

Labour Party

Procedure for the management of a safeguarding allegation involving a child



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1. INTRODUCTION

1.1 The aims of this procedure are:

- To ensure that children who are members of the Labour Party or any other children who may interact with the party are protected and supported following a safeguarding allegation;
- To ensure that there is a fair, consistent and robust response to any safeguarding allegation, including those that are historical, so that the risk posed to children by an abusive individual is managed effectively;
- To facilitate an appropriate level of investigation into safeguarding allegations, whether they are based on recent events or events that took place at any time the person in question has been employed by, volunteered with, or been a member of the Labour Party;
- To ensure that the Labour Party continues to fulfil its responsibilities towards members of staff, volunteers or members who may be subject to such investigations;
- To ensure that individuals are able to continue in their role if they have been at the center of allegations which are found to be unfounded, malicious or unsubstantiated.

1.2 This procedure for the management of a safeguarding allegation must be followed consistently in all instances, regardless of how a safeguarding allegation arises or from whom, or whether it is shared with the Labour Party by email, face-to-face contact, social network, telephone or letter.

1.3 Individuals may be concerned about confidentiality, or about being mistaken about an allegation. However, this should never prevent an individual from reporting a safeguarding concern. If they are mistaken it is better to report their concern and enable a proper investigation and assessment to happen than not to report it at all. They should not:

- Ignore concerns
- Confront the person
- Discuss the matter with other members of staff, volunteers or members other than those identified in this procedure

2. DEFINITIONS

- **Member of staff/employee:** Any person employed by the National Executive Committee (NEC) of the Labour Party, including those working on permanent and temporary contracts and, for the purposes of this procedure, including agency workers, consultants and secondees.
- **Volunteer:** Any person engaged in an activity related to the Labour Party which involves spending time, unpaid (except for travel and other approved out-of-pocket expenses), doing something which aims to benefit the Labour Party.

This term includes:

- Any member of the Labour Party elected to local government;
 - Any member elected to a role of their Branch or Constituency Labour Party
 - Any member who is a member of the Labour Party's National Executive Committee (NEC) or National Constitutional Committee (NCC).
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- **Member:** Any person who pays a membership subscription to the Labour Party in accordance with the Labour Party Rule Book.

- **Child:** A person under the age of eighteen years old. The fact that a young person has reached the age of sixteen, is living independently, is in further education, is a member of the armed forces, is in hospital or is in custody does not change their entitlement to protection.¹
- **Harm:** The ill-treatment or impairment of the health or development of an individual, including impairment suffered from seeing or hearing the ill-treatment of another.²
- **Safeguarding concern:** When there is information that a child, young person or an adult at risk has been harmed, or is at risk of being harmed, by their own or someone else's behavior.
- **Regional Safeguarding Lead:** a named point of contact in each Labour Party Regional and National Office and the Parliamentary Labour Party, that staff, volunteers and members can contact for safeguarding advice or if they have a safeguarding concern.

3. LABOUR PARTY DEFINITION OF A SAFEGUARDING ALLEGATION

3.1 Where a person who is an employee, member, volunteer or elected representative of the Labour Party has:

- (a) behaved in a way that has harmed a child, may have harmed a child or might lead to a child being harmed
- (b) possibly committed or is planning to commit a criminal offence against a child or related to a child, or;
- (c) behaved towards a child in a way that indicates they are, or would be, unsuitable to work with children

3.2 The allegation may:

- Involve a child/ren or adult(s) or both
- Not directly have a "known child" victim. For example an individual accessing abusive images of children online or online grooming of a child with the intent to harm them in the future
- Be about any type of abuse
- Concern a breach of the Labour Party's Safeguarding Code of Conduct
- Relate to a current staff member, volunteer or member or one who has left the Labour Party or its employment
- Concern the child of a staff member, volunteer or member

3.3 A safeguarding allegation may arise when:

- A child or parent/carer makes a direct allegation against a member of staff, volunteer or member of the Labour Party
- An employee, volunteer or member directly observes behaviour that is a cause for concern
- The Labour Party receives an allegation from any person, including a member of the public or professional
- During the course of another internal procedure, for example a disciplinary investigation or complaint
- The Labour Party is informed by the police, local authority or another organisation that an individual is the subject of a child protection and/or criminal investigation
- Information emerges from a DBS check that a staff member or volunteer may have committed an offence or been involved in an activity that may compromise the safety of child/ren or adult(s) at risk

¹ Please note some children and young people under 18 may appear older, all adults should therefore exercise best practice when engaging with any young adults who might actually be under age.

