

## Safeguarding - Dealing with allegations made against a Staff member of BEP

### 1. INTRODUCTION

This procedure outlines what actions to take if a child protection allegation is made against an adult working for or involved with Birmingham Education Partnership (BEP).

### 2. AIMS

- 2.1 To ensure that children who attend a working group or session organised and managed by staff from Birmingham Education Partnership, and any other children who may come to our attention, are protected and supported following an allegation that they may have been abused by an adult from within Birmingham Education Partnership
- 2.2 To ensure that there is a fair, consistent and robust response to any allegations made, so that the risk posed to other children by an abusive individual is managed effectively
- 2.3 To facilitate an appropriate level of investigation into allegations, whether they are said to have taken place recently, at any time the person in question has been employed by/volunteered with Birmingham Education Partnership, or prior to the person's involvement with Birmingham Education Partnership
- 2.4 To ensure that Birmingham Education Partnership continues to fulfil its responsibilities towards members of staff, volunteers or trustees who may be subject to such investigations
- 2.5 To ensure that individuals are able and supported to continue in their role if they have been at the centre of allegations that are unfounded.

### 3. WHO DOES THIS POLICY APPLY TO?

- 3.1 Any member of staff, which includes employees, volunteers or consultants working on behalf of BEP or trustee to whom an allegation of abuse has been made, that involves another employee, volunteers or consultants working on behalf of BEP or trustee/board member. Collectively known as staff.
- 3.2 Anyone in a managerial position (including the Designated Safeguarding Officer (DSO), line managers, and trustees/board members) who may be required to deal with such allegations and manage investigations that result from them.

#### 4. COMPLIANCE WITH NATIONAL AND LOCAL POLICY

Birmingham Education Partnership will fulfil their local and national responsibilities as laid out in the following documents:-

**West Midlands Safeguarding Children Procedures** , paying particular attention to section 1.14, Allegations against staff or volunteers

- (a) The most recent version of Working Together to Safeguard Children (Gov, Dec 2020)
- (b) The most recent version of Keeping Children Safe in Education: Statutory guidance for schools and colleges (Gov, Sept 2021)
- (c) <http://westmidlands.procedures.org.uk/ykpzy/statutory-child-protection-procedures/allegations-against-staff-or-volunteers>

#### 5. WHEN SHOULD THIS POLICY BE APPLIED?

- 5.1 These procedures should be applied when there is an allegation or concern that any BEP staff member who works with children 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 they may pose a risk of harm to children.
  - (d) Or if you receive an allegation relating to a third party
- 5.2 These behaviours should be considered within the context of the definitions of abuse and neglect (see appendix 1) and should include concerns relating to inappropriate relationships between members of staff and children or young people, for example:
  - (a) Having a sexual relationship with a child under 18 if in a position of trust in respect of that child, even if consensual
  - (b) 'Grooming', i.e. meeting a child under 16 with intent to commit a relevant offence
  - (c) Other 'grooming' behaviour giving rise to concerns of a broader child protection nature (for example, inappropriate text/e-mail messages or images, gifts, socialising etc)
  - (d) Possession of indecent photographs/pseudo-photographs of children.
- 5.3 Inappropriate behaviour by staff could also take the following forms:
  - (a) **Physical**  
For example, the intentional use of force as a punishment, slapping, use of objects to hit with, throwing objects or rough physical handling.
  - (b) **Emotional**  
For example, intimidation, belittling, scapegoating, sarcasm, lack of respect for children's rights, and attitudes that discriminate on the grounds of race, gender, disability or sexuality.

(c) **Sexual**

For example, sexualised behaviour towards pupils, sexual harassment, inappropriate phone calls, and texts, images via social media, sexual assault and rape.

(d) **Neglect**

For example, failing to act to protect a child or children, failing to seek medical attention or failure to carry out an appropriate risk assessment.

(e) **Spiritual Abuse**

For example, using undue influence or pressure to control individuals or ensure obedience, follow religious practices that are harmful such as beatings or starvation.

- 5.4 All references in this document to ‘members of staff’ should be interpreted as meaning all paid or unpaid staff, volunteers, consultants working on behalf of BEP or trustees of the Board. This chapter also applies to any person who manages, or facilitates access to, an establishment where children are present.

