

Pastoral Care in Schools

CHILD PROTECTION

LEARNING FOR LIFE
DENI
DEPARTMENT OF EDUCATION NORTHERN IRELAND

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Section 1: General

Introduction

1. This booklet provides advice to schools and others on their responsibilities in relation to child protection, including the action to be taken to enable cases of suspected abuse to be properly considered and pursued. It includes guidance on how complaints against school staff should be handled. Its contents do not constitute, or purport to be, an authoritative interpretation of the law: that is exclusively a matter for the courts.

2. Although most of this guidance is framed in terms of schools, many of its messages are also relevant to other education institutions and services, such as Colleges of Further Education, the Youth Service and the Library Service, and those responsible for such bodies should consider how its advice can be adapted to meet their own needs and circumstances: paragraphs 104-107 give some guidance on how this might be done. All Education and Library Boards have circulated to controlled and maintained schools and Colleges of Further Education in their area their policy and procedures on child protection, as has the Council for Catholic Maintained Schools (CCMS) to Catholic maintained schools, and the Area Child Protection Committees. The advice in this booklet assumes the availability of these documents to those in schools and colleges who are preparing or reviewing their own policies and procedures. Further copies of the local guidance can be obtained from the relevant contacts at the addresses listed in Appendix 1: these contacts are, in each case, the designated officers responsible for child protection issues. Voluntary and grant-maintained integrated schools should obtain a copy of the local guidance for reference when compiling or reviewing their own procedures.

The United Nations Convention on the Rights of the Child

3. The United Kingdom agreed to be bound by the Convention in 1991. It lists a number of statements, setting out the rights which all children and young people up to the age of 18 should have, no matter where they live or

whatever their circumstances are. In the context of this guidance, the most important of these are in three Articles:

- Article 19 provides that children have *the right to be protected from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse by those looking after them.*

- Article 12 further provides that *a child who is capable of forming his/her own views should be assured the right to express those views freely in all matters affecting the child,* these views being given due weight in accordance with the age and maturity of the child.

- Finally, and most fundamentally, Article 3 provides that *when organisations make decisions which affect children, the best interests of the child must be a primary consideration.*

The Children Order

4. The central thrust of the Children (Northern Ireland) Order 1995, which came into effect on 4 November 1996, is that *the welfare of the child must be the paramount consideration,* and it is this essential principle which underpins the advice which follows. The Order places duties on a number of agencies, including Education and Library Boards, acting on behalf of children in need or enquiring into allegations of child abuse. The Department of Health and Social Services (DHSS) has produced a series of 6 Volumes of Children Order Regulations and Guidance; the sixth in the series, "Co-operating to Protect Children", provides advice on interagency co-operation on child protection issues. The contents of this booklet are consistent with the DHSS guidance. Extracts from Volume 6, on the contribution of the education services in co-operating to protect children, are provided in Appendix 2, which also includes an explanation of the roles of the designated teacher and of the designated officer in the Education and Library Board and CCMS.

The Sexual Offences (Amendment) Bill

5. It should also be noted that the Sexual Offences (Amendment) Bill, currently before Parliament, will, if given Royal Assent, apply in Northern Ireland later

this year, and will introduce a new criminal offence of abuse of trust in certain defined areas, which include full-time education. In summary, the Bill's provisions will mean that, subject to a limited number of defined defences, it will be a criminal offence for a person in a position of trust in a school to engage in any sexual activity with any person aged under 18 (irrespective of the age of consent, which is age 17 in Northern Ireland) even if the basis of their relationship is consensual.

Summary of Advice

6. *It is strongly recommended that this guidance be considered in full.* The following, however, for ease of reference, are its main elements.

- 'a child', for the purposes of this guidance, is any child or young person under the age of 18;
- it is a child's right to be heard, listened to and taken seriously, and to be consulted according to his/her age and understanding about the proposed action;
- all schools and colleges have a pastoral responsibility towards the children and young people in their charge, and should take all reasonable steps to ensure that their welfare is safeguarded and their safety is preserved;
- in all matters relating to child protection procedures or policies, the best interests of the child must be the paramount consideration;
- every school should designate a teacher to have specific responsibility for child protection matters, and all staff, teaching and non-teaching, should know who this is: a second teacher should also be named to assume the responsibilities of the designated teacher in case of absence;
- there should be clear procedures in place to be followed where the school has been alerted to possible abuse, drawing on the guidance contained in this booklet and, as appropriate, on that provided by the

Area Child Protection Committee (ACPC), the Education and Library Board and CCMS;

- all staff, teaching and non-teaching, should be alert to the signs of possible abuse, and should know the procedures to be followed;

- where child abuse is suspected, it is the responsibility of the Principal to ensure that the appropriate reporting and recording procedures are set in train as quickly as possible; this will normally involve an immediate referral either to the Social Services or to the Police. The designated officer of the Education and Library Board and, as appropriate, the CCMS local Diocesan Administrator, should also be informed;

- any preliminary enquiries should be made carefully and sensitively; it is not the responsibility of education staff to undertake investigations or to make extensive enquiries of other family members or carers: this is a matter for the Social Services and/or Police;

- where an allegation is made against a member of staff and the case is referred to one of the investigating agencies, the Principal should inform the Chairperson of the Board of Governors immediately, and the member of staff in question should either be removed from direct contact with children or be suspended as a precautionary measure pending further investigation;

- where a complaint is made against the Principal, the designated teacher should follow the recording and reporting procedures: the Chairman of the Board of Governors should be informed immediately, and the employing authority consulted;

- all schools should maintain a summary of their child protection arrangements, within their pastoral care policy, including arrangements for how parents can make known to the school any concerns they may have about their child's safety; the summary should be circulated to parents at least once every two years;

- child protection arrangements should be accessible within the school and understood by children so that they know what to do and whom to go to;

- child protection arrangements should also seek to maintain the necessary balance between protecting children and respecting the rights of parents, families/carers and members of staff.

Who is 'a child'?

7. For the purposes of this guidance, the term 'child' has the same meaning as in 'Co-operating to Protect Children', ie any child or young person under the age of 18.

The school's child protection policy

8. As well as their statutory responsibilities in relation to pupils' learning, schools have a pastoral responsibility towards their pupils and should recognise that the children and young people in their charge have a fundamental right to be protected from harm. In particular, schools are expected to do whatever is reasonable, in all the circumstances of the case, to safeguard or promote their pupils' safety and well-being. Children cannot learn effectively or develop unless they feel secure. Every school should, therefore, work to create an ethos which contributes to the care, safety and well-being of children and, *within its pastoral care policy, should maintain a child protection policy statement which reflects both its legal duties and its pastoral responsibilities.* This policy should set out clearly the procedures to be followed in cases of suspected abuse, drawing on the advice provided by the Education and Library Board, and, as appropriate, CCMS, and the ACPC, and on the guidance in this booklet. Equally, it should be consistent with the child protection policies of the other statutory agencies and services working with children, such as the Educational Psychology Service, the Education Welfare Service, and the Social and Health Services. An example of one school's child protection policy (which has been generalised) is given in Appendix 3. Education and Library Boards will be able to provide other models. In particular, each school's policy should provide for the Principal or a senior teacher to be designated as having responsibility for co-ordinating action on child protection matters within the school and liaising with Social

Services and the Police over cases of actual or suspected abuse. A deputy should also be identified to carry out these responsibilities in the designated teacher's absence.

Categories of abuse

9. Child abuse occurs in families from all social classes and cultures and it also occurs in agencies and organisations. Abusers come from all walks of life and all occupations and professions. The following is an extract from "Co-operating to Protect Children"; the definitions it contains are all comprehended in the term 'child abuse' as it appears in this guidance:

"Children may be abused by a parent, a sibling or other relative, a carer (ie a person who has actual custody of a child such as a foster parent or staff member in a residential home), an acquaintance or a stranger, who may be an adult or a young person. The abuse may be the result of a deliberate act or of a failure on the part of a parent or carer to act or to provide proper care, or both. The abuse may take a number of forms, including:

- neglect: the actual or likely[1] persistent or significant neglect of a child, or the failure to protect a child from exposure to any kind of danger, including cold or starvation, or persistent failure to carry out important aspects of care, resulting in the significant impairment of the child's health or development, including non-organic failure to thrive;

- physical injury: actual or likely deliberate physical injury to a child, or wilful or neglectful failure to prevent physical injury or suffering to a child;

[1]Each of these definitions uses the term 'actual or likely'. For practical purposes, 'actual' can be taken to mean 'confirmed', ie that the teacher is satisfied that the abuse has actually happened, and 'likely' can be taken to equate with 'potential' or 'suspected', ie that the teacher believes that the abuse probably happened, or will, or will probably, happen. The words 'confirmed', 'potential' and 'suspected' are taken from the Joint Protocol established by the Police and social workers (see paragraph 11).

- sexual abuse: actual or likely sexual exploitation of a child. The involvement of children and adolescents in sexual activities which they do not truly comprehend, to which they are unable to give informed consent or that violate the social taboos of family roles[2];

- emotional abuse: actual or likely persistent or significant emotional ill-treatment or rejection resulting in severe adverse effects on the emotional, physical and/or behavioural development of a child. All abuse involves some emotional ill-treatment. This is where it is the main or only form of abuse.

These types of abuse apply equally to children with disabilities but the abuse may take slightly different forms, for example, lack of supervision, or the use of physical restraints such as being confined to a wheelchair or bed."

10. An investigation into suspected abuse may result in a court making an emergency protection, care or supervision order if it is satisfied that a child is suffering, or is likely to suffer, 'significant harm'. 'Harm' means ill-treatment or the impairment of health or development, and the question of whether harm is significant is determined in accordance with Article 50(3) of the Children Order. This is, however, only one of a number of possible outcomes of such an investigation, and wherever possible the Social Services will seek to support children and their families rather than pursue an outcome through the courts. It is also worth noting in this context that under the forthcoming Family Homes and Domestic Violence (Northern Ireland) Order 1998, which will come into effect in March 1999, in addition to non-molestation and occupation orders, a court will have the power to attach an exclusion requirement to an interim care or emergency protection order in order to protect children, providing therefore for the removal of the suspected abuser, rather than the child, from the home.

[2]"Co-operating to Protect Children" and the Joint Protocol both advise that "sexual activity involving a child who has achieved sufficient understanding and intelligence to be capable of making up his/her own mind on the matter, while illegal, may not necessarily constitute sexual abuse as defined for the purposes of [this guide] [the Protocol]. One example which could fall into this category is a sexual relationship between a 16 year old girl and her 18 year old boyfriend. The decision to initiate child protection action in such cases is a matter for professional judgement and each case should be considered individually. The criminal aspects of the case will, of course, be dealt with by the Police."

Role of Social Services and the Police

11. Under the 'Protocol for Joint Investigation' established between the Police and Social Services, where either agency receives a report that a child is at risk, the other is automatically informed. Health and Social Services Boards and Trusts have a specific statutory duty to investigate situations where it is believed that a child may be at risk. Investigations are carried out by Social Services and the Police, often jointly. If it is determined that a child or family do need support or services, appropriate action will be taken by Social Services in accordance with their statutory duties; the Police will be concerned with the criminal aspects of the case. The prime consideration of both agencies, in every instance, is the welfare and needs of the child. Both agencies will investigate reports with the utmost discretion and sensitivity; the circumstances of an individual case may, however, require the disclosure of the source of the report, and confidentiality in this regard cannot therefore be assumed.

Support for members of staff making referrals to Social Services/Police

12. Any teacher or other member of staff who follows the procedures in this guidance, and those of the Education and Library Board, CCMS or the ACPC, in making a report of suspected child abuse by any person (whether or not connected with the school), is acting within the course of his/her employment, and in such circumstances, where he/she has acted in good faith, will receive the full support of his/her employing authorities and will not be legally or financially liable should any consequential action be brought against him/her.

The Public Interest Disclosure (Northern Ireland) Order 1998

13. This assurance is given added strength under the provisions of the Public Interest Disclosure (Northern Ireland) Order 1998, which will come into effect in 1999. Under this Order, employees will be protected from suffering detrimental treatment by their employers for disclosing information (in good faith, and in the reasonable belief that it is substantially true) about the conduct of private or public bodies or individual employers ('protected disclosure'). Specifically, protected disclosure includes any disclosure of information which, in the belief of the employee making the disclosure, tends to show that a criminal offence has been, is being or is likely to be,

committed, or that the health or safety of an individual has been, is being or is likely to be, endangered; or that information about such matters has been, is being or is likely to be, deliberately concealed.

Section 2: Possible Abuse

Identifying signs of possible abuse

14. It is always preferable to prevent abuse, or for intervention to take place at the earliest possible stage. Because of their day-to-day contact with individual children, school staff - especially teachers, but also non-teaching staff, including lunch-time supervisors and ancillary or auxiliary staff - are particularly well placed to observe outward symptoms of abnormality or change in appearance, behaviour, learning pattern or development. Such symptoms may be due to a variety of other causes, including bereavement, domestic violence or other changes in family circumstances, or drug, alcohol or solvent misuse. Sometimes, however, they may be due to child abuse. For example, the following may be noticeable:

- bruises, particularly bruises of a regular shape which may indicate the use of an implement such as a strap, or the mark of a hand, lacerations, bite marks or burns, particularly when children change their clothes for physical education, swimming and other sports activities, or when very young children or children with special educational needs are helped with toileting;

- possible indicators of physical neglect, such as inadequate clothing, poor growth, hunger or apparently deficient nutrition;

- possible indicators of emotional abuse, such as excessive dependence, or attention-seeking;

- sexual abuse may exhibit physical signs, or lead to a substantial behavioural change including precocity, withdrawal or inappropriate sexual behaviour;

- any or any combination of the above may be accompanied by or solely manifested in marked deterioration in performance and/or increased absenteeism.

No list of symptoms can be exhaustive. Also, it must always be remembered that alternative medical, psychological or social explanations may exist for the signs and symptoms described above (in particular, bruises to the legs are usually accidental).

15. Pupils who are the victims of abuse often display emotional or behavioural difficulties. In cases of children or young people who are felt to have long-term behavioural problems, the school may wish to seek advice from local support services, for example on the availability of counselling or other systematic therapy, or indeed the need for a statutory assessment, the outcome of which may be the maintenance of a statement of special educational needs. In any event, the school should also monitor and review the child's needs, having due regard to the Special Educational Needs Code of Practice.

16. Signs such as those described above and others can do no more than give rise to concern - they are not in themselves proof that abuse has occurred. But teachers and other staff should be aware of the possible implications of, and alert to, all such signs, particularly if they appear in combination or are regularly repeated. Where a member of staff is concerned that abuse may have occurred, he/she must report this immediately to the designated teacher who has specific responsibility for child protection (see Appendix 2). *The designation of a teacher for this purpose should not, however, be seen as diminishing the role of all members of staff in being alert to signs of abuse and being aware of the procedures to be followed,* including those in cases where an allegation is made against any member of the school's staff, teaching or non-teaching (this is discussed further below).

Confidentiality

17. The relationships which teachers, other education professionals and other staff in the education service have with the children in their charge is based on trust, and often on confidentiality: such relationships are an integral feature of a secure, caring environment which fosters learning and personal development. Staff have, however, a professional responsibility to share relevant information about the protection of children with other professionals, particularly the investigative agencies and, where physical or

sexual abuse is suspected, a legal duty to report this. All staff should recognise, therefore, that, *in order to protect children from harm, cases may arise where confidentiality must be subordinated to the need to take appropriate action, by informing and involving others, in the child's best interests.*

18. If a child confides information in a member of staff which gives cause for concern about possible abuse, and requests that the information be kept secret, it is important that the member of staff should tell the child, sensitively, that he/she has a responsibility to refer cases of alleged abuse to the appropriate agencies for the child's own sake. Within that context, the child should, however, be assured that the matter will be disclosed only to people who need to know about it. Staff who receive information about children and their families in the course of their work should share that information *only* within appropriate professional contexts. No promise of confidentiality can or should ever be made to a child or anyone else giving information about possible abuse.

19. Some victims of abuse find it impossible to talk about their problems to any familiar adult, and signs giving rise to concerns, which might prompt gentle questioning, are not always apparent. It is important, however, that children and young people feel able to share their concerns, whatever they may be, with staff. Their concerns may be about abusive behaviour, but equally they may be, for example, about their schoolwork, or something else that is happening to them or to someone they know which worries them. While staff should try to encourage children to share their concerns with parents where that is appropriate, there may be circumstances where pressure to pass the information on may result in the child keeping the problem to him- or herself and so allowing it to become worse; or the child may become reluctant to share concerns in the future.

20. The box below gives an example of a statement on confidentiality which a school might give to pupils, or place on noticeboards. It is important that parents know that it is the aim of the school always to act in the best interests of the child and to encourage the fullest possible involvement of and consultation with parents; but it is also important that children and young people know that there is someone they can talk to.

