

## **CHILD PROTECTION – CODE OF PRACTICE FOR ST MARGARET’S SCHOOL.**

This information is also in the school handbook which is accessible to all teachers.

### **CHILD PROTECTION**

It is your professional responsibility to be alert to the threat of child abuse, and to refer any suspicion of abuse to the Head Mistress.

Categories of abuse, as defined by the Department of Health, are: neglect, emotional abuse, physical abuse, sexual abuse, grave concern, i.e. where social and medical assessments indicate that a child is at a significant risk of abuse.

If a Pupil discloses information:

Do

- explain that you may have to tell someone;
- allow the pupil to do the talking;
- listen quietly and encouragingly;
- allow the pupil to finish
- record the conversation as soon as possible
- refer to the Head immediately
- write a full report for the Form Tutor and retain a copy

Don't

- make any promises of secrecy;
- postpone or delay the opportunity to listen;
- ask leading questions;
- allow your own feelings, such as anger, pity, shock to surface;
- interpret what you have been told, just record it;
- allow any breach of confidentiality (i.e. only those who need to know should be told about the abuse).

It is essential that staff do not receive information in confidence. The pupil must be told at the outset that information may have to be passed on “the need to know basis”, that is to someone in a position to protect the pupil.

### **CHILD ABUSE**

The importance of the teacher in recognizing a change in the behaviour of a child.

Devon LEA Code of Practice is available for referral, it is in the staff library, please do not remove.

If a teacher considers that the safety of a child is at risk the designated officer should be informed. This is the H.M.

The H.M. will then inform Social Services - Our contact at JACAT is Mrs Anna Flanagan.

Once the families name has been mentioned, then a Social Worker is obliged to investigate.

The subsequent investigation may involve the teacher and/or the school.  
Social Services will decide whether to take the investigation further  
A child may be placed on the Child Protection Register.

The school will not be informed of this decision.

The school may not hear any more after the concern has been reported.

The Pupil Support Group is available to collect information about any pupil that we are concerned about.

There are 4 categories of abuse; none of them are easy to define. Our decision has to be framed by a concern for the safety of the child.

A note should be kept in the child's file and a copy given to the Pupils Support Group of any concern we have, so that if an investigation takes place, we have some information that may be of use.

### **CODE OF PRACTICE**

Because some children are aware of their 'rights' and may choose to use this to accuse a teacher, or other adult of inappropriate behaviour, a code of practice has to be established.

As a teacher we are often in situations that mean that we may be alone with a child. In order to avoid any difficulty make sure that your interview is near an open door so that people passing can see what is taking place. Try to avoid after school situations.

It is advisable to ask another child to wait with the pupil you are dealing with to act as a witness. Make sure that this is somebody you can trust.

Do not attempt to restrain or physically touch a child unless there is a medical reason for taking this action. Make sure that there are witnesses.

Do not respond to any form of provocative behaviour, or comment in any way about the way a girl is dressed, other than to correct uniform details.

If male members of staff have any concerns about the way a 6th former is dressed, please mention this to the Director of 6th form studies or another female member of staff.

Do not allow a pupil to remain in your room after the end of school unless you have informed a colleague.

Although there are times when we may want to put an arm around a girl that is distressed, we have to consider the advisability of such action. If a pupil makes an accusation against a member of staff, the Head Teacher is required to investigate this. Extreme caution should be exercised when dealing with young pupils, particularly during the adolescent years. Careers have been ruined as a result of an unsubstantiated accusation.

### **THE USE OF FORCE TO CONTROL OR RESTRAIN PUPILS**

Ref: Croner Teacher's Briefing Issue No. 68

DfEE Circular 10/98 Section 550A of Education Act 1996 advises that:

“Before intervening physically, a teacher should, wherever practicable, tell the pupil who is misbehaving to stop and what will happen if he or she does not. The teacher should continue attempting to communicate with the pupil throughout the incident and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper or are acting out of anger or frustration or to punish the pupil”

Examples of acceptable physical intervention are:

- Physically interposing between pupils
- Blocking a pupil's path
- Holding
- Pushing
- Pulling
- Leading a pupil by the hand or arm
- Shepherding a pupil away by placing a hand in the centre of the back
- (in extreme circumstances) using more restrictive holds.

Physical contact that would be unreasonable because it could be expected to cause injury includes:

- Holding a pupil around the neck, or by the collar, or in any other way which might restrict the pupil's ability to breathe
- Slapping, punching or kicking a pupil
- Twisting or forcing arms against a joint
- Tripping up a pupil
- Holding or pulling a pupil by the hair or ear
- Holding a pupil face down on the ground

Who should intervene?

Teachers have the power in law to control or restrain pupils by the use of force. The Head may also authorise other school staff to do so. Where a teacher or authorised person does not have the power to intervene, there will be occasions when he or she should not intervene in an incident without help. This is one of the issues that should be covered in the school's physical restraint policy. It is the governing body's responsibility to agree the policy statement and regularly monitor its use. A statement of the school's policy should be part of the information for parents on discipline and behaviour.