² Definition of harm under Section 31(9) of the Children Act 1989, as amended by the Adoption and Children Act 2002

- A member of staff, volunteer or member:
 - informs the Labour Party that they have been the subject of an allegation, have harmed a child, or committed an offence against or related to a child;
 - has behaved in a way in their personal life that constitutes a safeguarding concern, these concerns do not have to directly relate to a child but could, for example, include arrest for possession of a weapon;
 - Is closely associated with someone in their personal lives (e.g. partner, member of the family or other household member) who may present a risk of harm to child/ren for whom the member of staff or volunteer is responsible in their employment/ volunteering.

3.4 When the Labour Party receives information that a person who is not a member of staff, volunteer or member of the Labour Party has behaved in a way that constitutes a safeguarding allegation the Labour Party Safeguarding Unit will assess the concern and may consider referring any such allegation to the Multi Agency Safeguarding Hub, Local Authority for children and/or the police, in accordance with the conditions described in this procedure.

If a referral is not made by the party, details of how to refer to Multi Agency Safeguarding Hub, Local Authority for children and/or the police will be shared with the original referrer.

4. RESPONSIBILITY TO REPORT SAFEGUARDING CONCERNS

4.1 All staff members, volunteers and members of the Labour Party who have, or receive, a safeguarding concern must report the concern to the Safeguarding Unit or their Regional Safeguarding Lead. The information reported must include:

- The name of the individual about whom the concern has been raised and any other identifying information including their location;
- The name of any child and/or adult involved, if known;
- The date and time that the person reporting became aware of the allegation;
- The name and contact details of the person making the allegation;
- Key information about the nature and circumstances of the safeguarding allegation

4.2 Staff members, volunteers and members should inform the Safeguarding Unit, email safeguarding@labour.org.uk or telephone 0207 783 1134 (9.30-4.30pm Monday-Thursday), as soon as possible and no later than the next working day that they have, or receive, a safeguarding concern. They can also report their concern to their Regional Safeguarding Lead or Regional Director, within the same timescale, who will report the concern to the Safeguarding Unit. It is important that staff members, volunteers and members of the party receive a written confirmation from the RSL or Safeguarding Unit that their safeguarding concern has been received.

4.3 If the concern is about a Regional Safeguarding Lead, contact the Safeguarding Manager tel.0207 783 1141 or the Executive Director of Legal Affairs directly. If the concern is about the Safeguarding Manager, please contact the Executive Director of Legal Affairs. If the concern is about the Executive Director of Legal Affairs the General Secretary of the Labour Party should be contacted.

4.4 If a child is at immediate risk of harm, needs emergency medical attention or is subject to life threatening concerns then the emergency services should be contacted straight away by telephoning 999.

5. THE ROLE OF THE REGIONAL SAFEGUARDING LEAD

5.1 Regional Safeguarding Leads (RSLs):

- Act as a name point of contact for staff, volunteers and members to go to for safeguarding advice or if they have a safeguarding concern;
- Report safeguarding concerns to the national Safeguarding Unit.

5.2 When a Regional Safeguarding Lead receives a safeguarding concern from a member of staff, volunteer or member of the party they will record the concern and refer it to the Safeguarding Unit on a Safeguarding Report Form (see appendix 1) or share all relevant details in relation to the concern in writing.

5.3 Where there is an immediate risk of harm or where the information contained in the concern requires immediate action the Regional Safeguarding Lead may contact the police and/or Local Authority (LA) before contacting the Safeguarding Unit.

5.4 Regional Safeguarding Leads are not Designated Safeguarding Officers for the party (this role is held by members of the Safeguarding Unit). The role of the Regional Safeguarding Lead is to be a conduit for safeguarding concerns to be reported to the Safeguarding Unit. Regional Safeguarding Leads do not hold accountability for, or manage, safeguarding investigations unless they have been assigned accountability in writing by the Executive Director of Legal Affairs or the Safeguarding Manager.

6. ACCOUNTABILITY FOR, RECORDING OF, AND INITIAL ASSESSMENT OF SAFEGUARDING CONCERNS

6.1 The Safeguarding manager, or in their absence the Executive Director of Legal Affairs, will be responsible for recording and reviewing all safeguarding concerns reported to the Labour Party Safeguarding Unit. The Safeguarding manager will also be responsible for the recording and retention of all Safeguarding Report forms which are submitted to the unit.

6.2 Where a safeguarding concern is received verbally or by phone the Safeguarding manager, or in their absence the Executive Director of Legal Affairs, will record details of the concern on a Safeguarding Unit Investigation spreadsheet.

6.3 The Safeguarding manager, or in their absence the Executive Director of Legal Affairs, will make an initial assessment of whether the information contained within a safeguarding concern constitutes a safeguarding allegation. If it is assessed that the information within a safeguarding concern constitutes a safeguarding allegation the Safeguarding manager must inform the Executive Director of Legal Affairs as soon as possible and in any circumstance the same working day it is received.

6.4 If, after initial consideration of the report, the Safeguarding Manager and/or the Executive Director of Legal Affairs agrees that a safeguarding concern constitutes a safeguarding allegation then these procedures will be followed.