- If you have something important to talk to staff about

- if you are worried about something that is happening to you, or to someone you know

- if you need help, or if you need to know how to get help

  the staff are here to listen and to help - they will try to do what they can.

- If you are worried about telling things in confidence

  tell the staff - they will understand. If they are concerned about your safety, they may need to share this with others, but they will always tell you first.

- If you are still unsure about talking to a member of staff, you can telephone

  ChildLine on 0800-1111

  NSPCC on 0800-800500

  These calls are free, and they will not show up on your phone bill.

  They will help you work out what to do next.

More details of useful local and national helplines are provided in Appendix 4. Similarly, Social Services can provide a range of information leaflets on child abuse which can be displayed on noticeboards and in places where pupils come together.

Talking to children where there are concerns about possible abuse

21. Where teachers see signs which cause them concern, they should, as a first step, seek some clarification from the child with tact and understanding. Where a classroom assistant or another member of the school's ancillary or auxiliary staff sees such signs, he/she should immediately bring them to the attention of either the class teacher or the designated teacher, and it may be appropriate for the necessary clarification to be carried out by the teacher. Such clarification may reassure teachers that abuse has not occurred; but signs and symptoms which cause concern, while perhaps not a result of abuse, may nevertheless indicate that the child or his/her family is in need of Social Services' intervention.

22. Care must be taken in asking, and interpreting children's responses to, questions about indications of abuse. The same considerations apply when a child makes an allegation of abuse, or volunteers information which amounts to that. In some circumstances, talking to the child will quickly crystallise initial concerns into a suspicion that abuse has occurred, and point to the need for an immediate referral. Staff should be aware that the way in which they talk to a child can have an effect on the evidence which is put forward if there are subsequent criminal proceedings, and the extent of questioning should, therefore, be kept to a minimum:

    - they should not ask the child leading questions, as this can later be interpreted as putting ideas into the child's mind;

    - they should not, therefore, ask questions which encourage the child to change his/her version of events in any way, or which impose the adult's own assumptions. For example, staff should say, "Tell me what has happened", rather than, "Did they do X to you?";

    - the chief task at this stage is to *listen* to the child, and not to interrupt or try to interpret if he/she is freely recalling significant events, and as soon as possible afterwards to make a note of the discussion to pass on to the designated teacher. The note should record the time, date, place and people who were present, as well as what was said. Signs of physical injury observed should be described in detail, but *under no circumstances should a child's clothing be removed;*

- any comment by the child, or subsequently by a parent or carer or other adult, about how an injury occurred should be written down as soon as possible afterwards, preferably quoting words actually used;

- staff should not give the child or young person undertakings of confidentiality (see paragraphs 17 and 18), although they can and should, of course, reassure that information will be disclosed only to those professionals who need to know;

- they should also be aware that their note of the discussion may need to be used in any subsequent court proceedings. Subsequent sections of this booklet give guidance on record-keeping. It should be emphasised that lack of proper records will not, of itself, exempt the school from any subsequent requirement to give evidence in court; *it is therefore essential that proper contemporaneous records are kept.*

Where the school has concerns, or has been given information, about possible abuse by anyone other than a member of the school's staff (see also figure 1 on page 20)

Child displaying symptoms of, or school alerted to, possible abuse

23. In all cases where symptoms displayed by a child give rise to concerns about possible abuse, or about the welfare of the child, the teacher or other member of staff should report these concerns to the designated teacher. A parent or other carer may also give information to a member of staff of the school which gives rise to concern about possible child abuse by someone outside the school, or by a person working in the school in a volunteer capacity. The member of staff should advise the person making the complaint that the matter will be brought to the attention of the teacher responsible for child protection matters in the school.

24. In order to form a view on whether a child or children may indeed be being abused, or at risk of possible abuse, the Principal may need to seek discreet preliminary clarification from the person making the complaint or giving the information, or from others who may have relevant information. While such clarification will often help to confirm or allay concerns, *it is not the*

responsibility of teachers and other education staff to carry out investigations into cases of suspected abuse, or to make extensive enquiries of members of the child's family or other carers. This is the responsibility of the investigating agencies: the Social Services and/or Police. Schools should not take action beyond that set out in the procedures in this guidance, and those established by their Education and Library Board, CCMS and ACPC, to be followed in handling suspected cases of abuse.

Sources of advice

25. If the Principal is unsure about whether a case should be referred, or has a general concern about a child's health or development, he/she may wish to seek advice or information in the first instance from class teachers who are familiar with the child. The Social Services may be contacted for advice. Consultation with or referral to Social Services will not automatically trigger a child protection investigation in every case: child protection proceedings will only be taken when they are necessary. In certain circumstances, however, a decision that an investigation is necessary may properly result, whether or not the school intended a formal referral.

26. Advice and support can also be sought from the designated officers of the Education and Library Board and/or CCMS, as well as from a number of local sources: see Appendices 1 and 4.

27. A child who is neither being abused nor at risk of abuse may nevertheless be in need of help from Social Services, and such cases need to be made known to Social Services. Social Services welcome indications of concern at an early stage, and often can provide assistance or services to a family and prevent circumstances reaching a stage when child protection proceedings become necessary.

Procedures to be followed

28. The reporting procedures are:

- the person receiving the complaint (or information), or noticing signs of possible abuse, must notify the designated teacher for child protection in the school;

- the designated teacher must notify the Principal, and together they will decide, taking advice as necessary, if the information is such that the matter should be referred immediately to the Social Services (if agreement cannot be reached, the decision should be made by the Principal; but where there is doubt, a referral should be made).

29. If the school considers that a referral is necessary, it is the Principal's responsibility to ensure that the following are immediately notified:

    - the Social Services or the Police; and

    - the designated officer for child protection in the Education and Library Board and, if the school is a Catholic maintained school, the designated officer for child protection in CCMS.

    A suggested pro-forma for referral is offered at Appendix 5.

30. *Where the Principal has concerns about possible child abuse, even if he/she remains unsure that abuse has taken place or might take place, referral should be immediate.* In discussion with the Social Services, an early consideration should be to agree how, when and by whom, the parent(s) (other than the complainant) will be informed. Where the Principal decides not to make a referral, the parent(s) and the complainant (if different) should be informed as soon as possible of this decision, of the information which the school was given, and that it has been decided that a referral is not warranted; they should also be advised that, if they still have concerns, they may raise the matter directly with Social Services.

31. If the information about possible abuse by someone outside the school is given to a member of staff by a pupil, whether or not the pupil is the subject of the alleged abuse, the procedures described above apply, except that the parent of the pupil giving the information (unless he/she is the possible abuser) should be involved at the earliest possible stage, and should, where possible, be present while the school is seeking any preliminary clarification from the child to assess whether a referral is necessary.

Record-keeping

32. The Principal should ensure that proper records, dated and signed, are kept of all complaints or information received, and all concerns about possible abuse noted by staff. As soon as possible he/she should obtain a written record from the member of staff who received the information, or otherwise has concerns about possible abuse, setting out:

- the nature of the information;
- who gave it;
- the time, date and circumstances;
- where the concern relates to signs or symptoms of possible abuse, a description of these.

The Principal or designated teacher should supplement the record with:

- details of any advice sought, from whom and when;
- the decision reached as to whether the case should be referred to Social Services; and, if so,
- how, when and by whom this was done;
- otherwise, reasons for not referring to Social Services.

See also paragraphs 59-64 below on Reports and Record-keeping: General.

33. The person who made the complaint, or gave the information, should be advised as soon as possible by the Principal or designated teacher about whether or not the complaint has been referred to an investigating agency. How this is done, when and by whom, should also be included in the record.

Complaint against a member of the Board of Governors

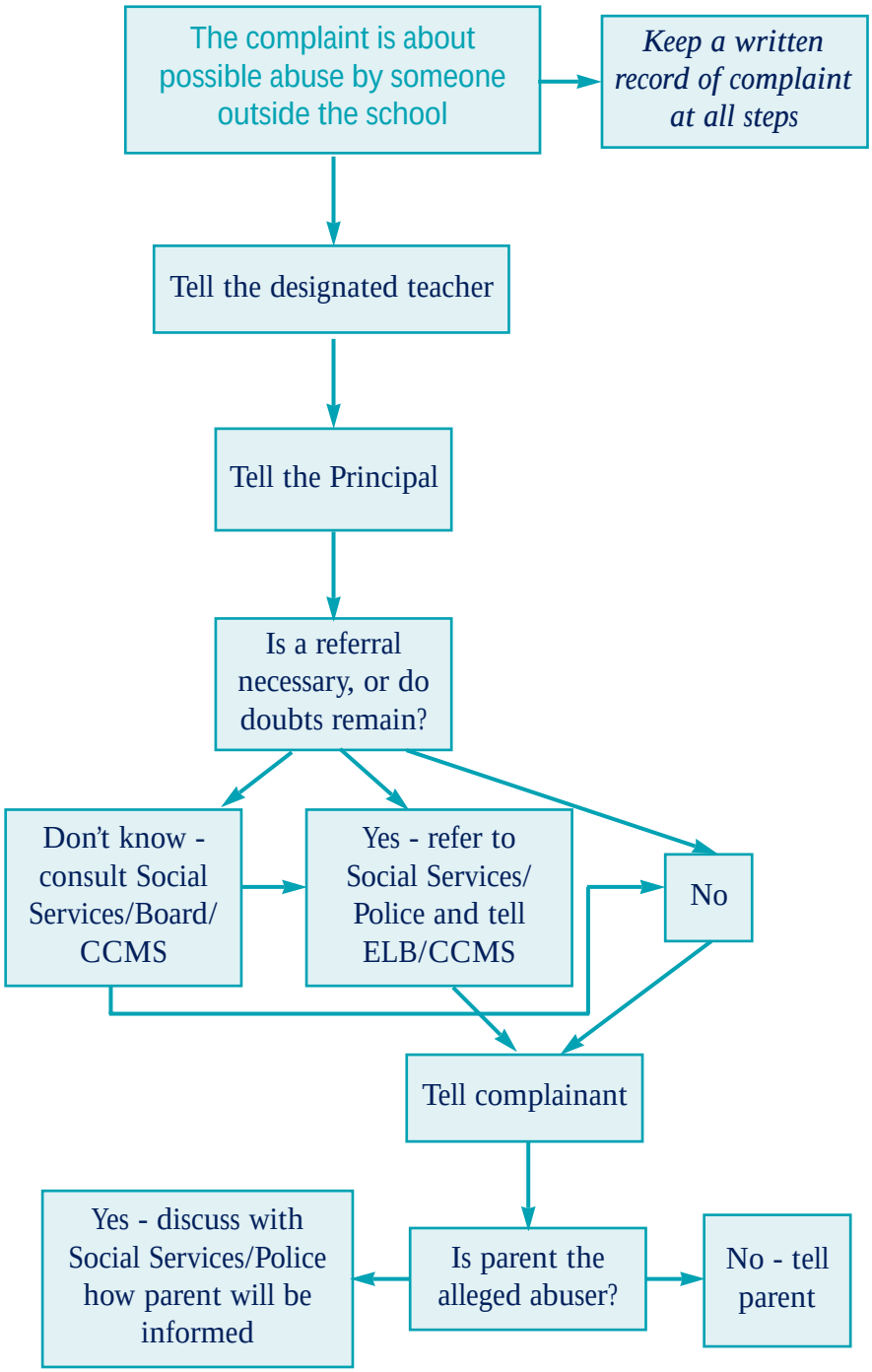
34. Where a member of staff receives a complaint concerning possible child abuse by a member of the Board of Governors, all aspects of the above procedures for complaints against a person other than a member of staff should be followed. The Principal should immediately inform the Chairperson, unless he/she is the subject of the complaint, in which case the Chairperson's role should be exercised by the Vice-Chairperson. In the case of a controlled or Catholic maintained school, the designated officer of the Education and Library Board or CCMS, as appropriate, should be informed immediately.

Complaint against a Volunteer

35. Any complaint about the conduct of a person working in the school in a voluntary capacity should be treated in the same manner as complaints against a person who is not on the school's staff, and the above procedures followed. If the Principal has any concern that a child may be at risk, the services of the volunteer should be terminated immediately.

Figure 1

Procedure where the school has concerns, or has been given information, about possible abuse by someone other than a member of the school's staff



Section 3: Complaints Against School Staff

Where a complaint is made about possible abuse by a member of staff of the school (see also figure 2 on page 30)

Procedures to be followed

36. A complaint or allegation may be made, in the context of child protection, about the conduct or activities of a member of staff of the school towards a child or children. If the complaint has not been made directly to the Principal and he/she is not the subject of the complaint, it should be referred directly to him/her by the person to whom it was made.

37. To form a clearer view on the complaint, the Principal may need to seek discreet preliminary clarification from the person making the complaint or giving the information, or from others who may have relevant information. *It is not, however, the responsibility of the school to carry out investigations into cases of suspected abuse, or to make extensive enquiries of members of the child's family or other carers.* The school should not take action beyond that set out in the procedures established by their Education and Library Board, CCMS and ACPC to be followed in handling cases of suspected abuse.

38. Having satisfied him/herself that a complaint has indeed been made, the Principal should immediately:

- inform the designated teacher (if he/she is not the subject of the complaint), who will initiate the record of the complaint;
- consult, as a matter of urgency and in confidence, with the designated officer of the Education and Library Board or CCMS, as appropriate, to form an initial assessment as to whether or not there is sufficient substance in the allegation to warrant further action; and
- consult the Chairperson of the Board of Governors.

39. Deciding what to do when such an allegation is made is a difficult and sensitive matter. The need to protect children must be paramount, but the need to protect members of staff against unfounded, but nonetheless potentially damaging, allegations must also be considered. Officers of the Education and Library Boards and CCMS are experienced in dealing with such cases, and are willing to give advice to any school facing these circumstances.

40. In the light of any advice taken, the Principal (where he/she is not the subject of the complaint), in consultation with the Chairperson of the Board of Governors, will decide that:

    a. the allegation is apparently without substance, and no further action is necessary; or

    b. an immediate referral to the Social Services or the Police is warranted; or

    c. the allegation concerns inappropriate behaviour which needs to be considered under the disciplinary procedures.

41. The following are some general examples (by no means exhaustive) of the types of complaints or allegations, and/or circumstances, in which a decision falling within these categories may be made:

    a. no further action: where the Principal is able to satisfy him/herself immediately that it would have been impossible for the person complained of to have committed the alleged action or offence, for example where it was established that he/she was absent from the alleged location (perhaps on holiday abroad, hospitalised, on a training course or attending a conference) at the time when it is claimed the offence took place;

b. an immediate referral is warranted: where the Principal believes that it was possible for the alleged offence to have been carried out by the person against whom the allegation is made; and where the allegation is sufficiently detailed and, in particular, if it is substantiated (eg by an account from a third party, or by physical evidence), in such manner that the Principal believes that the allegation may have substance. Clear, detailed allegations which give rise to concerns about possible physical abuse, or inappropriate sexual conduct, either verbal or physical, towards a child, whether or not corroborated, should always merit a referral. In particular, allegations of sexual abuse made by a child need to be investigated. Children, particularly young children, rarely fabricate claims of sexual abuse, and in such cases the presumption should always be in favour of the protection of the child or children.

c. the complaint should be addressed under the disciplinary procedures: where the complaint relates to inappropriate teaching content, or certain types of bullying behaviour by a teacher or other member of staff (see paragraph 72).

42. A complaint may be made by a child or a member of a family with a history of making complaints to the school. While such a history can be borne in mind, **every** allegation of misconduct must be treated seriously and the above procedures followed.

a. No further action

43. Where it is decided that no further action is necessary, it is the Principal's responsibility to:

- advise the member of staff concerned (where this has not already been done) that a complaint has been made and the nature of it; and also of the fact that it is considered to be without substance and no further action is being taken;

- advise the designated officer in the Education and Library Board/CCMS, as appropriate, of the decision taken; and

- advise the complainant, in writing, of the action taken on foot of the complaint and its outcome, including information on other means of pursuing their complaint if they remain dissatisfied: for example, to the Chairperson of the Board of Governors, including how he/she can be contacted through the school.

44. In these circumstances the Principal should consider whether the child may have been abused by someone else, and if necessary report the matter to the Social Services for follow-up; it may also be appropriate to consider counselling for the child and for the member of staff concerned.

Record-keeping

45. The Principal should place a **brief** record of the complaint on the file of the pupil concerned, indicating the nature of the complaint, when, by whom and to whom it was made, and a short explanation why it was considered that no further action should be taken, together with copies of any correspondence on the complaint.

b. A formal referral

46. Where the Principal decides that a formal referral of the complaint is necessary, it is his/her responsibility to ensure that the following are notified immediately:

- the Social Services or, especially where physical or sexual abuse is suspected or alleged, the Police (a suggested pro-forma is offered in Appendix 5, which can be adapted as necessary); and

- the designated officer of the Education and Library Board and CCMS as appropriate.

The Chairperson of the Board of Governors should bring the matter to the attention of the Board of Governors at the next available opportunity.

