EACP website - Safeguarding

2. It is important to make a note of what has been observed or what was told as soon as possible while it is fresh in the mind (sometimes it is not possible to make notes during a disclosure or at the time of an incident).
3. Reports should be submitted to the Safeguarding Lead within 24 hours. All safeguarding concerns will be taken seriously and responded to swiftly and appropriately.
4. Due to the sensitive nature of safeguarding concerns, confidentiality must be maintained during all stages of the reporting process, and information must only be shared on a need to know basis.
5. If the reporting EACP Staff member is not satisfied that the organisation is appropriately addressing the report they have the right to escalate the report, either to an alternative member of the board or to an external statutory body. The EACP Staff member will be protected against any negative repercussions as a result of reporting (see EACP's Complaints Policy and Whistle-blower Policy).

Managing Reported Concerns

The EACP as an organisation must take any concerns raised about staff, volunteers, or others seriously, regardless of who the person is or how long they've been involved with the organisation. EACP should not attempt to investigate the matter, but gather the facts of the case and keep written records.

Assessing how to proceed with a report

1. The EACP Safeguarding Lead will normally be appointed as the 'Decision Maker' for handling the report – unless, there is a conflict of interest in which case an alternative Trustee or Board Member will be designated 'Decision Maker'.
2. The Decision Maker in consultation with the EACP Chair will determine whether it is possible to take the report forward. This will depend upon whether the report really does represent a breach of the Safeguarding Policy (or should be dealt with under one of EACP's other policies/procedures) and if there is sufficient information to enable a follow up to the report.
3. If the report raises concerns relating to a child under the age of 18, the Decision Maker should seek expert advice immediately. If an allegation is made that a staff member or volunteer has:
 - behaved in a way that has harmed, or may have harmed a child

- committed a criminal offence against, or related to, a child
- behaved towards a child or children in a way that indicates they are unsuitable to work with children.

The 'Decision Maker' must report this **immediately** to the relevant agencies (for example, in the UK the [NSPCC helpline](#) on **0808 800 5000**, local child protection services or the police). Liaise with local child protection services and the police to ensure that you are responding appropriately.

4. If there is insufficient evidence to follow up on the report, and no way to ascertain this information (for example if the person making the report did not provide contact details) the report should be filed in case it can be of use in the future. In these instance the EACP would look at wider lesson learning that the organisation could take forward.
5. If the decision is made to take the allegation forward EACP would likely seek immediate assistance through external capacity to deal with an investigation and to provide appropriate support to the survivor(s).
6. If the report refers to allegations against EACP Staff, the CHS Alliance Guidelines for Investigations will be followed.

Where the report is taken forward the following procedure will be followed.

1. The Safeguarding Lead may wish to connect with a safeguarding expert for outside support and guidance.
2. If the report alleges a serious safeguarding violation a case conference should be held. This would normally include the Decision Maker; Chair (if appropriate); staff member who made the report to the Safeguarding Lead. The case conference should establish next steps, including;
 - (a) Any protection concerns and support needs for survivors or other stakeholders
 - (b) Undertake an immediate risk assessment to determine whether there are any current or potential risks to any stakeholders involved in the case and develop mitigation plans if necessary. This may include funding organisations, umbrella bodies/networks or statutory bodies such as the Charity Commission (some of these organisations require you to inform them when you receive a report, others may require information on completion of the case, or annual top-line information on cases). When submitting information to any of these bodies it is essential to think through the risks of reporting and confidentiality requirements of the survivor/s very carefully.
 - (c) Next steps which could include: (i) No further action (for example if there is insufficient information to follow up or the report refers to incidents outside the organisations remit). (ii). Investigation is required to gain further evidence. If appropriate, EACP will follow the guidelines for investigating safeguarding reports as outlined in the CHS Alliance Guidelines for Investigations.
 - (d) Where appropriate matters would be referred to the police and/or local district authority/social services. It is likely that the Safeguarding Lead would seek external support for any investigation.
 - (e) Once all the evidence has been compiled a decision will be made by the Decision Maker, within 72 hours, in consultation with the EACP Chair or other available Trustees.