## 6. PRIORITY PROCEDURES

### 6.1 Is a child in immediate danger or does she/he need emergency medical attention?

- (a) If a child is in immediate danger and is with you, remain with him/her and call the police
- (b) If the child is elsewhere, contact the DSO/DSL or Headteacher who will contact the police and explain the situation to them
- (c) If the child needs emergency medical attention, call an ambulance and while you are waiting for it to arrive, get help from a first aider.
- (d) If the first aider is not available, use any first aid knowledge that you may have yourself to help the child. You also need to contact your line manager or named person for child protection to let them know what is happening.
- (e) The DSO/DSL or Headteacher should inform the child’s family if the child is in need of emergency medical attention and arrange to meet them at the hospital or medical centre.
- (f) The parents/carers should be informed by the DSO/DSL or Headteacher that an incident has occurred, that the child has been injured and that immediate steps have been taken to get help.

### 6.2 Is the person at the centre of the allegation working with children now?

- 6.2.1 If this is the case, the concern needs to be discussed immediately with the manager of the organisation ie the Head teacher, the Designated Safeguarding Lead (DSL) for the school and the Designated Safeguarding Officer for Birmingham Education Partnership. One of these (either the manager, Head teacher, DSL or the DSO) should then, in a sensitive manner, remove the staff member involved in the allegation from direct contact with children.

- 6.2.2 It should then be explained to the person, in private, that there has been a complaint made against him/her, although the details of the complaint should not be given at this stage. The person should be informed that further information will be provided as soon as possible but that, until consultation has taken place with the relevant agencies and within the organisation, they should not be working with children. It may be best, under the circumstances, for the person to return home on the understanding that the manager or designated safeguarding officer for children will telephone him/her later in the day.
- 6.2.3 The information provided to him/her at this stage will need to be very limited. This is because discussions need to take place first with other agencies who may need to be involved, such as the school, the local authority children's social care department or the police.
- 6.2.4 If the person is a member of a trades union or a professional organisation, he/she should be advised to make contact with that body. Arrangements should also be made for the member of staff or volunteer to receive ongoing support in line with the responsibilities the organisation has towards his or her welfare.
- 6.2.5 All reported allegations that relate to a child at school must be reported to the Head teacher, the DSL and our own DSO unless the allegation is concerning our DSO and then it goes to the Vice Chair of the Board.

## **7. CONDUCTING AN INVESTIGATION**

- 7.1 Once any urgent necessary steps have been taken, attention can be given to dealing with the full implications of the allegations.
- 7.2 There are up to three possible lines of enquiry when an allegation is made:
- (a) A police investigation of a possible criminal offence
  - (b) Enquiries and an assessment by the local authority children's social care department about whether a child is in need of protection
  - (c) Investigation by an employer and possible disciplinary action being taken against the person in question. This includes implementing a plan to manage any risk posed by the individual to children and young people in the workplace until the outcome of the other investigations and enquiries is known. If the individual is a volunteer, then they are unlikely to be subject to the disciplinary procedure, but nonetheless the organisation will need to consider whether the person can continue in their role and, if so, what steps should be taken to manage any risk that they may pose.

## **8. REPORTING AN ALLEGATION OR CONCERN**

- 8.1 Staff members reporting a concern or allegation should fill in a “Report of a Concern” form and submit this to BEP DSO and the DSL at the school.
- 8.2 If the allegation is made by a child or family member to a member of staff, or if a member of staff observes concerning behaviour by a colleague at first hand, this should be reported immediately to the staff member’s line manager and the Designated Safeguarding Officer for Birmingham Education Partnership.
- 8.3 If a staff member has received an allegation or observed something of concern about their own manager, the staff member should report the allegation or concern to the person more senior to their manager. If the person who is subject of the concern is a Designated Safeguarding Officer, the matter should be reported to the DSO’s manager which in the case of Birmingham Education Partnership would be the board via the Vice Chair.
- 8.4 Issues that will need to be considered are:
  - (a) The child – whilst the thoughts and feelings of the child should be considered, confidentiality cannot be promised but will be restricted to people that need to know.
  - (b) The parent’s right to know (unless this would place the child or someone else in danger, or would interfere with a criminal investigation)
  - (c) The impact of telling or not telling the parent
  - (d) The current assessment of the risk to the child and the source of that risk
  - (e) Any risk management plans that currently exist

