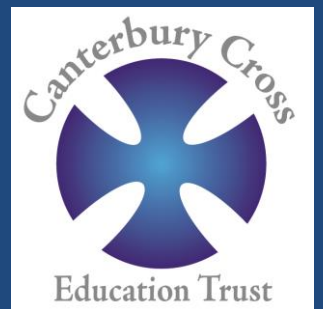


ALLEGATIONS OF ABUSE AGAINST STAFF



SECTION 16

CHILD PROTECTION IN EDUCATION ESTABLISHMENTS CATERING FOR CHILDREN AND YOUNG PEOPLE AGED 19 OR UNDER

This procedure applies to all schools, including independent schools, academies and free schools, and colleges in the City of Birmingham. It is the expectation of Birmingham Safeguarding Children Board that it will be taken into account in drawing up relevant service level agreements.

Throughout this procedure, in the absence of the Head Teacher/Principal or where there is a conflict of interest normal deputising arrangements will apply.

1. STATUTORY GUIDANCE

Dealing with Allegations of Abuse against Teachers and Other Staff
[Department for Education 2011]

This will be found at

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00061-2011>

2. INTRODUCTION

Child protection policy

- 2.1 Every school must have in place a child protection policy that makes clear the roles, responsibilities, and expectations of all staff.

Designated senior person

- 2.2 A senior member of the school management team must be nominated as the designated senior person for child protection. All child protection concerns other than those relating to a member of staff must be referred to the designated senior person who will co-ordinate any action under these procedures. Cases involving an allegation about a member of staff must be reported to the Head Teacher/Principal and dealt with as set out in Chapter 6 below. Any allegation relating to the Head Teacher/Principal must be dealt with as set out in Chapter 5 below.

Nominated governor for child protection

- 2.3 Birmingham Safeguarding Children Board requires that governing bodies nominate a governor for child protection who will champion child protection issues within the school, liaise with the Head Teacher/Principal about them, and provide information and termly reports to the governing body. It is essential that the nominated governor for child protection understands the requirements of the role, and that they undertake approved child protection training on a two yearly cycle.

Schools and Education Services Lead Officer for Child Protection:

2.4 All local authorities must appoint a Schools and Education Services Lead Officer for Child Protection. In Birmingham this role is held by the Assistant Director Safeguarding and Development – contact details will be found on the last page of this Section.

3. RESPONDING TO A CHILD PROTECTION CONCERN Other than concerns relating to a member of staff

3.1 When a member of staff identifies a child protection concern they will immediately notify the designated senior person, who will decide whether to make a referral to children's social care. At this stage the staff member should not discuss the matter with anyone other than the designated senior person or, if the designated senior person is unavailable, the Head Teacher/Principal.

3.2 After speaking to the staff member the designated senior person will record their concerns (or the reason they are no longer concerned) on the child's child protection file, noting dates, times, specific observations, any relevant statements made by the child or anyone else, decisions made and actions taken. The wording of this record must be agreed with the staff member.

3.3 If the designated senior person decides not to make a referral to children's social care, but the staff member continues to have concerns, they should discuss the matter with the Head Teacher/Principal (unless the Head Teacher/Principal is the subject of their concern). If the staff member remains concerned they should notify the Child Protection Manager for Schools and Education Services who will discuss the issues with the Assistant Director Safeguarding and Development.

3.4 Guidance on making a referral, and information about the response of children's social care will be found in [Section 3](#) and [Section 4](#) of these procedures.

4. RECORDING

4.1 All records relating to child protection concerns must be kept in a separate child protection file, and held as confidential information. The pupil file should clearly indicate that there is a child protection file, but will contain no other details about the allegation or concern. Access to the child protection file will be on a "need to know" basis.

4.2 Records on the child protection file should include:

- The nature of the event, observation or information;
- The action taken, by whom, and the outcome of the action;
If no action was taken the reason for this must be recorded.
- The dates and times of events and actions taken;

- The full names and job titles of all people and services involved;
- The name of the person making the note (in print);

And each record must be signed and dated.