The new legislation does not make staff immune to complaints that they have not acted correctly. In an official investigation, the issue of whether the member of staff acted inappropriately is assessed on the balance of probabilities. If there is a criminal investigation, the applied judgement is of proof beyond all reasonable doubt.

### **CHILD PROTECTION – GUIDANCE FROM THE MULTI-DISCIPLINARY CHILD HANDBOOK 1998**

A copy of this handbook is available in the Learning Resources Centre in the Teacher reference section.

## Section 1: Referral of Children

Anybody in any capacity, including members of the public, voluntary or statutory agencies who recognise or suspect child abuse are asked to contact one of the following without delay:-

Social Services.

The NSPCC.

The Police.

Other agencies besides local authorities have statutory duties and/or powers, and all agencies have specific functions and professional objectives. In working together for the protection of children, however, they need to understand that they are not only carrying out their own agencies' functions but are also making, individually and collectively, a vital contribution to advising and assisting the Local Authority in the discharge of its child protection and child care duties.

Note: It is, therefore, essential that whenever one agency becomes concerned that a child may be at risk it shares its information with other agencies as they may have information which will clarify the situation.

This applies whether the child is living at home, with foster carers, in a residential establishment or any other situation. The agencies need to decide how a particular concern will be investigated, and also whether a child protection conference is needed.

Consultation and discussion within agencies and between individual workers and their supervision/line managers should always occur when child abuse is suspected. Any decision to insist that a child protection conference is convened should occur only after such consultation has taken place. Individuals who have no immediate supervisor/line manager are urged to consult directly with the Social Services Directorate or the NSPCC.

Such consultation prior to the convening of a child protection conference will ensure that both sufficient concern exists to warrant action, and also that the necessary enquiries and investigations have been undertaken. This will ensure that the child protection conference is provided with the information necessary for it to make its decision and recommendations.

Each agency's procedures for referral and investigations are contained in Part V of this Handbook.

## SECTION 2: CHILD PROTECTION INVESTIGATIONS IN INDEPENDENT SCHOOLS

The purpose of the policy is to provide a protocol for the safeguarding and promotion of the welfare of children being cared for in independent schools. The policy is particularly relevant where a child is suspected of suffering, or has suffered, significant harm from other pupils, members of staff or any other person within or beyond the school.

### STANDARDS

The same standards apply to the following procedure as for all other child protection investigations.

If a child is considered to be at risk of significant harm, or is suffering harm, from either other children or adults, a referral should be made to the Social Services District Office responsible for the area within which the school is based.

Any person, including the school, parents, Social Services, the Police or children, may make a child protection referral.

Good links between school and their local Social Services are considered crucial. Therefore, independent schools are strongly advised to have a designated member of staff to deal with child protection issues. This person should also establish contact with the Social Services Child Care Team Manager, whether or not there has been a previous child protection referral.

Head teachers and designated members of staff for child protection will be able to seek informal advice from either Social Services, the Area Child Protection Team or the registration officer, prior to any formal decision being made.

On receipt of a referral Social Services will consider:-

- The immediate danger to any child and the suitability of their existing placement or accommodation.
- Whether or not to convene a strategy meeting.

If convened the following will be invited to attend:-

- The Police Child Protection Team for the area where the school is located.
- The Team Manager for the Social Services Child Care Team.
- The head teacher or the designated member of staff for child protection issues.
- The Registration Officers (Schools) from the Social Services Directorate Registration and Inspection Division.
- A consultant paediatrician where health issues may be a consideration.
- The appropriate Area Education Representative(s) in cases where the Local Education Authority purchases or jointly funds placements.
- Any other relevant professionals such as a social worker, an educational psychologist, a health visitor or so on.

The chairing arrangements and any special circumstances in relation to those invited to attend the strategy meeting will be decided between the child protection officers and the Social Services Team Manager.

The function of the strategy meeting is to gather information and decide whether an investigation should be undertaken, and also to make recommendations on the form and timing of such an investigation.

If the decision is to initiate an investigation, the following issues will be addressed:-

- Establishing sufficient numbers of Police/Social Services personnel to conduct the necessary interviews.
- Establishing the range and role of other personnel in the investigative process.
- Clarifying which other agencies should be informed, and by whom. If the Local Authority judges the matter to be a serious incident, the Social Services Inspectorate (SSI) will be informed.
- Determining the consents required in order to undertake interviews with children, and informing those with parental responsibility for children involved.
- Particular consideration will be given to the special needs of child who are statemented, or who have a physical or sensory disability.

- Determining whether parents, and other local authorities, who have children placed within the school but whose children may not be party to the investigation, ought to be informed.
- Establishing the likely level of media interest, and whether or how a press statement should be prepared.
- Consideration of the counselling needs of children who might be part of the investigation.
- Consideration of employment legislation, and the local disciplinary policies of independent schools, in making any recommendations concerning the suspension of staff or other school employees.
- The distribution of the strategy meeting minutes.
- The proposed timescale of the investigation.