## **9. WHEN TO INVOLVE THE LOCAL AUTHORITY DESIGNATED OFFICER OR TEAM (FORMERLY LADO)**

- 9.1 The organisation’s DSO should report the allegation to the Board and to the LADO within one working day if the alleged behaviour suggests that the person in question:
  - (a) May have behaved in a way that has harmed or may have harmed a child
  - (b) Has possibly committed a criminal offence against or related to a child
  - (c) Has behaved towards a child in a way that suggests that he/she may be unsuitable to work with children
- 9.2 This should also happen if the individual has volunteered the information him/herself.
- 9.3 The LADO may be told of the allegation from another source. If this is the case, then the first

information received by Birmingham Education Partnership may be when the local authority makes contact in order to explain the situation.

- 9.4 Whoever initiates the contact, there will be discussion between the LADO and Birmingham Education Partnership's DSO, to share information about the nature and circumstances of the allegation, and to consider whether there is any evidence to suggest that it may be false or unfounded.
- 9.5 If there is any reason to suspect that a child has suffered, or be likely to suffer, significant harm and there are no obvious indications that the allegation is false, the LADO, in cooperation with Birmingham Education Partnership, will initiate a strategy discussion within the local authority social care department.
- 9.6 The LADO and the organisations DSO will take part in a strategy discussion. The DSO and any other representative from Birmingham Education Partnership should cooperate fully with this and any subsequent discussion with the children's social care department.
- 9.7 It should be asked from the outset that the children's social care department shares any information obtained during the course of their enquiries with Birmingham Education Partnership if it has relevance to the person's employment.

## **10. DEALING WITH CRIMINAL OFFENCES**

- 10.1 If there is a reason to suspect that a criminal offence may have been committed (whether or not the threshold of 'significant harm' is reached), the LADO will contact the police and involve them in a similar strategy discussion, which will include the organisation's DSO.
- 10.2 The DSO and any other representative from Birmingham Education Partnership should cooperate fully with any discussion involving the police and should ask for similar cooperation from the police in terms of the sharing of information relevant to the person's employment.
- 10.3 Discussions with the police should also explore whether there are matters that can be acted on in a disciplinary process while the criminal investigation takes place, or whether disciplinary action must wait until the criminal process is completed.

## **11. TALKING TO THE PARENTS ABOUT THE ALLEGATION OR CONCERN**

- 11.1 If the child's parents/carers do not already know about the allegation, the DSO, the school DSL or Headteacher and the LADO need to discuss how they should be informed and by whom.

## **12. TALKING TO THE PERSON WHO IS THE SUBJECT OF THE ALLEGATION**

- 12.1 The person at the centre of the allegation should be informed as soon as possible after the initial consultation with the LADO. However, if a strategy discussion within the local authority children's social care team or the police is needed, this might have to take place before the person concerned can be spoken to in full. The police and children's social care department may have views on what information can be disclosed to the person.
- 12.2 Only limited information should be given to the person in question, unless the investigating authorities have indicated that they are happy for all information to be disclosed or unless there is no need for involvement from these statutory agencies.
- 12.3 The DSO will need to keep in close communication with the LADO and the other agencies involved in order to manage the disclosure of information appropriately.

## **13. TAKING DISCIPLINARY ACTION**

- 13.1 If the initial allegation does not involve a possible criminal offence, the DSO and line manager of the person at the centre of the allegation should still consider whether formal disciplinary action is needed.
- 13.2 If the local authority children's social care department has undertaken any enquiries to determine whether a child or children are in need of protection the DSO should take account of any relevant information from these enquiries when considering whether disciplinary action should be brought against the person at the centre of the allegations.
- 13.3 The following timings should be/kept to wherever possible, depending on the nature of the investigation:
  - (a) If formal disciplinary action is not needed, other appropriate action should be taken within 3 working days
  - (b) If disciplinary action is required, and can be progressed without further investigation, this should take place within 15 days
  - (c) If Birmingham Education Partnership decides that further investigation is needed in order to make a decision about formal disciplinary action, the DSO should discuss with the LADO the possibility of this investigation being done by an independent person to ensure that the process is objective. Whether or not the investigation is handled internally or independently, the report should be presented to the DSO within 10 working days.
  - (d) Having received the report of the disciplinary investigation, the DSO should decide within 2 working days whether a disciplinary hearing is needed.
  - (e) If a hearing is needed, it should be held within 15 working days

