

Education Staff and Child Protection:

Staff Facing an Allegation of Abuse

Guidelines on Practice and Procedure

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1. Introduction

1.1 This guidance is about managing cases of allegations that might indicate that a person is unsuitable to continue to work with children in their present position, or in any capacity. It should be used in all cases in which it is alleged that a teacher, or other member of staff (including a volunteer) has:

- 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; or
- Behaved towards a child or children in a way that indicates s/he is unsuitable to work with children.

1.2 By adopting these procedures for dealing with allegations the school will be able to ensure that all staff (and volunteers) understand what to do if they receive an allegation against another member of staff. The procedure makes it clear that allegations should be reported straight away, normally to the headteacher (or in the absence of the head or if the allegation is against the head to the Chair of Governors).

1.3 These guidelines take account of the DfES Documents "Working Together to Safeguard Children" and "Safeguarding Children in Education: Dealing with Allegations of Abuse Against Teachers and other Staff".

2. Guidelines for All Schools

2.1 These guidelines are based on those agreed nationally by representatives of the local education authorities and the six teacher organisations in England and Wales. Discussions have taken place locally with the unions and professional associations representing all categories of staff in schools and agreement has been reached with them on this guidance. **The guidelines should be read in conjunction with the Area Child Protection Committee's (ACPC's) Child**

Protection Manual of Procedures. The Child Protection Manual contains specific advice on the procedures to be followed in cases where significant harm has been suffered or is suspected and in all cases of alleged or actual sexual abuse. **It is important to establish, at an early stage, the correct procedure(s) to be followed and paragraph 8 gives detailed advice on this matter.**

- 2.2 The guidelines have been designed to apply to all staff in schools. Appropriate references are made to recognise the distinctive arrangements for head teachers. Where allegations are made against centrally-employed or casual staff (e.g. peripatetic teachers or supply teachers) about incidents occurring in a school, advice should be sought from the Principal Education Welfare Officer (PEWO) and the school's HR Manager about the procedures to be followed.

3. **Definitions**

3.1 **Designated Teacher**

A senior member of the teaching staff of a school with specific responsibility for co-ordinating action within the school and for liaising with social services departments and other agencies over suspected child abuse. It may be appropriate for another senior teacher to be named as the alternative to the head teacher if he/she is the designated teacher. The Government's child protection guidance "Working Together to Safeguard Children" (Department of Health, Home Office, Department for Education and Employment (1999)),¹ outlines the roles and responsibilities of statutory agencies, professionals, the voluntary sector, and the wider community, in relation to child protection. It provides advice (at Chapter 5) on what should happen if there are concerns about the welfare of a child, together with concerns that a child may be suffering, or at risk of suffering, abuse or neglect. It is not intended as a detailed practice guide, but it sets out clear expectations about the ways in which agencies and professionals should work together in the interests of children's safety and well-being. The Working Together guidance is directly applicable to education

services. In addition, this guidance also takes account of DfES Circular 2044/2005 "Safeguarding Children in Education".

3.2 Nominated Governor

This may be the chair of governors or another governor designated to take on the role (in cases where the designated teacher is also a governor it is not appropriate for the designated teacher to also take on the role of Nominated Governor). This person will be responsible for liaising with the Head teacher/designated teacher at the school over matters regarding child protection issues to ensure that they are consistent with local ACPC procedures. Ideally this role would involve:-

- (a) ensuring, in liaison with the Head teacher/designated teacher, that the school has a child protection policy and procedures in place, which are consistent with ACPC procedures;
- (b) ensuring that an annual item is placed on the governors' agenda to report on changes to child protection policy/procedures, training undertaken by the designated teacher, other staff and governors, the number of incidents/cases (without details or names) and the place of child protection issues in the school curriculum;

1 **Working Together to Safeguard Children: A guide to inter-agency working to safeguard and promote the welfare of children**, (1999) Home Office, Department of Health, Department for Education and Employment, available from TSO or website www.the-stationery-office.co.uk/doh/worktogether .

- (c) liaison (with due regard to issues of confidentiality) with the Head teacher/designated teacher re allegations of child abuse;
- (d) responsibility for the oversight of procedures relating to liaison with the Local Authority, Childrens Services Departments and the Police in relation to any allegations of child abuse made against the Head teacher, including possible involvement in multi-agency strategy discussions; (NB: The nominated governor will have no direct role in undertaking child protection enquiries or criminal or disciplinary investigations or investigation of an allegation against the Head teacher. He/she will be a liaison person ensuring good communication between all parties and provide information to assist any such enquiries or investigation).
- (e) attendance at training for nominated governors.

3.3 Designated LA Lead Officer

In this Authority the Principal Education Welfare Officer (PEWO) is designated as the lead officer with responsibility for co-ordinating Education Service policy and action on child protection for schools. The lead officer represents education services to the ACPC, will be involved in establishing local procedures, including arrangements for designated teachers, and will be the LA point of contact with police, Childrens Services and other agencies. The PEWO is also responsible for liaising with maintained schools on child protection matters and is the main contact for the investigation and referral support co-ordinators (funded by the DfES).

4. Background

- 4.1 All those working in the education services can contribute to the safeguarding of children and child protection services. All schools can play a part in the prevention of abuse and neglect, through their own policies and procedures for safeguarding children, and through the curriculum. All schools should create and maintain a safe environment for children and young people. Children can be

helped to understand what is and is not acceptable behaviour towards them and taught about staying safe from harm, and how to speak up if they have worries or concerns. Through their day-to-day contact with children, education staff have a crucial role to play in noticing indicators of possible abuse or neglect and in referring concerns to the designated teacher. When a child has special educational needs, or is disabled, schools will have important information about the child's level of understanding and most effective means of communicating with the child. Where education staff have such inter-action with children, the opportunity to abuse them also exists. It is regrettably the case that, in rare instances, education staff have been found to be responsible for child abuse. Given their daily contact with children in a variety of situations, including the wider caring role, staff are vulnerable to accusations of abuse. Their relationships with pupils may lead to allegations against them being made by pupils or parents². Those allegations may be false, malicious or misplaced and may be either deliberate or innocent of such intent. Regardless of the motives underlying any allegations, they may also be well-founded. Schools therefore need policies and procedures on the management of situations where there are allegations of abuse.

4.2 It is imperative that everyone who deals with allegations of abuse maintains an open and enquiring mind. It is also essential that all the agencies concerned act in a manner and at a speed commensurate with the nature and level of the concern once suspicions are brought to their attention. "Working Together" and "Safeguarding Children in Education" point out that the police have a duty to investigate criminal offences committed against children and such investigations should be carried out sensitively, thoroughly and professionally.