6.5 If, after initial consideration of the report, the Safeguarding Manager and/or the Executive Director of Legal Affairs believes that the safeguarding concern does not constitute a safeguarding allegation the Safeguarding Manager, Executive Director of Legal Affairs (and in cases involving a volunteer or member, the Director of the Governance and Legal Unit) will decide if an internal investigation is required to determine if the behavior or incident was related to poor practice or misconduct. The Labour Party Disciplinary Procedure must then be followed for staff members and the Labour Party Rule Book procedures for members and volunteers.

6.6 The Executive Director of Legal Affairs will oversee the management of all safeguarding allegations and hold accountability for them. The Safeguarding Manager and/or the Executive Director of Legal Affairs will be responsible for deciding how and when to feedback to the person who reported the safeguarding concern and what information to give to them.

7. INITIAL MANAGEMENT OF A SAFEGUARDING ALLEGATION

7.1 The Safeguarding Manager, or in their absence the Executive Director of Legal Affairs, will be responsible for deciding on the initial plan of how to proceed with the management of the allegation. All decisions, and the reasons for them, including there being no need to take safeguarding action, must be recorded and kept on the Safeguarding Unit Investigation spreadsheet.

7.2 If the allegation relates to an employee then a flag should be placed on the employee's personnel file that a safeguarding report exists and that the Safeguarding Unit must be contacted. The unit can then respond to any future safeguarding enquiry regarding an employee/former employee.

7.3 If the allegation relates to a volunteer or member then a flag will be created on the Labour Party Complaints system that a safeguarding report exists and that the Safeguarding Unit must be contacted. The unit can then respond to any future safeguarding enquiry regarding a member or volunteer.

7.4 If the safeguarding allegation involves a member of staff, volunteer, or member, the Safeguarding Manager, or in their absence the Executive Director of Legal Affairs should consider:

- The immediate safety of any child/ren or adults involved, for example those that are the subject of the safeguarding allegation or other children or adults that the individual has contact with through work or family;
- What information to share with the individual who is the subject of the safeguarding allegation and with any other known employer of the individual, and when to do so;
- Whether any immediate decision has to be taken about suspension of the individual subject to allegation, pending further enquiries and/or investigation;
- Delegation of particular tasks to relevant organisational units;
- If any records or equipment should be removed from the individual who is the subject of the concern. It may be necessary to inform the Director of Technology to secure any online/electronic records or party equipment;
- What further information may be required for clarification;
- Identifying who else is aware of the safeguarding allegation and who has been spoken to;
- Whether any advice should be sought from the Local Authority, NSPCC helpline or the Party's solicitor or legal advisor;
- Arrangements to support the person who is the subject of the safeguarding allegation, the person who raised the allegation and the victim;

7.5 There may also be a need to plan the management of information in relation to:

- Who needs to know and what information can/should be shared;
- How to manage speculation, leaks and gossip;
- What, if any, information can be reasonably given to reduce speculation;
- How to respond to press interest if, and when, it might arise.

7.6 In the event that a safeguarding allegation is made against:

- A Regional Safeguarding Lead – The Executive Director of Legal Affairs will manage the allegation process;
- The Safeguarding Manager – Executive Director of Legal Affairs will manage the allegation process;
- The Executive Director of Legal Affairs – The Safeguarding Manager will advise the General Secretary who will manage the allegation process;
- The General Secretary – The Executive Director of Legal Affairs will report the matter to the Chair and Vice-Chair of the National Executive Committee

7.7 All decisions and the evidence upon which they are based must be recorded by the individual responsible for the management of the investigation. Decision, evidence and actions should be recorded on the Safeguarding Unit Investigation spreadsheet and stored securely within the Safeguarding drive on the party's IT system. All documents containing confidential information relating to safeguarding allegations and concerns should be password protected.

7.8 After the initial management there may be up to four elements involved in the ongoing management of a safeguarding allegation:

- Enquiries and assessment by Local Authority (LA) about whether an adult at risk is in need of protection and/or services
- A police investigation if a criminal offence may have been committed
- Consideration by the Labour Party of disciplinary action in respect of the individual
- Referral for "consideration to bar" a person from working with children/adults at risk if they were performing 'regulated activity' i.e. a referral to the Disclosure and Barring Service and/or a referral to a professional registration body for professional misconduct

7.9 When indecent images have been found on a Labour Party device the Executive Director of Legal Affairs and/or the Safeguarding Manager will be responsible for ensuring that the following actions are taken:

- The Director of Technology should be informed, and a decision made about whether to clone, lock down or secure any computer or electronic device;
- The URLs (webpage addresses) which contain the suspect images should be reported to the Internet Watch Foundation www.iwf.org.uk by the Safeguarding Unit;
- The police should be informed (if the police request that copies of images are stored then they should be stored securely by the Director of Technology after consultation with the Safeguarding Unit);
- All other copies should be deleted (if informed to do so by the police).