- (f) The DSO should continue to liaise with the LADO during the course of any investigation or disciplinary proceedings and should continue to use the LADO as a source of advice and support.
- 13.4 If a criminal investigation is required, it may not have been possible to make decisions about initiating disciplinary proceedings or about the person's future work arrangements until this is concluded. The police are required to complete their work as soon as reasonably possible and to set review dates, so the DSO should either liaise with the police directly or via LADO to check on the progress of the investigation and criminal process.
- 13.5 The police are also required to inform the employer straight away if the person is either convicted of an offence or acquitted or, alternatively, if a decision is made not to charge him/her with an offence or to administer a caution. In any eventuality, once the outcome is known, the DSO should contact the LADO to discuss the issue of disciplinary proceedings.
- 13.6 If the allegation is substantiated and if, once the case is concluded, Birmingham Education Partnership dismisses the person or ceases to use their services, or the person ceases to provide his/her services the DSO should consult with the LADO about referral of the incident to the Disclosure and Barring Service (DBS). This should take place within one month.

#### **14. KEEPING A RECORD OF THE INVESTIGATION**

- 14.1 All those involved in dealing with the allegation should keep clear notes of the allegations made, how they were followed up, and any actions and decisions taken, together with the reasons for these. Staff members should use the "Safeguarding Log" to track these.
- 14.2 These notes should be compiled gradually as the situation unfolds, with each entry being made as soon as possible after the event it describes. The notes should be signed and dated by the person making them, and the person's name should be printed alongside.
- 14.3 The notes should be kept confidentially on the file of the person who is the subject of the allegation.
- 14.4 If the allegation is not about a staff member/ volunteer of BEP, the allegation or concern should still be tracked using the "Safeguarding Record – Case Chronology" and the "Safeguarding Log" and should be saved in a designated "Safeguarding" file, accessed only by DSO of BEP and Head of Operations
- 14.4 Discussion should take place with the LADO to determine whether any aspect of the notes may not be shared with the person concerned. If there are no reason to not to do so, a copy of the records should be given to the individual.



- 14.5 The notes should be held on file for a 10-year period, whether or not the person remains with Birmingham Education Partnership for this period. During the period of Independent Inquiry into the child sexual Abuse (IICSA), chaired by the Hon Dame Lowell Goddard DNZM, it is advisable to keep such notes indefinitely.

## **15. MONITORING AND REVIEW**

This policy and procedure will be reviewed every six months.

### **Useful contact details**

Designated Safeguarding Officer (DSO) – Tim Boyes, 07717 428020/074977 200005

Vice Chair of BEP Board – Pat Smart - 07703 373510

Local police – 0845 113 5000

Birmingham Children's Services – 0121 303 1888 (Out of hours number - 0121 675 4806)

<https://www.birminghamchildrenstrust.co.uk/report-a-concern>

Local Authority Designated Officer (LADO) – 0121 464 2612

Birmingham Safeguarding Board

<https://www.lscpbirmingham.org.uk/>

## **APPENDIX 1**

### **DEFINITIONS AND INDICATORS OF ABUSE**

#### **1. NEGLECT**

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. Neglect may occur during pregnancy as a result maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- Protect a child from physical and emotional harm or danger;
- Ensure adequate supervision (including the use of inadequate care-givers); or
- Ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

The following may be indicators of neglect (this is not designed to be used as a checklist):

- Constant hunger;
- Stealing, scavenging and/or hoarding food;
- Frequent tiredness or listlessness;
- Frequently dirty or unkempt;
- Often poorly or inappropriately clad for the weather;
- Poor school attendance or often late for school;
- Poor concentration;
- Affection or attention seeking behaviour;
- Illnesses or injuries that are left untreated;
- Failure to achieve developmental milestones, for example growth, weight;
- Failure to develop intellectually or socially;
- Responsibility for activity that is not age appropriate such as cooking, ironing, caring for siblings;
- The child is regularly not collected or received from school; or
- The child is left at home alone or with inappropriate carers.