4.3 In the same way, an over-hasty or ill-judged decision immediately to suspend a member of staff when an allegation of abuse is made, can have a substantial, detrimental effect upon the person's career. There may be other options to suspension (see Paragraph 15.2). Suspension is not only a traumatic experience for the individual involved, but also for their family, for other children at the school, their parents and for other staff.

² Where there are references to parents these should also be taken to be references to persons having parental responsibility.

All concerned will wish to be reassured that the responsible agencies will act in a careful, measured way when allegations of abuse are brought to their attention.

- 4.4 Media attention during an investigation of an allegation can add to the problems for the member of staff and may even hinder an investigation. Early contact with the LA for advice and support for dealing with media inquiries is strongly advised. Regrettably, it is often the case that the media become aware of allegations through parents or pupils. Any briefings to staff and governors will emphasise the need to avoid media coverage. The Human Rights Act 2000 protects the 'privacy' of staff. Advising the member of staff of any early indications of media coverage will be essential.

5. Using These Guidelines

ACPCs and social services departments have wide responsibilities in disseminating information on local child protection procedures.

- 5.1 These guidelines are intended to be complementary and supplementary to the guidance contained in "Working Together to Safeguard Children", Safeguarding Children in Education and to local ACPC procedures. They are designed to be consistent with principles of natural justice.
- 5.2 Head teachers, designated teachers and chairs of governors are advised to be familiar with the provisions of "Working Together to Safeguard Children", Safeguarding Children in Education, ACPC child protection procedures and the education authority's procedures which draw upon these guidelines.
- 5.3 In addition the LA will ensure effective means of disseminating information on relevant provisions of local education procedures to ensure that all staff and governing bodies are familiar with those provisions. ACPCs and Childrens Services departments have wider responsibilities in disseminating information on local child protection procedures in respect of all schools and other educational establishments.

6. Listening To Children

6.1 Children who report to a teacher (or other member of staff) that a member of education staff has abused them must be listened to and heard, whatever form their attempts to communicate their worries take. The following points give guidance on how to deal with a child who makes an allegation:

- The child should be listened to but not interviewed or asked to repeat the account. Avoid questions, particularly leading questions.
- The child should not be interrupted when recalling significant events.
- All information should be noted carefully, including details such as timing, setting, who was present and what was said, in the child's own words. The account should be obtained verbatim or as near as possible.
- Care should be taken not to make assumptions about what the child is saying or to make interpretations.
- Listened to means just that; on no account should suggestions be made to children as to alternative explanations for their worries.
- The written record of the allegations should be signed and dated by the person who received them as soon as practicable.
- All actions subsequently taken should be recorded.

6.2 A member of staff **must not** promise confidentiality to a pupil who makes an allegation. In responding to a child who makes disclosures, account should be taken of the age and understanding of the child and whether the child or others may be at risk of significant harm. While acknowledging the need to create an environment conducive to speaking freely, the member of staff should make it clear to a pupil who approaches him/her asking for confidentiality that, he/she will need to pass on what has been told so as to ensure the protection of the child(ren), in accordance with the local procedures agreed by the ACPC. Within that context, the child should then be assured that the matter will be disclosed only to people who need to know about it. The support needs of a child who express concerns about significant harm should be considered and met, utilising resources within and/or beyond the school as necessary.

The principles and issues implicit in this paragraph should have been discussed at the local level by the head teacher and designated teacher with the LEA lead officer (the PEWO).

- 6.3 Local child protection procedures should be used for any allegations against adults not employed in the school as well as for allegations against third parties with no involvement with the school.

7. **Action Taken By a Member of Staff Who Hears an Allegation**

- 7.1 The member of staff receiving the allegation of abuse against another member of staff should, following the considerations of 6.2 above, report this immediately to the head teacher, unless the head teacher is the person against whom the allegation is made. An allegation against the head should be reported to the designated teacher or the nominated governor where the head teacher is the designated teacher. Certain cases will need urgent action and require immediate referral under local child protection procedures, as detailed in 8.2 below.

- 7.2 Immediately an allegation is made, as well as consulting the LA lead officer (the PEWO), the head teacher (or, in cases where the allegation is against the head teacher, the nominated governor) should:-

- (a) obtain written details of the allegation, signed and dated from the person who received the allegation (**not from the child who made and/or was the subject of the allegation**) and countersigned and dated by the head teacher (or designated teacher or nominated governor where the allegation is against the head teacher);
- (b) record any information about times, dates, locations and names of potential witnesses.

8. **Urgent Initial Assessment of an Allegation**

- 8.1 Where an allegation (anonymous or otherwise) is made against a member of

staff, there should be urgent consultation by the head teacher with the LEA lead officer (the PEWO) as to how to take the matter forward. Where the allegation is against the head teacher, this consultation will be between the nominated governor and LA lead officer (the PEWO).

- 8.2 If a child makes an allegation that is considered to be a potential criminal act, or indicates that s/he has suffered, is suffering or is likely to suffer significant harm, then there will be an immediate referral in accordance with the local child protection procedures established by the ACPC. If there is any doubt of these matters, then guidance/clarification can be sought from the LA lead officer (the PEWO).
- 8.3 There will however be instances where allegations made do not require referral under local child protection procedures detailed above. The LA lead officer (the PEWO) should be consulted if there are any doubts. Those instances are as follows:
- (i) Where the Headteacher determines that the allegation relates to the use of reasonable force to restrain a pupil, in accordance with s.550A of the Education Act 1996 and DfEE Circular 10/98 and Welsh Office Circular 37/98, it will be appropriate for the head teacher to deal with the matter at school level. An allegation of assault beyond the use of reasonable force would however need to be dealt with in accordance with the local child protection procedures as detailed above.
 - (ii) Where following initial consideration it is absolutely clear to the LA lead officer (the PEWO) and the head teacher (or where the allegation involved the head teacher, the nominated governor) that the allegation is demonstrably false by virtue of the fact that the immediate circumstances of the allegation show that it would not be possible for the allegation to be true, then again the matter can be dealt with at school level. However, in these circumstances, it should be borne in mind that if a child has made an obviously false allegation, this may well be a strong indicator of abuse elsewhere which requires further exploration. The best way for this to be

achieved is through an inter-agency referral in order that any underlying causes can be teased out.

- (iii) The allegation may represent inappropriate behaviour or poor practice by a member of staff which needs to be considered under local disciplinary procedures (see paragraph 10.1 and 20.2).