Precautionary suspension

47. An immediate decision will be necessary on whether the member of staff (teaching or non-teaching) who is the subject of the complaint or allegation should be suspended with pay as a precautionary measure. A member of staff of a school may be suspended only by the Principal or by the Chairperson of the Board of Governors. The employing authority must, where possible, be consulted before a suspension is imposed, or, where this is not practicable, as soon as possible thereafter. Precautionary suspension should not be automatic, and, depending on the circumstances of the case, some preliminary investigation by Social Services and/or Police may be necessary before a decision should properly be taken to suspend, even as a precautionary measure. *In all cases where the Principal has decided that a formal referral is warranted, the member of staff should be immediately removed from direct contact with children and should undertake non-contact duties; depending on the nature and severity of the allegation and the potential risk to children, it may be necessary for the member of staff to be suspended immediately.* Where the suspension is implemented by the Principal, the Chairperson or, in his/her absence, the Vice-Chairperson, must be informed immediately. All members of the Board of Governors must be informed of the suspension as soon as possible.

48. In some cases the school may be made aware of an allegation against a member of staff by the Social Services or the Police, to whom the allegation has been made directly. In any case where the Principal considers that a child or children may be at risk, or the Police or Social Services advise that the member of staff's continued presence in the school would impede their investigation, the member of staff concerned should be suspended as a precautionary measure.

49. Once a decision has been taken to make a formal referral and that the member of staff will be suspended, he/she should be advised, in writing, of the nature of the allegation and the reason for precautionary suspension, and should also be advised to seek professional advice before making any form of

response. The right of the member of staff to consult with a recognised trade union representative should always be respected. Where the member of staff is initially informed verbally of his/her suspension, written notification should follow as soon as possible.

50. The person making the complaint (and the pupil's parent, where different) should also be informed immediately, in writing, of the decision to make a formal referral and of the suspension of the member of staff concerned.

51. The Principal should take steps to ensure that he/she is kept informed of progress by the investigating agency to whom the referral was made. If an allegation is substantiated, the investigation may need to be widened to determine whether other children have been involved. The Social Services and/or Police will advise on how to manage information to parents, children and other staff.

Record-keeping

52. Where a formal referral is made, it is particularly important that the Principal should ensure that a detailed written record of the complaint, including dates and times, is maintained. This should include:

- when, by whom and to whom the complaint was made;
- what supplementary evidence, if any, was offered, from whom, and its nature;
- details of any physical injury noted;
- from whom advice was sought, and its nature;
- the decision taken and how, when, by whom and to whom it was conveyed, and the reasons for it;

- by whom, to whom and when the referral was made; and

- a copy of any correspondence on the complaint.

This record should be signed and dated by the Principal, countersigned by the designated teacher (where neither is the subject of the allegation) and retained in the school, on the files of both the child and the member of staff concerned; an entry should also be made on the school's Record of Child Abuse Complaints (see below).

53. If, on foot of a subsequent investigation by one of the investigating agencies, the member of staff concerned is totally exonerated, the record on the file of the member of staff concerned must be expunged, and the entry in the school's Record of Child Abuse Complaints deleted or struck through. The record on the child's file should be noted accordingly, and should stand until the child's twenty-first birthday in case there should be subsequent complaints. In all other cases, the record on both the child's file and the staff member's file should be maintained indefinitely.

Internal inquiries by the school

54. Once a formal referral is made, the appropriate agencies will conduct their own investigation in accordance with local child protection procedures. Early action by the school 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 such subsequent action. *In particular, there must be no interference with evidence.* Any investigation by the Police or Social Services will take priority over internal inquiries by the school. Normally any internal inquiries should be held in abeyance pending the outcome of the external investigation.

c. Complaints to be pursued under the school's disciplinary procedures

55. A complaint may be made in the context of child protection about the conduct or behaviour of a member of staff towards a pupil or pupils which, in the opinion of the Principal, does not warrant a formal referral as a child protection matter but nevertheless warrants pursuit as a disciplinary matter.

Broad examples of such cases are offered in paragraph 41(c). In considering such cases, the Principal should take into account:

- whether the behaviour complained of goes beyond the actions and conduct which could reasonably be expected of a teacher in encouraging reluctant pupils to learn; and

- whether the behaviour complained of exceeds what should properly be pursued as a disciplinary matter and does, in fact, constitute abuse, in which case the appropriate child protection procedures should be instituted.

Where the Principal takes the view that the behaviour complained of should be pursued as a disciplinary matter, the disciplinary procedures agreed in the Teachers' Negotiating Machinery and issued to all schools should be followed, but in addition the Principal should ensure that details of the complaint and the disciplinary sanction, including dates and details of all spoken communications and copies of all correspondence, are maintained on the file of both the member of staff and of the child or children concerned, for a period of 5 years, and a summary entered in the school's Record of Child Abuse Complaints (see paragraph 63 below). (It should be noted that this recording procedure in disciplinary cases applies **only** to those cases raised in the context of child protection.) As soon as possible after the decision is taken, the complainant should be informed that the complaint is being pursued under disciplinary procedures, and he/she should be kept regularly informed of the proceedings and the result, including the sanction taken, as appropriate.

Complaints which do not result in a conviction

56. For a variety of reasons, a complaint against a member of staff referred to one of the investigating agencies may not result in a prosecution, or a prosecution in pursuit of a complaint which is referred to Social Services or Police may not result in a conviction, even when the school believes that the evidence against the member of staff is strong and he/she represents a risk to a child or children. Schools should be aware that in such cases it remains open to them to pursue disciplinary proceedings against the member of staff concerned, and that the burden of proof is less stringent in employment law

than in criminal law. The school should seek advice from the employing authority in such cases. If the member of staff is subsequently dismissed, the employing authority should convey this in writing to the Department of Education for consideration as to whether his/her further employment as a teacher should be prohibited or restricted.

Complaint against the Principal

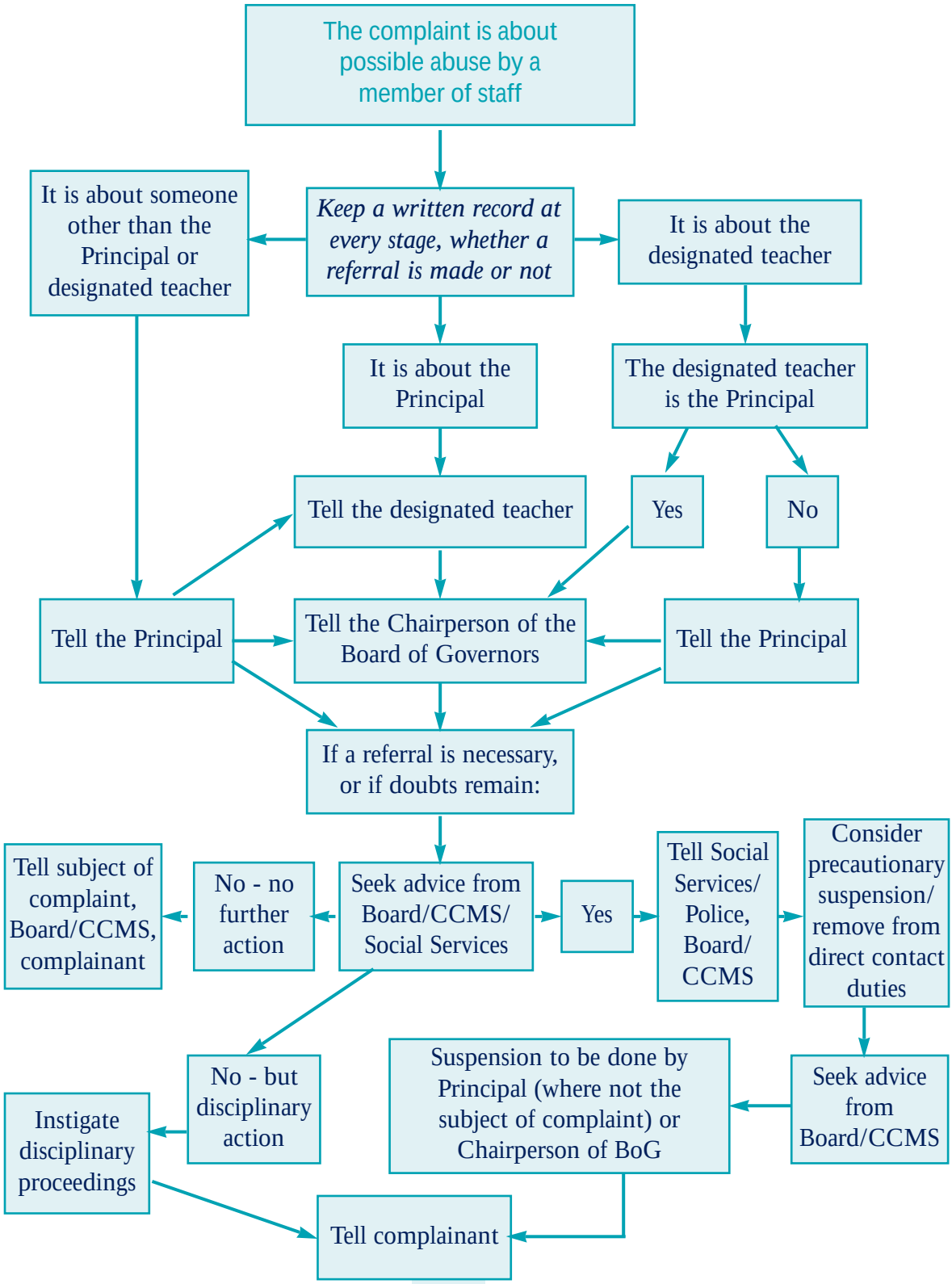
57. Where a member of staff receives a complaint concerning possible child abuse by the Principal, all aspects of the above procedures for complaints against a member of staff should be followed, save that the role set out above for the Principal should be exercised by the Chairperson of the Board of Governors, in whom the power to suspend is vested. The employing authority should be immediately consulted in any such case.

Anonymous information

58. The school may receive an anonymous letter or telephone call alleging abuse either by someone outside the school or by a member of staff. In such cases the Principal should consider carefully whether the allegation may have substance: as in the case of information from a named source, the impetus for action should be the potential risk to children. If the Principal believes that the allegation may have substance, he/she should ensure that it is referred immediately to the Social Services or Police. Again, if he/she is unsure about the appropriate course of action, or if unsubstantiated anonymous information is received which the Principal believes to be malicious or mischievous, the Education and Library Board and/or CCMS will be able to offer advice, as will Social Services or the Police. If a referral is made, the procedures above should be followed on the same basis as a complaint from a named source, including recording arrangements.

Figure 2

Procedure where a complaint has been made about possible abuse by a member of the school's staff



Section 4: Reports and Record-keeping: General

Data Protection Acts

59. The Data Protection Act 1984 deals with the right of individuals to obtain copies of personal data, held on computer, of which they themselves are the subject. This right can be exercised by the individual him/herself, a person appointed by that individual or someone acting on his/her behalf, such as the parent of a child. Where a parent makes a subject access request on behalf of a child, the Act expects the holder of the information to take care that the request is actually made in the interests of the child and not the parent. In the case of schools, the Principal should consider, before providing access, whether the request may be being made in the parent's own interests rather than the child's.

60. Section 28 of the Act sets out some exemptions to the general subject access right. In particular, it specifies that *subject access need not be given in any case where to do so would be to prejudice the prevention and detection of crime, or the prosecution or apprehension of offenders.* The exemption should, however, be applied on a case-by-case basis, applying in each case the test of prejudice: it does not provide 'blanket' exemption from access to certain classes of personal data. Where the Principal receives a request for subject access from a pupil or his/her parent, or from a member of staff against whom an allegation has been made, and is in any doubt whether the data should be disclosed, the Education and Library Board or CCMS should be consulted.

61. The Data Protection Act 1998, which will come into effect during 1999, extends the above provisions to manually-held data (ie paper records). Information relating to child abuse, or possible abuse, is, however, exempted from the disclosure requirements. Moreover, under the Education (Pupil Records) Regulations (Northern Ireland) 1998, any information held (manually) in school on a child, whether or not directly related to possible child abuse, need not be disclosed where, in the opinion of the Principal, disclosure may cause serious physical or emotional harm to the child or any other person. However, it should be understood that, in cases of alleged child abuse which come to court, the court may require the school to provide its full records on the child.

Maintaining records

62. If a school receives a complaint about possible child abuse which is not referred to Social Services - or if it is referred, and the Social Services do not place the child's name on the Child Protection Register - the school should maintain the record on the child's file until his/her twenty-first birthday, and send a confidential copy to any school to which the child subsequently transfers. If the Social Services inform the school that the child's name has been placed on the Child Protection Register, the school should maintain a record of this fact, and associated documentation from Social Services, on the child's file while he/she continues to attend. When a child whose name is on the Child Protection Register changes school, the school which the child is leaving should inform the receiving school immediately that his/her name is on the Register, and destroy all child protection records on the child supplied by Social Services, including records of case conferences, and should inform the child's Case Co-ordinator in Social Services. The school to which the child is transferring should contact Social Services for relevant information. If the Social Services inform the school that the child's name has been removed from the Register, the school should destroy any child protection records on the child supplied by Social Services, including records of case conferences.

The school's Record of Child Abuse Complaints

63. Where a complaint is made about a member of staff, and is pursued either as a formal referral or under the school's disciplinary procedures, a short summary of the record should also be entered by the Principal on a Record of Child Abuse Complaints, maintained for the purpose and kept in a secure place. The summary should include:

- the date and brief details of the nature of the complaint;
- by whom and against whom it was made;
- if the complaint was formally referred, to whom it was referred, and the date of referral;

- if the complaint was dealt with under the school's disciplinary procedures, a brief note of the outcome.

64. The school's Record of Child Abuse Complaints should be made available to the Board of Governors at least annually. The Education and Training Inspectorate will ask to see the Record during inspections.

Child Protection Conferences

65. When a referral has been made of a case of suspected or alleged abuse, a member of staff, either the designated teacher or the member of staff who knows the child best, may be asked to contribute the school's knowledge of the child to the Child Protection Conference convened by Social Services to assess the child's circumstances and decide on further action. The school may also be asked to prepare a report. Reports prepared for Child Protection Conferences should focus on the child's educational progress and achievements, attendance, behaviour, participation, relationships with other children and adults within the school and, where appropriate, the child's appearance. If relevant, reports should include what is known (without making specific investigation) about the child's relations with his/her family and the family structure.

- Reports should be objective and based on evidence.

- They should contain only fact, observations and reasons for concern.

Reports will be made available to the child's parents at the Child Protection Conference, and may be used in court. All reports should be checked and signed by the designated teacher, or by the teacher who has assumed these responsibilities in his/her absence. A model pro forma for such a report is offered at Appendix 8, although schools may use their own format.

Monitoring and supporting pupils on the Child Protection Register

66. Schools should monitor pupils whose names are on the Child Protection Register in line with what has been agreed in each child's protection plan. The plan sets out the role of the child's parents and various agencies in protecting the child. For schools, this would include alerting the child's Case

Co-ordinator from Social Services, or the Education Welfare Officer, when a pupil on the Child Protection Register is absent for more than a few days, or on a regular basis, or to any signs which suggest a deterioration in the pupil's home circumstances.

Section 5: Staff

What all staff need to know

67. *All* staff who work in the school during the hours in which pupils are on the premises, including ancillary staff, and any volunteers accepted to work in the school, need to know:

- how to identify the signs and symptoms of possible abuse;
- what the relevant child protection procedures are, including the school's own internal procedures, where they are held in the school and how they can be referred to if necessary; and, in particular, what the reporting procedures are;
- how to talk to children about whom there are concerns in an appropriate way, and how to record the information they have acquired; and
- who the designated teacher is and who will carry out his/her responsibilities if he/she is unavailable or is the subject of the complaint.

68. All such members of staff should be aware of the roles played by the designated teacher, the Principal and the Chairperson of the Board of Governors respectively, and the school's internal arrangements should enable each of these to carry out the duties of their role effectively and with appropriate support and training.

Conduct of staff

69. The duty to safeguard and promote the welfare of the pupils in their charge rests with all members of staff, teaching and non-teaching, and implicit in it is the assumption that the conduct of school staff towards their pupils must be above reproach. This assumption holds true whatever the age, sex or maturity of the pupils, but clearly the younger the child, or the greater the degree of learning difficulties he/she has, the less likely it will be that he/she

will be able to recognise and respond appropriately to an abuse by any member of staff of the trust that his/her position confers. *Any abuse of that position of trust by any member of staff is unacceptable.*

70. Governors, employers and senior staff have a responsibility to ensure that professional behaviour applies to relationships between staff and pupils; that all staff are clear about what constitutes appropriate behaviour and professional boundaries; and that those boundaries are maintained with the sensitive support and supervision required. This is important in all schools, but schools with boarding departments, and staff on residential trips, need to be particularly mindful of this responsibility, as do individuals in circumstances where there is one-to-one contact with pupils, for example in extra-curricular activities or in counselling.