7.10 If a member of staff, volunteer, member or elected representative of the party is found in possession of sexual or any abuse images on any electronic device provided by the Labour Party, the Executive Director of Legal Affairs, or in their absence the Safeguarding Manager, will be responsible for managing the response:

- A Safeguarding Report Form should be completed by the person reporting the incident.
- The Director of Technology will be informed if required.
- The Safeguarding Manager or the Executive Director of Legal Affairs will be responsible for contacting the police regarding the images. If there is a doubt about whether the images are criminal, then a discussion will take place with the police regarding the best way for them to receive copies to determine whether they are criminal or not.

- They will take advice from the police about what to do with the device that the images are on.
- The device in question will be quarantined.
- The Labour Party procedure for the management of safeguarding allegations involving an adult at risk will be followed

8. REFERRAL OF A SAFEGUARDING ALLEGATION TO STATUTORY AGENCIES AND/OR THE POLICE

Referral of an allegation involving a member of staff or volunteer

8.1 If the information within a safeguarding concern constitutes a safeguarding allegation about a member of staff or a volunteer the Safeguarding Manager, or Executive Director of Legal Affairs their absence, must ensure that within two working days:

- a referral is made to the Designated Officer (DO)³ in the Local Authority where the child lives (if the allegation is about the behavior of a member of staff, volunteer or member towards a specific child);
- a referral is made to the Designated Officer (DO) in the Local Authority where the staff member or volunteer lives (if the allegation is about behavior but with no identifiable victim).

And;

- the relevant police service is contacted where it is alleged that a criminal offence has been committed;

8.2 The Safeguarding Manager, or in their absence, the Executive Director of Legal Affairs will refer any allegation to the appropriate Designated Officer (formerly known as LADO in England) to discuss and agree the next steps, including informing parents/carers of the child concerned (if applicable) about the allegation, if they are not already aware of it.

8.3 The Designated Officer or the equivalent social care professional in Scotland and Wales in LA will:

- Discuss the allegation and obtain further details of the allegation and the circumstances in which it was made;
- Discuss whether there is evidence/information that establishes if the allegation is false or unfounded;
- Convene a strategy discussion within procedural timelines in order to plan any police investigation and/or protective action in respect of the child or adult if there is cause to suspect a child or adult is suffering or likely to suffer significant harm, and /or a criminal offence may have been committed.

8.4 Where a strategy discussion is required with the authorities, or it is clear that the police and/or LA need to be involved, information about the allegation should not be shared until those agencies have agreed what information can be disclosed, if any, to the person who is the subject of the allegation.

8.5 When a strategy discussion takes place the Safeguarding Manager and/or the the Executive Director of Legal Affairs should share all relevant information about the allegation, the child/ren and the person who is the subject of the allegation with the professionals at the meeting.

8.6 If there is reason to suspect that a criminal offence may have been committed, the police will be involved in making enquiries. The Labour Party is expected to cooperate fully with any police or child protection investigation.

³ Also known as Local Authority Designated Officer (LADO)

Referral of an allegation involving a member of the party

8.7 If the information within a safeguarding concern constitutes a safeguarding allegation about a member of the Labour Party the Safeguarding Manager, or the Executive Director of Legal Affairs in their absence, must ensure that within two working days.

- a referral is made to the Multi-Agency Safeguarding Hub (MASH) in the Local Authority where the child lives (if the allegation is about the behavior of a member towards a specific child);
- a referral is made to the Multi-Agency Safeguarding Hub (MASH) where the member lives (if the allegation is about behavior but with no identifiable victim).

And;

- the relevant police service is contacted where it is alleged that a criminal offence has been committed;

8.8 The Safeguarding Manager, or in their absence, the Executive Director of Legal Affairs will refer any allegation about a member of the Labour Party to the relevant Multi Agency Safeguarding Hub and/or the police. They will discuss and agree the next steps, including informing parents/carers of the child concerned (if applicable) about the allegation, if they are not already aware of it.

8.9 They should discuss the following:

- Full details of the allegation and the circumstances in which it was made
- Whether there is evidence/information that establishes if the allegation is false or unfounded
- What action the Labour Party has already taken to mitigate any risk to children or adults
- What action the MASH will take in relation to the allegation
- Any recommendations the MASH has for action the Labour Party should take
- Any timescales for the next steps to be taken
- An agreement for the future sharing of information between the Labour Party, any statutory agencies and/or the police

8.10 However where it is clear that the police and/or LA need to be involved, information about the allegation should not be shared with the individual subject to the allegation until those agencies have agreed what information, if any can be disclosed to the person who is the subject of the allegation.