8.4 Therefore, when such allegations are made, there are four possible outcomes of the initial assessment:

- (i) Where the pupil has suffered, is suffering, or is likely to suffer significant harm, there should be an immediate referral under local child protection procedures established by the ACPC.
- (ii) Where the child has alleged that a criminal offence has been committed, then again this will be referred under local child protection procedures and the police may carry out a criminal investigation. However, this is subject to paragraphs 8.3(i) and 8.3(ii) above where the matter can be dealt with at school level.
- (iii) The allegation may represent inappropriate behaviour or poor practice by a member of staff (which does not fall within the above categories) that needs to be considered under local disciplinary procedures (see paragraph 10.1 and 20.2).
- (iv) That the allegation is apparently without foundation, as detailed in paragraph 8.3 (ii) above (then see section 14).

9. The Referral Process

- 9.1 The immediate priority must be to determine whether a child(ren) has/have suffered or is/are at risk of significant harm and/or in need of protection. If this appears to be the case there should be an immediate referral to local child protection agencies in accordance with the agreed procedures established by the ACPC. The responsibility for that lies with the LA lead officer (the PEWO).

- 9.2 Where allegations of abuse are referred to the Children's Services Department or the police, subsequent action will be in accordance with the local child protection procedures. Early action to establish the nature of the allegation and consideration of whether it should be investigated should be undertaken in such a way that it does not prejudice any subsequent action. There must be no interference with evidence e.g. education staff or governors should not attempt to interview children about these matters. Paragraph 6.1 sets out guidance on "Listening to Children".
- 9.3 In cases where it is not immediately obvious that the child has suffered significant harm it is still important to act quickly. It is also important to recognise that establishing whether an allegation warrants further investigation is not the same thing as deciding whether an allegation is well founded. A head teacher (or nominated governor where the allegation is against the head teacher) should not investigate the allegation, or interview pupils, or discuss the allegation with the member of staff, but should consider, in consultation with the LA lead officer (the PEWO), whether the allegation requires further investigation and if so, by whom. Only if the allegation is trivial or demonstrably false, will further investigations **not** be warranted.
- 9.4 Where the initial assessment by the LA lead officer (the PEWO) and the head teacher (or, where the allegation is against the head teacher, the nominated governor) concludes that the allegation warrants investigation, there will be either:
- (i) a referral to one or more of the agencies with statutory responsibilities to make enquiries; or
 - (ii) where wholly satisfied that the child or children is/are not at risk of significant harm or that a potential crime has not been committed, an investigation under the school's disciplinary procedures. In this case the head teacher is strongly advised to contact the school's HR Manager for guidance.

10. Enquiries and Investigations

10.1 There are three possible types of investigation:

- (a) enquiries by childrens services under local child protection procedures
- (b) related police investigations into possible criminal offences
- (c) the school's disciplinary procedures.

10.2 Any disciplinary process should be clearly separated from child protection enquiries and criminal investigations. Whilst the disciplinary process may be informed by child protection enquiries and criminal investigations, and in some circumstances the child protection agencies might decide to make a recommendation about suspension or other protective action as a result of the strategy discussion (see section 11, below), the child protection and criminal processes have different objectives from the disciplinary procedure and they should not be confused. **Decisions as to suspensions and/or disciplinary action are for the head teacher/governing body** (see section 16.2 about cases where consulting with police is advised prior to suspension)

10.3 Any investigation by the police or child protection agencies will take priority over an internal disciplinary investigation by the school. An internal investigation related to the same or similar allegations running alongside a criminal investigation or child protection enquiry is not likely to be good practice and should be held in abeyance pending the completion of the external enquiries and investigation. In any event, the decision as to whether to initiate an internal investigation will be more fully informed by information about the outcome of the child protection enquiries and any criminal investigation.

10.4 In some cases the lack of an appropriate resource within the school to conduct the investigation or the nature and complexity of the allegation will require an independent investigator. The HR Services Team can provide independent investigators but this is not part of the buy back arrangements and would be charged for at an agreed hourly rate.

- 10.5 The Investigating Officer should aim to complete the investigation in 10 working days although it is recognised that this will depend on the circumstances of the case.

11. Action Subsequent To Referral to Child Protection Agencies

11.1 When an allegation has been referred through the ACPC procedures to the appropriate child protection agency any subsequent enquires will be informed by the guidance in "Working Together to Safeguard Children" and the Safeguarding Children in Education Circular. This guidance recommends that there should be a strategy discussion to plan the conduct of enquiries under child protection procedures and it is essential that the LA lead officer (the PEWO) and, other than in exceptional circumstances, the head teacher or designated teacher or nominated governor (where the allegation is against the head teacher) be involved in and contribute to such strategy discussions in cases of allegations against members of staff.

11.2 The strategy discussion should also consider whether any other children are likely to have been at risk in the light of the allegation and whether it may be necessary to review any previous allegations made against the member of staff or to consider interviewing any other children including ex-pupils of the school or any other schools.

11.3 The head teacher/nominated governor/LA lead officer should balance the welfare of the accused member of staff, and the interests of the investigation taking account of the need to minimise the stress to anyone who may be wrongly accused. **It is strongly recommended that the headteacher should advise staff who are the subject of allegations to contact their trade union at the earliest opportunity.**

12. Police Involvement

12.1 In some cases the police might wish to interview the member of staff against whom the allegation is made before any approach is made by the head teacher (designated teacher or nominated governor in cases where allegations involve important documents\allegofabuse

the head teacher). The police may act independently particularly where the alleged offence does not arise from the individual's professional duties in the school. Police officers should be given every assistance with their enquiries but confidentiality about the enquiries should be maintained in the individual's interests.

12.2 When the police are involved, it would not normally be expected that police interviews would be undertaken on school premises and it would be expected that appointments are normally made for such interviews to occur at reasonable times.

12.3 The police or the Crown Prosecution Service (CPS) should inform the school and the LA designated officer straight away when a criminal investigation and any subsequent trial is complete, or if it is decided to close an investigation without charge, or not to prosecute after a person has been charged. In these circumstances the LA designated officer should discuss with the head and chair of governors whether any further action, including disciplinary action, is appropriate and if so how to proceed.

13. Notification of Interested Persons

13.1 The police or the strategy discussion may decide that the investigation would be hindered by an approach to parties at an early stage. The head teacher in consultation with the LA lead officer (the PEWO) must ensure there is no objection by the police before contacting any parties. Subject to there being no objection, the head teacher (or nominated governor in cases involving allegations against the head teacher) should:-

- (a) inform the child, children or parent making the allegation and explain the likely course of action;
- (b) ensure the parents of the child who is the alleged victim have been informed of the fact of the allegation and of the likely course of action;
- (c) inform the member of staff against whom the allegation is made and

explain the likely course of action;

(d) inform the chair of governors/nominated governor of the school.

13.2 Where the police object to the action outlined in a-d above, the head teacher/nominated governor and the LA lead officer (the PEWO) should be informed accordingly and arrangements made to keep him/her informed as to when these notifications may take place or have taken place.

