



Safeguarding  
Partnership  
Board

## MANAGING ALLEGATIONS FRAMEWORK

Arrangements for managing allegations against  
people who work with children or those who are in  
a position of trust

<b>Short Title</b>	<b>Managing allegations framework</b>
<b>Document Purpose</b>	To ensure that organisations have an understanding of the process for managing allegations against people who work with children or those who are in a position of trust.
<b>Target Audience</b>	Statutory departments and third sector agencies working to safeguard children in Jersey
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## 1. Summary

- 1.1 It is essential that any allegation of abuse made against a person who works with children and young people, including those who work in a voluntary capacity, is dealt with fairly, quickly, and consistently, in a way that provides effective protection for the child, and at the same time supports the person who is the subject of the allegation. The framework for managing allegations is set out in UK statutory guidance contained in *Working Together to Safeguard Children 2015*. Although this guidance is not statutory in Jersey, it provides a good practice framework, which it has been agreed will be followed in Jersey.
- 1.2 All organisations which provide services for children, or provide staff or volunteers to work with or care for children, should operate a procedure for handling such allegations which is consistent with this guidance, drawn from *Working Together to Safeguard Children 2015, Chapter 2*.
- 1.3 All procedures should also include the contact details for the Jersey Designated Officer(s) (JDO) responsible for providing advice and monitoring cases. Contact details can be found at the back of this document.

## 2. Introduction and Scope

- 2.1 The Managing Allegations Framework (MAF) set out in this procedure applies to a wider range of allegations than those in which there is reasonable cause to suspect a child is suffering, or likely to suffer significant harm. In those cases, the MASH procedure is used. MAF should be used in respect of all allegations that a person, in the course of their work (including volunteering) with children has:
- Behaved in a way that has harmed a child or may have harmed a child;
  - Possibly committed a criminal offence against, or related to, a child; or
  - Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.

This being the 'Threshold' for a JDO Strategy meeting, as set out in Section 10.

If concerns arise about the behaviour of a person who works with children, in regard to their own children, the police and/or Children's Service need to consider informing the person's employer and the JDO in order to assess whether there may be implications for children with whom the person has contact at work.

- 2.2 All organisations and places of employment should have procedures for dealing with allegations, and all staff and volunteers should understand what to do if they receive an allegation against or have concerns regarding the behaviour of another member of staff, volunteer or visitor. This information must be explicit in service procedures and made available to all members of staff, regular visitors, volunteers and service users.

All allegations should be reported within **one working day** to the senior manager or employer for the organisation with operational responsibility for dealing with allegations. That manager should then make an initial assessment and as appropriate, refer the allegation to the JDO, **again within one working day**. If the outcome of subsequent discussion with the JDO is that a referral to Children's

Services and police should be made then the JDO should inform the Multi-Agency Safeguarding Hub (MASH) and the referrer. Likewise, the referrer should note on their referral they have spoken to the JDO who has advised them to make the referral to Children's Services.

***Detailed procedures are laid out from Section 10 onwards.***

2.3 There may be three strands in the consideration of an allegation:

- enquiries and assessment by Children's Service about whether a child is in need of protection or in need of services
- a police investigation of a possible criminal offence
- consideration by an employer of disciplinary action in respect of the individual

All of which will inform the employer's final decision as to whether the individual is safe and suitable to continue working with children.

*NB. The term employer is used throughout this policy to refer to settings and organisations that have a working relationship with the individual against whom the allegation has been made. This includes organisations that use the services of volunteers or people who are self-employed, as well as service providers, voluntary organisations, employment agencies or business contractors, fostering services, regulatory bodies such as Child Care Registration team for child-minders, and day care providers and others that may not have a direct employment relationship with the individual, but will need to consider whether to continue to use the persons services, to provide the person for work with children in the future, or to de-register the individual. N.B. In some circumstances, the term 'employer' for these purposes will encompass more than one organisation. For example, where staff providing services for children in an organisation are employed by a contractor, or where temporary staff are provided by an agency. In those circumstances both the contractor or agency, and the organisation in which the accused individual worked will need to be involved in dealing with the allegation.*

### **3. Supporting Those Involved**

3.1 Save for section 10.5, parents or carers of a child or children involved should be told about the allegation as soon as possible, if they do not already know about it. How and when this is done and by whom will be decided with the JDO during the initial discussion.

