

- 4.3 The safety of the child, young person or adult at risk is of paramount importance, and immediate action may be crucial in safeguarding an investigation. Where there is concern that other individuals may be at risk of harm or abuse, this must be reported immediately.
- 4.4 Reputational issues must be managed appropriately, in discussion with the relevant communications team.
- 4.5 All staff must be familiar with referral procedures for the protection of children and adults at risk. A concern must be reported to a staff member's line manager, who should take advice from the regional or central safeguarding lead. See Appendix 2 for a flowchart of this process.
- 4.6 All LSCBs and SABs have their own websites, which set out their safeguarding policies and procedures. In addition, each Local Authority has a Local Authority Designated Officer (LADO) to act on its behalf in investigating allegations - a role cited in the Savile investigations as critical for working in partnership with the NHS. The LADO should be informed of all allegations, in line with local safeguarding procedures.
- 4.7 A Serious Incident Report of an allegation against a member of staff should be managed using [Strategic Executive Information System \(StEIS\)](#) methodologies.
- 4.8 It is crucial that no action taken by NHS England & NHS Improvement to manage an allegation will jeopardise an external investigation, such as a criminal investigation.

## **5 Procedure for reporting and managing allegations: NHS England directly employed staff and performers**

- 5.1 Every effort must be made to maintain confidentiality, and manage communications effectively, whilst an allegation is being investigated. Any information-sharing must comply with the requirements of data protection legislation<sup>1</sup>, the Human Rights Act and the common law duty of confidence.
- 5.2 Please refer to section 7 about the Disclosure and Barring Service (DBS).
- 5.3 Each NHS England & NHS Improvement region, and the central support team, will have a Nominated Safeguarding Senior Officer (NSSO) who will lead and co-ordinate investigations - and be of sufficient seniority to make decisions - on behalf of NHS England. Where there is no-one in this role, the Regional Chief Nurse will act as the point of contact to identify and appoint the NSSO.
- 5.4 The NSSO should ensure (if appropriate) that a child protection/adult at risk referral is made (or has been made) to the relevant social care team and,

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<sup>1</sup> The EU General Data Protection Regulation and Data Protection Act 2018

where necessary, the police, using the appropriate reporting form. The referral must be put in writing to child/adult social care by the reporting individual within 24 hours, or on the next working day (in the case of a weekend).

- 5.5 Where the issue relates to a child, the NSSO will liaise with the LADO, to agree on the information that needs to be shared with other geographical areas. The LADO can be contacted through the local Social Care team or the LSCB contact lead.
- 5.6 Immediate issues of investigation and management of the employee should be discussed and agreed at this time, including what information should be passed to the staff member concerned.
- 5.7 Where the issue relates to an adult, the NSSO will discuss the case and allegations with the relevant adult social care department and the police, to decide which agency should lead the investigation.
- 5.8 The NSSO will work with HR and the staff member's line manager, to decide whether suspension is appropriate during the period of investigation. HR will advise whether the NHS England & NHS Improvement disciplinary procedure is to be followed, or, in the case of a performer subject to the Performers' List regulations, which procedure should be followed. HR advice will be pertinent to all staff, regardless of their employment status with NHS England & NHS Improvement.
- 5.9 The NSSO should ensure the Director of the relevant regional or central safeguarding team is informed about the allegation.
- 5.10 Following notification to child/adult social care and/or the police, the NSSO should undertake an internal Strategy Planning Meeting, to decide how to manage the allegation. The following people should attend:
  - the NSSO
  - the LADO
  - the staff member's line manager
  - a senior member of staff from the Directorate or region concerned
  - the Safeguarding Lead for the area covered
  - a senior member of staff from the relevant regional or national support centre
  - appropriate members of the HR team
  - an appropriate designated professional, to act as safeguarding expert.
- 5.11 The Strategy Planning Meeting will:
  - consider what further contact is required with regional staff, local police, and/or child/adult social care
  - nominate a member of the investigation team as the link person
  - establish whether the child/young person/adult at risk of harm or abuse is safe from any further risk of harm or abuse