13.3 A written record of the action taken under this section should be made by the head teacher (or nominated governor).

14. Allegations without Foundation

14.1 Where the circumstances set out in paragraph 8.3 (ii) (the allegation is demonstrably false) are met, then the head teacher (or, where the allegation involves the head teacher, the nominated governor) should in consultation with the LA lead officer (the PEWO) and designated teacher:-

- (a) take account of the fact that if a child has made an obviously false allegation of abuse, this may well be a strong indicator of problems of abuse elsewhere which require further exploration. The best way for this to be achieved is through an inter-agency referral in order that any underlying causes can be teased out;
- (b) inform the member of staff orally and in writing of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures. Appropriate action should be taken within 3 working days. The member of staff may be accompanied by a trade union representative or friend;
- (c) consider whether counselling and/or informal professional advice to the member of staff is appropriate and the form either might take;
- (d) inform the parents of the child or children of the allegation and the outcome in writing;
- (e) consider appropriate counselling and support for the child or children who made the allegation(s) and, where appropriate, their parents; in particular, consider what follow up action should be taken in regard to a person or child who has made an allegation that is shown to be false or unfounded, especially if it is shown to have been made maliciously;
- (f) where the allegation has been made by a person other than the alleged child victim themselves, consideration should be given to informing the parents and child of the fact of the unfounded allegation and providing support as necessary; and

- (g) prepare a report, embodying a-f above and giving reasons for the conclusion that the allegation is without foundation.

15. **Considering Whether Suspension Is Appropriate**

15.1 The provisions for any suspension of school-based staff are set out in Schedules 16 and 17 of the School Standards and Framework Act 1998. Decisions on suspensions are taken by head teachers or the governing body (action by the chair in relation to the head teacher must be notified to the full governing body). In cases where the nominated governor is not the chair of governors, the chair of governors will need to be involved in any suspension of a head teacher.

15.2 **Staff against whom an allegation is made should not automatically be suspended.** In the case of an immediate referral to the child protection agencies immediate suspension is more likely to be appropriate. In the case where immediate referral is accompanied by consideration of disciplinary procedures, suspension may or may not be appropriate. In the case of unfounded allegations, suspension is unlikely. The head teacher or nominated governor is strongly recommended to consult with the LA lead officer (the PEWO) and the school's HR Manager and consider any recommendation which may be made by the child protection agency as a result of the strategy discussion, before a decision to suspend is taken.

15.3 Suspension may be considered at any stage of an investigation. 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 contact with pupil may also be used as an alternative to suspension.

15.4 Suspension should not be undertaken without good reason. Circumstances in which suspension properly occurs include:-

- (a) where a child or children is/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.

15.5 In all cases where suspension is being considered, the head teacher or nominated governor is strongly recommended to advise the individual to seek assistance from his or her trade union.

16. **A Meeting to Consider Suspension of a Member of Staff**

16.1 Where suspension is being considered, a meeting should be arranged, timed to take account of the urgency and sensitivity of the occasion³. The head teacher (or, in cases where the allegation is against the head teacher, the nominated governor) should consult with and seek advice from their HR Manager. The power to suspend is vested in the headteacher and the governing body of the school.

16.2 Where the police are involved in a criminal investigation, any meeting arranged to consider suspension should not be conducted without prior consultation with the officer in charge of the case. Where there is no police involvement, a meeting should be arranged in accordance with the following procedures.

16.3 When called to a meeting where suspension is a possible outcome the member of staff should be advised to seek the advice and assistance of his or her trade union. A person who is not a member of a trade union may be assisted by a friend. He/she, where accompanied, should be offered the opportunity of a brief meeting with the representative or friend before the meeting.

³ In accordance with the relevant ACAS Code of Practice, where the *person* is a trade union or safety representative, the interview should not be arranged without prior discussion with the relevant branch secretary or a full-time official of the trade union concerned. From the outset it should be established that the action being taken is not an attack on the functions of a trade union.

- 16.4 The member of staff should be informed at the outset of the meeting that an allegation has been made and that, at the conclusion of the interview, suspension might occur. It should be made clear, however, that the meeting is not a formal disciplinary hearing but is for the purpose of raising a serious matter which may lead to suspension and further investigation.
- 16.5 The member of staff should be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with an investigation about the allegation. This meeting is not concerned with examination of the evidence but is an opportunity for the member of staff to make representations concerning any possible suspension. The member of staff should be given an opportunity to make such representations after the information has been given and the reasons for any proposed suspension made out. A brief adjournment should be offered to the member of staff prior to response.
- 16.6 If, as a result of the meeting, it is considered by the head teacher/chair of governors that suspension is necessary along with a full investigation of the allegation, the individual should be advised that he or she is suspended from duty. Written confirmation of the suspension should be dispatched within one working day, giving reasons for the suspension.

17. After a Decision to Suspend Pending Investigation

- 17.1 Where a member of staff has been suspended, the chair of governors and Director of Children's Services or his representative should be informed of the suspension formally, in writing. Where the head teacher is suspended the chair of governors should inform the Director of Children's Services. In all cases a report should be made to the governing body that a member of staff has been suspended pending investigation. It is inadvisable to provide more than the minimum information necessary to the governing body, as more than this would prejudice governors' impartiality in any subsequent hearing or appeal in disciplinary proceedings. Where the head teacher has been suspended, the implications for the management of the school will need to be considered including the arrangements for an Acting Head teacher.

- 17.2 The pupil or parent making the allegation should be informed of the suspension, on a strictly confidential basis. Where the pupil is under 18, his or her parents should normally be informed, in confidence, in so far as to do so is consistent with wider child protection considerations.
- 17.3 Senior teachers in the school **who need to know** of the reason for the suspension should be informed so far as is necessary in the particular circumstances. The head teacher/acting head teacher should take a decision on informing other staff colleagues in the school of the suspension.
- 17.4 The head teacher/acting head teacher should discuss with the nominated governor the extent to which it is necessary to make a statement to parents of children in the school, having considered the need to avoid unwelcome publicity.
- 17.5 In certain circumstances, it may be necessary for the head teacher (acting head teacher in consultation with the nominated governor) 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 an investigation to parents, children and other colleagues.
- 17.6 In respect of paragraphs 17.3, 17.4 and 17.5 guidance should be sought from the LA lead officer (the PEWO) or, where relevant and appropriate, from social services or the police.
- 17.7 The head teacher/acting head teacher in consultation with the nominated governor should consider carefully, and keep under review, decisions as to who is informed of the suspension and investigation and to what extent confidentiality can or should be maintained, according to the circumstances of a particular case. In a situation where a matter becomes common knowledge or the subject of general gossip, it may be desirable to provide an accurate statement for public information. Advice should be taken from the LA lead officer (the PEWO) and the school's HR Manager on this matter as necessary.