5. CHILD PROTECTION CONCERNS RELATING TO THE HEAD TEACHER/PRINCIPAL

5.1 Staff or Governors who identify a child protection concern about a Head Teacher/Principal must **immediately** consult the Assistant Director Safeguarding and Development (See Chapter 7 below) without alerting the Head Teacher/Principal. The Assistant Director Safeguarding and Development will liaise with the Chair of Governors and they will decide upon any action required –

- If the actions of the Head Teacher/Principal raise child protection concerns the matter will be dealt with under these procedures (see Paragraph 5.2). The Chair of Governors will notify the designated senior person of the allegation or concern.
- If the actions of the Head Teacher/Principal do not raise child protection concerns but do raise other issues, these issues (including any training need or action following an unfounded allegation) should be addressed through the school's internal procedures.
- If the allegation or concern is without foundation and no further action is necessary, the Assistant Director Safeguarding and Development will record the reasons for this decision and will arrange for the Head Teacher/Principal to be informed.

5.2 If the matter requires referral under the child protection procedures, the Assistant Director Safeguarding and Development and the Chair of Governors will

- Agree who will make the referral as set out in [Section 22](#) of these procedures; and
- Attend any position of trust coordination meetings.

5.3 As soon as it is deemed appropriate to notify the Head Teacher/Principal of an allegation, the Chair of Governors will advise them that they should seek advice and support from their Trade Union or Professional Association, or other adviser if not a union member. The Chair of Governors is responsible for making any urgent decisions that may be necessary regarding the

suspension of a Head Teacher/Principal during an investigation - see Paragraphs 7.2 – 7.4 below.

6. CHILD PROTECTION CONCERNS ABOUT A MEMBER OF STAFF

Note: If the Head Teacher/Principal is the subject of the allegation or concern, the staff member must immediately consult the Assistant Director Safeguarding and Development without alerting the Head Teacher/Principal - see Chapter 5 above.

6.1 All staff have a responsibility to report their concerns if they suspect that the behaviour of a member of staff is causing, or has caused, significant harm to a child. Any allegation of abuse must be taken seriously and these procedures followed.

6.2 Child protection concerns and allegations about staff must be reported immediately to the Head Teacher/Principal, and not to the designated senior person, unless the Head Teacher/Principal holds this role. This should be done without informing the person who is the subject of the concern/allegation.

Responding to a concern

6.3 The member of staff identifying a child protection concern should note carefully the facts and events leading to the concern but must not try to investigate the matter. If a child makes a direct allegation, or appears to be trying to do so, the staff member should let him/her speak but should not ask questions except those that are necessary to clarify whether or not the child is alleging abuse. The staff member should make a note of any questions asked of a child and the actual words used by a child. This is essential in order to pass on accurate information to the Head Teacher/Principal. **A child or adult must not be required to write down their account at this stage.**

6.4 When a Head Teacher/Principal receives details of such a concern it is important that prompt and clear action is taken. In many cases it is clear that an allegation of abuse has been made and that an immediate referral must be made as set out in [Section 22](#) of these procedures. However in other cases the head teacher may feel it necessary to make preliminary enquiries into the credibility of the concern. This may involve the Head Teacher/Principal (or a senior member of staff specifically authorised by the Head Teacher/Principal) speaking to the pupil or pupils concerned. If it becomes apparent at any stage of these preliminary enquiries that there are grounds to suspect that a child has been abused, the enquiries must be discontinued and a referral made.

6.5 A careful record must be made of any preliminary enquiries which covers the essential details of the claim, the action taken and the conclusion of the Head Teacher/Principal. This record must be made available if required to the local authority's child protection services and the police.

