

Perth & Kinross

Local Agreements : Allegations against Members of Staff

TAYSIDE REGIONAL COUNCIL EDUCATION DEPARTMENT EDUCATION SUPPORT SERVICE CHILD PROTECTION UNIT ALLEGATIONS AGAINST MEMBERS OF STAFF

INTRODUCTION

Teachers are uniquely placed, as responsible adults outside pupils' family homes, to be able to detect signs of child abuse. Because of their day-to-day contact with children, teachers have a positive role in child protection, being able to observe outward signs of abuse, changes of behaviour or failure to develop. At the same time, because of their daily contact with children in a variety of situations, including the wider caring role, teachers are themselves vulnerable to accusations of abuse. Their relationships with pupils may lead to allegations against them being made by pupils or parents. These allegations may be false, malicious or misplaced, and may be either deliberate or innocent of such intent. It is regrettably the case that, in rare incidents, some teachers and other members of school staff have in the past been found to have committed child abuse. Schools and Services need sound policies and procedures on the management of situations where there are allegations of abuse. The following guidelines have been produced to meet this need.

ALLEGATIONS AGAINST MEMBERS OF STAFF

The following notes on procedures are to be used in the event of an allegation being made against a member of the Education Department staff. The procedure should always be read in the context of the total Child Protection Guidelines.

Allegations of abuse can be made in many ways, eg from the victim, from a third party whom the victim has told, from someone who has observed an incident, from the parents of the child, or from another child. Appendix 2 provides definitions of the various types of abuse. It is recognised that in certain situations where allegations of physical abuse are being made, that matters might be appropriately addressed in the context of normal disciplinary procedures. In such circumstances it would not be necessary to implement the procedures outlined in this document.

Heads will always be guided by their professional judgment but further Information and advice can be obtained from the Education Support Service Tel No 01382 322105.

Where anonymous calls and rumours arise within this context they should be treated seriously. There may be occasions when the nature of these calls or rumours is such as to

warrant further action. Under these circumstances the following procedures will apply as appropriate.

STAGE 1 . INITIAL ENQUIRY

1. Where there is an allegation of abuse made against a member of staff, the Head Teacher/Rector/Head of Establishment (hereinafter referred to as "the Head") should, as a matter of urgency:

Meet with the person reporting the alleged incident in order to clarify

- a. the nature of the allegation
- b. by whom the allegation is being made, and
- c. against whom the allegation is being made.

The Head immediately thereafter will note, in writing, the detail of what he/she has been told and will conclude his/her initial

- d. meeting with the pupil and his/her parents/carers
- e. meeting with the member of staff against whom the allegation has been made. At this meeting the member of staff will be advised to contact his/her Trade Union or Professional Association.

NB The purpose of d and e above is solely to inform those directly involved that an allegation of abuse has been made, that an Initial enquiry is in process. No further information is to be given at this stage.

2 If the Head establishes that (a) the incident could have occurred and (b) the allegation is being sustained, by the person who is making the allegation, the Assistant Director of Education (Area), or this failing, the Senior Depute Director of Education or Depute Director of Education (Staffing, Administration and Resource Services) must be informed immediately. Refer to Stage 2(B), pages 12 and 13. If the Head believes that the allegation is without foundation refer to Stage 2(A), page 11.

3 Under the following circumstances a contact may be made directly with Police, Social Work Department or Health Services, prior to 2 above.

- a Where the Head is convinced that a serious offence has occurred.
- b the allegation is of such specific nature as to require investigation by specialist expertise. See pages 12-16 of Child Protection Guidelines.
- c where there is a victim who has incurred injury to a degree which requires immediate treatment.

When the above action is taken an immediate report must be made to the Assistant Director of Education (Area) or failing this the Senior Depute Director of Education or Depute Director of Education (Staffing, Administration and Resource Services).

4 If the Head is uncertain about any aspect of the procedure then further Information can be sought from any of the undernoted

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a The establishment's Designated Officer

b The Principal Officer or Assistant Principal Officer, Education Support Service

c The appropriate Assistant Director or member of the Directorate.

INFORMATION For contact names and numbers related to Social Work, Police, Health and Educational personnel. See pages 5,52,92-94 of Child Protection Guidelines.

STAGE 2. (A) WHERE RESPONSE TEAM IS NOT TO BE CALLED

5 Where the Head believes that the allegation is without foundation, he or she should:

a take no further action under disciplinary or child protection procedures in relation to the member of staff.

b inform the member of staff of the detail of the allegation and the fact that no further action is to be taken under disciplinary or Child Protection Procedures. The member of staff may be accompanied by a representative of their Trade Union/professional association or by a friend.

c Inform the parents/carers of the child/children of the allegation and the outcome, and

d be aware the Child might have been abused by someone else.

e consider appropriate counselling and support for the Child or parents/carers; in particular, take into account a child's particular needs where a false or malicious allegation seems to have been made.

f prepare a report for the Assistant Director (Area), setting out in conclusion that the allegation is without foundation, with reasons. That note requires to be marked personal and confidential and will be retained by the appropriate member of the Directorate in a lockfast file. The purposes of this report would be:

i to ensure procedural consistency.

ii to provide information to monitor the Authority's response to those allegations found to be malicious.

iii to back the number and nature of such incidences.