18. Support for Staff during the Period of Suspension

- 18.1 The suspended member of staff should be given the name of an LA 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 colleagues and friends at the school should not be precluded except where it is likely to be prejudicial to child protection enquiries, criminal investigations or disciplinary processes.
- 18.2 Although it is the aim that all investigations should be conducted as speedily as possible consistent with establishing the full facts, arrangements should be made for the individual, or his or her representative, to be contacted regularly with information on progress and developments on the case. These arrangements should not preclude him/her, or his or her representative, contacting those conducting the investigation at any time.
- 18.3 According to the needs and wishes of the member of staff to be kept informed, a colleague contact should also be in a position to provide information about developments at the school in general.
- 18.4 In some cases, it may be appropriate to ask whether welfare counselling or the support of the LA's medical adviser would be helpful, or to respond to a request for such further support.

19. Support for Others Concerned

- 19.1 Support will be needed for the child or children making the allegations and their parents. Consideration should be given to the form such support should take. Consideration should also be given to what support may be needed for others at the school, both staff and pupils, according to the circumstances of the alleged abuse. In some cases, therapeutic counselling from expert sources may be necessary. Advice on this can be obtained via the ACPC and the Childrens Services Directorate.
- 19.2 Parents or carers of a child or children involved should be told about the allegation as soon as possible if they do not already know of it. (It should be noted that the

deliberations of a disciplinary hearing, and the information taken into account in arriving at any decision should not be disclosed. Parents and carers of the child should be informed that action has been taken in accordance with the relevant procedures.

20. Where No Action is Taken to Suspend

20.1 The head teacher/nominated governor (in cases where the allegation is against the head teacher) should explain the circumstances which led to consideration of suspension and further explain any follow-up action which it is proposed to take. The member of staff may be accompanied by a trade union representative or friend. According to the circumstances of the case, appropriate assistance or advice may be offered. The head teacher/nominated governor should seek to establish what support, if any, is required and, where appropriate and acceptable to the member of staff should seek advice from the LA lead officer. According to circumstances, appropriate counselling services should be considered.

20.2 If a member of staff has not been suspended but there are concerns about aspects of his/her conduct, a full investigation should be undertaken before making a decision about further action under disciplinary procedures (see Appendix).

21. Outcome of Disciplinary Investigation

21.1 At the end of the investigation the member of staff will be informed of the next steps. If the outcome is a disciplinary charge, further action will be in accordance with the school's disciplinary procedures and will happen after child protection enquiries (see paragraph 10.2). Advice about the disciplinary procedures to be followed should be sought from the school's HR Manager.

21.2 If the individual has been suspended and it is later decided not to proceed with any form of disciplinary action, the suspension should be lifted immediately. The head teacher/nominated governors should meet the member of staff to discuss the arrangements for their return to work.

21.3 Other than in the event of dismissal, the school should provide the opportunity for informal counselling. This could be used to give appropriate guidance, support and

reassurance and help, where necessary, to rebuild confidence. There may also be a need for specific guidance and sympathetic consideration may need to be given to other employment options, in consultation with the local education authority.

- 21.4 The DfES advice is that where a member of staff tenders his or her resignation (or ceases to provide their services) this must not prevent the allegation being followed up in accordance with these procedures. It is important that every effort is made to reach a conclusion in cases of allegations bearing on the safety and welfare of children (including where the person concerned refuses to co-operate with the process). It may be difficult to reach a conclusion in such circumstances and it may not be possible to apply any disciplinary sanction if the person's period of notice expires before the process is complete, but it is important to reach and record a conclusion wherever possible. By the same token, a Compromise Agreement by which a person agrees to resign, the school agrees not to pursue disciplinary action, and both parties agree a form of words to be used in future references must not be used in these cases.
- 21.5 On the conclusion of any investigation and any related disciplinary proceedings, the child or children who made the allegations and their parents should be informed of the outcome of the proceedings. This should be prior to the person's return to school if he or she has been suspended. In some circumstances, consideration should be given to the broader disclosure of details of the outcome, together with reasons, for example, where the issues are of general importance, have become common knowledge or have been the subject of general gossip and there is a need to provide accurate details for public information. The authority's public relations department may be able to offer appropriate advice.
- 21.6 Appropriate counselling and support should be offered to the child or children who made the allegations and, where appropriate, their parents, by the time the member of staff returns to school. In particular, this should take into account a child's particular needs where a false or malicious allegation has been made.
- 21.7 Where the person is dismissed the LA designated officer should discuss with the school (and HR Services) whether a referral to the DfES and the GTC is required.
- 21.8 In cases where it is decided on the conclusion of the case that a person who has been

suspended can return to work the school should consider how best to facilitate this. Most people will benefit from help and support to make a successful return after a stressful experience. Depending on the individual's circumstances, a phased return and/or the provision of mentor to provide help and support in the short term may be appropriate. The school should also consider how the persons contact with the child (or children) who made the allegation can best be managed if they are still attending school.

- 21.9 At the conclusion case the school representatives, the LA designated officer and other relevant staff of the LA should review the circumstances and decide whether any amendments are needed to the policies and procedures adopted.

22. **Records**

- 22.1 Documents relating to an investigation must be retained, in a secure place by the school, together with a written record of the outcome of the investigation and, where disciplinary action has been taken, retained on the member of staff's personal and confidential file in accordance with the school's disciplinary procedures.
- 22.2 If the member of staff is dismissed, or resigns before a disciplinary process is completed, he/she should be informed about the employer's statutory duty to report the case to the Department for Education and Skills Teachers' Misconduct Section, for consideration for their debarring from further employment.
- 22.3 Where a pupil has made an allegation, a copy of the statement or the record made of it should be kept on the section of a pupil's personal file which is not open to disclosure, together with a written record of the outcome of the investigation. If there are related criminal or civil proceedings, records may be subject to disclosure; and, therefore, no assurances can be given of confidentiality.
- 22.4 The records should be retained at least until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

23. **Postscript**

The nominated governor/head teacher and/or the LA may find it helpful to consider at the conclusion of the investigation whether there are any general matters arising from it which should be brought to the attention of managers within the LA or of the ACPC as perhaps warranting a review of local policy or procedures. The publication of any such information to managers or the ACPC should preserve confidentiality for the member of staff and children involved in the investigation. Any training needs of staff, either individual, for the whole school staff or for the wider LA community, might also be considered as part of such a review.