If a member of EACP staff are accused then EACP shall follow the guidelines for investigating safeguarding reports as outlined in the CHS Alliance Guidelines for Investigations.

1. If the report concerns the actions of a member of EACP Staff/volunteers/trustees, that person will automatically be removed from any tasks that involve working with or around children/vulnerable adults or beneficiaries. At the same time the accused individual will be told the circumstances of the event and asked to comment first verbally (this response will be noted by the interviewer) and then to confirm their response in writing within 48 hours allowing time to seek advice.
2. If the accusation is upheld the member of staff, Trustee or volunteer can
 - (a) Be given a formal written warning
 - (b) Receive immediate disciplinary action as required, and no further information is needed.
 - (c) Be asked to leave the project and face disciplinary procedures.
 - (d) Be reported, as appropriate, to the relevant statutory bodies. In the UK, this could include: Social Services, the Police and the Disclosure and Barring Service (DBS).
3. EACP staff/trustees have the right to appeal. This must be done in writing to the EACP Board of Trustees in the UK and their ruling is final.
4. Resignations and 'settlement agreements'. If someone resigns from their post or refuses to cooperate with the process, this must not prevent an allegation being followed up. 'Settlement agreements' (where a person agrees to resign and the employer agrees not to pursue disciplinary action) must not be used in cases of alleged abuse.

If the report concerns the actions of UK/Local Partners or Associated Personnel (contractors, consultants, suppliers) the following procedure will be followed.

1. The person will automatically be removed from any tasks that involve working with or around children/vulnerable adults or beneficiaries.
2. The accused individual will be told the circumstances of the event and asked to comment first verbally (this response will be noted by the interviewer) and then to confirm their response in writing within 48 hrs allowing time to seek advice.
3. Once all the evidence has been compiled a decision will be made by the Decision Maker, within 72 hours.
4. If the accusation is upheld they will be asked to leave the project and are subject to their employer's disciplinary procedures (where applicable). If applicable the relevant bodies will be informed in the UK, this could include: Social Services, the Police and the Disclosure and Barring Service (DBS) or the equivalent in the relevant country.
5. EACP cannot follow disciplinary procedures against individuals outside of our organisation, however decisions may be made for example to terminate a contract with a supplier based on the actions/inactions of their staff.
6. If the accusation is unfounded the accused will return to work immediately.

Making decisions on outcomes of investigation reports

1. The Decision Maker makes a decision based on the information provided in the investigation report. Decisions should be made in accordance with the existing policies and procedures concerning staff misconduct.
2. Decisions should be made bearing in mind a risk assessment of potential protection risks to all concerned, including the survivor and the accused party.
3. If at this or any stage in the process criminal activity is suspected the case should be referred to the relevant authorities.

Concluding a Case

1. All decisions made relating to the case should be clear, confidentially, and full documented. These documents must be stored securely and confidentially in line with EACP policy and local data protection laws.
2. **Reporting.** If EACP removes a member of staff or volunteer from working with children because they pose a risk of harm (or if you would have but the person has resigned or left), the organisation has a **legal duty** to inform the relevant disclosure and barring agency. **Failure to do this is a criminal offence.**
3. **Learning.** Anonymised reports relating to the case should be fed into the organisations reporting requirements i.e. serious incident reporting to the Board and should feed into learning about dealing with future cases and improving the organisations efforts to take all reasonable and feasible measures to protect all those who come into contact with the organisation from harm.

Which agencies EACP should report to

1. Suspicions, allegations and incidents of abuse or mistreatment of vulnerable beneficiaries in a partner organisation should be reported by EACP both to the Designated Safeguarding Lead and Director/Chair/Lead at Local Partner. They may then inform the Local Ward Executive Officer, the local Police Force, an appropriate Head Teacher where applicable.
2. Where the suspicion, allegation and incident occurs in the UK, then the Designated Safeguarding Lead would where appropriate inform the local Police; the Social Services; and the Disclosure and Barring Service.
3. All serious incidents should be reported to the Charity Commission for England and Wales. When reporting to the Charity Commission the EACP recognises the Commission's expectation that Trustees will report concerns to them as serious incidents when they arise. The commission's published guidance explains how trustees should report serious incidents to it and what information it needs: <https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>.