They should also be kept informed about the progress of the case, and told the outcome where there is not a criminal prosecution, including the outcome of any disciplinary process. Note that the deliberations of a disciplinary hearing, and the information taken into account in reaching a decision, cannot normally be disclosed, but the parents or carers should be told the outcome. In deciding what information to disclose, careful consideration should be given to duties under the Data Protection (Jersey) Law 2005 (or any applicable data protection legislation in force) and, where relevant the Human Rights (Jersey) Law 2000

- 3.2 In cases where a child may have suffered significant harm, or there may be a criminal prosecution, Children's Service, or the police as appropriate, should consider what support the child or children involved may need.
- 3.3 The senior manager or employer for the organisation should also keep the person/s who the allegation has been made about informed of the general progress of the case and consider what other support is appropriate for the individual. The individual's union or professional body, occupational health services or any other employee welfare arrangements, may provide this support. In any case, if the individual is a member of a trade union, they should be advised to make contact with their trade union at the outset of the investigation (please refer to Section 10).

If the person who the allegation was made about has been suspended, the senior manager or employer for the organisation should also make their usual arrangements to keep the individual informed of developments.

## **4. Confidentiality**

- 4.1 Confidentiality will be maintained and all efforts will be made to guard against unwanted publicity whilst an allegation is being considered or investigated.

## **5. Resignations, Compromise Agreements and References**

- 5.1 The fact that a person who has had an allegation made about them tenders their resignation, or ceases to provide services, must not prevent an allegation being followed up in accordance with this procedure. It is important that every effort is made to reach a conclusion in all cases of allegations that have a bearing on the safety or welfare of children. This includes any allegation whereby the person refuses to co-operate with the process.
- 5.2 Wherever possible, the person who has had the allegation made against them should be given a full opportunity to answer the allegation and make representations about it. The process of recording the allegation and any supporting evidence and reaching a judgement about whether it can be regarded as substantiated on the basis of all the information available should continue even if the accused person does not co-operate. It may be difficult to reach a conclusion in those circumstances.
- 5.3 Disciplinary procedures and subsequent sanctions may not be possible if the person's notice period expires prior to the end of the investigation, but it is important that a conclusion is reached and recorded wherever possible.
- 5.4 Compromise agreements, by which the person agrees to resign from the organisation by mutual agreement, must not be used in situations where they are subject to investigation under child protection procedures (Children's (Jersey) Law 2002 (Article 42)). There must not be any agreement by which the employer agrees to the content of a future reference. In any event, any agreements which are reached will not prevent a thorough police investigation, where that course of action is appropriate, nor will it prevent referral to the Disclosure and Barring Service where this is appropriate, following the Jersey Safeguarding Partnership Board Procedure and in accordance with the Police Act 1997, as extended to

## 6. Record Keeping

- 6.1 It is important that senior managers and employers keep a clear and comprehensive summary of any allegations made, details of how and who followed the allegation up and any resolution and conclusion. The record should include details of any action taken and all decisions reached.
- 6.2 Regardless of the outcome these notes must be kept on the person's confidential personnel file with a copy given to the person concerned at the end of the process.
- 6.3 The purpose of the record is to ensure accurate information can be given in response to any future request for a reference. It will also be used to provide clarification in cases where a future DBS disclosure reveals information from the police about an allegation that did not result in a criminal conviction.
- 6.4 It may also be used to ensure unnecessary re-investigation if an allegation re-surfaces after a period of time.
- 6.5 The JDO record should be retained at least until the person who has had the allegation made against them attains normal retirement age or for a period of 10 years from the date of the allegation if that is longer. This includes individuals who leave the organisation.
- 6.6 If the allegation results in a Children's Service investigation into possible harm to a child, this will be recorded on the child's social care file, if one exists. If the child is not known to the Children's Service and no investigation takes place, a new record for that child should not be created on the Children's Service database.
- 6.7 A record of allegations made will be maintained by the Independent Safeguarding Standards Service. The JDO will record the progress and outcome of an allegation on the area-based recording system.
- 6.8 The JDO will retain a record of all advice and guidance they have given relating to concerns about any member of staff or volunteer which do not meet the Threshold for a strategy discussion. This will be kept on a separate spreadsheet and the information will not be included in the allegations database.  
  