**Investigative Procedures after Child Protection
And Criminal Offence Questions Have Been Resolved
Preliminary to Considering Disciplinary Action
Guidance**

1. **The Aim** of an investigation is to obtain, as far as possible, a fair and balanced picture, which should be reflected in an accurate written record. The aim is not to prove or disprove an allegation. The investigation is a fact finding exercise and is preliminary to considering the appropriateness of disciplinary action.
2. Undertakings of confidentiality should not be given to either a person making allegations or those interviewed. All evidence compiled in the investigation and to be relied on should be made available to the parties in any subsequent disciplinary proceedings and those giving evidence in the investigation should be so informed.
3. **Children or parents making allegations** should be interviewed and a record made of their allegations in the form of signed and dated statements (See section S.1 “Listening to Children”). If these statements are made in the course of an internal investigation then they may be passed to the police should the matter subsequently become the subject of a police investigation. As a matter of good practice, the authors of the statements should be informed that they might be disclosed to the police. In the case of statements, or other evidence gathered in the course of an investigation, made to the police as part of any criminal investigation, they can only be provided to the school as part of a disciplinary investigation with the consent of the police and the signatories of the statements. Any statements etc which are used in the course of disciplinary hearings should be disclosed to the subject of the hearings, in accordance with the school’s disciplinary procedures.
4. **Preliminary Stages**
 - 4.1 The person undertaking the investigation should seek specialist advice, as necessary, from the school’s HR Manager and should familiarise him/herself with any relevant procedures and guidelines.

4.2 The person investigating should

- define areas to be investigated
- draw up a provisional list of those to be interviewed and a list of topics to be discussed, during the investigation
- check corroborative evidence
- assess the credibility of the person making the allegation.

5. **The Investigation Process**

5.1 Interviews should be carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to make the record. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied should be offered to each interviewee. At the beginning of an interview, a general explanation of the purpose of the investigation should be provided.

5.2 If, at any stage during the investigation, new evidence emerges which make a referral necessary under local child protection procedures or to the police, the investigation should be held in abeyance immediately following such a referral. Consideration should also be given as to whether suspension is appropriate in such circumstances. The disciplinary investigation should only be resumed if the responsible child protection agency and/or the police indicate that such resumption will not interfere with any child protection enquiries or criminal investigations.

6. **Interviewing a Member of Staff Who Is the Subject of an Allegation**

6.1 The point at which this occurs will depend upon the nature of the allegation and the investigation process.

6.2 The member of staff should be informed of:-

- his/her rights under the school's disciplinary procedure, including the right to representation.
- the allegation and invited to respond and to make a statement.
- the right either to respond or decline to respond.

6.3 Full notes should be taken of the interview and the member of staff invited to read and sign them as a true record after the interview. (A copy of the notes will be given to the member of staff.)

6.4 The member of staff should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed.

7. **Compiling a Report**

7.1 Once all the relevant persons have been interviewed and all the relevant issues have been explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report.

7.2 Consideration should again be given as to whether there are matters which should be referred under local child protection procedures or to the police and whether suspension is appropriate. If there is such a referral, further proceedings at school level should be held in abeyance, and only resumed in accordance with the process outlined at 7.4 above.

8. **Subsequent Action**

A decision will need to be taken at this stage on whether further action should be taken, including the possible referral of the report under disciplinary proceedings.

Guidance on Preventing Abuse Of Trust

For Teachers, Education Staff and Volunteers

Guidance for teachers, education staff and volunteers on preventing the abuse of trust

1 Guidance for all schools and educational establishments

- 1.1 The Sexual Offences (Amendment) Act 2000 establishes a criminal offence of the abuse of trust, affecting teachers and others who are in relationship of trust with 16-18 year olds. This guidance will be relevant in the context of that legislation as well as standing in its own right. A relationship of trust, for the purposes of this Guidance, is one where a teacher, member of education staff or volunteer is in a position of power or influence over a pupil or student by virtue of the work or nature of the activity being undertaken. Section 5 of this Guidance gives advice about the principles in a relationship of trust.
- 1.2 This guidance is based on guidance agreed nationally by representatives of the local education authorities and the six teacher organisations in England and Wales and the guidelines are based on the Home Office Guidance "Caring for young people and the vulnerable?" published in October 1999.
- 1.3 This guidance explains the circumstances in which an abuse of trust would arise and sets out basic principles surrounding the issue. Teachers, education staff and volunteers need to be clear about what kind of behaviour is acceptable and that which is not. Schools should have statements, developed at local level, which give guidance to teachers, education staff and volunteers about the kind of behaviour which is unacceptable and the circumstances which should be avoided in order to limit complaints against teachers of the abuse of trust and/or allegations of physical or sexual abuse. Attached to this document at Appendix 1 is a model statement on conduct, based on one produced by the national Employers' Organisation, NEOST, and recommended for adoption by schools.
- 1.4 The guidance is designed to apply to all staff and volunteers working in schools. Volunteers undertake unpaid work in schools on tasks ranging from help with reading, out-of-school learning, school trips and residential off-site visits and this advice is intended to cover all such volunteers.

2 Aim of the Guidance

- 2.1 The guidance is aimed at helping schools provide safeguards and prevent abuses of trust involving some form of sexual activity.
- 2.2 The guidance is aimed at protecting both those in a position of trust: teachers, other education staff and volunteers, and those for whom they are responsible: pupils and students. Those in a position of trust carry the responsibility of ensuring that they do not abuse their position or put themselves in a position where allegations of abuse of trust, whether justified or unfounded, could be made.

3 Scope of the Guidance

- 3.1 The guidance is intended to protect young people in schools and colleges who are over the age of consent but under 18 years of age. The guidance is also intended to protect vulnerable adults who are in full-time education. The guidance applies where a relationship of trust exists between a young person or vulnerable adult and his or her teacher, other member of education staff or volunteer.
- 3.2 Home Office guidance points out that, although young people of 16 or 17 can legally consent to some types of sexual activity, they may be still relatively immature emotionally. In many areas of the law, for example the right to vote or the provisions of the Children Act 1989, they are still classed as children. Teachers, other education staff and volunteers have to recognise this vulnerability and ensure it is not exploited.
- 3.3 The Home Office guidance further points out that there is no precise definition of a vulnerable adult and adults over the age of 18 should be seen as fully competent and able to make their own decisions whatever their age or any disability they may have (except where legally deemed incapable of consent by reason of mental incapacity). Nevertheless, within the education service, there are relationships between vulnerable adults and their carers and teachers, based on authority and trust, where any sexual relationship would be unacceptable while the relationship continues.

4 Principle of equality

- 4.1 The principles behind the guidance apply irrespective of sexual orientation; neither homosexual nor heterosexual relationships are acceptable within a position of trust. The principles apply equally to all without regard to gender, race, religion, sexual orientation or disability. This is an area where it is very important to avoid sexual or other stereotyping. In addition, it is important to recognise that women as well as men may abuse a position of trust.

