

Labour Party

Procedure for the Management of a Safeguarding Allegation involving an Adult at Risk



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1. INTRODUCTION

1.1 The aims of this procedure are:

- To ensure that adults at risk who are members of the Labour Party or any other adults at risk 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 or adults 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 centre 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

1.4 Individuals should never resist reporting concerns to the safeguarding unit due to concern about the impact on or reputation of the party.

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).

- **Member:** Any person who pays a membership subscription to the Labour Party in accordance with the Labour Party Rule Book.
- **Adult at risk¹:** An adult who:
 - (a) Has needs for care and support (whether or not the authority is meeting any of those needs),
 - (b) Is experiencing, or is at risk of, abuse or neglect, and
 - (c) As a result of those needs is unable to protect [themselves] against the abuse or neglect or the risk of it.

¹ Defined by the Care Act 2014 and only applies to local authorities in England. Social Care in Scotland, Wales and Northern Ireland have devolved responsibility. However, the principles of good practice set out in this document apply throughout the UK.

- **Harm:** The ill-treatment impairment of the health or development of an individual, including impairment suffered from seeing or hearing the ill-treatment of another. This includes Financial or material abuse, which may take the form of theft, fraud, exploitation or putting pressure on the individual to enter into financial transactions which are not in their interests; e.g. you may become aware that an adult at risk has been persuaded / exploited to pay for someone else to purchase or lease property or a vehicle.
- **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 or an adult at risk, may have harmed a child or an adult at risk or might lead to a child or adult at risk being harmed
 - b) possibly committed or is planning to commit a criminal offence against a child or an adult at risk or related to a child or an adult at risk, or;
 - c) behaved towards a child or an adult at risk in a way that indicates they are, or would be, unsuitable to work with children or adults at risk.
- 3.2 The allegation may:
- Involve a child/ren or adult(s) or both
 - 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
- 3.3 A safeguarding allegation may arise when:
- An adult at risk or their 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 an adult 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
 - A member of staff, volunteer or member:
 - informs the Labour Party that they have been the subject of an allegation, have harmed an adult at risk, or committed an offence against or related to an adult at risk;
 - has behaved in a way in their personal life that constitutes a safeguarding concern, these concerns do not have to directly relate to an adult at risk 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 adults or children 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 Service for adults 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 alex_barros-curtis@labour.org.uk. 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 e. david_evans@labour.org.uk should be contacted.

4.4 If an adult at risk 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 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 behaviour 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 adults at risk or children 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 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. GAINING PERMISSION TO SHARE INFORMATION WITH EXTERNAL ORGANISATIONS, CAPACITATED DECISION MAKING AND CONSENT.

- 8.1 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.
- 8.2 When following this procedure it is essential that the consent of the adult at risk should always be sought at the earliest opportunity. In establishing consent the issue should be discussed using appropriate terminology according to the understanding of the individual. It is not a prerequisite to obtain the signature of the adult at risk but how the consent was provided is paramount and it must be recorded in writing. In order to make an informed decision the issue must be discussed fully with the person concerned. There may be a variety of reasons why an individual may not give their consent to share information. It is reasonable and just to afford an adult at risk appropriate support and advice regarding the provision of consent to share a safeguarding concern. This could include for example gentle persuasion if they have decided not to share information.
- 8.3 If a person refuses intervention to support them with a safeguarding concern, or requests information about them is not shared with other safeguarding partners, their wishes should be respected. The decision to override this should be carefully considered but there are a number of circumstances where the Labour Party Safeguarding Unit can override the adult's at risk decision not to consent. These circumstances include if the person lacks mental capacity to make the decision according to the Mental Capacity Act 2005. Table 1 outlines the process to follow to support the assessment of whether an individual has mental capacity.
- 8.4 If a person lacks the capacity to give consent any decision must be made in their best interests. You must:
- Involve the person who lacks capacity to the fullest extent possible
 - Have regard for past and present wishes and feelings

- Consult with others who are involved in the persons care
- Not be discriminatory
- Choose or decide on the least restrictive option
- Take