Notes of all strategy discussions and outcomes will be maintained in the recording system. A record of only the individual's name, date of birth and address will be recorded on the Children's Services database with a reference to the JDO for further information.
- 6.9 The Manager responsible for the JDO service is the Head of Quality who will monitor all allegations and report regularly to the Safeguarding Partnership Board as required. This will include providing an annual report to the Safeguarding Partnership Board.

## 7. Timescales

- 7.1 It is in everyone's best interests to resolve cases as quickly as possible, consistent with a fair and thorough investigation. Every effort should be made to manage cases to avoid any unnecessary delay.

The senior manager or employer should have regard to their organisation's disciplinary policies and procedures whilst aiming to resolve matters with minimum delay. They should take into account the circumstances of individual cases, including the nature, seriousness and complexity of the allegation. In any case where Children's Service has undertaken enquiries to determine whether the child or children are in need of protection, the employer or senior manager of the organisation should take into account any relevant information obtained through the course of those enquiries when considering disciplinary action.

The States of Jersey Independent Safeguarding and Standards service is committed to ensuring all allegations are managed efficiently and effectively and will use available data to monitor the recommended timescales in all allegations.

## 8. Oversight and Management

### 8.1 Senior Managers

All partner organisations in the children's workforce should have a Senior Manager within the organisation to whom allegations or concerns that a member of staff, volunteer or visitor may have abused a child should be reported. Employers' procedures should make it clear to all staff and volunteers who the person is. Procedures should also include a named alternative person in the absence of the senior manager or in cases where that person is the subject of the allegation or concern.

## 9. Designated Officers

- 9.1 **The Jersey Designated Officer (JDO)** is involved in the management and oversight of individual cases. They provide:

- advice and guidance to all of the above agencies and services,
- liaison with the police and other agencies, and
- Monitoring of the progress of the case to ensure that all matters are dealt with as quickly as possible, consistent with a thorough and fair process.

## 10. Referral Process and Initial Consideration

- 10.1 When information is received in MASH that appears to meet the criteria listed in paragraph 2.1, MASH should record the information on the child's file and process it as with any other referral and also immediately inform the JDO by emailing [JDO@health.gov.je](mailto:JDO@health.gov.je) or by phoning **01534 443566**.

If there is no child within the referral then this information should be sent to the JDO central email account [JDO@health.gov.je](mailto:JDO@health.gov.je). If a Children's Service Team becomes aware of a potential referral they should use the JDO central email box

to inform the JDO.