5 A relationship of trust

- 5.1 A relationship of trust, for the purposes of this Guidance, is one where a teacher, member of education staff or a volunteer is in a position of power or influence over a pupil or student by virtue of the work or nature of the activity being undertaken. Although all relationships between teachers and their pupils are relationships of trust, this guidance is aimed at relationships of trust between teachers, education staff and those pupils or students in circumstances described in (3) above.
- 5.2 A relationship of trust must not be distorted by fear or favour and those in positions of trust must exercise responsibility as consequence of the power they have over those they care for. Where a relationship of trust exists, allowing a relationship to develop in a way that might lead to a sexual relationship is wrong. A sexual relationship will be intrinsically unequal within a relationship of trust and is therefore unacceptable. It is also inappropriate since the professional relationship of trust would be altered.
- 5.3 This guidance should not be interpreted to mean that no genuine relationship can start between two people within a relationship of trust. But given the inequality at the heart of a relationship of trust, the relationship of trust should be ended before any sexual relationship develops.

- 5.4 This guidance should not be interpreted to mean that all forms of physical or close contact with pupils and students should be avoided, in order to avoid misplaced allegations. The guidance is concerned with avoiding sexual activity in a relationship of trust. A test of that would be what a reasonable person would consider to be sexual in all the circumstances. The Department for Education and Employment already gives guidance on physical contact with pupils in Circular 10/95 and on restraint in Circular 10/98, both of which give examples of circumstances where physical contact is appropriate.

6 Procedural issues

- 6.1 Procedures determined locally should be in place to ensure that schools and those who work in them know what course of action to follow if an abuse of trust is reported or suspected. There are national procedural guidelines which have been agreed and promulgated by representatives of the local education authorities and the six teacher organisations which were developed for dealing with allegations of physical or sexual abuse. These guidelines are also recommended as suitable for dealing with allegations of abuse of trust and are appended to DfEE Circular 10/95. The guidelines are designed to protect young people from abuse and contain safeguards to protect those maliciously, falsely or mistakenly suspected or accused.

7 Seeking advice in circumstances where concerns arise

- 7.1 This section is intended to give guidance to individual teachers, education staff and volunteers who have concerns about circumstances which could represent an abuse of trust. The procedures to be followed where there is an allegation of an abuse of trust are those referred to in 6.1 above.
- 7.2 It is important that, in schools, a culture of openness should be fostered in which teachers, education staff and volunteers feel able to raise issues of concern to them and that their duty to do so in terms of child protection is recognised. Individuals who make public interest disclosures will have the protection of the relevant legislation.
- 7.3 Further, it is important to recognise that a variety of circumstances can arise, including a sexual relationship at one end of the scale, through close friendships, to, at the other end of the scale, an innocent situation which has been entirely misconstrued. The advice set out below applies to all of these, although the action required to respond to each set of circumstances will vary considerably. Teachers, education staff and volunteers should take steps to minimise the risk of circumstances being misconstrued or misunderstood.
- 7.4 The primary aim of raising any issue of concern must be to help to prevent a situation developing which, if it does, is likely to have a detrimental effect on the young person involved and potentially serious outcomes in terms of disciplinary action, termination of employment for a teacher or member of education staff and possibly barring from further work with children. When draft legislation becomes law, the possibility of criminal investigations by the police will also arise.
- 7.5 Certain general principles apply to any situation involving a potential abuse of trust, as they do in any circumstances where there may be a child protection issue. A teacher, member of education staff, or volunteer with concerns about any situation must record and report that situation and seek professional advice. Contemporaneous recording and reporting to the headteacher, line manager or other

nominated person will avoid circumstances being misconstrued and ensure that the situation is responded to appropriately. Contemporaneous recording and reporting the facts of the situation will also assist in responding to a subsequent complaint from any source. Assistance can be sought from the member of staff's trade union or professional association. Advice is available from the Central Bedfordshire Human Resources Team, currently at Borough Hall.

These principles apply to all of the possible scenarios described below.

- 7.6 If a teacher or member of education staff or volunteer is concerned that he or she might be developing a relationship with a pupil or vulnerable adult which could have the potential to represent an abuse of trust, the first advice must be to ensure that the relationship does not develop further. It can be particularly important in this context to note the advice already given above, that teachers and education staff should take steps to minimise risk and to avoid situations which might be misconstrued.
- 7.7 A teacher or member of education staff who needs advice about what might be a developing relationship should contact his or her trade union or professional association. Professional advice should also be available on a confidential basis from the teacher's headteacher or other line manager. Advice may also be sought from the school's HR Manager.
- 7.8 If a teacher or member of education staff is concerned that a student or vulnerable adult is becoming attracted to him or her or that there is a developing attachment or dependency, the teacher must record and report the situation and seek professional advice, in accordance with 7.5.
- 7.9 Similarly, if a teacher, member of education staff or volunteer is concerned that his or her actions or words have been misunderstood or misconstrued by a pupil or vulnerable adult, or circumstances arise such that an abuse of trust might be wrongly suspected by others, the advice in 7.5 should be followed as to recording, reporting and seeking advice on the appropriate response to the particular set of circumstances.
- 7.10 If a teacher, member of education staff or volunteer is concerned about the apparent development of relationship by another member of staff or volunteer, or receives a report from a pupil about such a relationship, it is again important to seek advice from the sources already described. The procedures referred to in 6.1 include advice on reporting and responding to such situations.

GUIDANCE ABOUT CONDUCT FOR STAFF, VOLUNTEERS, GOVERNORS, ETC WHOSE WORK BRINGS THEM INTO CONTACT WITH YOUNG PEOPLE

1. INTRODUCTION

This guidance is intended to assist schools develop and review codes of conduct to help staff and volunteers to minimise the risk of being accused of improper conduct towards the young people with whom they come into contact during their work. The subject should be covered in schools' induction arrangements for all staff and volunteers.

It would be impossible and inappropriate to lay down hard and fast rules to cover all the circumstances in which staff relate to pupils and where opportunities for their conduct to be misconstrued might occur. Staff must exercise professional judgement in their dealings with pupils. For the vast majority of staff this code of conduct will serve only to confirm what has always been their practice. If staff have any doubts about the advice contained in this document they should consult their head teacher.

From time to time, however, it is advisable for all staff to reappraise their teaching styles, relationships with pupils and their manner and approach to individual pupils, to ensure that they give no grounds for any doubts in the minds of colleagues, pupils or parents.