71. A Code of Conduct for staff, teaching and non-teaching, in their contact with pupils has been drawn up and agreed through Teachers' Negotiating Machinery, and is attached at Appendix 9. Adherence to the Code will reduce the risk of allegations being made. Where staff agree to use the Code, it can be referred to in the school's child protection/pastoral care policy, and should be made known to parents to help avoid any misunderstandings.

72. Children and young people have a right to be treated with respect. Members of staff should be alert to the risk of emotional abuse, such as persistent and vindictive sarcasm, verbal bullying, or severe and persistent negative comment or actions, particularly when directed consistently at a single pupil or a small number of pupils in a class. *Such bullying behaviour is unacceptable.* Members of staff should be encouraged to reflect on every aspect of their contact with children which may give rise to perceptions or allegations of this form of abuse.

Physical contact with pupils

73. Integral to a clear understanding of standards of behaviour expected of school staff is an understanding of the acceptable boundaries of physical contact with pupils. The Code of Conduct makes it clear that it is unnecessary and unrealistic to suggest that teachers should touch pupils only in emergencies. Particularly with younger children, touching them is

inevitable and can give welcome reassurance to the child. However, teachers must bear in mind that even perfectly innocent actions can sometimes be misconstrued. Children may find being touched uncomfortable or distressing for a variety of reasons. It is important for teachers to be sensitive to a child's reaction to physical contact and to act appropriately. *It is also essential not to touch pupils in ways, on parts of the body or in circumstances that might be considered indecent.* It is also possible that physical contact may result in a child's responding inappropriately: this may in itself be indicative of abuse in another setting, and the teacher should bring any concerns to the attention of the designated teacher.

74. In extreme cases, a teacher might have to restrain a pupil physically to prevent him or her from committing an offence, from causing injury to him- or herself, to others or to property, or otherwise from behaving in an indisciplined way. Article 4 of the Education (Northern Ireland) Order 1998 empowers members of staff of schools to use reasonable force in these circumstances, either on school premises or anywhere else where the member of staff is in charge of the pupil concerned. In such instances no more than the minimum necessary force should be used; the teacher should act within the Department's and the Education and Library Board's guidelines on the use of reasonable force and should seek to avoid causing injury to the pupil. The Department's guidance on Article 4 and the use of reasonable force is included in Appendix 10.

Recruitment of staff, volunteers and sports coaches

75. The selection and appointment process is the starting point for ensuring that only those who are suitable are employed to work in close proximity with children, in either a paid or unpaid capacity. An important part of child protection, therefore, is for employers and other bodies to have appropriate procedures in place to identify unsuitable individuals. Guidance on procedures for checking on the possible criminal background of applications was provided in Circular 1990/28: Disclosure of Criminal Background of Persons with Access to Children. A copy of the content of this Circular is attached at Appendix 12, and, in the main, its provisions remain current (an exception, in the case of the vetting of student teachers, is referred to below). All employers in the education service should ensure that their recruitment

procedure includes a check of the possible criminal background of people who are likely to have substantial unsupervised access to children. As well as school staff, both teaching and non-teaching, and board staff such as peripatetic teachers, Curriculum Advisory and Support Staff, EWOs and Educational Psychologists, this will include, for example, school bus drivers, taxi drivers transporting children with special educational needs, staff working in training schemes or educational provision otherwise than at a school where Boards place young people, peripatetic teachers, youth workers and librarians. Applicants for courses of initial teacher education must be vetted by the institution to which they have applied before they can be admitted to the course (these new arrangements have been instituted since the issue of Circular 1990/28). Social Workers and Health professionals working in schools, such as speech therapists or physiotherapists, are vetted by the Department of Health and Social Services.

76. Schools should also arrange for a Criminal Records check to be carried out on their behalf on any volunteers or sports coaches whom they engage to assist in activities either on or off the school premises, and who will have substantial unsupervised access to children. Advice on the selection and use of volunteers and sports coaches is contained in Appendix 11.

Training of teachers

77. The criteria governing all courses of initial teacher education (ITE) require newly qualified teachers to have acquired the necessary foundation to develop a working knowledge of their contractual, legal, administrative and pastoral responsibilities as teachers. Within that framework, it is a matter for individual institutions to determine the appropriate coverage, in ITE courses, of awareness and recognition of child abuse, reporting arrangements, roles and responsibilities within education and the need for the education service to work together with the other statutory agencies. Schools, Education and Library Boards and CCMS should include coverage of child protection issues in their induction training for newly qualified teachers, and provide opportunities for designated teachers and, as appropriate, their deputies to attend multi-agency child protection training. Schools should ensure that their designated teachers and their deputies avail of child protection training. Inservice training should also aim to maintain a working awareness among staff of child protection issues and procedures.

Section 6: Links with other agencies and support services

Inter-agency co-operation

78. Schools and other bodies in the education sector can best contribute to a co-ordinated approach to child protection by developing effective links with other agencies and support services. In particular, local social services agencies can help provide in-school training on child protection issues.

79. The designated officers in the Education and Library Boards and CCMS are senior, experienced officers with responsibility for co-ordinating policy and action on child protection: names and contact numbers are listed in Appendix 1. Usually, they are also members of the local Area Child Protection Committee (ACPC - see paragraphs 82 and 83 below).

80. The principal agencies involved in investigating and dealing with child protection cases are the Social Services, the Police and the NSPCC. These agencies have a close working relationship with other services which have direct contact with children, and which also have a vital contribution to make to their protection: these include medical practitioners and other health professionals (including school nurses), Education Welfare Services, Educational Psychology Services, Probation services, the Armed Forces where the families of service personnel are concerned, and voluntary and church organisations. Details of Social Services are provided in Appendix 6.

81. Designated teachers will find it helpful to establish a good working relationship with colleagues from the other agencies, especially the Social Services and the Police. These agencies have wide experience in dealing with such cases, and regular communication should help to build the understanding, trust and confidence which will help to secure effective co-operation in cases of actual or suspected abuse.

The role of the Area Child Protection Committee (ACPC) and Child Protection Panel (CPP)

82. ACPCs and CPPs provide forums for regular discussion among all the agencies involved in child protection with the aim of developing and promoting inter-agency co-operation. The ACPC operates at Health and

Social Services Board level, and its function is to develop a strategic approach to child protection. It develops, monitors and reviews inter-agency child protection policies, procedures and training. The CPP operates at HSS Trust level and implements locally the ACPC's policy and procedures.

83. Each ACPC includes representatives from the Education and Library Board and CCMS. CCPs also include teacher members. Current contact names and telephone numbers for each ACPC are provided in Appendix 7. The Health and Social Services Trusts carry out child protection investigations, and also have responsibility for co-ordinating multi-agency child protection plans.

Section 7: Bullying and young abusers

Bullying

84. Bullying also constitutes a form of abuse by another child or young person, although in most cases it would not set in train the child protection procedures described above. Bullying can be defined as deliberately hurtful behaviour, repeated over a period of time, where it is difficult for the victim to defend him- or herself. It can happen in any situation, but schools with residential/boarding settings need to be particularly alert. It can take many forms, but the three main types are physical (eg hitting, kicking, spitting, theft or damage to belongings), verbal (eg threats or name-calling, including sectarian, homophobic or racist name-calling) or indirect (eg spreading rumours, or excluding someone from social groups). If unchecked, it can be profoundly damaging to the victim in both the short and longer term, emotionally or physically or both, and can seriously disrupt or impair the capacity to learn and develop. *At its worst, it can result in a child's attempting suicide.* Symptoms may include behaviour change such as withdrawal, lack of concentration, marked deterioration in schoolwork or absenteeism.

85. Consistent with their basic responsibility to keep their pupils safe from harm and provide a secure learning environment, *it is vital that schools should act - and, moreover, be seen to act - promptly and firmly to combat bullying whenever and wherever it occurs.* All schools should have, within their pastoral care and statutory discipline policies, a clear whole-school anti-bullying policy statement, familiar to all staff, parents and pupils, which:

- sets out the measures which the school will take to prevent bullying; and
- describes how bullying will be tackled wherever and whenever it occurs in school, and what the school's response will be in cases where bullying has taken place, including the sanctions which will be taken against those who bully.

This policy statement should be consistent with the advice on bullying provided by the Department. It should be integral to a school's policy that both pupils and parents should be made aware of how they can draw their concerns about bullying to the attention of staff in the confidence that these will be carefully investigated and, if substantiated, taken seriously and acted upon. A senior member of staff should *always* report back to parents on the steps which have been taken by the school in response to an expressed concern about bullying.

86. The fears of victims of bullies are often exacerbated by extreme feelings of isolation and loneliness, and a fear that they will not be believed, or that their concerns, if reported, will simply rebound upon them. Dissemination of a 'statement of confidentiality' such as in the model offered in paragraph 20 could encourage pupils who have problems with bullying to share their concerns with staff.

87. Where a pupil's bullying behaviour is persistent and defies attempts by the school to address it satisfactorily by behaviour management strategies or disciplinary methods within a reasonable time, the child protection procedures should be instigated. *The victim's needs should always be paramount.*

Young abusers

88. It is important to distinguish between bullying and child abuse which is carried out by another child ('child abuse' as defined in paragraph 9, but in this context most commonly consisting of sexual abuse). Where the latter is suspected, the appropriate child protection procedures should be followed for *both* the victim and the alleged abuser. Part 10 of "Co-operating to Protect Children" advises that work with adult abusers has shown that some of them begin abusing during childhood or adolescence, and that significant numbers have suffered from abuse themselves. It is therefore vital that concerns about such behaviour are treated seriously and acted upon promptly. The procedures described earlier, including reporting and referral procedures, should be employed. Treatment of the abuser is more likely to be effective if begun early in the child's life. Where any conflict of interest arises between the welfare of the suspected abuser and that of the victim, *the victim's welfare must take paramount importance.*

Section 8: Specific issues

Children with special education needs (SEN) or limited fluency in English

89. Children with special educational needs, and those who are not fluent in English, may be especially vulnerable to abuse, because the abuser may expect it to be difficult for these children to report what has happened. Extra care should be taken to interpret correctly apparent signs of abuse. Indications of abuse of these children should be reported exactly as for other children, according to the locally-established procedures. The ACPCs have provided guidance on protecting children with disabilities.

90. All children who have difficulties in communicating, including children whose first language is not English, should be given the chance to express themselves to a member of staff or other professional with appropriate language/communication skills, especially where there are concerns that abuse may have occurred. Designated teachers should work with their SEN co-ordinators and specialist ESL teachers to identify and respond to any particular communication needs that a child may have. All schools should try to create an atmosphere in which pupils with special educational needs which involve communication difficulties, or pupils with language limitations, feel confident and able to discuss these or any other matters that may be worrying them.

91. Physical contact may be a necessary part of teaching some pupils with special educational needs, for example visually impaired children, or those with profound and multiple learning difficulties. Schools with such pupils should consider whether the Code of Conduct for staff needs to be amplified to make clear the necessary balance between providing support and preventing abuse or potential perceptions of abuse. Schools should inform staff, parents and pupils about their Code of Conduct.

Pre-school provision, including nursery schools and classes

92. Many of the issues in the preceding paragraphs dealing with children with SEN will also be relevant in the pre-school setting: young children may have limited communication skills; teachers, nursery assistants and other adults will come into physical contact with them while helping them with toileting,

and often in washing them and changing their clothing. The staff in nursery schools and classes, and those in pre-school centres, should also consider whether the Code of Conduct needs to be amplified to make clear the bounds of appropriate physical contact, and should make their Code known to staff and parents.

Boarding departments

93. Boarding departments of schools offer residential care for children who need to live away from their own home for educational reasons. Children in such situations are particularly vulnerable to abuse, and it is therefore vital that there are clear standards for the operation of boarding departments, and that appropriate personnel checks are carried out to ensure children's safety. When recruiting staff for school boarding departments, schools should, as a minimum, carry out the normal criminal background checks through the Police; through their employing authority, they should also check against List 99. New arrangements are currently being developed by the Social Services Inspectorate for the inspection of school boarding departments; these will be in place later this year.

Work experience and residential situations

94. Schools will also be concerned to ensure the welfare of their pupils on work experience, and on residential visits. Guidance on organising work experience is available from each Education and Library Board, and from the Northern Ireland Council for the Curriculum, Examinations and Assessment (CCEA). 'Away from Home and Safe', which is a Northern Ireland-wide organisation comprising holiday groups, voluntary groups and statutory organisations, has produced a comprehensive set of guidelines on child safety and protection for groups involved in organising residential programmes, and schools may find the checklists it offers of value when organising residentials either abroad or within Northern Ireland; called *'Away from Home and Safe - Getting Residentials Right'*, this can be obtained from Away from Home and Safe, 216 Belmont Road, Belfast BT4 2AT (telephone 01232-651498, fax 01232-650285 or e-mail safe@niweb.org).

Section 9: Parents

Partnership with parents

95. The school should help parents to understand its responsibility for the welfare of all the children and young people in its charge. This is an aspect of the ongoing work of fostering trust and good relationships with parents. Parents should be made aware, through the school prospectus or parents' meetings, of the school's child protection arrangements, within its pastoral care policy, and the fact that this may require cases to be referred to the investigative agencies in the interests of the child. Parents should be reminded, at least annually, of the importance of notifying the school when someone other than the parent or usual carer will be picking the child up from school.

96. If a case of suspected abuse is referred to the investigative agencies, the school should continue to inform parents of the educational progress of the child.

How a parent can make a complaint about possible child abuse

97. Parents also need to know how they may make a complaint, and the recourse that they have if they are not satisfied with the outcome. All schools should include in their prospectus a summary of their arrangements for parents to make known to staff any concerns they may have about the safety of their (or another) child: often, this will be by speaking directly to the Principal, but other arrangements, such as informing the designated teacher, class teacher or teacher responsible for pastoral care, may also be appropriate. The names of at least two people within the school whom parents may contact should always be given. The statement should also make clear what will happen when any such concerns or complaints are reported, indicating:

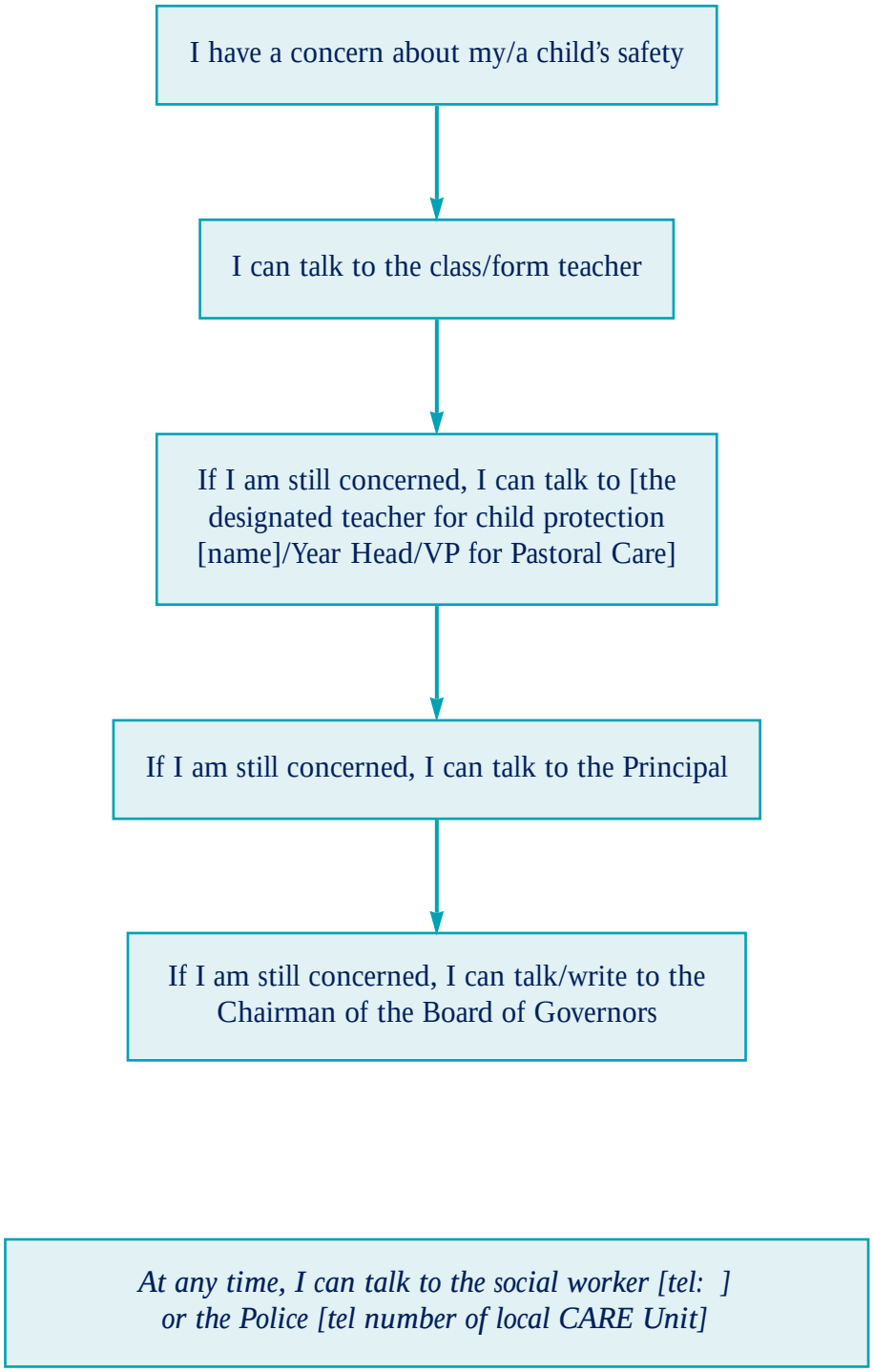
- which members of staff or other professionals will need to be informed;

- who will report back to the parents on the progress and outcome of their complaint, and (approximately) by when; and

- what further avenues are open to them to pursue their complaint if they remain dissatisfied with the outcome, and how they may do this. If the Principal has already been involved, this will normally involve referring their complaint onward to the Chairperson of the Board of Governors.