#### **2. PHYSICAL ABUSE**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

The following may be indicators of physical abuse (this is not designed to be used as a checklist):

- Multiple bruises in clusters, or of uniform shape;
- Bruises that carry an imprint, such as a hand or a belt;
- Bite marks;
- Round burn marks;
- Multiple burn marks and burns on unusual areas of the body such as the back, shoulders or buttocks;
- An injury that is not consistent with the account given;
- Changing or different accounts of how an injury occurred;
- Bald patches;
- Symptoms of drug or alcohol intoxication or poisoning;
- Unaccountable covering of limbs, even in hot weather;
- Fear of going home or parents being contacted;
- Fear of medical help;
- Fear of changing for PE;
- Inexplicable fear of adults or over-compliance;
- Violence or aggression towards others including bullying; or
- Isolation from peers.

### 3. SEXUAL ABUSE

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

The following may be indicators of sexual abuse (this is not designed to be used as a checklist):

- Sexually explicit play or behaviour or age-inappropriate knowledge;
- Anal or vaginal discharge, soreness or scratching;
- Reluctance to go home;
- Inability to concentrate, tiredness;
- Refusal to communicate;
- Thrush, persistent complaints of stomach disorders or pains;
- Eating disorders, for example anorexia nervosa and bulimia;
- Attention seeking behaviour, self-mutilation, substance abuse;
- Aggressive behaviour including sexual harassment or molestation;
- Unusual compliance;
- Regressive behaviour, enuresis, soiling;
- Frequent or open masturbation, touching others inappropriately;
- Depression, withdrawal, isolation from peer group;

- Reluctance to undress for PE or swimming; or
- Bruises or scratches in the genital area.

#### **4. SEXUAL EXPLOITATION**

Child sexual exploitation occurs when a child or young person, or another person, receives “something” (for example food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of the child/young person performing sexual activities, or another person performing sexual activities on the child/young person.

The presence of any significant indicator for sexual exploitation should trigger a referral to children’s social care. The significant indicators are:

- Having a relationship of concern with a controlling adult or young person (this may involve physical and/or emotional abuse and/or gang activity);
- Entering and/or leaving vehicles driven by unknown adults;
- Possessing unexplained amounts of money, expensive clothes or other items;
- Frequenting areas known for risky activities;
- Being groomed or abused via the Internet and mobile technology; and
- Having unexplained contact with hotels, taxi companies or fast food outlets.

#### **5. EMOTIONAL ABUSE**

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may also involve seeing or hearing the ill-treatment of another person. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment.

The following may be indicators of emotional abuse (this is not designed to be used as a checklist):

- The child consistently describes him/herself in very negative ways – as stupid, naughty, hopeless, ugly;
- Over-reaction to mistakes;
- Delayed physical, mental or emotional development;
- Sudden speech or sensory disorders;
- Inappropriate emotional responses, fantasies;
- Neurotic behaviour: rocking, banging head, regression, tics and twitches;
- Self harming, drug or solvent abuse;

- Fear of parents being contacted;
- Running away;
- Compulsive stealing;
- Appetite disorders - anorexia nervosa, bulimia; or
- Soiling, smearing faeces, enuresis.

N.B.: Some situations where children stop communicating suddenly (known as “traumatic mutism”) can indicate maltreatment.

There are also emerging types and methods of child abuse, including:

- Female genital mutilation (FGM)
- Trafficking of children in order to exploit them sexually, financially, via domestic servitude, or via the involvement in activity such as the production and sale of illegal drugs
- Abuse linked to beliefs such as spirit possession or witchcraft
- Radicalisation and the encouragement or coercion to become involved in terrorist activities
- Abuse via online methods eg from adults seeking to develop sexual relationships with children or to use sexual or abusive images of them
- Domestic violence (either witnessing violence between adults family members, or, in the case of older young people, being subjected to coercion or violence in an intimate relationship in the same way as an older person)

## APPENDIX 2