NB 1 The report referred to in f above will not be included in the member of staff's personal file.

NB 2 A coded entry - -CP1- - will be entered on the PPR to refer the reader to a separately stored confidential file.

NB 3 Where there is reference in the Report to the name of the member of staff against whom the allegation is made, the member of staff will be made aware of the terms of any reference.

STAGE 2 - (B) IF A RESPONSE TEAM MEETING IS TO BE HELD

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a If the Head establishes that (a) the incident could have occurred and (b) the allegation is being sustained, the Assistant Director of Education (Area), or this falling, the Senior Depute Director of Education or Depute Director of Education (Staffing, Administration and Resource Services) must be informed immediately.

b The Head will also inform the member of staff involved of the nature of the allegation and the action taken, advise him/her that, In the interests of all concerned, the situation should be treated as confidential, and that a meeting of the Department's response team has been called and that he/she will be further advised at the conclusion of the response team meeting.

c At this stage, the Head will also inform the member of staff who may be accompanied by a friend or colleague that they may wish to consider contacting their Trade Union or Professional Association.

7 The Assistant Director of Education (Area) will ensure that -

a A response team is called to meet, normally in the Head's office.

b The need for Police and Social Work Department contact is further reviewed.

This action will occur within urgent time scales but always within the course of the day on which the allegation is made.

The composition of the response team will be:

c the Assistant Director of Education (Area), or another assigned member of the Directorate as determined by the Senior Depute Director of Education or Depute Director of Education (Staffing, Administration and Resource Services), plus

d the Principal Officer or Assistant Principal Officer of the Education Support Service, or in the event of their unavailability the Child Protection Co-ordinator, plus

e the Head of the Establishment

8 The response team will be convened by the Assistant Director of education (Area) or another member of the Directorate.

The response team meeting will examine the available Information and Will consider a range of possible courses of action, viz.

a i Inform the Police and request an investigation.

ii Refer to Depute Director (Staffing, Administration and Resource Services) for consideration under disciplinary procedure.

iii Consider any other course of action which is seen to be relevant within the particular establishment environment

The response team, thereafter, will proceed as follows:

b Inform the child, or young person, and the family, of the actions proposed and consider any special arrangements that may be needed to support the child.

c Inform the member of staff, of the actions proposed.

d Inform the Social Work Department, of the actions proposed.

e Decide on the arrangements to be made with the Police in the event of a significant number of pupil interviews being envisaged.

f Facilitate the support of the member of staff who is subject of the allegation (usually through the relevant Trade Union or professional association).

g Consider the possibility of arranging paid leave of absence for the member of staff concerned for the duration of the initial Police Investigation.

NB Item g will, as a staffing and disciplinary matter, be managed by the Depute Director of Education (Staffing, Administration and Resource Services) and where appropriate, in conjunction with the Director of Personnel and Management Services.

STAGE 3 - POST RESPONSE TEAM MEETING

9 Following the response team meeting the Assistant Director of Education (Area) will:

a Communicate the outcome of the meeting to the Director of Education.

b Establish with the Head, how the member of staff and the appropriate relevant professional association or Trade Union, or other supports, are to be advised of the team's decision. This will normally involve the convener of the team and the Head meeting the member of staff.

c Agree, with the Head, the wording of a statement to the staff which would encompass Items detailed in 1 10 (a)(h) No written communication should be made to staff.

d Where the Head is not the Designated Officer, ask that the Head advise the Designated Officer of the outcome of the team meeting.

10 Where in these circumstances a member of staff has been given leave of absence a staff briefing meeting will be held at the earliest opportunity following the response team meeting and in a format determined to be most appropriate to the establishment. At the briefing meeting the staff will be advised by the Head:

a that an allegation has been made, and the nature of the allegation.

b of the name of the member of staff involved and a detailed explanation given for their absence from school.

c of the name of the pupil/pupils Involved where that is deemed appropriate.

d of the course of action that has been taken and will be taken.

e that arrangements have been made by the Authority to deal with the enquiries from the media. The teachers Trade Union will be consulted about these arrangements.

f that no member of staff is authorised to discuss any matter relevant to the allegation with any other individual or corporate body, eg the Press. This, of course, will not apply to contact between a member of staff and his/her professional association or Trade Union.

g that a further statement will be made to staff when appropriate.

h that all members of staff have a responsibility to pass on any Information which may be pertinent to the case in question. This is to be pursued after the meeting with either the Head, Designated Officer, or the Department's Child Protection Unit

STAGE 4- FOLLOWING INITIAL POLICE INVESTIGATION

11 Where after the initial Police investigation the Director of Education is advised that the allegation has not been substantiated, the response team will reconvene as a matter of urgency to consider:

a the return to work of the member of staff with immediate effect.

b the arrangements for support and advice as he/she returns to his/her establishment.

c a further staff briefing which effectively reaffirms the good standing of the member of staff Involved.

d The calling of a Case Conference to discuss the needs of the young person involved whereby referral to the Department's decision-making process may be considered.