- 6.6 The Head Teacher/Principal must exercise, and be accountable for, their professional judgement on the action to be taken, as follows -
- If the actions of the member of staff, and the consequences of the actions, raise credible child protection concerns (see Paragraph 6.7 below), the Head Teacher/Principal will make a referral as set out in [Section 22](#) of these procedures.
 - If it is not clear whether the actions of the member of staff raise child protection concerns, the Head Teacher/Principal must immediately seek advice from the Child Protection Manager for Schools and Education Services.
 - If the actions of the member of staff, and the consequences of the actions, do not raise credible child protection concerns, but do raise other issues in relation to the conduct of the member of staff or the pupil(s), these should be addressed through the school's own internal procedures – see Paragraph 6.10 below.
 - If the Head Teacher decides that the allegation is without foundation and no further formal action is necessary, all those involved should be informed of this conclusion, and the reasons for the decision should be recorded on the child protection file (See Chapter 4 above).
- 6.7 The Head Teacher/Principal must make an immediate referral as set out in [Section 22](#) of these procedures if:
- A child has suffered, or is likely to suffer significant harm; or
 - It appears that a criminal offence may have been committed.
Any physical injury to a child may constitute an assault, and any allegation of a sexual nature may constitute a criminal offence. Both these situations must therefore be referred.
- 6.8 When a referral is made under [Section 22](#) of these procedures, the Head Teacher/Principal must decide:
- Whether any action is immediately necessary to ensure the safety and wellbeing of any child; and
 - What information to release to the member of staff concerned about the issue.
In certain serious situations, the police and children's social care may require that the member of staff is not informed of the issue, or that specific details are withheld, at this stage. When the member of staff is informed of the concern, they should be advised to seek assistance and advice as soon as possible from their Trade Union or Professional

Association, or other adviser if not a union member. See also Paragraphs 7.2 – 7.4 below.

Confidentiality

- 6.9 When a referral has been made under [Section 22](#) of these procedures, it is very important that strict confidentiality is observed by all involved. Any attempts to discuss matters more widely will interfere with investigations, could place children at risk and may prejudice the staff member's right to a fair hearing.

Cases which do not appear to be child protection issues

- 6.10 The Head Teacher/Principal will be aware that -
- Staff can harm children accidentally or as a result of failure to follow guidance;
 - Unfounded allegations of abuse do occur, some of which may be malicious, and these can have a significant impact on the member of staff concerned;
 - Initial enquiries may show that a staff member has acted inappropriately, but the incident should not be considered as a child protection concern; In such cases internal procedures will apply.
 - Initial enquiries may conclude that the member of staff has acted appropriately within accepted guidance.

7. DISCIPLINARY ACTION

See also [Section 22](#) of these procedures.

- 7.1 Child protection enquiries will take precedence over any internal investigation. Any decision on school action will normally be made after receiving the recommendations of the police or the position of trust coordination meeting.

Suspension of staff

- 7.2 A member of staff against whom an allegation is made must not be automatically suspended: suspension should only be considered where there is cause to believe that a child at the school is at risk of significant harm, or the allegation warrants investigation by the police or is so serious that it might be grounds for dismissal. The Head Teacher/Principal should consider whether the result that would be achieved by suspension could be obtained by alternative arrangements.

- 7.3 The Head Teacher/Principal and/or the Chair of Governors will base this decision on a risk assessment, taking into account the context of the allegation, background information regarding the member of staff, information regarding the child and their family and whether the presence of the member of staff is likely to hamper any investigation.
- 7.4 In all cases where it is intended to suspend a member of staff, the Head Teacher/Principal (or the Chair of Governors where the suspension is of the Head Teacher/Principal) should consult the Education Services Employee Relations Team or alternative HR provider about the process to be followed. The school will need to identify a person who will act as a point of contact and information for the suspended member of staff.

This procedure has been compiled in consultation with the recognised Trade Unions and Professional Associations

CONTACT DETAILS

Schools and Education Services Lead Officer for Child Protection

Tel: 0121 303 2280

Child Protection Manager for Schools and Education Services/Position of Trust Team

Tel: 0121 675 1669

Children's Social Care

North Birmingham

Tel: 0121 464 8022

West and Central Birmingham

Tel: 0121 303 4362

East Birmingham

Tel: 0121 303 6541

South Birmingham

Tel: 0121 303 1888

Emergency Duty Team [EDT]

Tel: 0121 675 4806