98. As well as inclusion in the prospectus, schools should make these arrangements known to directly to their parents at least once every two years. It may be helpful to offer a flow-chart (tailored to the school's own arrangements): see figure 3.

Figure 3: How a parent can make a complaint



Section 10: Associated Issues

Contribution of the curriculum

99. Schools can, and many already do, play a part in the prevention of child abuse through the curriculum. Courses in personal and social education can help young people to develop more realistic attitudes towards the responsibilities of adult life, including consideration, respect and care for others, and especially towards the vital responsibilities of parenthood. Some schools provide courses in practical child care skills, which can make a valuable contribution towards better parenting.

100. School Governors will need to consider whether, and if so how, they wish the curriculum to include sex education, and how best to make parents aware of the content of such teaching programmes. Any subsequent decisions on materials and the development of programmes appropriate to the abilities and maturity of the children concerned will be a matter of sensitive professional judgement. CCEA will be issuing guidance to schools by Easter 1999 on the content of sex education programmes within the curriculum.

101. Through the curriculum, children can also be taught about the risks of different kinds of abuse, and can be equipped with the skills they need to help them to stay safe, by recognising unwelcome approaches or behaviour and developing the confidence to resist them as far as possible. Discussing with children possible ways to prevent or talk about abuse must be done carefully so as not to cause anxiety or upset normal, stable relationships between adults and children. As well as having procedures in place to deal with abuse when it happens or when it is suspected, *all schools should consider the potential benefits to their pupils of prevention strategies:* many schools already have self-protection programmes in place to help children recognise and deal with potentially dangerous situations. CCEA will also be issuing guidance to schools by Easter 1999 on the content of self-protection programmes within the curriculum.

102. Occasionally, during a teaching session on self-protection, a child may reveal information which gives the teacher cause for concern that the child him- or herself, or another child, may have been, or may be being, abused. In such

cases the teacher should not pursue the discussion before the rest of the class, but should, if appropriate, promise to talk with the child later, and record, as soon as possible afterwards, what was said, noting the actual words used if possible, and report the information as soon as practicable to the designated teacher, and the child protection procedures set out above should be set in train.

School inspection

103. The Education and Training Inspectorate's booklet 'Evaluating Schools', which was reissued to all schools in 1998, indicates that reports of inspections will refer to the ethos of schools, the quality of teaching and learning, and the quality of management. That booklet makes it clear that a school's arrangements for pastoral care contribute significantly to its ethos. Inspectors will include an evaluation of the effectiveness of the school's procedures for child protection as part of the evidence about the quality of pastoral care, and will offer additional opportunities for parents and children to make known their views about the pastoral care arrangements within the school. The Inspectorate is also issuing 'Evaluating Pastoral Care', new guidance for schools on assessing the effectiveness of their pastoral care programmes, including child protection arrangements.

Section 11: Child Protection in Other Sectors of Education

Further Education (FE)

104. As the Children Order defines a 'child' as a person under the age of 18 years, FE Colleges will also have a responsibility to assist Social Services in child protection issues. Older children in FE Colleges often disclose abuse and need help in determining how to handle the situation. FE Colleges should therefore have procedures for dealing with any suspicions, allegations or instances of abuse which arise, and for providing access to counselling. Many of the preceding sections of this guidance are appropriate to Colleges. In particular, Colleges should be aware of the local child protection procedures and contacts, and have one or more members of staff with responsibility for liaising with the investigating agencies.

The Youth Service

105. Youth workers' contacts with children and young people mean that they too should be alert for symptoms of abuse, and those supervising sporting activities will be particularly well placed to notice signs of physical abuse. Much youth work depends for its effectiveness on the quality of individual relationships based on confidentiality, but the appropriate agencies must be informed of suspected or identified abuse. Like school and college staff, youth workers will need tact and sensitivity to maintain a young person's trust while providing for his/her safety.

106. Senior Officers of the Youth Service should be designated to fulfil a role similar to that of the designated teacher. Education and Library Boards and Headquarters Organisations should provide written instructions on the circumstances in which youth workers should consult colleagues, line managers, and other statutory authorities, recognising the importance of maintaining confidentiality between the young person and the youth worker so far as is consistent with safety. "Our Duty to Care", a good practice guide which provides advice on the principles and practice for the protection of young people, has been produced by DHSS for voluntary organisations. Copies are available from the Northern Ireland Volunteer Development Agency, Annsgate House, 70-74 Ann Street, Belfast BT1 4EH, telephone: 01232-236100.

The Library Service

107. Like teachers, library staff are well placed to observe signs, particularly of physical abuse, on the children who frequent their premises. They should be aware of the local agencies and contacts from whom they can seek advice and guidance on child protection matters, and a member of staff should be designated to liaise with the investigating agencies where suspicions arise. Library staff should be alert to the possibility of their premises being used by abusers to strike up acquaintances with children, and wherever possible should ensure that the children's section, in particular, is laid out in such a way that there are no areas which are hidden from the regular view of staff. Paragraphs 17 and 18, on confidentiality between education service staff and children, are relevant to library staff.

Section 12: Schedule 1 offenders

108. Health and Social Services Boards and Trusts are automatically advised when a person who has been convicted of a certain offence against a child or young person (a 'Schedule 1' offender) is to be resettled in their area. The responsibility for assessing the risk posed by an offender, or a suspect, and who should be notified about him, rests with a multi-agency group (the Regional Risk Assessment and Management Committee) comprising Social Services, Police and the Probation Board. Where the offender is assessed as presenting a risk to a particular child or children, the school may be advised by the individual's designated risk manager and involved actively in the specific child protection arrangements.

109. A school Principal will be notified about the presence of a Schedule 1 offender, or suspect, in the area only when the offender/suspect is assessed as representing a risk to some or all of the school's pupils and the Principal is expected to take action, such as informing staff and/or being extra vigilant about strangers near the premises. The Principal will be given the name and telephone number of a contact (the designated risk manager, who may be an officer from any of the agencies involved on the Regional Risk Assessment and Management Committee) to whom any queries from parents or others should be addressed.

Appendix 1

As at 1 February 1999

Education and Library Boards	Designated Officer
Belfast Education and Library Board 40 Academy Street BELFAST BT1 2NQ Telephone: 01232-564000 Fax: 01232-331714	Mrs Elizabeth Martin
North-Eastern Education and Library Board County Hall 182 Galgorm Road BALLYMENA Co Antrim BT42 1HN Telephone: 01266-662558 Fax: 01266-632165	Mr Maurice Crozier
South-Eastern Education and Library Board Grahamsbridge Road Dundonald BELFAST BT16 2HS Telephone: 01232-566402 Fax: 01232-566377	Mrs Kate Bridge
Southern Education and Library Board 3 Charlemont Place ARMAGH BT61 9AX Telephone: 01861-512384 Fax: 01662-512490	Mr Harold Bennett
Western Education and Library Board Campsie House 1 Hospital Road OMAGH Co Tyrone BT79 0AW Telephone: 01662-411411 Fax: 01662-411400	Mrs Margaret Harte

Council for Catholic Maintained Schools

Armagh Diocesan Education Office — Mr Paddy Hoey
1 Killyman Road
DUNGANNON
Co Tyrone
BT71 6DR

Telephone: 018687-52116 Fax: 018687-52783

Clogher Diocesan Education Office — Mr Peter Duffy
St Michael's College
Drumclay
ENNISKILLEN
Co Fermanagh
BT74 6DE

Telephone: 01365-322709 Fax: 01365-327939

Derry Diocesan Education Office — Mr Brendan Smith
1A Millar Street
LONDONDERRY
BT48 6SU

Telephone: 01504-261931 Fax: 01504-271368

Down and Connor Diocesan Education Office — Miss Margaret McGuckin
193-195 Donegall Street
BELFAST
BT1 2FL

Telephone: 01232-327875 Fax: 01232-327866

Dromore Diocesan Education Office — Mr Martin Cromie
28 Canal Street
NEWRY
Co Down
BT35 6YF

Telephone: 01693-62423/60533 Fax: 01693-66703

Appendix 2

Extract from DHSS Guidance and Regulations Vol 6: "Co-operating to Protect Children"

"Education Services

4.53 Staff in the education services, including the Youth Service, have close contacts with children and are in a good position to identify signs of child abuse at an early stage. Teachers and other school staff, especially those in nursery, primary and special schools, are particularly well placed to observe outward signs of abuse, changes in behaviour or failure to develop. Education welfare officers and educational psychologists also have important roles because of their concern for the welfare and development of children.

Designated Staff in the Education Service

4.54 In every school there is a senior member of staff with specific responsibility for co-ordinating action within the school and for liaising with Trusts and other agencies about suspected or actual cases of child abuse. This designated teacher's role is to ensure that locally established procedures are followed, and particularly to tell Social Services about the relevant concerns of any member of the school staff about individual children. Investigation of cases must be left to Social Services or other appropriate agencies.

4.55 A senior officer of the youth service has a similar role to that of designated teachers.

4.56 In every Education and Library Board there is a senior officer with Board-wide responsibility for co-ordinating education service, including youth service, policy and action on child protection. This designated officer should:

- ensure that the locally established procedures, including the arrangements for designated teachers, are in place;
- be the point of contact with the Social Services and other agencies; and

- be the Education and Library Board's representative on the ACPC.

Diocesan Administrators undertake similar functions with regard to Catholic Maintained Schools.

4.57 The Trust will pass promptly to the relevant school details of any child whose name has been included on the Child Protection Register. Schools have been asked to pay particular attention to the attendance and development of all such children and to report any cause for further concern.

4.58 The Trust will also inform the school of any:

- decision to remove a child's name from the Child Protection Register;
- termination of a court order in respect of him;
- change in his status or placement.

Where there is a change of school, the information should be transferred between schools immediately and the custodian of the Child Protection Register informed.

4.59 In some cases education welfare officers or educational psychologists will be the first to identify abuse. In these cases, the education welfare officer or educational psychologist will inform the designated teacher concerned, and the designated officer in the Education and Library Board. The designated officer will notify the Trust without delay.

4.60 Cases or suspected cases of child abuse encountered by staff in the Youth Service will be notified to the designated officer in the Education and Library Board who will in turn notify the Trust.

4.61 Schools, Further Education Colleges and the Youth Service also have a role in preventing abuse by teaching recognition of abuse, preventative strategies and how to prepare for parenthood. Some schools include specific teaching about the risks of child abuse and how pupils can protect themselves, within their personal and social education programmes."

Appendix 3

Example: One School's Policy and Procedures on Child Protection *(generalised)*

We in [ ] School have a primary responsibility for the care, welfare and safety of the pupils in our charge, and we will carry out this duty through our pastoral care policy, which aims to provide a caring, supportive and safe environment, valuing individuals for their unique talents and abilities, in which all our young people can learn and develop to their full potential. One way in which we seek to protect our pupils is by helping them learn about the risks of possible abuse, helping them to recognise unwelcome behaviour in others and acquire the confidence and skills they need to keep themselves safe.

All our staff and volunteers have been subject to appropriate background checks. The staff of our school have also adopted a Code of Practice for our behaviour towards pupils. This Code is set out in the Appendix to this policy statement.

The purpose of the following procedures on Child Protection is to protect our pupils by ensuring that everyone who works in our school - teachers, non-teaching staff and volunteers - has clear guidance on the action which is required where abuse or neglect of a child is suspected. The overriding concern of all caring adults must be the care, welfare and safety of the child, and the welfare of each child is our paramount consideration. The problem of child abuse will not be ignored by anyone who works in our school, and we know that some forms of child abuse are also a criminal offence.

What is child abuse?

We use the following definition:

> Neglect - the persistent or significant neglect of a child, or the failure to protect a child from exposure to any kind of danger, including cold or starvation, or persistent failure to carry out important aspects of care, resulting in the significant impairment of the child's health or development, including non-organic failure to thrive.

Physical - physical injury to a child, whether deliberately inflicted or knowingly not prevented.

Sexual - the sexual exploitation of a child or young person for an adult's or another young person's own sexual gratification; the involvement of children or young people in sexual activities of any kind (including exposure to pornography) which they do not understand, to which they are unable to give informed consent or that violate normal family roles.

Emotional - persistent or significant emotional ill-treatment or rejection, resulting in severe adverse effects on the emotional, physical and/or behavioural development of a child.

Bullying

Bullying is a highly distressing and damaging form of abuse and is not tolerated in our school. All staff are vigilant at all times to the possibility of bullying occurring, and will take immediate steps to stop it happening, to protect and reassure the victim and to discipline the bully. Parents of both victim and bully will be personally contacted immediately bullying behaviour is identified.

Any complaint by a parent that their child is, or may be, being bullied will be fully investigated by the designated teacher for child protection, and team action will be taken to protect the victim. This will usually include ensuring that another child or small group of children befriends and supports the child being bullied during the school day. A parent making a complaint about bullying will have a personal response from the designated teacher within one week of making the complaint, indicating the investigation which has been carried out and the action being taken.

The sanctions taken against a pupil who bullies will depend on the seriousness of the case, but will include the loss of any privileges or position of responsibility he/she holds in the school. His/her behaviour will be carefully monitored until staff are satisfied that the problem has stopped.

If a pupil's bullying behaviour persists, the second stage will be to instigate the child protection procedures described below.

Procedures for reporting suspected (or disclosed) child abuse

The designated teacher for child protection is [Mr(s) [ ], *insert description of post*]. In [his][her] absence, [Mr(s) [ ], *post*], will assume responsibility for child protection matters.

If a child makes a disclosure to a teacher or other member of staff which gives rise to concerns about possible abuse, or if a member of staff has concerns about a child, the member of staff must act promptly.

He/she should not investigate - this is a matter for the Social Services - but should report these concerns immediately to the designated teacher, discuss the matter with [him][her], and make full notes.

The designated teacher will discuss the matter with the Principal as a matter of urgency to plan a course of action, and ensure that a written record is made.

The Principal, in consultation with the designated teacher, will decide whether, in the best interests of the child, the matter needs to be referred to Social Services. If there are concerns that the child may be at risk, the school is obliged to make a referral. Unless there are concerns that a parent may be the possible abuser, the parents will be informed immediately.

The Principal may seek clarification or advice and consult with [the Board's] [CCMS's] Designated Officer or the Senior Social Worker before a referral is made. No decision to refer a case to Social Services will be made without the fullest consideration and on appropriate advice. The safety of the child is our first priority.

Where there are concerns about possible abuse, the Principal will inform:

- the Social Services

- [the Education and Library Board's] [CCMS's] Designated Officer for Child Protection

(This will be done in an envelope marked 'CONFIDENTIAL - CHILD PROTECTION')

If a complaint about possible child abuse is made against a member of staff, the Principal (or the designated teacher, if [he][she] is not available) must be informed immediately. The above procedures will apply (unless the complaint is about the designated teacher). Where the matter is referred to Social Services, the member of staff will be removed from duties involving direct contact with pupils, and may be suspended from duty as a precautionary measure pending investigation by Social Services. The Chairman of the Board of Governors will be informed immediately.

If a complaint is made against the Principal, the designated teacher (or [his][her] deputy, if [he][she] is not available) must be informed immediately. [He][she] will inform the Chairman of the Board of Governors and together they will ensure that the necessary action is taken.

If any member of staff feels unsure about what to do if he/she has concerns about a child, or unsure about being able to recognise the signs or symptoms of possible abuse, he/she should speak to the designated teacher.

It should be noted that information given to members of staff about possible child abuse cannot be held 'in confidence'. In the interests of the child, staff may need to share this information with other professionals. However, only those who need to know will be told.