8.11 If there is reason to suspect that a criminal offence may have been committed, the police will be involved in making enquiries. The Labour Party is expected to cooperate fully with any police or child protection investigation.

8.12 Some safeguarding allegations about members of staff, volunteers and members are clearly so serious that they require an immediate referral to the police/ Designated Officer or MASH. Other allegations that appear to meet the criteria may seem less serious, however, it is important that they are followed up and examined objectively by the external authorities who may hold other relevant information about the individual that is unknown to the Labour Party.

9. DECISION TO SUSPEND AN EMPLOYEE FROM EMPLOYMENT OR A VOLUNTEER OR MEMBER FROM MEMBERSHIP OF THE LABOUR PARTY

9.1 The possible risk of harm must be effectively evaluated and managed in respect not only of the child/ren or adult(s) involved in the allegation but any other children in the individual's home, work or community life. In some cases, this will require the Labour Party to suspend an employee, volunteer or a member who is the subject of the allegation.

9.2 A suspension from employment or membership of the Labour Party does not indicate a person's guilt. Suspension should be considered in any case where there is cause to suspect a child is at risk of significant harm, or an adult or child may pose a risk of significant harm to children, or the allegation:

- Is under investigation by the police;
- is so serious that it may be grounds for dismissal from employment or expulsion from membership of the party;
- were it to be subsequently proved, is such that the behavior of a volunteer or member may be judged to be prejudicial or grossly detrimental to the party;
- Or, there are concerns that the person about whom the allegations are made may put pressure on or interfere with potential witnesses.

9.3 The decision to suspend a member of staff from employment is the responsibility of the Executive Director of People and Talent. If the Executive Director of People and Talent believes the suspension of an employee subject to a safeguarding allegation is required then the suspension will be conducted in accordance with the Labour Party's Staff Disciplinary Procedure as set out in the staff handbook. Where an employee is also a member of the Labour Party their membership of the party may also be suspended subject to the process described in paragraph 9.4 below.

9.4 When the Safeguarding Manager, or in their absence the Executive Director of Legal Affairs, believes that it is necessary to suspend the membership of a volunteer or member subject to a safeguarding allegation they, or the Safeguarding Officer, will inform the Director of the Governance and Legal Unit (GLU) and the Head of Disputes in a written recommendation for suspension. The Safeguarding Manager will inform them of the following:

- That a safeguarding allegation has been received about the member or volunteer
- An overview of the circumstances and the allegation
- The level of risk that requires the suspension of the individual or the other factors leading to the need to suspend the individual
- What actions the Safeguarding Unit and/or external agencies plan to take and the timescales if known

9.5 The recommendation for suspension will be copied to the relevant Regional Director for their information. The decision to suspend an individual's membership of the party is the responsibility of either the Executive Director of Legal Affairs or the Director of Governance and Legal and the decision and reasons for suspending the individual, or the reasons not to, must be confirmed in writing to the Executive Director of Legal Affairs and the Safeguarding Manager. Any decision to suspend should take into consideration the views of the police and/or LA.

9.6 Where a volunteer or member of the party is suspended during an investigation the relevant Regional Director and the chair and secretary of the member's Constituency Labour Party will be notified. Where a member or volunteer is suspended subject to a safeguarding allegation their suspension will include the prohibition of involvement in Labour Party meetings, campaign activities or attendance at events organised by the national or local Labour Party.

10. EXTERNAL INVESTIGATION BY A STATUTORY AGENCY AND/OR THE POLICE

10.1 When a safeguarding allegation is referred to the Local Authority Services and/or the police then the safety and welfare of any child/ren is of the highest importance and any child protection investigation and/or police investigation must take priority over any internal Labour Party procedures.

10.2 The Safeguarding Manager, or in their absence the Executive Director of Legal Affairs, will be responsible for liaising with statutory agencies in the ongoing management of a safeguarding allegation.

10.3 As an employer and a volunteer organisation, the Labour Party should expect to be invited to join any strategy discussion, where the allegation relates to a member of staff or volunteer, alongside other professionals including the police and children's social care. The Safeguarding Officer and/or the Safeguarding Manager will be the Labour Party representative in this case unless the concern was about one of those individuals.

10.4 Statutory agencies and/or the police may request that Safeguarding Unit conduct enquiries or other safeguarding actions on their behalf. In these circumstances the Safeguarding Manager, or in their absence the Executive Director of Legal Affairs, should be informed in writing of the request and must agree that enquiries or other actions can be completed and by whom.

10.5 Any Labour Party investigation that may be required will not begin until Local Authority and/or the police have confirmed in writing that any external investigation has been completed. The Safeguarding Manager, or in their absence the Executive Director of Legal Affairs, should request written confirmation of the outcome of any external investigation including details of the reasons for the outcome reached and any other information that will assist the Labour Party in taking further action and/or reaching its own outcome.