NB Where the Director of Education has been advised that,, the allegation has not been substantiated, but there are nonetheless clear Indications of unprofessional conduct on the part of the teacher, any arrangements for a return to work will include arrangements for a disciplinary hearing.

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a Where, after the initial Police Investigation the Director of Education is informed that referral to the Fiscal Is to occur then the Head will receive appropriate further guidance and support.

b At this stage the member of staff who is the subject of the ongoing investigation may be required to continue the paid leave of absence or be formally suspended.

c The suspended member of staff should be given the name of a local education authority officer as an information contact. The main role of the contact person is to provide information as to the progress of the investigation. Social contact with the member of staff's colleagues and friends from the establishment should not be precluded.

13 If the Head is the subject of the allegation then the Assistant Director of Education (Area), or Senior Depute Director of Education or Depute Director of Education (Staffing, Administration and Resource Services) should be contacted without delay, by anyone placed to do so, when action will be implemented, informed by the procedures detailed above.

NB It should be noted that pupil exclusion is a distinctly separate issue and applicable only in relation to approved exclusion guidelines.

Appendix 1 PROTECTING OURSELVES

To help all staff protect themselves from possible allegations of abuse from children and young people or from their carers the following points are offered for guidance and advice.

The list is neither formal nor exhaustive and should take into account the age and stage of development of the children and young people who fall within your charge.

As a guide to sound professional practice this list should be considered as a starting point which should be developed through awareness raising and in-service training. "

1 Do not rely on your "good name" to protect you.

2 Do not for one moment believe "it could never happen to me".

3 The use of physical restraint on a child or young person should involve only the minimum force necessary and is permissible only when you are certain that they are at imminent risk of endangering themselves, yourself, others or property. Where possible summon a colleague to witness the situation and to give you appropriate help.

4 Any physical contact between a member of staff and a child or young person should be a considered action and for the purposes of instruction or immediate care.

5 Where possible avoid being alone with a child or young person. Where circumstances make this unavoidable try to ensure that others are within earshot and preferably within vision.

6 Never make salacious or demeaning remarks to or in the presence of children and young people.

7 If you suspect that a child or young person is becoming inappropriately attracted to you then you are strongly advised to share your concerns with a senior colleague.

8 In circumstances where your relationship with or feelings towards a child or young person are placing you at risk of unprofessional behaviour you are urged to seek advice and support from a colleague or management.

9 From time to time personal circumstance arise which can adversely affect your professional relationship (eg bereavement, health or relationship breakdown). Should this be the case you are encouraged to seek advice and support from a colleague or management.

10 Always use your common sense.

Appendix 2

DEFINITIONS OF ABUSE

The term child abuse was first used in Britain in 1980- DSS Circular. The process of definition has been refined through experience and by 1988 there were five official categories of abuse.

- o Physical abuse

- o Neglect

- o Emotional abuse

- o Sexual abuse

- o Grave non specific concern

For the purposes relevant to Education Department staffs a definition of physical, sexual and emotional are most relevant, viz

Physical abuse (DSS Guidelines 1991)

Physical abuse is currently defined as "actual or likely physical injury to a child, or failure to prevent physical injury".

Sexual abuse

Sexual abuse Is defined as "actual or likely sexual exploitation of a child or adolescent". That definition is generally recognised as not sufficiently broad and requires to be read against the

backdrop of current research. A typical description from that source is undemoted:- (DSS Guidelines 1991)

"Any child below the age of consent may be deemed to have been sexually abused when a sexually mature person has, by design or by neglect of their usual societal or specific responsibilities in relation to the child, engaged or permitted the engagement of that child in any activity of a sexual nature which is intended to lead to the sexual gratification of the sexually mature person". (Glaser and Frosh 1988). This definition pertains whether or not it involves genital contact or physical contact, and whether or not there is discernible harmful outcome in the short-term.

Emotional abuse

Again defined as "Actual or likely severe adverse effect on the emotional and behavioural development of a child caused by persistent or severe emotional ill-treatment or rejection. This category should be used where it is the main or sole form of abuse". (DSS Guidelines 1991)