



**The Westminster  
School**

*Safe, Happy and Learning Together*

[www.thewestminsterschool.co.uk](http://www.thewestminsterschool.co.uk)

# 2022/2023

## Procedures for Managing Child Protection Allegations / Concerns Against Staff

Building foundations and providing opportunities to create confident, aspirational, and independent members of our community.

Approved by Governing Body on:	<b>06/02/2023</b>
Signed by Chair of Governors:	<i>P. A. Evans</i>
Head Teacher:	<b>Mr O M Flowers</b>
Lead Personnel:	<b>O Flowers</b>
Date of Review:	<b>06/02/2024</b>

The Westminster School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

This document outlines the procedure to be followed by all staff and volunteers who receive an allegation or witness something which gives rise to a concern in relation to a member of staff/volunteer or other trusted adult. This document should be read in conjunction with the Safeguarding and Child Protection Policy 2022/2023.

### **1. Action to be taken by a member of staff who has a concern or hears an allegation**

**Staff must immediately inform the Head Teacher or in their absence the Deputy Head Teacher of any concerns or allegations.** They must not attempt to investigate the allegation but provide a full written account of what the child has said, this account should be dated and signed. The child should not be requested to write anything down as this may compromise any subsequent police action.

The member of staff receiving the allegation should make a written record using the child's own words. If the concern/allegation is against the Head Teacher, staff should inform the Chair of Governors (Appendix 1 – Governor Contact information). If the Head Teacher is not available and the allegation is about one of the Deputies staff should inform the other Deputy.

### **2. Action to be taken by Head Teacher/Senior Leadership Team**

The Head Teacher, or those acting on their behalf, **MUST NOT TAKE ANY ACTION OR COMMENCE INVESTIGATIONS BEFORE CONSULTING** the school's HR provider SIPS Education. It is the responsibility of the Police and Social Inclusion and Health to investigate allegations of abuse.

The Head Teacher, or those acting on their behalf, **MUST NOT INTERVIEW THE CHILD, THE MEMBER OF STAFF OR OTHER POTENTIAL WITNESSES.**

However The Head Teacher will be required to make enquiries to determine whether the allegation may be true and what action to take. The enquiries at this stage should be by way of a fact finding investigation in order to establish the facts of the allegation and obtain sufficient information to enable further consultation with HR Provider, Local Authority Designated Officer (LADO) or a referral to Social Inclusion and Health e.g.:

- Was the child in the School on that day?
- Was the member of staff in School that day?
- Did the child have contact with the member of staff?
- Have any other potential witnesses come forward?

Following confirmation that there was the potential for contact, the Head Teacher as appropriate should:

- Seek advice/consult with the HR Provider and LADO
- Ask for a written account from the member of staff hearing the allegation, countersign and date the written account of the person reporting the allegation.
- Where possible receive a written account from the person making the allegation
- Record any information about times, dates, location and names of potential witnesses

### **3. Initial consideration by the Head Teacher/Deputy Head Teacher and Lead Officer for Child Protection**

The Head Teacher or Deputy Head Teacher must consider the allegation and determine the appropriate way forward.

If there is any possibility that police or Social Inclusion and Health involvement might be appropriate, either because the alleged behaviour might constitute a criminal offence, or might raise issues of the safety or welfare of children, the Head Teacher must consult the HR providers or the LADO and Social Inclusion and Health without delay. Where appropriate, the initial discussion and assessment will be followed by a strategy discussion as recommended in the guidance “Working Together to Safeguard Children” and is included in INTER AGENCY PROCEDURES guidelines.

There are four possible options.

- (a) An immediate referral to the joint agencies (Police and SIH) under the local Child Protection Procedures.
- (b) Further local enquiries to be made to gather more information/clarification.
- (c) The allegation may have been prompted by inappropriate behaviour by the member of staff but that child protection thresholds are not met. In this case there may be a need for further investigation and possible consideration, in conjunction with the HR Director, under The Westminster School disciplinary procedures.
- (d) The allegation was false or unfounded. This will include allegations, which relate to the use of reasonable force to restrain a pupil.

The issue of whether suspension is appropriate should be considered at this stage.

If it is determined that a Position of Trust referral will be made to the Local Authority Designated Safeguarding Officer the employee will be provided with the Children’s Trust 7 Minute Briefing as detailed in Appendix 2.

### **4. Suspension**

A member of staff against whom an allegation is made should not automatically be suspended. Suspension is not only a traumatic experience for the individual involved but also for their family and the whole staff group. The Head Teacher / Deputy Head Teacher in conjunction with the HR provider will ensure the correct procedure is followed.

A Risk Assessment must be completed for each individual case to determine whether the member of staff should be suspended. This assessment should take into account the context of the allegation, background information re the member of staff and information re family/pupil. This assessment must be recorded and a copy kept on the file.

#### **Initial considerations**

It may not be immediately obvious that suspension should be considered, and this course of action sometimes only becomes clear after information is shared with, and discussion had, with other agencies.

In some cases, early or immediate suspension may impede a Police investigation, and therefore the decision whether to suspend may have to be delayed until sufficient evidence has been gathered.



DfE Guidance indicates that suspension should be avoided in such cases wherever possible, and should not be seen as an automatic response to an allegation.

The decision to suspend remains the responsibility of the Head Teacher (Chair of Governors if the allegation is in relation to the Head Teacher). When considering suspension it is important to have regard to the following factors:

(i) The nature of the allegation (ii) Assessment of the presenting risk (iii) The context in which the allegation occurred (iv) The individual's contact with children (v) Any other relevant information (vi) The power to suspend (vii) Alternatives to suspension

Suspension will only be applied if one or more of the following grounds apply:

- A child or children would be at risk
- The allegation is so serious that summary dismissal for gross misconduct is possible
- It is necessary to allow any investigation to continue unimpeded
- If the member of staff will be vulnerable by remaining in the School

**Suspension is a neutral act, not a disciplinary sanction, and will be on full pay. Paid leave of absence, mutual agreement to refrain from work, alternative duties/locations or removal from direct contact with pupil may also be used as an alternative to suspension.**

Suspension may be considered at any stage of an investigation.

## 5. Support Mechanisms

The Westminster School has support mechanisms in place for staff who are suspended from duty embrace three key elements:

### Personal Support

Any member of staff who is subject to an allegation and subsequently suspended should be encouraged to seek advice and support at the earliest opportunity from their professional association or trade union. In addition to this is the Employee Assistance Programme which can be accessed for and through the following means:

Employee Support Programme called RISE.

This is a free, totally confidential service to all staff which includes:

- Personalised on-demand advice and support from a team of mental health, financial and legal experts
- 24/7 health and wellbeing advice line
- Access to a GP 24/7 online or by phone
- Financial advice service
- Legal support
- Brain and spine helpline
- Access to face-to-face counselling
- A free Mental Health App – MyMindPal which is downloadable for iOS and Android (entry code BHR2SFSE)
- Carer support
- Self-help workbooks

RISE can be contacted on 0800 285 1538 and there is also a website- <https://myrisehub.co.uk/> and the entry code is 207580.

Full details can be found in the Wellbeing and Support Folder in the HR Hub on SharePoint - <https://westminstersandwell.sharepoint.com/sites/HRHub>, along with an introductory video.

## **HR Support**

When any member of TWS staff is suspended from duty, the HR provider will advise that member of staff of the process involved.

### **Such advice will include:**

- A named point of contact
- The suspension process including the support mechanisms.
- Details of the procedures to be followed in relation to any police investigation where appropriate.
- An update on the progress of any police investigation.
- Details of any internal procedures, e.g. disciplinary, where appropriate.
- An update on the progress of any internal procedures.

Contact with the suspended member of staff will be maintained by the named contact at least once every four weeks throughout the period of suspension.

## **Professional Support to Suspended Staff**

A senior member of staff will be nominated to support the suspended colleague, who should be independent of any current or pending investigation.

The role of that nominated member of staff will include, where appropriate:

- Providing an update on School life and events
- Helping with access to professional development
- Keeping the suspended member of staff up to date with educational developments

Contact will be maintained throughout the period of suspension, with discussions between the individual and the named contact taking place at least once every four weeks.

## **6. Confidentiality**

The Head Teacher / Deputy Head Teacher have a responsibility to safeguard confidentiality as far as is possible.

Sensitive information will only be disclosed on a need to know basis to other professionals involved in the investigative process.

## **7. Alternatives to suspension**

While weighing the factors as to whether suspension is necessary, available alternatives to suspension should be considered. This may be achieved by:

- Undertaking different duties which do not involve direct contact with the individual child or other children
- Providing a classroom assistant or other colleague to be present throughout contact time

**Appendix 1 – Governor Contact information**

If the Head Teacher is implicated in the concerns, Chair of Governors should be informed immediately or, in their absence, the Vice Chair.

**The Chair of Governors in this school is:**

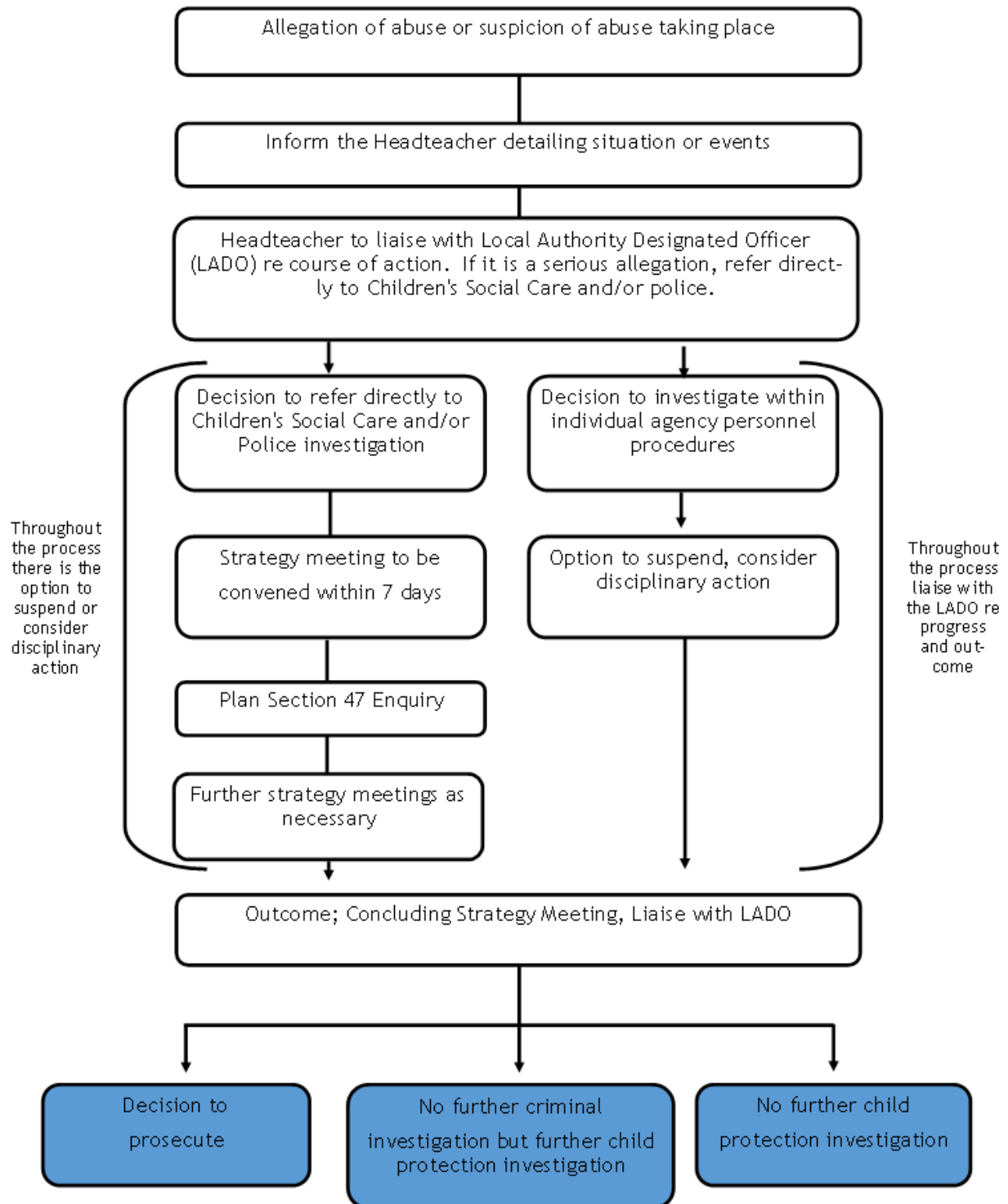
NAME: Pat Evans CONTACT NUMBER: 0121 561 6884

**The Vice Chair in this school is:**

NAME: Phil Coldicott CONTACT NUMBER: 0121 561 6884

## Appendix 2 – Process for Allegations against persons in a Position of Trust

### Managing Allegations Against Staff



Any reference to Children's Social Care should be replaced with Sandwell Children's Trust.

## Appendix 2

### 7 Minute Briefing – LADO (Local Authority Designated Officer)

For further 7 Minute Briefings please see...  
<https://www.sandwellcsp.org.uk/quality-assurance/learning-from-audits/>

#### 1 – What the LADO does

Manages all allegations made against people in a Position of Trust who work with children in either a paid or voluntary role in the Sandwell area in accordance with statutory guidance.

<https://www.gov.uk/government/publications/working-together-to-safeguard-children-2>

<https://www.sandwellcsp.org.uk/key-safeguarding-issues/allegations-against-stafflado/>

#### 2- Thresholds for LADO

In light of the current allegation or concerns, to decide whether there is reason to suspect that the individual/s has/have:

- 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
- behaved towards a child or children in a way that indicates they may pose a risk of harm to children
- behaved or may have behaved in a way that indicates they may not be suitable to work with children (transferable risk)

(Working Together 2018, December 2020)

One or more criteria should be met.

<https://www.gov.uk/government/publications/working-together-to-safeguard-children-2>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/954314/Keeping\\_children\\_safe\\_in\\_education\\_2020\\_-\\_Update\\_-\\_January\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/954314/Keeping_children_safe_in_education_2020_-_Update_-_January_2021.pdf)

#### 7 – Storage of minutes

Minutes of the meetings will be distributed to all attendees of the meeting on a "need to know" basis.

These minutes should not be photocopied or the contents shared outside of the meeting without the agreement of the Chair/LADO. Minutes should be kept in the **RESTRICTED** or **CONFIDENTIAL** section of agency files and the minutes must not be kept in the child's file, whether paper or electronic.

If further disclosure is requested by an external agency please refer to the LADO, e.g when making a DBS referral you will be asked to send a copy of the minutes of the Position of Trust meetings. This ensures compliance with GDPR.

#### Local Authority Designated Officer (LADO) Service

LADO – Belinda Greasby

Business Support – Lis Johnson

Email:  
[sandwell\\_lado@sandwellchildrenstrust.org](mailto:sandwell_lado@sandwellchildrenstrust.org)

Phone: 0121 569 4770

#### 3 – Transferrable Risk

This relates to things that may happen in an employee / volunteer's private life (or vice versa) that may highlight there is a transferrable "risk" to children in their professional life (or vice versa). Statutory guidance was updated in December 2020 to include Examples:

- domestic abuse
- drug and alcohol use
- extremism and radicalisation
- mental health
- friendships/close personal relationships with people who may pose a risk to children

#### 6 – Outcomes of the Position of Trust process

The LADO will remain involved until all three strands of the investigation reach their final conclusion.

At the final POT meeting, the outcome in respect of the original allegation's is considered on a 'balance of probability' (based on the presenting information the meeting is satisfied that the event more likely than not occurred). Ongoing risk to children is also considered.

Allegations Outcome:

Substantiated	There is sufficient identifiable evidence to prove the allegation.
False	There is sufficient evidence to disprove the allegation.
Malicious	There is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false.
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.
Unsubstantiated	This is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.

Consideration to be given at the end of an employment investigation/disciplinary process to a referral being made to the DBS in respect of Vetting & Barring or other regulatory bodies, e.g TRA, General Medical Council, Social Work England, etc.

#### 5 – Initial and Review POT meetings

When a written referral is received, the LADO will contact the referrer to discuss:

- Any perceived risk to children
- An immediate safeguarding decision in respect of the employee/volunteer
- Next steps

If threshold for continued involvement of the LADO Service is met (See 2 above) a multi-agency Initial Position of Trust Meeting (POT) will be held within five working days. Currently these meetings are held via Microsoft Teams. This meeting will consider:

- The investigation of any criminal offence;
- Whether a child protection investigation is required to safeguard the children or whether they are in need of support
- Any perceived need for disciplinary action in respect of an employee in relation to the allegation/s

An action plan will be formulated and tasks assigned under the three strands of investigation. A Review POT meeting will be held within 28 days to review progress against the plan. Further Review POT meetings will take place at agreed intervals as required. The LADO Service will monitor progress in all cases on a monthly basis.

**The LADO does not Investigate, the LADO coordinates the investigation.**

#### 4 – How to contact the LADO

How to make a referral:

If a concern is brought to your attention and threshold for the LADO Service is met (see number 2 above) complete a written referral. This should be sent within 24 hours of the incident to [access\\_team@sandwellchildrenstrust.org](mailto:access_team@sandwellchildrenstrust.org). Guidance notes for yourself and your employee / volunteer can be found on the SCSP website. <https://www.sandwellcsp.org.uk/key-safeguarding-issues/allegations-against-stafflado/>

Advice & Guidance:

You can contact the LADO to discuss any concerns about a volunteer/employee without making a formal referral. This is an informal discussion.  
 Telephone: 0121 569 4770  
 Email: [sandwell\\_lado@sandwellchildrenstrust.org](mailto:sandwell_lado@sandwellchildrenstrust.org)

**If you are unable to make contact with the LADO and need to make an immediate safeguarding decision please contact your HR department and Sandwell MASH**