Appendix 4

Contacts and Helplines

Helplines:

NSPCC
Jennymount Court
North Derby Street
BELFAST BT15 3HN
Tel: 01232-351135

NSPCC Child Protection Helpline
24 hours call free -
0800-800500

NI Childline
PO Box 1111
BELFAST BT1 7DZ
Tel: 01232-327773

Contact Youth Counselling Services
2a Ribble Street
Newtownards Road
BELFAST BT4 1HW
Tel: 01232-457848
Helpline: 'Youthline': 01232-456654

Childline UK
Freepost 1111
LONDON N1 0BR
Tel: 0800-1111 (free)

Other useful contacts:

Child Care (NI)
216 Belmont Road
BELFAST BT4 2AT
Tel: 01232-652713

Children's Law Centre
2nd Floor, Philip House
124-137 York Street
BELFAST BT15 1AB
Tel: 01232-245704
Advice Line: 01232-434242

Youthnet
The Warehouse
7 James Street South
BELFAST BT2 8DN
Tel: 01232-331880

Barnardos
Childcare Office
542-544 Upper Newtownards Road
BELFAST BT4 3HE
Tel: 01232-672366 Fax: 01232-672399

Kidscape
2 Grosvenor Gardens
LONDON SW1W 0DH
Tel: 0171-7303300

Save the Children
Popper House
15 Richmond Park
BELFAST BT10 OHB
Tel: 01232-431123 Fax: 01232-431314

RUC Care Units

Lisburn Road CARE Unit — 01232-650222
Lisburn Road RUC Station
276 Lisburn Road
BELFAST BT9 6GG

Grosvenor Road CARE Unit — 01232-650222
Grosvenor Road RUC Station
105-117 Grosvenor Road
BELFAST BT12 4GS

Strandtown CARE Unit — 01232-650222
Strandtown RUC Station
1-5 Dundela Avenue
BELFAST BT4 3BQ

Newtownabbey CARE Unit — 01232-650222
Newtownabbey RUC Station
416-426 Shore Road
NEWTOWNABBEY
Co Antrim BT37 9RT

Newtownards CARE Unit — 01232-650222
Newtownards RUC Station
4-40 John Street
NEWTOWNARDS
Co Down BT23 4LZ

Newry CARE Unit — 01232-650222
Ardmore RUC Station
3 Belfast Road
NEWRY
Co Down BT34 1EF

Mahon Road CARE Unit — 01762-334411
Mahon Road Complex
Portadown
CRAIGAVON
Co Armagh BT62 3EH

Cookstown CARE Unit
Cookstown RUC Station
19 Molesworth Road
COOKSTOWN
Co Tyrone BT80 8NT
01648-766000

Enniskillen CARE Unit
Enniskillen RUC Station
48 Queen Street
ENNISKILLEN
Co Fermanagh BT74 7JR
01365-322823

Maydown CARE Unit
Maydown RUC Complex
Maydown Road
LONDONDERRY BT47 1TU
01504-367337

Portstewart CARE Unit
Portstewart RUC Station
59 Coleraine Road
PORTSTEWART BT55 7HP
01265-835254

Ballymena CARE Unit
Ballymena RUC Station
26 Galgorm Road
BALLYMENA
Co Antrim BT43 5EY
01266-653355

Appendix 5

Restricted Information

Notification of Suspected/Admitted/Known Abuse of Child(ren) to Social Services

This form should be completed on the basis of information readily available and should not be delayed on the basis of incomplete information.

Child(ren)'s surname ……

Child(ren)'s forename(s) and date(s) of birth ……..……
...……..……

Present Location ……..

Parent/Guardian's Surname …… Forenames ……..……..

Address ……..……..……
…… Tel No …….....

GP's Name ……..……. Tel No ……..……

Address ……..……..

Professional agencies known to be involved with the family:
(contact name, address and telephone number)
....……..……
....……..……
....……..……
....……..……

Reason for referral:
....……..……
....……..……
....……..……
....……..……
....……..……
....……..……

Action already taken:

Referred in writing/by telephone to ……..……. On ….…….…….

Parents advised of referral? Yes/No

Child/young person advised of referral? Yes/No

Signature of person referring ……..…….

Position ……..……. Date ……

Address ……
……..

Acknowledgement

Child(ren)'s name(s) and date(s) of birth ……..……..……
……

Address ……..……..

I acknowledge receipt of your notification in respect of the child(ren) named above.

Signature ……. Designation ……...…….. Date ……..…….

Address of Social Services Office ……..……

Appendix 6

As at 1 February 1999

Health and Social Services Boards/Trusts

Eastern Health and Social Services Board
12-22 Linenhall Street, Belfast BT2 8BS
Tel: 01232-321313

Trusts

Down and Lisburn Health and Social Services Trust
Lisburn Health Centre
25 Linenhall Street
LISBURN BT28 1BH
Tel: 01846-665181

Ulster Community and Hospitals Health and Social Services Trust
23-25 Regent Street
NEWTOWNARDS
Co Down BT23 4AD
Tel: 01247-816666

North and West Belfast Health and Social Services Trust
Glendinning House
6 Murray Street
BELFAST BT1 6DP
Tel: 01232-327156

South and East Belfast Health and Social Services Trust
Trust Headquarters
Knockbracken Healthcare Park
BELFAST BT8 8BH
Tel: 01232-790673

Northern Health and Social Services Board
County Hall, Galgorm Road, Ballymena BT42 1QB
Tel: 01266-653333

Trusts

Causeway Health and Social Services Trust
8E Coleraine Road
BALLYMONEY
Co Antrim BT53 6BP
Tel: 012656-666000

Homefirst Health and Social Services Trust
The Cottage
5 Greenmount Avenue
BALLYMENA
Co Antrim BT43 6DA
Tel: 012666-33700

Southern Health and Social Services Board
Towerhill, Armagh BT61 9DR
Tel: 01861-410041

Trusts

Craigavon and Banbridge Community Health and Social Services Trust
Bannvale House
Moyallen Road
GILFORD BT63 5JX
Tel: 01762-831983

Armagh and Dungannon Health and Social Services Trust
Gosford Place
The Mall
ARMAGH BT61 9AR
Tel: 01861-522262

Newry and Mourne Health and Social Services Trust
5 Downshire Place
NEWRY BT34 1DZ
Tel: 01693-60505

Western Health and Social Services Board
15 Gransha Park, Clooney Road, Londonderry BT47 1TG
Tel: 01504-860086

Trusts

Sperrin Lakeland Trust
Strathdene House
Tyrone and Fermanagh Hospital
OMAGH
Co Tyrone BT79 ONS
Tel: 01662-244127

Foyle Health and Social Services Trust
Riverview House
Abercorn Road
LONDONDERRY
BT48 6SA
Tel: 01504-266111

Appendix 7

As at 1 February 1999

Contacts in Area Child Protection Committees

Eastern HSS Board Area

Mr J McCall	Chairperson of ACPC Commissioning Manager (Child and Family Services)	EHSSB 01232-321313

Northern HSS Board Area

Mrs M B Wilmont	Chairperson of ACPC Director of Social Services	NHSSB 01266-662218/20

Southern HSS Board Area

Mr T Rodgers	Chairperson of ACPC Assistant Director of Social Services	SHSSB 01861-410041

Western HSS Board Area

Mr B Johnston	Chairperson of ACPC Service Planner, Family & Child Care Services	WHSSB 01504-860086

Appendix 8

Model Pro-Forma for Report to Child Protection Conference

Pupil's name: _____ DOB: _____ Year group: _____

Parents/Guardians: _____

Address: _____

_____

_____

Attendance in current school year: _____ days out of possible _____ days.

Attainment levels/educational performance: _____

_____

_____

Intellectual ability *(eg below average/average/above average)*: _____

_____

_____

Performance in relation to intellectual ability: _____

_____

_____

Presentation of work, including homework: _____

_____

_____

Participation in teaching/learning activities: _____

_____

_____

Behaviour in class: _____

_____

_____

Behaviour out of class: _____

_____

_____

Relationships with other children: _____

_____

_____

Relationships with teacher/other adults in school: _____

_____

_____

Relationships with family *(if relevant/known)*: _____

_____

_____

School's contacts with home *(eg telephone calls)*: _____

_____

_____

General remarks *(eg personal appearance, readiness/preparation for learning)*:

_____

_____

_____

_____

_____

Signed on behalf of the school: _____

(Designated Teacher)

Please complete and return to by .

Thank you.

Appendix 9

A Code of Conduct for Employees within the Education Sector whose work brings them into contact with children/young people

Introduction

All actions concerning children and young people must uphold the best interests of the young person as a primary consideration. Staff must always be mindful of the fact that they hold a position of trust, and that their behaviour towards the children and young people in their charge must be above reproach. This Code of Conduct is not intended to detract from the enriching experiences children and young people gain from positive interaction with staff within the education sector. It is intended to assist staff in respect of the complex issue of child abuse, by drawing attention to the areas of risk for staff and by offering guidance on prudent conduct.

Code of Conduct

1. Private Meetings with Pupils

a. Staff should be aware of the dangers which may arise from private interviews with individual pupils. It is recognised that there will be occasions when confidential interviews must take place. As far as possible, staff should conduct such interviews in a room with visual access, or with the door open.

b. Where such conditions cannot apply, staff are advised to ensure that another adult knows that the interview is taking place. It may be necessary to use a sign indicating that the room is in use, but it is not advisable to use signs prohibiting entry to the room.

c. Where possible another pupil or (preferably) another adult should be present or nearby during the interview, and the school should take active measures to facilitate this.

2. Physical Contact with Pupils

a. As a general principle, staff are advised not to make unnecessary physical contact with their pupils.

b. It is unrealistic and unnecessary, however, to suggest that staff should touch pupils only in emergencies. In particular, a distressed child, especially a younger child, may need reassurance involving physical comforting, as a caring parent would provide. Staff should not feel inhibited from providing this.

c. Staff should never touch a child who has clearly indicated that he/she is, or would be, uncomfortable with such contact, unless it is necessary to protect the child, others or property from harm. (DENI Circular 1999/9, on the use of reasonable force, gives guidance on Article 4 of the Education (Northern Ireland) Order 1998 *(Power of member of staff to restrain pupils)*.

d. Physical punishment is illegal, as is any form of physical response to misbehaviour, unless it is by way of necessary restraint.

e. Schools should, in particular circumstances, such as use of certain areas like the photographic darkroom, draw up their own guidelines for these circumstances.

f. Staff who have to administer first-aid to a pupil should ensure wherever possible that this is done in the presence of other children or another adult. *However, no member of staff should hesitate to provide first-aid in an emergency simply because another person is not present.*

g. Any physical contact which would be likely to be misinterpreted by the pupil, parent or other casual observer should be avoided.

h. Following any incident where a member of staff feels that his/her actions have been, or may be, misconstrued, a written report of the incident should be submitted immediately to his/her line manager.

i. Staff should be particularly careful when supervising pupils in a residential setting, or in approved out of school activities, where more informal relationships tend to be usual and where staff may be in proximity to pupils in circumstances very different from the normal school/work environment.

3. Choice and Use of Teaching Materials

a. Teachers should avoid teaching materials, the choice of which might be misinterpreted and reflect upon the motives for the choice.

b. When using teaching materials of a sensitive nature a teacher should be aware of the danger that their application, either by pupils or by the teacher, might after the event be criticised. Schools have already received advice on the value of consulting parents and Governors when proposing to use materials such as the AIDS education for schools and in connection with sex education programmes.

c. If in doubt about the appropriateness of a particular teaching material, the teacher should consult with the principal before using it.

4. Relationships and Attitudes

Within the Pastoral Care Policies of the school and the employing authority, staff should ensure that their relationships with pupils are appropriate to the age, maturity and sex of the pupils, taking care that their conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when staff are dealing with adolescent boys and girls.

Conclusion

It would be impossible and inappropriate to lay down hard and fast rules to cover all the circumstances in which staff interrelate with children and young people, or where opportunities for their conduct to be misconstrued might occur.

In all circumstances, employees' professional judgement will be exercised and for the vast majority of employees this Code of Conduct will serve only to confirm what has always been their practice. If employees have any doubts about points in this booklet, or how they should act in particular circumstances, they should consult their line manager or a representative of their professional association.

From time to time, however, it is prudent for all staff to reappraise their teaching styles, relationships with children/young people and their manner and approach to individual children/young people, to ensure that they give no grounds for doubt about their intentions, in the minds of colleagues, of children/young people or of their parents/guardians.

Appendix 10

Subject:

Pastoral Care: Guidance on the Use of Reasonable Force to Restrain or Control Pupils

Circular Number:
1999/9
Date of Issue:
8 March 1999

Audience:

- Principals and Boards of Governors of all grant-aided schools;
- Education and Library Boards;
- Council for Catholic Maintained Schools;
- Association of Governing Bodies of Voluntary Grammar Schools;
- Northern Ireland Council for Integrated Education; and
- Teachers' Unions.

Summary of Contents:

This Circular provides clarification and guidance on the use of reasonable force, by teachers and other authorised staff, to restrain or control pupils in certain circumstances. It gives guidance about who can use reasonable force, when it is appropriate to use it, and the procedures for recording incidents where reasonable force which should be made known to parents.

Enquiries:

Any enquiries about the contents of this Circular should be addressed to:

Mr Jackie Simpson (Tel: 01247-279247)
Pupil Support Branch
Department of Education
Rathgael House
Balloo Road
BANGOR
BT19 7PR

Status of Contents:
Advice
Information for schools

Related Documents:
Circular 1999/10
(Pastoral Care in Schools:
Child Protection)

Superseded Documents:
None

Expiry Date:
Not applicable

DENI Website:
This Circular is also available on
http://www.deni.gov.uk

Pastoral Care: Guidance on the Use of Reasonable Force to Restrain or Control Pupils

1. All schools have a pastoral responsibility towards the pupils in their charge and should therefore take all reasonable steps to ensure that the welfare of pupils is safeguarded and that their safety is preserved. The Board of Governors and the Principal of each school also have a duty to promote and secure good behaviour and discipline on the part of pupils at the school.

2. Article 4 of the Education (Northern Ireland) Order 1998, which came into force on 21 August 1998, clarifies powers which already exist under common law. It enables a member of staff of a grant-aided school to use, in relation to any pupil at the school, such force as is reasonable in the circumstances to prevent a pupil from:

    a. committing an offence;

    b. causing personal injury to, or damage to the property of, any person (including the pupil himself); or

    c. engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils, whether during a teaching session or otherwise.

3. The right of a member of staff to use such force as is reasonable to restrain or control a pupil applies:

    - where the member of staff is on the premises of the school; or

    - elsewhere at a time when he/she has lawful control or charge of the pupil concerned;

    - to teachers at the school, and to any other member of staff who with the authority of the principal has lawful control or charge of pupils.

4. The need to use reasonable force to restrain or control a pupil should be rare. This Circular and the attached Appendix provide clarification and guidance on a number of issues relating to the use of "reasonable force" by teachers and others to restrain or control pupils. However, it is emphasised that corporal punishment remains unlawful, and that neither Article 4 nor this Circular, in any way, authorise teachers or others to use any degree of physical contact which is deliberately intended to cause pain or injury or humiliation. The application of reasonable force to restrain or control a pupil is to be used as a last resort, only when other behaviour management strategies have failed, and when the pupil, other pupils, members of staff, or property are at risk, or the pupil is seriously compromising good order and discipline.

   Article 4 does not however prevent any person from exercising his/her right under common law to defend themselves against an attack provided he/she does not use a disproportionate degree of force to do so. The purpose of Article 4 is to make it clear that teachers, and authorised staff, are also entitled to intervene in other, less extreme, situations.

Need for Schools to Have a Written Policy

5. The use of reasonable force is only one of the strategies available to schools and teachers to secure pupils' safety and well being and also to maintain good order and discipline. All those who may have to use reasonable force with pupils must clearly understand the options and strategies open to them, and they must know what is regarded as acceptable action on their part and what is not. It is important, therefore, that schools have a clear written policy about the use of reasonable force to restrain or control pupils. This should be understood by teachers, authorised staff, pupils and parents and should form part of the school's policy on discipline and child protection within its overall pastoral care policy.

6. In drawing up a written statement of the school's disciplinary policy, as required in Article 3 of the 1998 Order, it is recommended that the Board of Governors, in consultation with the Principal, should:

   - include a statement setting out the school's policy and its guidelines on the use of reasonable force to restrain or control pupils;

- discuss these with staff who may have to apply them; and
- issue or make them known to parents and pupils.

Boards of Governors should also have regard to any advice issued by Education and Library Boards and, where appropriate, the Council for Catholic Maintained Schools.

7. The Department has asked a Working Group, comprising representatives from the Education and Library Boards, CCMS and schools, who are already drafting best practice guidelines for schools on a wide range of disciplinary matters, to draft a model policy for schools on the use of reasonable force based on the guidance in this Circular. This will be available later this year. Schools may wish to draw up their own policies in the meantime in order to provide guidance to staff and others on the use of reasonable force and its place in the schools' strategies for maintaining good behaviour and discipline.