11. INTERNAL ACTION BY THE LABOUR PARTY

11.1 Where it has been confirmed by Local Authority and/or the police that any external investigation has been completed, or is not required, the Executive Director of Legal Affairs and the Safeguarding Manager will consider whether any internal investigation or action is required.

11.2 Where an employee is subject to an allegation any internal investigation will be conducted in accordance with the Labour Party Disciplinary Policy by the Human Resource Department in consultation with the Safeguarding Manager.

11.3 Where a member or volunteer of the party is subject to an allegation then the allegation will be referred to the Director of the Governance and Legal Unit and the Head of Disputes for consideration of an internal investigation into the individual's conduct. Any investigation will be conducted in accordance with the disciplinary process contained in the Labour Party Rule Book by the Disputes Team in consultation with the Safeguarding Manager. The Safeguarding Unit should be notified in writing at the conclusion of the disciplinary process with the outcome.

12. ACTION FOLLOWING THE CONCLUSION OF THE INVESTIGATIVE PROCESS

12.1 At the conclusion of any investigation, the Executive Director of Legal Affairs and/or the Safeguarding Manager, in conjunction with the Designated Officer in cases involving an employee or volunteer, will formally review the outcome and determine any further action required, taking into account the result of any police investigation or trial, any investigations in respect of the child's safety by Local Authority Services, or the conclusion of any Labour Party disciplinary process.

12.2 The Executive Director of Legal Affairs, or in their absence the Safeguarding Manager, will be responsible for deciding on the outcome of the investigation of any safeguarding allegation and their decision, and the reason for it should be recorded on the Safeguarding Unit spreadsheet.. Consideration should be given to the different standards of proof required in disciplinary, local authority and criminal proceedings.

12.3 The following definitions should be used when recording the outcome of the allegation:

- **Substantiated** – there is sufficient evidence to prove the allegation
- **Unfounded** – there is sufficient evidence to disprove the allegation
- **Malicious** – there is sufficient evidence to disprove the allegation and that there has been a deliberate act to deceive
- **Unsubstantiated** – there is insufficient evidence to either prove or disprove the allegation, **the term does not imply guilt or innocence**

12.4 Every investigation should reach a conclusion regardless of whether an individual refuses to cooperate, the employee, volunteer or member resigns from employment or membership or the person is deceased.

12.5 The Labour Party will never agree to the use of a “settlement agreement” with an employee, volunteer or member. This is where the employee subject to the allegation agrees to resign, the employer agrees not to pursue disciplinary action and both parties agree to a form of words to be used in future references. Nor can it be used to override the Labour Party's duty to make a referral to DBS where they meet the criteria for consideration to bar them from working with children and/or adults.

12.6 The Executive Director of Legal Affairs and/or the Safeguarding Manager will determine who needs feedback following the conclusion of any investigations and the nature of the feedback in accordance with the principles of data protection and confidentiality. This might include feedback to the child/adult, their parents/carers and the person who raised the concern initially and the line manager of an employee.

12.7 In cases where a volunteer or member was suspended during an investigation and/or the outcome of the allegation is substantiated, feedback may also be provided to the secretary and chair of a member or volunteer's Constituency Labour Party (CLP) subject to consultation and the agreement of the Director of the Governance and Legal Unit.

12.8 If an allegation is determined to be unfounded or malicious the Executive Director of Legal Affairs and/or the Safeguarding Manager will consider if any further action is required. This may include:

- If the safeguarding allegation was made by a child then there is a need to consider if a referral to LA is required and to determine if that child is in need of services or may have been abused by someone else; and/or
- If the safeguarding allegation was deliberately invented or malicious by another adult then this should be discussed with the police and advice sought
- Whether disciplinary action is required
- The support needs of the person that was the subject of the safeguarding allegation
- The support needs of an adult survivor of historical abuse

12.9 Where it has been found that a safeguarding allegation was deliberately invented or malicious by a member or volunteer of the party the allegation will be referred to the Director of the Governance and Legal Unit and/or the Head of Disputes for investigation of the matter as a breach of Labour Party rules. If the person who made a deliberately invented or malicious allegation is an employee of the party then the Executive Director of People and Talent will consider action under the Disciplinary Policy for employees.

12.10 The Executive Director of Legal Affairs, or in their absence the Safeguarding Manager, must provide, in writing, feedback to any employee who has been subject to the investigation, clarifying the final outcome and any implications for their employment, volunteering or membership of the party. This must be provided within five working days of the conclusion of the investigation.

12.11 The Director of the Governance and Legal Unit, or in their absence the Head of Disputes, must provide, in writing, feedback to any volunteer or member who has been subject to the investigation, clarifying the final outcome and any implications for their volunteering or membership of the party. This must be provided within ten working days of the conclusion of the investigation.