1.1 Child Abuse

Child abuse may be physical, sexual or psychological. Whilst child abusers may be relatives or friends of the family, some meet children in other contexts and a small minority of these may gain access to children in schools as teachers or support staff or through their voluntary involvement in school activities. Pupils should not feel inhibited from reporting abuse against them by staff or volunteers, or any incident where a pupil has grounds to believe that a member of staff has crossed the boundary of acceptable behaviour. Head teachers and staff will continue to do all they can to ensure that the environment within schools encourages pupils and staff to make truthful reports of any inappropriate behaviour.

The action to be taken by staff when they suspect a pupil is being abused by a person outside or inside the school, and the steps that should be taken if an allegation of abuse is made against a member of staff by a pupil, are set out in the school's child protection procedure and all staff should be familiar with that.

1.2 Other procedures and guidance

Staff should also be familiar with the school's policies about physical contact with pupils, the use of reasonable force to control or restrain pupils, and the procedures that should be followed if a pupil needs first aid or medical attention.

2. GUIDELINES FOR STAFF

2.1 Private meetings with pupils

- (a) Staff and volunteers should be aware that private meetings with individual pupils may give rise to concern. There will be occasions when a confidential interview or a one to one meeting is necessary, but, where possible, such interviews should be conducted in a room with visual access, or with the door open, or in a room or area which is likely to be frequented by other people, and another pupil or adult should be present or nearby . Where such conditions cannot apply, staff should to ensure that another adult knows that the interview is taking place.
- (b) Meetings with pupils away from the school premises should only be arranged with the specific approval of the head teacher.

2.2 Physical Contact with pupils

- (a) Physical contact may be misconstrued by a pupil, parent or observer. Touching pupils, including well intentioned informal and formal gestures such as putting a hand on the should or arm, can, if repeated regularly, lead to serious questions being raised. As a general principle staff must not make gratuitous physical contact with their pupils. It is particularly unwise to attribute touching to their teaching style or as a way of relating to pupils.
- (b) Any form of physical punishment of pupils is unlawful as is any form of physical response to misbehaviour unless it is by way of restraint. It is particularly important that staff understand this both to protect their own position and the overall reputation of the school.

2.3 Where physical contact may be acceptable

- (a) There may be occasions where a distressed pupil needs comfort and reassurance which may include physical comforting such as a caring parent would give. Staff should use their discretion in such cases to ensure that what is, and what is seen to be by others present, normal and natural does not become unnecessary and unjustified contact, particularly with the same pupil over a period of time. Where a member of staff has a particular concern about the need to provide this type of care and reassurance he/she should seek the advice of the head teacher.
- (b) Some staff are likely to come into physical contact with pupils from time to time in the course of their duties. Examples include: showing a pupil how to use a piece of apparatus or equipment; demonstrating a move or exercise during games or PE, and; contact activities at a youth club. Staff should be aware of the limits within which such contact should properly take place and of the possibility of such contact being misinterpreted.

- (c) There may be occasions where it is necessary for staff to restrain a pupil physically to prevent him/her from inflicting injury to others or self-injury, damaging property, or causing disruption. In such cases only the minimum force necessary may be used and any action taken must be to restrain the pupil. Where an employee has taken action to physically restrain a pupil he/she should make a written report of the incident in the form prescribed by the school's policy on restraint.

2.4 Caring for pupils with particular problems

- (a) Staff who have to administer first aid should ensure wherever possible that other children or another adult are present if they are in any doubt as to whether necessary physical contact could be misconstrued.
- (b) Wherever possible staff who have to help children with toileting difficulties should be accompanied by another adult, and pupils should, wherever possible, be encouraged to change themselves. It is accepted that there will be some situations where pupils will present particular problems for staff and the emphasis will be on what is reasonable in all the circumstances.

2.5 Relationships and attitudes

- (a) All staff should clearly understand the need to maintain appropriate boundaries in their dealings with pupils. Intimate or sexual relationships between staff and pupils will be regarded as a grave breach of trust, and any sexual activity between a member of staff and a pupil under 18 years of age may be a criminal offence.
- (b) All staff should ensure that their relationships with pupils are appropriate to the age and gender of the pupils, and take care that their language or conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when members of staff of either sex are dealing with adolescent boys and girls.
- (c) From time to time staff may encounter pupils who display attention seeking behaviour, or profess to be attracted to them. Staff should aim to deal with those situations sensitively and appropriately, but must ensure that their behaviour cannot be misinterpreted. In these circumstances, the member of staff should also ensure that the head teacher or a senior colleague is aware of the situation

2.6 Where conversation of a sensitive nature may be appropriate

- (a) Many staff have a pastoral responsibility for pupils and in order to fulfil that role effectively there will be occasions where conversations will cover particularly sensitive matters. Staff must, in these circumstances, use their discretion to ensure that, for example, any probing for details cannot be construed as unjustified intrusion.

- (b) Other staff in schools may, from time to time, be approached by pupils for advice. Pupils may also appear distressed and staff may feel the need to ask if all is well. In such cases staff must judge whether it is appropriate for them to offer counselling and advice or whether to refer the pupil to another member of staff with acknowledged pastoral responsibility for the particular pupil.

2.7 Inappropriate comments and discussions with pupils

- (a) As with physical contact, comments by staff to pupils, either individually or in groups, can be misconstrued. As a general principle therefore staff must not make unnecessary comments to and/or about pupils which could be construed to have a sexual connotation. It is also unacceptable for staff to introduce or to encourage debate amongst pupils in class, or elsewhere, which could be construed as having a sexual connotation that is unnecessary given the context of the lesson, or the circumstances. At the same time it is recognised that a topic raised by a pupil is best addressed rather than ignored.
- (b) Systematic use of insensitive, disparaging or sarcastic comments are also unacceptable.

2.8 Extra curricular activities

- (a) Staff should be particularly careful when supervising pupils in extra curricular activities, or a residential setting such as a ski trip, outdoor education camp or extended visit away from home. Typically a less formal approach than usual is appropriate in these settings, but that can be open to misinterpretation. Although a more informal approach is usual in such circumstances, the standard of behaviour expected of staff will be no different from the behaviour expected within school.
- (b) Staff should take care in receiving or giving gifts to pupils which could be misunderstood. Gifts to individual pupils from staff will be exceptional and should be assessed against the school's policy or by a senior member of staff. Inappropriate gifts from pupils should be reported as described in paragraph 2.7.

2.9 Reporting incidents

Following any incident where a member of staff feels that his/her actions have been, or may be, misconstrued he/she should discuss the matter with the head teacher. Where it is agreed with the head teacher the member of staff or volunteer should provide a written report of the incident. A detailed written report should always be made if a member of staff had been obliged to restrain a pupil physically, or where a complaint has been made by a pupil, parent or other adult.