- 10.2 Procedures need to be applied with the safety of the Child being paramount. Some allegations are so serious as to require immediate referral to Children's Service and the police for investigation. Others are much less serious, and at first sight may not seem to warrant consideration of a police investigation or enquiries by the Children's Service. However, it is important to ensure that even apparently less serious allegations are seen to be followed up by the employer, and that they are examined objectively by someone independent of the organisation concerned. Consequently, the JDO should be informed of all allegations that come to the senior manager's attention and **appear** to meet the Threshold criteria in paragraph 2.1 so that s/he can consult police and Children's Service colleagues as appropriate. The JDO should also be informed of any allegations of abuse against a child in the work place including those that are made directly to Children's Services or directly to the police (which should be communicated via the police force's designated officer).
- 10.3 The employer should contact the JDO Coordinator on 01534 443566 to refer an allegation against a professional they will be asked to complete an allegations management referral form. The JDO should then establish, in discussion with the senior manager or employer that the allegation is within the Threshold scope of these procedures (see paragraph 2.1). If the parents/carers of the child concerned are not already aware of the allegation, the JDO will also discuss how and by whom they should be informed. In some circumstances, a senior manager may need to advise parents of an incident involving their child straight away – e.g. if the child has been injured while in the organisation's care and requires medical treatment.
- 10.4 **No further action after initial consideration.** If the concern does not meet the Threshold for a JDO Strategy meeting, it is the responsibility of the senior manager or employer of the organisation to decide whether or how to follow up that concern further. Details of the individual will not be included in the statistics recorded for reporting to the SPB although a record of the consultation with the JDO will be held in the JDO recording system. The actions of the employer will not be followed up by the JDO but the employer must inform the JDO of the final outcome.
- 10.5 The senior manager should inform the person who the allegation has been made against as soon as possible **after** consulting the JDO. However, where a strategy discussion is needed, or it is clear that police or Children's Service may need to be involved, informing the accused person about the allegation should **not** be done until those agencies have been consulted and have agreed what information can be disclosed to the person. If the person who the allegation has been made about is a member of a union or professional association, s/he should be advised to seek support from that organisation.
- 10.6 **Threshold in Para 2.1 is met after initial consideration.** The JDO will convene the JDO Strategy meeting within three days of the initial consideration or, if appropriate, following the joint Article 42/Children's Service investigation and assessment/police investigation.
- 10.7 **Strategy Meetings.** The following attendees could include or may be invited to the Strategy meeting:

- Employer or Employers representative – for schools, this will be the Head Teacher
- Local Registration body if appropriate – Professional Care and Registration or Child Care and Early Years' Service.
- HR representative - for States of Jersey employees, this will be the Head of Case Management together with a Legal Adviser from the Civil Division Commercial and Contentious Team of the Law Officers' Department.
- Police together with a Legal Adviser from the Criminal Division of the Law Officers' Department.
- Designated Professional or safeguarding lead/named health professional where relevant together with a Legal Adviser from the Civil Division Safeguarding Team of the Law Officer's Department.

The strategy meeting will decide the appropriate action and timescale for investigation into the issue and if there is no need for a further meeting, decide the outcome as detailed below.

If there are ongoing police investigations or the person who the allegation has been made about is suspended, then a review meeting should be convened by the JDO at the appropriate time. The Police will only share information at a JDO meeting following a PID (police information disclosure) process (and for the avoidance of doubt, not under the MASH ISA for the protection of children). In cases where a police investigation is necessary, the meeting should also consider, with advice from the Law Officers' Department where the person is a States of Jersey employee, whether there are matters that can be taken forward in a disciplinary process in parallel with the criminal process, or whether any disciplinary action needs to wait for completion of the police enquiries and/or prosecution.

At this final meeting (which may be the only one held) the meeting will decide upon the outcome of the concern. The outcome will be one of the following:

- **Substantiated** – there is sufficient identifiable evidence to prove the allegation.
- **Unsubstantiated** – this is not the same as a false allegation. It means there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded** – There is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively, they may not have been aware of all the circumstances.
- **Malicious** – There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
- **False** – There is sufficient evidence to disprove the allegation. For use for Education cases only: (*Keeping Children Safe in Education 2016*).

If there is no consensus about the outcome of the concern, the chair of the meeting will make the decision.

The JDO will record on the child's file when a strategy meeting has been held only if there are actions to be undertaken other than those by the employer/