Note: The Director of Social Services, in conjunction with the Chief Constable, can adjudicate in situations where there are conflicting opinions that cannot be negotiated within the child protection process.

It may be necessary to hold interim meetings, as with any investigation process, in order to share information and plan progress.

In order to facilitate a child protection investigation the following information may be requested by the Chair: -

- The views and experience of parents, school staff and any others involved.
- The legal status of the pupil(s).
- Details of the placing authority (where appropriate), of relevant pupils, of any link social workers, if involved, and of those with parental responsibility.
- Details of any previous child protection investigations in the school, which may be relevant.
- Pupil lists and home addresses.

#### **CONCLUSION OF THE INVESTIGATION**

At a final strategy meeting the outcome of any investigation will be considered. Decisions made may include: -

- Whether or not the pupil/pupils should remain within the school.
- Whether or not child protection conferences should be commenced in respect of any individual child.
- Whether there are grounds for criminal proceedings.
- Informing those who have parental responsibility for the children.
- Notification to any involved placing authorities.
- Whether there are grounds for a separate inspection/evaluation by Social Services, or jointly with the Education Department, concerning specific issues within the school related to child protection or child care issues.
- The content of any report to the Education Department or the Social Services Inspectorate.
- Identification of any appropriate counselling and support for those involved.
- How any recommendations will be addressed?
- Identifying the person(s) with responsibility for informing all parties involved of the outcome of the investigation.

#### **GUIDANCE NOTES FOR SCHOOL CO-COORDINATORS**

Co-ordinators are responsible within a school for the proper operation of procedures designed to cause staff to respond sensitively and confidently to the threat of child abuse, and to co-ordinate the response.

It is the co-ordinators responsibility to undertake the following.

Acquaint all teaching and non-teaching staff annually with the procedures (and new staff as and when they take up their posts). Particular attention should be given to the issue of confidentiality of children's statements and the risks of contaminating evidence. In circumstances where a child discloses about abuse, it is essential that the adult to whom the disclosure is made is mindful both of the welfare needs of the child and of the utmost importance of safeguarding evidence in the event of a possible subsequent prosecution of the perpetrator.

The following guidance is taken from the Home Office "Memorandum of Good Practice". While it is intended specifically as advice in connection to the making of video recordings of interviews with children for criminal proceedings, the items of advice are recognised as valid for any disclosing conversation between a child and an adult.

The need to consider a criminal investigation in a childcare case may not immediately be apparent and it is possible that some initial questioning may take place before the Police are involved. Any early discussions with the child should, so far as possible, adhere to the following basic principles: -

- Listen to, rather than directly question, the child.
- Never stop a child who is freely recalling significant events.
- Make a note of the discussion, taking care to record the timing, setting and persons present as well as what was said.

If criminal proceedings go ahead, the child may have what is known as a substantive interview. It is important to avoid any coaching of the child for this interview.

Other responsibilities of the co-ordinator include: -

- To receive all referrals of suspected abuse concerning pupils in the school from any source, including teachers, ancillary staff, parents, or neighbours.
- To ensure that all appropriate staff are aware of children on the Child Protection Register, or of concerns about suspected abuse, especially when children change class or school.
- To establish and maintain a system of factual confidential records. This should include all written and spoken communication concerning child protection cases.
- To liaise with other school coordinators regarding siblings at risk of abuse, or pupils on transfers.
- To consult colleagues as necessary to co-ordinate and plan the form of the school's response.
- To refer to the Social Services duty officer where the child resides.
- In cases requiring urgent medical treatment or examination, to contact a Social Services District duty officer where the child resides so that arrangements may be made for a social worker to accompany the child, or attend at the hospital, whichever

is appropriate, and to inform the parents. The nature and extent of the abuse (medically confirmed) will be needed as evidence.

- In case of physical injury not requiring medical treatment, to contact the school nurse for advice.
- To record the circumstances and the detail of every referral, as soon as possible that day (see above). Include diagrams, where appropriate, on the report forms. The child's own work should be recorded. A record should also be kept of any action taken.
- Referrals to Social Services should be supported by a written report within 24 hours of the referral. A copy of the report should be forwarded to the Education Authority. The school co-ordinator can request the NSPCC to call a case conference if the response by the Social Services to the initial referral is considered unsatisfactory.
- With due regard to confidentiality, to arrange for the 'after care' and monitoring of the child within the school.
- To notify the care manager in writing of any change in circumstances of the child. Also to inform the care manager of any changes in the child's behaviour or appearance, or any concerns about the child.
- A written report by the school co-ordinator is advisable both for the child conference Chair, and the co-ordinator's own records.
- To arrange for representation at all child protection meetings.
- To inform parents that they may attend and/or be represented at a case conference. The child may also be present and be accompanied by an advocate or a Guardian-ad-Litem.
- To ensure that the Education Authority is informed of any change of co-ordinator.