12.12 Options following the conclusion of the investigative process include:

- Removal of the individual from employment or membership of the Labour Party;
- Reintegration of the staff member, volunteer or member;
- Performance management processes;
- Notifying other known employers or organisations of the individual concerned (advice should be sought from the LA DO, legal counsel and/or the NSPCC helpline);
- In cases involving an employee or volunteer: Referral to the DBS for consideration to bar the person from working with children and/or adults where the person was engaged in regulated activity

13. RECORD KEEPING, INFORMATION SECURITY AND RETENTION

13.1 Any records that relate to a safeguarding allegation about a member of staff will be retained securely on the Safeguarding Drive of the Labour Party's IT system. A note will be made on the individual's personnel file by the HR team that a safeguarding record exists with the reference number. Safeguarding records will be retained until the individual's retirement or for a period of ten years, whichever is longer.

13.2 Records that relate to a safeguarding allegation about a member or volunteer of the Labour Party will be retained securely on the Safeguarding Drive of the Labour Party's IT system. A flag will be added to an individual's membership record on the party's membership system when an allegation has resulted in the outcome Substantiated. This flag will be visible to all staff users and will advise them to contact the Safeguarding Unit for further information. A flag visible to all staff will also be added when a member leaves the party whilst suspended and under investigation for a safeguarding allegation. Safeguarding records will be retained for a period of ten years after a member resigns their membership or is excluded from the Labour Party.

13.3 The purpose of the record is to enable accurate information to be given in response to any future request for a reference or safeguarding enquiry made in relation to a member or volunteer of the party. It will provide clarification in cases where a future DBS disclosure reveals information from the police that an allegation was made but did not result in a prosecution or a conviction. It will also prevent unnecessary re-investigation if, as sometimes happens, allegations resurface after a period of time.

14. SUPPORT

14.1 The Labour Party has a duty of care to its employees, volunteers and members and will act to manage and minimize the stress inherent in the allegations process. In managing any allegation there is a need for the Executive Director of Legal Affairs and/or Safeguarding Manager to consider the support needs of the individuals involved. The support they require depends on the circumstances of the case and will be agreed on a case by case basis.

14.2 Support may include responding to the impact of shock or anger in response to allegations and consideration that individuals may be at risk of suicide. Support may also be required for the person who raised the concern, the person who is the subject of the allegation and the child and their parent/carers.

14.3 In all cases where an employee is suspended during the investigation of a safeguarding allegation then a member of the HR department or their line manager will be allocated as a point of contact for their welfare. They will signpost the employee to organisations that can offer advice and support.

14.4 In all cases where a member or volunteer is suspended during the investigation of a safeguarding allegation then the relevant Regional Director will allocate a member of the Regional Office as a point of contact for their welfare. They will signpost the volunteer or member to organisations that can offer advice and support.

14.5 People who are subject to safeguarding investigations may indicate through what they say, what they write or through their behaviour (in face to face contact) that they may be thinking about or intending to harm themselves. The person may make indirect verbal or written cues, such as "What's the point of living?" "Soon you won't have to worry about me," and "Who cares if I'm dead, anyway?"

14.6 Some of the signs that someone may be at risk of suicide:⁴

- lacking energy or appearing particularly tired
- appearing more tearful
- not wanting to talk or be with people
- not wanting to do things they usually enjoy
- a change in routine, such as sleeping or eating more or less than normal
- using alcohol or drugs to cope with feelings
- finding it hard to cope with everyday things
- appearing restless and agitated
- not liking or taking care of themselves or feeling they don't matter
- being un-typically clumsy or accident prone
- becoming withdrawn or losing touch with friends and family

14.7 In any circumstance where there is information that a person involved in a safeguarding investigation may harm themselves or another person then the Safeguarding Manager and the Executive Director of Legal Affairs will meet to discuss how the risk to the safety of any individual can be managed and removed.

14.8 The Executive Director of Legal Affairs has responsibility for ensuring that an employee who is the subject of the allegation is:

- Informed of the allegation against them (once agreed by LA and/or the police), notified of the processes that will follow and signposted to independent support should they require it;
- Kept up to date about any progress in relation to their case;
- Advised to contact their Trade Union or professional association from the outset.

14.9 They will also keep an employee up to date with what is happening in the workplace, in cases where the employee is suspended, to enable their re-integration should they return to work.

14.10 The Director of the Governance and Legal Unit and/or the Head of Disputes, has responsibility for ensuring that a volunteer or member who is the subject of the allegation is:

- Informed of the allegation against them (once agreed by LA and/or the police), notified of the processes that will follow and signposted to independent support should they require it;
- Kept up to date about any progress in relation to their case.