organisation

- 10.8 **Article 42 Strategy Meetings and JDO Strategy Meetings** If there is cause to suspect a child is suffering, or is likely to suffer, significant harm an Article 42 strategy discussion may be convened by the MASH to consider the actions needed to protect the child from harm. The JDO should be kept informed and should take account of any information the senior manager can provide about the circumstances or context of the allegation. In some circumstances, it will be appropriate for the JDO to convene a JDO Strategy Meeting prior to an Article 42 strategy meeting. In some circumstances, it will be the JDO who will chair the Article 42 Strategy meeting.
- 10.9 In cases where an Article 42 strategy discussion is not considered appropriate because the threshold of 'significant harm' is not reached – but a police investigation might be needed, the JDO should nevertheless convene a JDO Strategy meeting with the police, the employer, and any other agencies involved with the child to evaluate the allegation and decide how it should be dealt with. **[Note:** the police must be consulted about any case in which a criminal offence may have been committed.]
- 10.10 Where there are continuing police and/or Children's Service investigations, the decisions of the JDO Strategy meeting will inform the senior manager's or employer's own investigations. Decisions relating to the continuing use of an employee, volunteer or visitor's services will be reliant on the outcome of investigations and subsequent information. A review JDO Strategy meeting will be set if the accused person is suspended or there is an ongoing police investigation.

## 11. Suspension

- 11.1 The possible risk of harm to children posed by an accused person needs to be managed and evaluated. The evaluation will be in respect of the child/ren involved in the allegation and any other children in the accused person's home, work or community life. Some cases will require consideration to be given to the use of suspension for the accused person involved in the allegation. This may be until the matter is resolved.
- 11.2 Suspension will be considered in any matter where there is cause to suspect that a child is at risk of significant harm, or the allegation warrants a police investigation. Suspension will also be considered if the allegation is of such a serious nature that the behaviour might be grounds for dismissal.
- 11.3 An employee, volunteer or visitor must not be automatically suspended without careful thought and consideration of the circumstances of the allegation. In making the decision, the senior manager for the organisation must consider whether the person should be suspended from contact with children for the duration of the investigation, or until resolution has been reached. In any case, alternatives to suspension should be explored and advice sought from the JDO whenever possible. If the allegation has been referred and a Threshold meeting is to be convened, it will be a task of the meeting to consider the facts of the allegation, and although a senior manager of the organisation cannot be directed to suspend, they will be supported in making the decision. For staff, volunteers and visitors to education settings, this is vested within the responsibility of the

Head Teacher and Governing Body if there is one. This should be done after the views of the Designated Senior Named Officer from the police and JDO have been canvassed.

## 12. Case Subject to a Police Investigation

- 12.1 If a criminal investigation is required, the police will aim to complete their enquiries as quickly as possible, consistent with a fair and thorough investigation, they will also monitor the progress of the case.
- 12.2 At the outset the police will set a review date to establish what progress has been made, this includes consultation with the Criminal Justice Department about whether to proceed with the investigation, charge the individual or close the case. Wherever possible the review will **be within one month of** the initial meeting. If it is decided to continue to investigate the allegation, dates for subsequent reviews will be set at this point.

## 13. Action Following a Criminal Investigation or a Prosecution

- 13.1 The Police will, via the PID (police information disclosure process), if appropriate inform the employer or senior manager of the organisation and JDO when:
- a criminal investigation and any subsequent trial has been completed
  - a decision has been reached to close an investigation without charge or further action
  - or a decision not to prosecute following charges being made
- 13.2 In those circumstances the JDO will discuss with the employer or senior manager of the organisation whether any further action, including disciplinary action is appropriate, and if so how to proceed. If the matter is within an educational establishment this discussion should also include the chair of the governing body where this applies. Information disclosed by the police using the PID (police information disclosure) process and Children's Service could be used during these discussions to inform the decision-making (subject to any legal constraints). The Police, in accordance with the PID (police information disclosure) process, and Children's Service, will wherever possible, aim to pass relevant information for use in a disciplinary hearing within three days of a decision being made.
- 13.3 The options will depend on the circumstances and the consideration will take into account the result of the police investigation and any subsequent trial. However due regard must be paid to the standard of proof required in disciplinary and criminal proceedings.

If a person is convicted of an offence involving a child whilst the allegation is being investigated, and the disclosure of the conviction meets the PID criteria, the police will inform the employer or senior manager as soon as practicable.