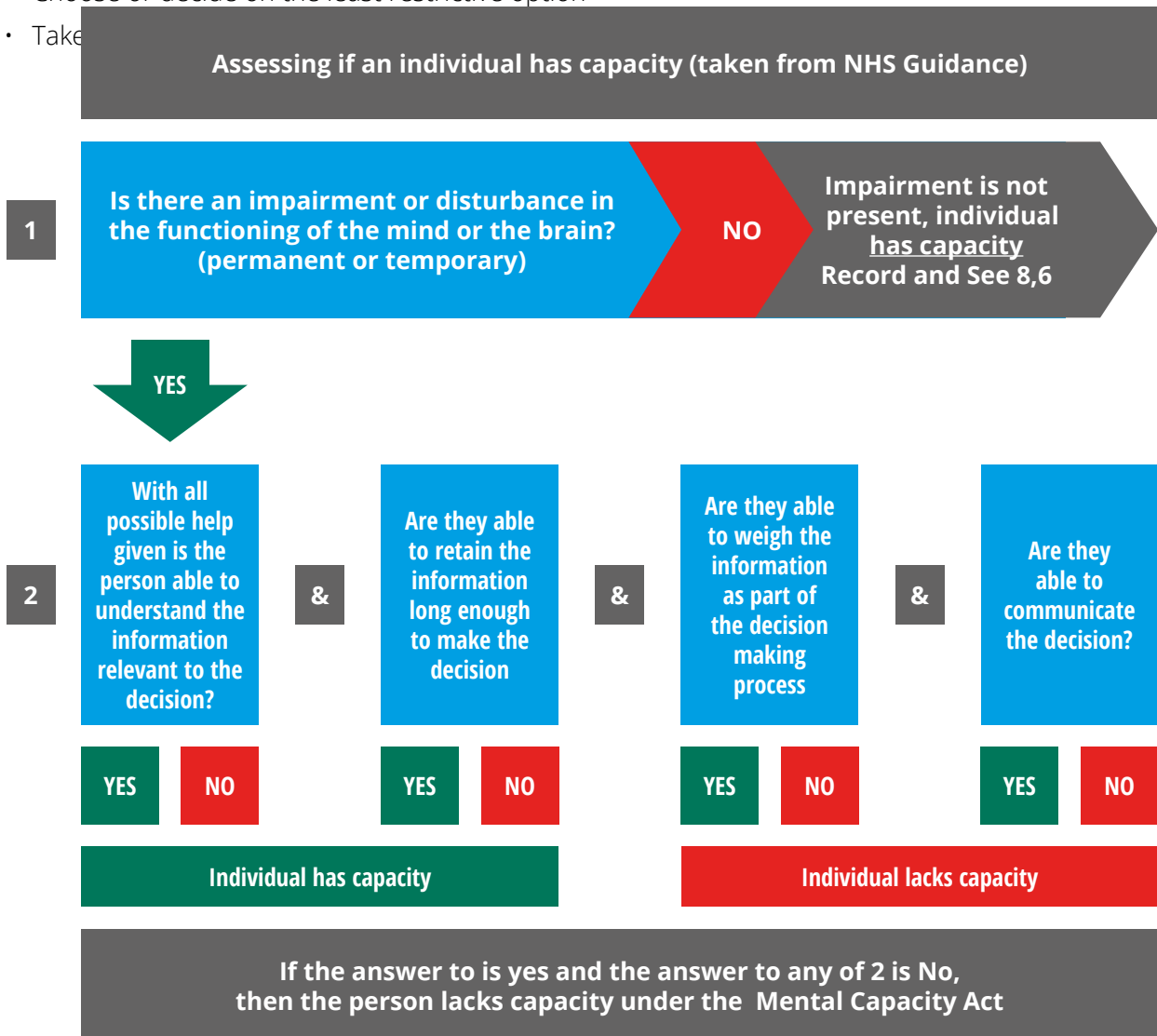


Table 1.

8.5 There are a number of circumstances where you may need to make a referral without the consent of the adult at risk:

- i) Other people are, or maybe, at risk including adults or children;
- ii) Sharing information could prevent a crime;
- iii) The alleged abuser has care and support needs and may also be at risk;
- iv) A serious crime has been committed;
- v) A member of staff, volunteer, member or elected representative of the Party are implicated;
- vi) The person has the mental capacity to make that decision but they may be under duress or being coerced;
- vii) The risk is unreasonably high and meets the criteria for a multi-agency risk assessment conference referral;
- viii) A court order or other legal authority has requested the information.

- 8.6 If none of (i) to (viii) apply and the decision is taken not to share information with other safeguarding partners, or not to intervene to safeguard the person the following should be taken into consideration:
- Support the person to weigh up the risks and benefits of different options;
 - Ensure they are aware of the level of risk and possible outcomes;
 - Offer to arrange for them to explore how to seek advocate or peer support;
 - Offer support for them to build confidence and self-esteem if necessary;
 - Agree on and record the level of risk the person is taking;
 - Record the reasons for not intervening or sharing information;
 - Regularly review the situation;
 - Try to build trust and use gentle persuasion to enable the person to better protect themselves.
- 8.7 If it is necessary to share the information outside of the Labour Party without consent the following should take place:
- Explore the reasons for the persons objections;
 - Explain the concern and why it is thought to be important to share the information;
 - Tell the person who you intend to share the information with and why;
 - Explain the benefits, to them or others, of sharing information;
 - Discuss the consequences of not sharing the information;
 - Reassure them the information will not be shared with anyone who does not need to know;
 - Reassure them that they are not alone and that support is available to them.
- 8.8 If the person cannot be persuaded to give their consent then, unless it is considered dangerous to do so, it should be explained to them that the information will be shared without consent. The reasons should be given and **recorded**.
- 8.9 If it is not clear that information should be shared outside the organisation, a conversation can be had with safeguarding partners in the police or local authority without disclosing the identity of the person in the first instance. They can then advise on whether full disclosure is necessary without the consent of the person concerned.
- 8.10 It is very important that the risk of sharing information is also considered. In some cases, such as domestic violence or hate crime, it is possible that sharing information could increase the risk to the individual. Safeguarding partners need to work jointly to provide advice, support and protection to the individual in order to minimise the possibility of worsening the relationship or triggering retribution from the abuser.

