



# Harborne Primary School

## ***Procedures in the event of an allegation against a member of staff or person in school***

June, 2023

Ratified by \_\_\_\_\_

Date \_\_\_\_\_

Date of next Review \_\_\_\_\_

## **Procedures in the event of an allegation against a member of staff or person in school**

These procedures are contained in Safeguarding and Child Protection Policy 2022-23 and can be found on Page 25.

### ***Managing allegations or safeguarding concerns against a member of staff or person in school procedures.***

19.1 These procedures must be followed in any case in which it is alleged that a member of staff (including supply staff), governor, visiting professional or volunteer has met the harm test, this includes where an adult has:

- a) behaved in a way that has harmed a child or may have harmed a child
- b) possibly committed a criminal offence against or related to a child
- c) behaved towards a child or children in a way that indicates s/he may pose a risk of harm to children
- d) behaved or may have behaved in a way that indicates they may not be suitable to work with children. (This includes any behaviour that may have happened outside of school that might make the individual unsuitable to work with children. This is known as transferable risk.)

19.2 All adults working in school have duty to disclose to the headteacher (or chair of governors where appropriate) where their relationships and associations both within and outside of the workplace (including online) may have implications for safeguarding children in school.

Examples of behaviours that would warrant an allegation or safeguarding concern by a member of staff could include:

- Physical, for example intentional use of force as a punishment, slapping, use of objects to hit with, throwing objects or rough physical handling.
- Emotional, for example intimidation, belittling, scapegoating, sarcasm, lack of respect for children's rights, and attitudes which discriminate on the grounds of race, gender, sex, disability or sexuality.
- Sexual, for example sexualised behaviour towards pupils, grooming, sexual harassment, sexual assault and rape, sending inappropriate messages through social media and other technologies.
- Neglect which may include failing to act to protect a child or children, failing to seek medical attention or failure to carry out appropriate/proper risk assessment etc.

19.3 A safeguarding complaint that meets the above criteria must be reported to the Headteacher ("case manager") immediately. If the complaint involves the headteacher then the next most senior member of staff must be informed and the chair of governors. They will follow the processes outlined in this section.

19.4 Where a Headteacher determines that a safeguarding allegation does not meet the harm threshold in line with the criteria above they will refer the matter to be managed in line with low levels behaviour procedures by a designated manager with appropriate safeguarding training. It is important for Headteachers to carefully consider who in school is best placed to manage concerns that do not meet the harm threshold and ensure appropriate action is taken given the sensitive and

confidential nature of the information relating to staff over time. In many cases Headteachers' may decide to retain this role in the event that they have appropriate safeguarding training.

19.5 All staff must fully understand that any adult behaviours that deviate from the **Guidance for Safer Working Practice**, including inappropriate conduct outside of work are a concern, even if they are low-level. Low-level concerns are concerns that do not meet the harm test/allegations threshold. Examples of such behaviour include:

- Being over familiar with children
- Having favourites
- Taking photographs of children on their mobile phone
- Engaging with a child on a one-to-one basis in a secluded area or behind a closed door; or
- Humiliating pupils

19.6 The case manager should ensure that the child is not at risk and where appropriate ensure that the child is referred to the local authority Duty and Advice team as referenced in Part 1 of KCSIE.

19.7 The case manager should gather as much information about the alleged incident as necessary in order to establish whether there is substance to the allegation.

19.8 **Low level Concerns:** In situations where the case manager determines that the harm test has not been met the case manager must ensure that there is a clear record of the incident on CPOMs, include any actions (including whether any HR advice had been sought and actioned) taken to address the concern raised. This record must be kept confidential, stored securely and comply with the Data Protection Act 2018 and the UK GDPR (2018). Records of low level concerns will be reviewed so that any patterns of recurring low level concerns can be identified and responded to appropriately, this may include a referral to the LADO where repeated behaviours indicate an individual may not be suitable to work with children.

19.9 *All low level concern records will be kept for by the school to at least the individual leaves their employment).*

19.10 In situations where the case manager has sufficient information to suggest that the harm test/allegations threshold has been met, the case manager must use the local authority designated officer (LADO) [notification form](#) in order to assess the level of concern, prior to contacting the LADO. As part of this initial consideration, the case manager should consult with their school's HR Advisor/provider/contact or in the case of a supply member of staff the supply agency safeguarding lead/senior manager. The completed LADO notification form must be submitted within one working day of the allegation being made. This will assist the case manager and HR/supply agency senior manager in consultation with the LADO to decide on the most appropriate course of action. This includes when to inform the member of staff of the concerns raised. Parents or carers of the child or children involved should be told about the allegation as soon as possible if they do not already know of it.

19.11 The case manager must not carry out an investigation or directly interview any child/ witness/ or the individual whom the concern relates too, until the above process has been duly completed and relevant partners have been consulted. However, statements of any alleged incidents of harm should be obtained as appropriate at the earliest opportunity in order to establish facts from relevant individuals.

19.12 A multi-agency allegations management meeting may be arranged to look at the complaint in its widest context. The case manager must attend this meeting, which will be arranged by the LADO. All issues must be recorded and the outcome reached must be noted to ensure closure.

19.13 In many cases it may be appropriate to provide further training and support to staff/volunteers and ensure that they are clear about the expectations for their conduct.

19.14 In more serious cases, allegations may be investigated under the formal disciplinary procedures and, where allegations are upheld, formal warnings issued as well as specific training and support. In cases where children/young people may be at further risk and/or evidence/witnesses may be compromised and/or the allegations are so serious that they may, if upheld, constitute gross misconduct, suspension of the member of staff/volunteer may be appropriate and should be considered in line with the school's Disciplinary Policy.

19.15 Any staff/volunteers who are dismissed by the school for gross misconduct or cumulative misconduct relating to safeguarding of children/young people will be referred to the DBS for consideration of barring. Similarly, where the school has a reasonable belief that the member of staff/volunteer would have been dismissed by the school had they been employed at the time of the conclusion of investigations, they will be referred to the DBS. The school will keep written records of all of the above on CPOMs.

- LADO Contact: 0121 675 1669
- Email: [ladoteam@birminghamchildrenstrust.co.uk](mailto:ladoteam@birminghamchildrenstrust.co.uk)
- LADO referral and advice form: <https://lscpbirmingham.org.uk/documents/lado-referral-and-advice-form>

19.16 Where a staff member feels unable to raise an issue with their employer or feels that their genuine concerns are not being addressed, staff can contact any of the professionals named in the above paragraph, in addition to other whistleblowing channels which may be open to them.

19.17 The Birmingham City Council whistleblowing policy states that concerns can be raised by the following methods:

- Whistleblowing hotline: 0121 303 7602
- Email: [whistleblowing@birmingham.gov.uk](mailto:whistleblowing@birmingham.gov.uk)
- In writing:

Whistleblowing  
c/o the City Solicitor,  
Birmingham City Council,  
PO BOX 15992,  
Birmingham  
B2 2UQ

- The following information should be shared:
  - Name (unless they wish to be anonymous)
  - Contact details (unless they wish to be anonymous)
  - Who has committed the alleged serious misconduct?
  - What is the nature of the alleged serious misconduct?
  - Is the person making a disclosure employed by Birmingham City Council?
  - If not, does that person work in a school (if so, which one)?
  - Is the person a service user/member of the public?

- The NSPCC whistleblowing helpline is available for staff who do not feel able to raise concerns regarding child protection failures internally. Staff can call: 0800 028 0285 – line is available from 8:00am to 8:00pm, Monday to Friday and Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk).