

School Staff and Child Protection

1. Introduction

Teachers and school support staff are uniquely placed as responsible adults outside pupil's family homes to be able to detect signs of child abuse. Because of their day to day contact with children, teachers and support staff have a positive role in child protection being able to observe outward signs of abuse changes of behaviour or failure to develop. Where staff have such interaction with children the opportunity to abuse children exists and regrettably in rare instances some staff have been found to have committed child abuse. To that extent and because of contact with children in a variety of situations including the wider caring role, teachers and support staff are vulnerable to accusations of abuse. Their relationship with pupils may lead to allegations against them being made by pupils or parents. Those allegations may be false, malicious or misplaced and may be either deliberate or innocent of such intent. Schools and colleges need policies and procedures on the management of situations where there are allegations of abuse. This document outlines the policy and procedures for dealing with allegations at Parkside Community College

2. Handling Allegations

Any child who approaches you with any allegation of abuse by another member of staff should be listened to and heard in whatever form they attempt to communicate their worries. No suggestions should be made to that child about what happened or alternative theories suggested to them about the reason for their worries. Once you have heard the concern you must produce a written dated record as soon as practicably possible but within 24 hours. The matter should be referred immediately to the Headteacher unless the allegation is against the Headteacher and in those circumstances separate guidelines should be followed.

You can not promise to children total confidentiality however you should try to involve the child in any decision to take the allegation further which could result in further formal action based on these procedures. If the child advises you that they do not want to take it any further careful consideration should be made about the age and understanding of the child and whether they or other children will be in danger of significant harm (In all cases refer to the Headteacher for support). You should make it clear to children that approach you and ask for total confidentiality that in some circumstances you are duty bound to pass on what you have been told.

3. Consideration of Allegation

An urgent initial consideration of the allegation will be made by the Headteacher to determine whether there is sufficient substance in an allegation to warrant an investigation. The Headteacher will contact the appropriate officers in the Local Education Authority (LEA) and Social Services Departments and will consult these officers as part of the initial consideration. The substantive decision on whether to investigate under child protection procedures will rest with the Child Protection Agencies (CPA). There will be one of four outcomes of the consideration:-

- a) Immediate referral to CPA's.
The immediate priority will be to establish whether a child or children are at risk of significant risk of harm and in need of protection. If this is so the Headteacher or other designated person will make an urgent referral to local child protection agencies in accordance with agreed procedures.
- b) Allegations which may not automatically be immediately referred to CPA's.
The Headteacher will act quickly. Establishing whether an allegation warrants further investigation does not establish whether the allegation is to be believed or not. The Headteacher will establish with the nominated representative from the LEA and the school's personnel provider whether further investigation is required and by whom. Further investigation will not be carried out in cases where the allegation is trivial or demonstrably false. The subsequent investigation of all facts will be aimed at establishing whether the allegation can be substantiated.

As soon as an allegation is made as well as consulting with the nominated officer from the LEA the Headteacher will carry out the following action:-

- Obtain details of the allegation in writing, signed and dated by the individual who received the allegation (not the child who is subject of the allegation) and it will be countersigned and dated by the Headteacher or designated teacher.
- Record any information about times, dates, location and names of potential witnesses.
- If the Headteacher and nominated LEA officer believe that the allegation warrants investigation they should either:-
 - i) Make a referral to one or more of the agencies with statutory duties/and or powers to investigate and intervene; such referral to the police, social services department or the NSPCC will be according to local child protection arrangements and will be carried out by the Headteacher or the designated person in the school;
 - ii) Or where wholly satisfied that the child or children is/are not at risk of significant harm and that a reportable criminal offence has not been committed consider the need for disciplinary action. This will be investigated at school level.

- c) The allegation is apparently without foundation
- d) The allegation was prompted by inappropriate behaviour which needs to be considered under the school's disciplinary procedures

4) Investigations

There will be two possible types of investigation:

- a) by the police, social services or NSPCC under local Child Protection Procedures.
- b) Under the school Disciplinary procedure.

Any investigation by the police or child protection agencies will take priority over the school internal investigation. The school investigation will not commence until the outcome of the external investigation is known.

5. Notification of Interested Parties.

Unless there is an objection by the Child Protection Agency concerned the Headteacher will:-

- a) Inform the child, children or parent making the allegation and explain the likely course of action.
- b) Ensure the child's parents are informed of the likely course of action;
- c) Inform the teacher against whom the allegation is made and explain the likely course of action.
- d) Inform the chair of governors of the school.

A written record of these actions will be made.

6. Where it is believed the allegation is unfounded

The Headteacher will:-

- a) In consultation with the nominated LEA representative decide whether the child may have been abused by someone else.
- b) Inform the teacher of the allegation and the fact that no further action is being taken under disciplinary or child protection procedures. The teacher has the right to be accompanied by their Trade Union representative or a colleague.
- c) Consider whether counseling and or informal professional advice to the teacher is appropriate and the form either might take.
- d) Inform the parents of the child or children of the allegation and the outcome and
- e) Consider appropriate counseling and support for the child or children who made allegation(s) and where appropriate their parents; in particular taking into consideration the child's special needs where a false or malicious allegation has been made.
- f) Prepare a report setting out in conclusion that the allegation is without foundation with the reasons why.

7. Suspension of the member of staff.

Where the case is referred immediately to child protection agencies it is likely that the member of staff will be suspended with immediate effect. The Headteacher will consult with the school's personnel provider and the nominated LEA officer and consider any recommendation made by the Child Protection Agency before a decision is made to suspend. The decision to suspend can be made at any point during the investigation. The types of situation where a member of staff will be suspended are:

- a) where any children are at risk.
- b) Where the allegations are so serious that dismissal for gross misconduct is possible.
- c) Where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded.

Where suspension is considered the member of staff will be advised to seek assistance from their Trade Union/Professional Body.

A meeting will be called and the member of staff will be advised of their right to be accompanied by a member of their trade union or a colleague. The meeting will take the following course:-

- a) At the beginning of the meeting the member of staff will be advised that an allegation has been made and that they may be suspended at the end of the meeting. It will be made clear that that the meeting is not a formal disciplinary hearing but to put forward a serious allegation which could lead to suspension and further investigation.
- b) The member of staff where accompanied will be offered the opportunity to have a brief meeting with their representative before the meeting.
- c) The member of staff will be given as much information as possible including reasons for any proposed suspension ensuring that this does not interfere with any investigation.
- d) The staff member will be given the opportunity to make representations concerning the suspension. A brief adjournment will be offered to the member of staff prior to response.
- e) If at the end of the interview it is decided that suspension is necessary along with a full investigation of the allegation the member of staff will be advised that they are suspended from duty.
- f) Written confirmation will be sent within 24 hours giving the reasons for suspension.

8. Actions following Suspension

- a) The Headteacher will inform the Chair of Governors and chief education officer formally in writing. The Headteacher will report to the Governing body that a teacher has been suspended pending investigation. No more than the minimum information necessary will be provided to the Governing body as they may be required for subsequent hearing or appeal in disciplinary proceedings.
- b) The pupil or parent will be confidentially advised of the suspension. Where the pupil is under 18 their parents will normally be advised.
- c) Senior teachers in the school who need to know of the reason for suspension will be advised as far as is necessary in the particular circumstances.
- d) The Headteacher will take a decision on informing other staff colleagues in school of the suspension. The Headteacher will also consider whether a statement to parents of children in the school is necessary to avoid unwelcome publicity.
- e) In some circumstances it may be necessary for the Headteacher to provide immediate reassurance to parents and children in the school and there may be a need for information to continue to be provided during the course of the investigation to parents, children and colleagues.
- f) Guidance will be sought from a senior LEA officer, social service or police as relevant or appropriate with regard to actions taken in respect of c to e above.
- g) The Headteacher will continually review and consider carefully who is informed of the investigation and suspension and to what extent confidentiality can or should be maintained according to the circumstances of the case. If the matter becomes common knowledge or a matter of gossip the Headteacher may decide to provide

an accurate statement of facts for public information. This decision will be taken in consultation with relevant authorities.

9 Support for the member of staff during suspension

The staff member will be given the name of an LEA officer as an information contact who will provide information on the progress of the investigation. Social contact with colleagues and friends at the school except where this is likely to prejudice the gathering of evidence will not be precluded.

The aim will be to complete the investigation as quickly as possible whilst ensuring that the full facts are gathered. Arrangements will be made for the individual or their representative to be contacted regularly with information on progress and developments on the case. The individual or their representative can also contact those conducting the investigation at any time.

An individual in the school will also be assigned to update the individual suspended with information on developments at the school in general in accordance with the individuals wishes.

Where appropriate the individual will be offered the opportunity of further welfare counselling or a referral to the schools medical adviser. The individual can also request this.

10 Support for Others.

Support will be needed for the child or children making the allegations and their parents. Consideration will be given to what form such support should take. Support will also be considered for others in the school both pupils and staff based on the circumstances of the allegation. This may take the form of professional counseling. Further advice will be requested from the Area Child Protection Committee.

11 Where no suspension takes place.

The Headteacher will explain to the member of staff the circumstances which led to the consideration of suspension and advise of any follow up action that it is proposed to take. The individual can be accompanied by their trade union representative or a colleague. If the circumstances require, further help and support will be offered to the member of staff by the Headteacher who will try to establish what is needed which could include professional counselling. The Headteacher will seek further help with regard to this from a senior LEA Officer.

Even though the member of staff has not been suspended if the Headteacher still feels that there are concerns about the member of staff's conduct a full investigation will take place under the school's disciplinary procedures.

12. Disciplinary Investigations

- a) At the end of the investigation a meeting will be arranged to inform the member of staff about the next steps. They have the right to be accompanied by their union representative or a colleague.
- b) If the outcome is a disciplinary charge further action will be taken under the schools disciplinary procedures and will commence when all child protection enquiries have completed.
- c) If the member of staff has been suspended and no further action is to take place the suspension will be lifted immediately. The Headteacher will then meet with the member of staff to discuss their return.
- d) The Headteacher will offer the opportunity of informal counseling in all cases which do not result in dismissal. This will be used to give appropriate guidance, support and reassurance and to rebuild where necessary the individuals confidence. Where specific help is required the Headteacher will ask for support from the appropriate officers within the LEA.
- e) At the conclusion of the investigation and any disciplinary action the child or children who made the allegation and their parents will be advised of the outcome of the proceedings prior to the individuals return to school if they are suspended. In some circumstances, consideration will be given to the broader disclosure of details of the outcome, together with reasons for example where the issues are of general importance, have common knowledge or have been a matter of gossip and there is a need to provide accurate details.
- f) Appropriate counseling and support will be offered to the child or children who made the allegations and where appropriate their parents by the time the member of staff has returned to school. This will take into account a child's special needs where a false or malicious allegation has been made.

13. Records of the Investigation.

Documents relating to the investigation will be retained together with a written record of the outcome of the investigation and where disciplinary action has been taken retained on the member of staff personal and confidential file in accordance with the schools disciplinary procedures.

If the member of staff is a teacher and they are dismissed or resign before any disciplinary action is completed they will be advised by the Headteacher that there is an employer's statutory duty to report the case to the Department for Education and Skills. The Headteacher will ensure this happens.

14. Other matters arising.

The Headteacher and others involved in the investigation will consider at the conclusion of the investigation whether there are any general matters arising which would call for a review of local policy and procedures including training for staff.