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

Referral of an allegation involving a member of staff or volunteer

- 9.1 If the information within a safeguarding concern constitutes a safeguarding allegation about **a member of staff** or a volunteer 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 Designated Officer (DO)² 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;
- 9.2 The Safeguarding Manager 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.
- 9.3 The Designated Officer or the equivalent social care professional in Scotland and Wales in LA will:

² Also known as Local Authority Designated Officer (LADO)

- 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 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.
- 9.4 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.
- 9.5 When a strategy discussion takes place the Safeguarding Manager and/or the Executive Director of Legal Affairs should share all relevant information about the allegation, the adult at risk and the person who is the subject of the allegation with the professionals at the meeting.
- 9.6 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.

Referral of an allegation involving a member of the party

- 9.7 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 adult at risk lives (if the allegation is about the behavior of a member towards a specific adult at risk);
 - 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;
- 9.9 The Safeguarding Manager 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 the carer of the adult at risk concerned (if applicable) about the allegation, if they are not already aware of it.
- 9.9 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 unfounded;
 - What action the Labour Party has already taken to mitigate any risk to adults at risk or children;
 - 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.
- 9.10 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.
- 9.11 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 adult protection investigation.

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

- 10.1 The possible risk of harm must be effectively evaluated and managed in respect not only of the adult(s) at risk involved in the allegation but any other adults at risk at 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.
- 10.2 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 an adult at risk is at risk of significant harm, or an adult or child may pose a risk of significant harm to adults at risk, 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.
- 10.3 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 10.4 below.
- 10.4 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 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
- 10.5 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 the Director of the Governance and Legal Unit 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. They should take into consideration the views of the police and or LA.
- 10.6 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 informed in writing of the suspension and a copy of the letter of suspension will be sent to them. 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.

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

- 11.1 When a safeguarding allegation is referred to the Local Authority and/or the police then the safety and welfare of any adults at risk is of the highest importance and any adult protection investigation and/or police investigation must take priority over any internal Labour Party procedures.
- 11.2 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.
- 11.3 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 adult social care. The Safeguarding Manager will be the Labour Party representative in this case unless the concern was about one of those individuals.
- 11.4 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.
- 11.5 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.

12. INTERNAL ACTION BY THE LABOUR PARTY

- 12.1 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.
- 12.2 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.
- 12.3 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.

13. ACTION FOLLOWING THE CONCLUSION OF THE INVESTIGATIVE PROCESS

- 13.1 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 adult's safety by Local Authority, or the conclusion of any Labour Party disciplinary process.
- 13.2 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.

- 13.3 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**
- 13.4 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.
- 13.5 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.
- 13.6 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 adult at risk, their carer and the person who raised the concern initially and the line manager of an employee.
- 13.7 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.
- 13.8 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
- 13.9 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 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.
- 13.10 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.
- 13.11 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.

13.12 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 LADO, 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

14. RECORD KEEPING, INFORMATION SECURITY AND RETENTION

14.1 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.

14.2 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 made on the individual's membership record on the Membership system that a safeguarding Allegation exists and that the Safeguarding Unit should be contacted for further details. This flag will be visible to members of staff. A flag will also be added where a member leaves the party whilst under investigation for a safeguarding allegation and this flag will also be visible to all members of staff. Safeguarding records will be retained for a period of ten years after a member resigns their membership or is excluded from the Labour Party.

14.3 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.

15. SUPPORT

15.1 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 the 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.

15.2 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.

15.3 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.

15.4 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.

- 15.5 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?”
- 15.6 Some of the signs that someone may be at risk of suicide:³
- 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
- 15.7 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.
- 15.8 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.
- 15.9 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.
- 15.10 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.

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

- 16.1 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.

³ www.samaritans.org

- 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 the Executive Director of Legal Affairs will need to consider if such notification is required and take the necessary steps if required.

16.2 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.

17. 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

17.1 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).

1. 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.
2. 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.
3. If they do not feel their concern has been addressed at stages 1 and/or 2 they should contact their Local Authority report their concern and seek further advice.

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

18.1 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.

18.2 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.

19. PROCEDURAL IMPLEMENTATION AND REVIEW:

These procedures were implemented on 1 September 2018.

They were reviewed and approved by the NEC 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.



Assessing if an individual has capacity (taken from NHS Guidance)

1

Is there an impairment or disturbance in the functioning of the mind or the brain?
(permanent or temporary)

NO

Impairment is not present, individual has capacity
Record and See 8,6

YES

2

With all possible help given is the person able to understand the information relevant to the decision?

&

Are they able to retain the information long enough to make the decision

&

Are they able to weigh the information as part of the decision making process

&

Are they able to communicate the decision?

YES

NO

YES

NO

YES

NO

YES

NO

Individual has capacity

Individual lacks capacity

If the answer to is yes and the answer to any of 2 is No, then the person lacks capacity under the Mental Capacity Act