## 14. Monitoring Progress

- 14.1 The JDO will regularly monitor the progress of the case and provide information, advice and support when required or requested. The police input will be to advise where they are in the investigation, but no further details will be given. This will be

done by convening review strategy meetings or by liaising directly with the senior named officer from the police, Children's Service manager and the employer, or senior manager of the organisation. Police will, using the PID (police information disclosure ) process, will continually monitor their information and determine if further information should be disclosed to be given to protect vulnerable children, e.g. if the person who has had the allegations made against them has not yet been suspended and new information comes to light that may be relevant.

The frequency of the reviews will depend on the complexity of the case. All review information must be accurately recorded. The employer or senior manager is responsible for informing the JDO when their disciplinary investigations are complete and the outcome of those investigations.

## 15. Information Sharing

- 15.1 In a strategy discussion or initial consideration of the case the agencies concerned, including the employer will share all relevant information they have about the accused person and about the alleged victim. Each agency is responsible for meeting their obligations under the Data Protection (Jersey) Law 2005 (or any applicable data protection legislation in force) in this regard.
- 15.2 No information will be shared by the police with JDO or at a JDO strategy meeting and any disciplinary process unless the PID process has been followed and the criteria has been met to permit such information to be shared.
- 15.3 Children's Service will, when appropriate, seek consent to share information for the purposes of potential disciplinary action during the course of their investigation so that this can be passed to the employer or regulatory body without delay.

## 16. Action at Conclusion of a Case

- 16.1 **Referral to the Disclosure Barring Service (DBS)**
- If the allegation is substantiated **and**
  - the person who has had the allegation made against them is dismissed or
  - the employer or organisation ceases to continue using the person's services, or
  - The person who has had the allegation made against them resigns or ceases to provide their services, the JDO should discuss with the employer or organisation whether a referral to the DBS is required or advisable and if so, agree the form and content of a referral. If a referral is appropriate it should be made **within 1 month**.
- 16.2 **Referral to a regulatory body**  
If the individual is subject to registration or regulation by a professional body or regulator the JDO should advise on whether a referral to the appropriate body is required and the form and content of the referral.
- 16.3 **Return to work**  
If the person has been suspended and on conclusion of the case, it is decided the person can return to work, the work place, setting or educational establishment should consider how to facilitate this. It is likely that the person

returning to work will require support for this to be successful. Depending on the circumstances a phased return may be appropriate and the provision of a mentor should the returning employee request this support. The senior manager of the organisation should also consider how the person's contact with children or the child involved in the allegation should be managed.

## 17. Appeal

- 17.1 Should the accused person wish to appeal any allegation that is found to be substantiated they should contact the JDO in the first instance, who will direct them to the appropriate agency/professional.

## 18. Learning the Lessons

- 18.1 At the conclusion of a case in which an allegation is substantiated the JDO should review the circumstances with the senior manager representing the employer. The purpose of the review is to determine whether there are any improvements to be made to the organisation's procedures or practice to help prevent similar events in the future.

This should include issues arising from any decision to suspend a member of staff, the duration of the suspension and whether or not the suspension was justified.

The JDO will produce an annual report identifying themes and issues that have arisen from referrals to the JDO.

## 19. Action in Respect of Unfounded or Malicious Allegations

- 19.1 If an allegation is unfounded, the JDO should consider informing Children's Service to establish whether the child who has made the allegation is in need of services.
- 19.2 In the rare event that an allegation is shown to have been deliberately invented or malicious, the police can be asked to consider whether any action might be appropriate against the person responsible.
- 19.3 In the case of schools and education settings, the Head Teacher or Principal of a school, college or setting may also consider whether any disciplinary action against the child who made a malicious allegation is appropriate.

## 20. Jersey Designated Officer Contact Details

- 20.1 Local Designated Officers can be contacted via email [JDO@health.gov.je](mailto:JDO@health.gov.je) or using the JDO central telephone number **01534 443566** for allegations of abuse of children against all staff and volunteers.

## 21. Complaints

21.1 Any complaints should be referred to the relevant agency involved and that agency's complaints procedure will be followed.