⁴ www.samaritans.org

15. REFERRAL TO THE DISCLOSURE AND BARRING SERVICE (DBS), THE CHARITIES COMMISSION AND THE PROFESSION REGULATORY BODY

15.1 Once the final outcome of the allegation management process is concluded, the following actions must be considered by the Executive Director of Legal Affairs the Safeguarding Manager and the LA Designated Officer (or equivalent):

- Where an employee or volunteer is engaged in providing 'regulated activity' (see DBS website) then the issue of whether they are allowed to continue in this role must be considered by the Labour Party depending on the outcome of the any enquires. If it is concluded that the person should no longer be engaged in regulated activity then there is a legal requirement for the Labour Party to refer the person to the DBS for consideration to bar the person from working with children and/or adults at risk. The referral process is outlined on the DBS website and they can be contacted for advice if there is uncertainty as to what to do.
- Where an employee or volunteer is registered with a professional body (e.g. Health and Care Professions Council), the issue of referral of the employee or volunteer to the professional regulatory body must be considered.
- The Charities Commission requires notification of suspicions, allegations and incidents of abuse or mistreatment of 'vulnerable beneficiaries'. Therefore Executive Director of Legal Affairs will need to consider if such notification is required and take the necessary steps if required.

15.2 The actions outlined in the preceding paragraph must be considered even if the person has resigned or the volunteering activity has ceased or the person is deceased. A record of all decisions and actions must also be recorded using the Safeguarding Unit spreadsheet which will be stored securely in the Safeguarding drive on the Labour Party IT system.

16. COMPLAINT PROCESS WHEN A MEMBER OF STAFF, VOLUNTEER OR MEMBER OF THE PARTY BELIEVES THE RESPONSE TO A SAFEGUARDING ALLEGATION HAS NOT BEEN APPROPRIATE OR WAS INSUFFICIENT

16.1 If at the conclusion of the management of a safeguarding investigation, a member of staff, volunteer or member of the Labour Party believes the response by the Safeguarding Unit was inappropriate or insufficient they should follow the procedure below (this procedure aligns with the Labour Party Whistleblowing Policy for staff contained in the staff handbook).

- In the first instance, and unless the complainant reasonably believes they were involved in the wrongdoing, or for any other reason the person does not wish to approach them, any concerns should be raised with the Executive Director of Legal Affairs. Any approach to the Executive Director of Legal Affairs will be treated in strictest confidence and the employee, member or volunteer's identity will not be disclosed without their prior consent.
- If the person does not feel confident contacting the Executive Director of Legal Affairs they should contact the General Secretary of the Labour Party to report their concern.
- If they do not feel their concern has been addressed at stages 1 and/or 2 they should contact the NSPCC helpline by telephoning 0808 800 5000 to report their concern.

17. ESCALATION BY THE SAFEGUARDING UNIT WHEN THERE ARE CONCERNS ABOUT THE LOCAL AUTHORITY RESPONSE TO A SAFEGUARDING CONCERN

17.1 If, after reporting a safeguarding allegation, it is evident that the local authority has not taken appropriate next steps in relation to the allegation, then the Executive Director of Legal Affairs must determine if the matter needs escalating with the local authority.

17.2 The Local Children Safeguarding Board for the area in which the concern has been referred will have specific procedures to be followed in such instances where escalation is warranted. A record of any decisions and outcomes must be kept by the Executive Director of Legal Affairs and/or the Safeguarding Manager on the Safeguarding Unit spreadsheet.

18. PROCEDURAL IMPLEMENTATION AND REVIEW:

These procedures were implemented on 1 September 2018.

These procedures were reviewed on 28 March 2023.

These procedures will be reviewed on an annual basis or in response to changes in safeguarding legislation and/or best practice.

APPENDIX 1

Safeguarding Report form

Complete as much detail as possible. For advice completing this form please contact the Safeguarding Unit; Telephone 0207 783 1134. If any person is at immediate risk of harm or needs medical attention contact the emergency services on 999.

1. Your details

Name:

Contact Telephone Number and Email:

Address:

Are you a member or employee of the Labour Party? (enter your membership number):

Role or position held:

When did you become aware of the information of concern or the allegation?

Date and time:

2. Child(ren) involved (a child is any person aged under eighteen years old)

Please give the full names and ages of any children involved. Please include any contact details, the address of the child and parent/guardian's names if possible:

3. Individual(s) about whom you are concerned

If you are concerned about the behaviour of an adult or child please provide their name and any details you have about them. Please include as much detail as possible:

Describe the behaviour you are concerned about? Please give as much detail as possible:

4. Your safeguarding concern

What are you concerned about? Please provide as much details as possible. Include the names and any details of the people involved, what happened and where it happened. Please include details of any vulnerabilities any of the people involved have:

Thank you for completing the Safeguarding Report Form.

Please email this form to safeguarding@labour.org.uk and telephone **0207 783 1134** to report your concern. All referrals are treated in strictest confidence.