8. A statement of the school's policy on the use of reasonable force to restrain or control pupils should be included with the information the school gives parents about its overall policy on discipline and standards of behaviour.

9. The Department considers that it would also be useful if schools designated an experienced senior member of staff (the Principal or a senior teacher, or perhaps the designated teacher for child protection) as having special responsibility for providing guidance to other staff on the use of reasonable force. This teacher should also assume responsibility for notifying parents about incidents where reasonable force has had to be used and for dealing with any complaints which may emerge. This will help to ensure a consistent approach within the school to the use of reasonable force and the reporting arrangements.

C JENDOUBI (MRS)
School Effectiveness Division

Appendix to Circular 1999/9

Guidance on the Use of Reasonable Force to Restrain or Control Pupils

Who may use reasonable force?

Teachers

1. Article 4 of the 1998 Order authorises teachers to use such force as is reasonable in the circumstances to prevent a pupil from:

   - committing an offence;
   - causing personal injury to, or damage to the property of, any person (including the pupil himself); or
   - engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils whether during a teaching session or otherwise.

Non-teaching staff

2. Other members of staff at the school are also authorised to use reasonable force in the circumstances described at 1. above, provided they have been authorised by the Principal to have lawful control or charge of pupils. This might, for example, include classroom assistants, midday supervisors, and escorts. In addition the authorisation could extend to education welfare officers and educational psychologists.

3. In determining which non-teaching staff to authorise, Principals will wish to have regard to the roles and responsibilities of the staff concerned. In particular they should consider whether the staff have a responsibility to supervise pupils as part of their normal duties or whether, from time to time, they may have to take on that responsibility when a teacher is not present.

Volunteers

4. Suitably vetted volunteers normally work only under the direction and supervision of a teacher or other member of staff and should not be expected

to assume sole responsibility for the safety and well-being of pupils. Where a situation arises, therefore, where the use of reasonable force may need to be exercised, the volunteer should alert the member of staff in charge and defer to his/her judgement as to the appropriate means of handling the situation.

There may, however, be circumstances in which the Principal may need to authorise a volunteer to use reasonable force in exceptional circumstances. These might include school visits, holidays and residential activities where some degree of delegated responsibility may have to be given to the volunteers in the organisation of activities; where a member of school staff may not be readily available to deal with an incident; and where it is possible that significant harm will occur if action is not taken immediately. Where volunteers are so authorised, it is essential that they receive appropriate training and guidance.

5. The key issue is that all non-teaching staff and volunteers must be identified and specifically authorised by the Principal to be in control of or in charge of pupils. The Principal should clearly inform all persons concerned and ensure that they are aware of and understand what the authorisation entails. Principals may find it helpful to arrange for training or guidance to be provided by a senior member of the teaching staff who has been designated as having special responsibility for this matter and who has already received suitable training on the use of reasonable force. Principals should also keep an up to date list of authorised non-teaching staff and others who are so authorised and ensure that teachers know who they are, for example, by placing a list on the staff room notice board.

Where can reasonable force be used?

6. The right of a teacher or other person to use reasonable force applies where the pupil concerned is on the school premises and when he/she has been authorised to have lawful control or charge of the pupil concerned elsewhere e.g. supervision of pupils in bus queues, on a field trip, or other authorised out of school activity such as a sporting event or educational visit.

What is meant by reasonable force?

7. There is no precise legal definition of "reasonable force" so it is not possible to state, in fully comprehensive terms, when it is appropriate to use physical force to restrain or control pupils or the degree of force that may reasonably be used. It will always depend on the circumstances of each case. However, there are three relevant considerations to be borne in mind:

   - the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force;

   - the degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result;

   - whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, level of understanding and sex of the pupil, and any physical disability he/she may have.

Is it appropriate to use reasonable force in every situation?

8. Reasonable force should not be used automatically in every situation nor should it be used as a form of discipline. In a non-urgent situation, reasonable force should only be used when other behaviour management strategies have failed. That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no direct risk to people or property. Any action which could exacerbate the situation needs to be avoided, and the possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated. The age and level of understanding of the pupil is also very relevant in those circumstances - physical intervention to enforce compliance with staff

instructions is likely to be increasingly inappropriate with older pupils and should never be used as a substitute for good behaviour management.

9. Staff may not always have the time to weigh up the possible courses of action and it would be prudent therefore for them to have considered in advance the circumstances when they should and should not use reasonable force. Staff should, whilst taking due account of their duty of care to pupils, always try to deal with a situation through other strategies before using reasonable force. All teachers need to be aware of strategies and techniques for dealing with difficult pupils and situations which they can use to defuse and calm a situation. Best practice guidelines on successful discipline policies are currently being drawn up by a Working Group comprising representatives from schools, the Education and Library Boards, CCMS and the Department. These will be circulated to all schools shortly.

When might it be appropriate to use reasonable force?

10. In a situation where other behaviour management strategies have failed to resolve the problem, or are inappropriate (eg in an emergency), there are a wide variety of circumstances in which reasonable force might be appropriate, or necessary, to restrain or control a pupil. They will fall into three broad categories:

    a. where action is necessary in self-defence or because there is an imminent risk of injury;

    b. where there is a developing risk of injury, or significant damage to property;

    c. where a pupil is behaving in a way that is compromising good order and discipline.

11. Examples of situations that fall into one of the first two categories are

    - a pupil attacks a member of staff, or another pupil;

- pupils are fighting;

- a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects;

- a pupil is running in a corridor or on a stairway in a way in which he/she might have or cause an accident likely to injure him- or herself or others;

- a pupil absconds from a class or tries to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school).

12. Examples of situations that fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom;

- a pupil is behaving in a way that is seriously disrupting a lesson.

13. However, some practical considerations also need to be taken into account:

- Before intervening physically a member of staff should seek to deploy other behaviour strategies. Where these have failed, the member of staff should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he/she does not. The member of staff 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 staff should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

- Sometimes a member of staff should not intervene in an incident without help (unless it is an emergency), for example, when dealing

with an older pupil, or a physically large pupil, or more than one pupil, or if the teacher believes he/she may be at risk of injury. In those circumstances the member of staff should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues, or where necessary telephone the Police. The member of staff should inform the pupil(s) that he/she has sent for help. Until assistance arrives the member of staff should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

- Situations where a pupil refuses to obey an order to leave a classroom need to be handled carefully as they can be a prelude to a major confrontation, especially if reasonable force is used to eject older pupils. Where a pupil persistently refuses to leave a classroom and the teacher believes that the use of reasonable force will endanger the teacher or other pupils, the school should have an emergency response procedure whereby assistance can be summoned quickly, for example a trusted pupil is sent for help.

- If a school is aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, it will be sensible to plan how to respond if the situation arises. Such planning needs to address:

  - managing the pupil (eg reactive strategies to de-escalate a conflict, holds to be used if necessary);

  - involving the parents to ensure that they are clear about the specific action the school might need to take;

  - briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance);

  - ensuring that additional support can be summoned if appropriate.

What might be regarded as constituting reasonable force?

14. Physical intervention can take a number of forms. It might involve staff:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- pushing;
- pulling;
- leading a pupil by the arm;
- shepherding a pupil away by placing a hand in the centre of the back; or
- (in extreme circumstances) using more restrictive holds.

15. In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of "reasonable force", for example, to prevent a young pupil running off a pavement onto a busy road, or to prevent a pupil hitting someone, or throwing something. However, staff should never act in a way that might reasonably be expected to cause injury, for example by:

- holding a pupil round the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;
- slapping, punching, kicking or using any implement on a pupil;
- throwing any object at a pupil;

- twisting or forcing limbs 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.

16. Staff should also avoid touching or holding a pupil in any way that might be considered indecent.

What action can be taken in self-defence or in an emergency situation?

17. Neither Article 4 nor the guidance contained in this Circular can cover every possible situation in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil is at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene whether or not specifically authorised by the Principal to do so. The purpose of Article 4 and this Circular is to make it clear that teachers, and authorised staff, are also entitled to intervene in other, less extreme, situations.

Is physical contact with pupils appropriate in other circumstances?

18. The Code of Conduct for staff which has been issued to all schools makes it clear that, although physical contact with pupils should generally be avoided, there can be occasions when physical contact with a pupil may be proper or necessary other than those situations covered by Article 4. For example, some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, music or technology and design, or if a member of staff has to give first aid. Young children and children with special educational needs may also need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers should use their own professional judgement when they feel a pupil needs this kind of support. Guidance on these issues can be found in the Code of Conduct, and also in

paragraphs 73 and 74 of the booklet accompanying Circular 1999/10 (Pastoral Care in Schools: Child Protection).

19. There may be some children for whom touching is particularly unwelcome, because, for example, they have been abused. Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned actions can sometimes be misconstrued.

Should incidents where reasonable force is used be recorded?

20. It is extremely important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where reasonable force is used. This may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint. Schools should keep an up-to-date record of all such incidents, in an incident book. Immediately following any such incident the member of staff concerned should tell the Principal or a senior member of staff and provide a short written factual report as soon as possible afterwards. That report should include:

- the name(s) of the pupil(s) involved, and when and where the incident took place;
- the names of any other staff or pupils who witnessed the incident;
- the reason that force was necessary (eg to prevent injury to the pupil, another pupil or a member of staff);
- briefly, how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- the pupil's response, and the outcome of the incident;
- details of any obvious or apparent injury suffered by the pupil, or any other person, and of any damage to property.

At least annually, the Chairman of the Board of Governors and the Principal should review the entries in the incident book. Records of incidents should be kept for 5 years after the date they occurred.

21. Staff may find it helpful to seek advice from a senior colleague (eg the Principal or senior member of staff who has been designated to provide training and guidance on the use of reasonable force), or a representative of their professional association when compiling a report. They should also keep a copy of the report.

22. Incidents involving the use of force can cause the parents of the pupil involved great concern. It is always advisable to inform parents of an incident involving their child (other than a trivial incident), and give them an opportunity to discuss it. The Principal, or a member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing.

Are complaints about the use of reasonable force likely to occur?

23. Involving parents when an incident occurs with their child, and having a clear policy about the use of reasonable force that staff adhere to, should help to avoid complaints from parents. It will not, however, prevent all complaints, and any complaint from a parent about the use of reasonable force on his/her child should be dealt with in accordance with the procedures set out in the booklet accompanying Circular 1999/10 (Pastoral Care in Schools: Child Protection).

24. The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent, cannot be ruled out. In these circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. In doing so, the disciplinary panel or court would have regard to the provisions of Article 4. It would also be likely to take account of the school's policy on the use of reasonable force, whether that had been followed, and the need to prevent injury, damage, or disruption, in considering all the circumstances of the case.

Will suitable training and supporting advice on the use of reasonable force be provided for teachers and other authorised staff?

25. Education and Library Boards are being asked to arrange suitable training courses for a senior teacher in each school who will then be responsible for providing "cascade" training and advice to other staff in the school. Boards are being asked to place an emphasis on and cover behaviour management strategies which seek to avoid the need to use reasonable force to restrain or control pupils. Such training will be in the context of schools' behaviour and child protection policies. Arrangements are also being made for suitable training to be included as part of INSET and initial teacher training courses.

26. The Education and Library Boards are also establishing multi-disciplinary Behaviour Support Teams, to offer professional advice and practical support to schools on a range of behavioural and disciplinary matters, including the use of reasonable force.

Appendix 11

The Selection and Use of Volunteers and Sports Coaches to Support School Activities

Introduction

1. Volunteers can have an important and beneficial role in supporting the work of teachers and other paid staff in schools and in contributing, by their efforts and initiative, to the life of the school through assisting, for example, at school events and organising fund-raising activities. Ensuring that schools obtain the maximum benefit from the involvement of volunteers requires careful preliminary planning to ensure that the volunteer has appropriate and worthwhile duties; understands and is equipped to carry out his/her role; and can complement and support the activities of the professional teacher or other member of staff. It is also essential that appropriate steps are taken, through screening and selection arrangements, to ensure that children are not placed at risk through allowing the unsupervised and unmanaged access of unsuitable adults to the school.

2. The following guidance recommends procedures which schools and management authorities should put in place to ensure not only that maximum benefit is obtained from the contribution which volunteers can offer but also that unsuitable people are prevented from working with children. It draws on good practice and advice on the selection of volunteers, particularly that contained in the document "Our Duty to Care", published by the NI Volunteer Development Agency.

Who is a Volunteer?

3. For the purpose of this guidance, a volunteer is an individual who, subject to the satisfactory completion of the procedures set out below, either (i) assumes unpaid duties in a school on a regular basis on more than two occasions or (ii) is engaged by the school to accompany or assist in school visits or trips; summer activity schemes or residential activities; or to undertake coaching in sports activities. Within this definition, volunteering can take many forms, not all of which will involve direct, unsupervised or substantial access to children on which the need for vetting, including criminal records checks, must be assessed. Formal arrangements as to selection and vetting should

not be required for volunteers who are involved outside school hours and who do not have unsupervised contact with pupils. These would include parents involved in fund-raising events and using the school premises for meetings; parents and others carrying out self-help projects for the school; parents supervising at school functions where school staff are also present.

Use of Volunteers

4. There are three main categories into which the use of volunteers might be grouped and to which this guidance would mainly apply:

   a. During School Hours involving direct contact with Pupils

      This might include direct assistance for pupils (eg reading or writing activity under the supervision of a teacher); assistance with basic classroom tasks to release the teacher to work with pupils (eg preparation and distribution of materials, setting up of equipment); and assistance with the supervision of pupils on educational visits.

   b. Outside School Hours involving direct contact with Pupils

      This might include assistance to teachers in contexts such as: residential trips; summer activity programmes or literacy/numeracy schemes; Duke of Edinburgh Award Scheme activities; homework or other after-school clubs; accompanying school teams to sports fixtures; and sports coaching.

   c. During School Hours but not usually involving direct contact with Pupils

      This would typically include clerical and administrative tasks in the school office, library or resources area.

Recruiting and Selecting Volunteers

5. A school may canvass for volunteers or people may come forward to offer assistance at their own initiative. In many cases, potential volunteers may already be known to the school. These might include parents, or individuals whose involvement might be recommended to the school by members of staff. Others may come forward from the local community, for example, to seek a useful voluntary activity or experience of working in a school to inform a future career choice.

6. The engagement of volunteers should only be undertaken with the agreement of the Board of Governors. Acceptance of any individual's offer of help should not be automatic, nor should the school feel under any obligation to accept all or any offers of voluntary assistance. The actual needs of the school for voluntary support; appropriate areas of work and the duties attaching to these; the supervisory arrangements; the implications for child protection; and the conditions and expectations attached to the volunteer's role, should be clearly established by the school before any volunteer is accepted by the school.

Initial Appraisal

7. As a first step the school should explain to the potential volunteer the procedures which must be undergone before he/she can be accepted into the school. It should then seek to assess the individual's personal skills and experience against the duties and activities which have been identified as appropriate for voluntary assistance. As a **minimum** requirement all potential volunteers coming within the categories listed at paragraph 4 above should be asked to:

   i. provide the following information:

   - personal details such as name (including any previous names) and address; date of birth and any relationship with the school eg parent, relative of member of paid staff etc;
   - details of any qualifications and of any previous work with children;
   - a declaration they have never been convicted of a criminal offence or been the subject of a Caution or of a Bound-over Order;
   - a declaration as to whether they have been investigated by Social Services for child protection (and the outcome of the investigation); or had a child removed from their care;

   ii. agree to a Criminal Record check being carried out;

iii. provide the names of two referees who are not family members or members of the staff of the school. The publication "Our Duty to Care" contains a sample volunteer reference form on which schools may wish to draw in preparing their own forms. A copy of this is reproduced (with minor adaptations for school use) at Annex 1 to this Appendix. It is important that the referees are asked to declare any reasons why the potential volunteer would not be suitable to work with children;

iv. attend an interview with the school Principal or his/her nominee (such as the class teacher, in the case of parents helping with reading schemes) at which their motivation, skills and personal qualities can be assessed at first hand. As well as the information at i. and ii., proof of identity should also be made available at the interview.

A model application form for voluntary activities is included at Annex 2.

8. No individual should be admitted to the school as a volunteer until at least these basic steps have been completed and the results assessed. References especially should always be taken up. Schools should not feel under any obligation to waive these procedures because, for example, they feel that they may cause offence to individuals such as parents, friends or acquaintances of staff, or sports personalities. The school's overriding duty is to protect the children in its care from contact with unsuitable individuals and genuine volunteers should not be deterred by the degree of scrutiny which a school accords their involvement in its work.

Further Vetting

9. Further vetting of the potential volunteer will be required where:

i. the individual has been selected as a result of the initial appraisal described above activities; and

ii. the individual will have **substantial access** to children in the course of their duties.

In assessing the need for further vetting, each case, and the degree of access to children which it involves, must be considered individually. In deciding how to proceed, schools may wish to evaluate the individual case against the points set out in the "Substantial Access" section of Circular 1990/28 (see Appendix 12).

10. Even though schools should have taken steps in their preliminary planning to ensure that unsupervised access to children does not occur, there may be situations where a volunteer may have regular or prolonged contact with a child or group of children and where the opportunity may consequently arise to establish a relationship which could be exploited outside the school.

11. It is likely that further vetting of volunteers will therefore be necessary in the cases of:

    i. individuals who are working on a regular basis with children in the classroom or on other school-based activities;

    ii. individuals accompanying school trips;

    iii. all individuals involved in summer activity schemes or residential activities;

    iv. individuals engaged to coach children in sports activities (see paragraph 20 below);

12. Where the need for a further check has been identified, the volunteer should already have given consent for a criminal records check to be carried out. Criminal Records checks and a check against List 99 (see paragraphs 25 and 26 of Circular 1990/28, Appendix 12) should be requested:

    - in the case of controlled schools, through the appropriate Education and Library Board;

    - in the case of maintained schools, through the Council for Catholic Maintained Schools;

- in the case of GMI schools, through the Northern Ireland Council for Integrated Education;

- in the case of voluntary grammar schools, through the Department of Education (Teachers' Administration Branch).

Accepting Volunteers

13. Where the procedures set out in paragraphs 10-12 have been followed as appropriate and the school is consequently satisfied that:

    i. the volunteer is a suitable person to have contact with children and has the character, skills and experience to support the work of the school in a voluntary capacity;

    ii well defined and worthwhile activities have been identified for the volunteer to undertake and he/she is competent to undertake them;

    the school may notify the individual that he/she has been accepted for voluntary duties in the school.

The use of Volunteers

14. Some fundamental principles should be observed by schools in using volunteers:

    i. the purpose of the volunteer is to assist staff, whether teaching or non-teaching. They should not be used as substitutes either to cover activities normally undertaken by paid staff who are absent, or to release such staff to undertake other duties;

    ii. volunteers should only work under the supervision and guidance of paid staff and these arrangements should be such as to minimise the opportunities for direct, unsupervised, access to children;

    iii. volunteers should not be placed in a position of sole responsibility for the security of children, premises or equipment;

iv. volunteers should understand the tasks which they are to undertake and receive appropriate training to enable them to perform these; tasks should not be allocated until the Principal is satisfied that the volunteer is competent to perform them;

v. volunteers should only be allocated duties after consultation and agreement with the teacher or other member of staff with whom the volunteer will be most closely involved. Teachers should not be placed under any pressure to accept volunteers in their classroom;

vi. volunteers should not be afforded access to records or other information relating to staff or pupils. An exception might be made where a child has a medical or other condition of which all those working with him/her should be made aware, and where the agreement of the parent has been sought.

Health and Safety and Insurance

15. Volunteers are owed a duty of care under the requirements of Health and Safety legislation. Schools should therefore ensure that volunteers are treated no less favourably than paid employees in terms of the schools' obligations under the legislation. Controlled and maintained schools should therefore seek advice from the relevant Board or CCMS, as appropriate, on the health and safety, and insurance, implications of engaging volunteers.

Duration

16. The school may wish to consider placing a time limit on the period of the volunteer's service. It may be useful to do this where the work earmarked for the volunteer is likely to be completed within a specific period; or to enable the school to introduce new volunteers in due course: particular individuals should not be given an indeterminate or monopoly position in volunteer work for the school. In all cases where a volunteer's involvement is likely to be long-term, the school should advise the volunteer that he/she will be subject to a trial period, for example, one month, during which the Principal, in conjunction with the member of staff supervising the volunteer, should monitor the volunteer's effectiveness in contributing to the life and work of the school. Issues to be considered could include: punctuality;

reliability; competence in the tasks allocated to them; quality of work; and, where they are involved in classroom activities, their effectiveness in supporting the teacher; and the appropriateness and success of their interaction with the children.

Information and Training

17. The school should ensure that the volunteer receives such information, guidance, preparation and, where necessary, training to enable him/her to perform tasks effectively. As a minimum, volunteers should be briefed on:

- the policy of the school and the management authority in relation to pastoral care, including:
  - its behaviour/discipline policy, including rewards and sanctions, and the extent of the volunteer's authority within it;
  - its child protection procedures;
- the school and management authority's health and safety policy.

Schools should establish a procedure for dealing with complaints against volunteers which is consistent with the advice in paragraph 35 of this booklet.

Arrangements should also be made for the volunteer to have a formal line of communication to a member of staff for reporting issues of concern, either relating to their duties or the welfare of children in the school.

School Security: Identification of Volunteers

18. The admission of volunteers to school premises has clear implications for school security. Other than in the smallest schools, it will not always be possible for all staff to distinguish between the genuine volunteer and an unauthorised person. The guidance document "Security and Personal Safety in Schools" issued by DENI in 1997 provides useful advice on visitors' access control, and schools should consider drawing upon this in establishing

arrangements for the admission and supervision of volunteers on school premises. Schools should in particular consider:

- requiring the volunteer to register at the beginning of each visit;
- providing the volunteer with a readily identifiable name badge or pass giving his/her name and status;
- limiting the access of the volunteer to particular areas of the school premises.

Schools should ensure that badges or passes are surrendered at the end of each day and when the volunteers' involvement with the school comes to an end.

Use of Coaches for Sport

20. Schools may also wish to use adults to assist teachers in providing a range of sporting activities, including sports activities which take place as part of residential visits to outdoor pursuits centres, and skiing trips abroad. It is therefore important that schools also satisfy themselves as to the suitability of any voluntary or paid coaches which they engage to work with children in these settings as such work will usually involve substantial access to pupils. In this context, suitability does not relate solely to competence in the particular sport, but also to their ability to work successfully with children in a way that is consistent with the school's approach to sports activity. In addition to the check on previous criminal convictions described earlier, schools should seek to ensure that coaches meet two requirements:

i. Technical competence to coach the activity

Evidence should be sought of:

- qualification as a specialist PE teacher; or
- qualification as a teacher of other subjects who has also successfully completed training in the teaching and organisation of the particular sport; and

- a current qualification through a recognised national governing body coaching award.

ii. Pastoral competence in working with children and young people

Evidence should be sought of:

- successful completion of specific training in work with children and young people; or

- previous experience of working with children and young people over a period of time.

21. Schools should be aware that the Sports Council for Northern Ireland has produced a Factsheet on Child Protection in Sport which provides advice on a wide range of issues relating to the involvement of adults in children's sports. Particular attention should be paid to the "Code of Behaviour" for coaches which is contained within the Factsheet and schools should obtain an assurance from coaches that they will adhere to this Code. Useful advice is also contained in "Safe Practice in Physical Education" which was issued to all schools by DENI.

Annex 1

Confidential

Volunteer Reference Form: _____ School

_____has expressed an interest in becoming a volunteer, and has given your name as a referee. If you are happy to complete this reference, all the information contained on the form will remain absolutely confidential, and will only be shared with the applicant's immediate supervisor should he/she be offered a volunteer position. We would appreciate your being extremely candid in your evaluation of this person.

1. How long have you known this person? _____

2. In what capacity? _____

3. What attributes does this person have that would make him/her a suitable volunteer?
_____

4. How would you describe his/her personality?
_____

5. Please rate this person on the following qualities *(please tick one box on each line)*:

	poor	average	good	v/good	excellent
responsibility					
maturity					
self motivation					
can motivate others					
commitment					
energy					
trustworthiness					
reliability					

This post involves substantial access to children. As a school which is committed to the welfare and protection of children, we are anxious to know if you have any reason at all to be concerned about this applicant being in contact with children or young people.

YES ☐ NO ☐ *(please tick)*

If you have answered "YES" we will contact you in confidence.

Signed: …….
Please return this form to ……. by …..……
Thank you.

Annex 2

Confidential

Application for Voluntary Activities in _____ School

Name _____

Address _____

_____

Previous names (where applicable) _____

Telephone No _____ Date of Birth _____

Current Occupation _____

Relationship with School _____
(eg parent, former pupil, friend/relative of member of staff)

Qualification _____

_____

Q1. Have you previously been involved in voluntary work involving children and young people? If so, please give details.

_____

_____

_____

Q2. Do You Have:

1. A current driving licence? Yes/No
2. Use of a car? Yes/No

Q3. How many hours per week can you make available? _____

On which days? _____

Morning/afternoon _____

Q4. Do you have any disability which would affect the type of voluntary work you could undertake?

Yes/No

If yes, please give details.

_____

_____

_____

Q5. Have you ever been convicted of a criminal offence or been the subject of a caution or bound over order?

You are advised that under the provisions of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended by the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 1986, you should declare any convictions, including "spent" convictions.

Yes/No

If yes, please state below the nature and date(s) of the offence(s) and the date(s) of conviction(s) or caution(s)

_____

_____

_____

Q6. Have you ever been investigated by Social Services in relation to child protection or had a child removed from your care?

Yes/No

If yes, please provide details and advise on the outcome of the investigation.

_____
_____
_____

REFEREES

Please give the names and addresses of two referees who may be approached to support your application for voluntary activities. Referees should not be family members or members of the staff of the school.

1. Name _____

Address _____
_____
_____

2. Name _____

Address _____
_____
_____

OTHER INFORMATION

Please include below any other information which you would like to give in support of your application.

_____
_____
_____
_____
_____

CRIMINAL RECORDS CHECKS

Voluntary activities in the school may involve substantial contact with children and it may therefore be necessary to arrange for a Criminal Records Check to be carried out on certain applicants, depending on the activities they will undertake. Please sign the declaration below, indicating whether you are willing for such a check to be carried out on you.

DECLARATION

The information which I have given is correct. I have declared any criminal convictions as listed above.

I give/I do not give my permission for a Criminal Records check to be made should this be considered necessary. *(delete as appropriate)*

Signature _____

Name (IN BLOCK CAPITALS) _____

Date _____

Appendix 12

Copy of contents of DENI Circular 1990/28

Department of Education for
Northern Ireland
Rathgael House
Balloo Road
BANGOR
Co Down
BT19 7PR

Circular 1990/28

To: Education and Library Boards; Association of Governing Bodies of Grammar Schools; Council for Catholic Maintained Schools; Boards of Governors and Principals of Grant-Aided Schools; Universities; Colleges of Education; Teacher Unions; NI Association for Special Education; Sports Council for Northern Ireland; AECP&T Staffs Council; A&G Negotiating Committee; Proprietors of Independent Schools

22 August 1990

DISCLOSURE OF CRIMINAL BACKGROUND OF PERSONS WITH ACCESS TO CHILDREN

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INTRODUCTION

1. This Circular introduces new procedures to enable employers to check with the Police whether persons who apply to work with children whether as employees or those directly engaged as volunteers have a criminal background.

2. The Circular implements recommendations made in the Report of the Inter-Departmental Working Party on Disclosure of Criminal Background of Persons Seeking Access to Children, published in March 1988. The Working Party was appointed following the publication in 1985 of a Home Office Steering Group Report, which recommended the introduction of a comprehensive vetting system in England and Wales to enable employers in the statutory sector to check for any criminal background of persons seeking to work with children, whether as employees or volunteers, in the education services, social services, the probation service, local authority leisure and recreational facilities and certain health service facilities. The Working Party's terms of reference required it to devise checking arrangements for Northern Ireland to parallel those recommended for England and Wales.

THE NEW ARRANGEMENTS

WHEN CHECKS SHOULD BE REQUESTED

3. A check as to the existence and content of a criminal record should generally be requested after a person has been selected, but before he/she is appointed to a position giving substantial access to children. This applies to prospective employees and volunteers, whether full-time or part-time. A child should generally be taken to mean someone under the age of 16, but this does not exclude older children and in particular would include children up to the age of 19 who have special educational needs. A check should also be made by an employer where a person already employed in another area of work moves to a post giving substantial access to children.

4. Where a Police check is likely to be required in relation to a position covered by the terms of this Circular, each applicant should be asked to list, as part of the recruitment procedures, any convictions, cautions or bind-over orders. At the same time, attention should be drawn to the provisions of the Rehabilitation of Offenders (Exceptions) Order (NI) 1979, as amended by the Rehabilitation of Offenders (Exceptions) (Amendment) Order (NI) 1987, which provide that convictions that are spent, under the terms of the Rehabilitation of Offenders Order (NI) 1978, must be disclosed if the individual will be working with children or other vulnerable groups and which allow employers to take spent convictions into account in deciding whether to engage the applicant. Applicants, therefore, may properly be requested to list **all** convictions. Each applicant must give written permission for a Police check to be carried out in the event of this being required, and it should be pointed out that refusal could prevent further consideration of the application.

5. It is important that most efficient and economical use is made of the arrangements. Requests for checks should not, therefore, be made when interview short-lists are being drawn up, but only when the final candidate has been selected and in respect of that candidate alone. To check a number of candidates for each position could entail long and unacceptable delays and could greatly overload the capacity of the Police checking system. This is particularly important because the new arrangements extend not only to the whole of the education sector but also to Health and Social Services Boards and certain services provided by District Councils. Nor should the Police be asked to confirm criminal records where an applicant has admitted a conviction which would clearly render him or her unsuitable for work giving access to those covered by the terms of this Circular.

6. Police checks should not take the place of normal recruitment procedures, such as the seeking and taking up of references and ensuring that any unexplained gaps in employment are satisfactorily accounted for. The new arrangements are to be used as an addition to these procedures.

PERSONS ON WHOM CHECKS SHOULD BE REQUESTED

7. Criminal record checks should be requested for the following groups, prior to appointment, where the position would give substantial access to children:-

All staff (professional, ancillary, administrative and clerical) to be employed in:

All grant-aided schools and institutions of further education

Independent schools

Educational guidance centres

Educational psychologists

Professional staff employed in Education and Library Boards Advisory and Curriculum Support Services

Peripatetic, supply and home tuition teachers

Professional staff employed in the Youth Service, Music Service and Education Welfare Service

Youth workers employed by Education and Library Boards and Education and Library Board and Sports Council staff in residential and outdoor pursuits centres

Drivers and escorts engaged in transporting children

School crossing patrols

Volunteers working for Education and Library boards in the above areas

Checks are not required to be made in respect of maintenance staff employed by Boards.

TEMPORARY STAFF

8. Temporary staff filling posts giving substantial access to children may also be checked where full-time or part-time appointees would be checked. In emergency situations, however, it is accepted that the post may have to be filled before a check can be carried out. It may not, furthermore, be practical to request a check where the placement is for a short period of, say, less than 10 working days. It would not normally be necessary to request checks on a teacher who is employed in a temporary capacity on a regular basis.

9. Employers should use the arrangements to check only those persons who are included in the groups listed above or covered by paragraph 10.

STAFF EMPLOYED BY PRIVATE CONTRACTORS

10. Where Boards contract out services to the private sector, criminal records checks should be carried out on staff employed by private contractors, to provide ancillary services, ie domestic, catering and laundry, where those staff will be working on a long-term basis in situations which would give substantial access to children and where a Board appointee would be checked.

11. In such circumstances, the Boards should at tender stage make it clear to private contractors that criminal records checks will be carried out after a contract is awarded but before any work is undertaken. At the same time, the Board should advise contractors that an employee may be refused entry to the Board's premises where that employee has been convicted of an offence and the Board considers that the offence would render that employee unsuitable for the intended duties.

12. In such cases, the contractor should be asked to provide the Board with the names and other necessary identification details (including all convictions, cautions and bind-overs) of persons who will be deployed on duties which would provide substantial access to children. The contractor should be asked to inform the employees concerned that a criminal records check will be carried out and to obtain their agreement to this. Requests for checks of criminal background should be sent to the RUC in accordance with the arrangements described in paragraphs 15 to 18. The information obtained from the Police checks **must not** be passed on to the contractor. If the information indicates that a particular person is not suitable for the intended duties, then the contractor should simply be told that the individual concerned cannot undertake that work. Where an employee complains about this decision, any discrepancy between the information provided by the Police and that provided by the contractor should be discussed with the employee. Where there is disagreement, the advice given in paragraphs 21 and 22 applies.

SUBSTANTIAL ACCESS

13. The majority of those listed above will generally have substantial access to children and should, therefore, be checked through the new system. In some instances, however, the situation may be less clear, for example, in relation to volunteers or ancillary/clerical posts. In these cases, a judgement must be made on whether the amount of access can be regarded as

substantial and, therefore, whether it is necessary to request a check. To help in reaching decisions in such circumstances, the following points should be considered.

a. Does the position involve one-to-one contact?

If it does, and such contact is likely to take place away from the home or separate from others, then access should be regarded as substantial.

b. Is the position supervised?

It is possible for a person to spend considerable amounts of time with children, but under close supervision. This might not necessarily be regarded as substantial access; though the scope for developing relationships which would be exploited outside working hours should be kept in mind.

c. Is the situation an isolated one?

There is a greater risk to a child who is living away from home, for example, in residential care, possibly for lengthy periods, and the risks may increase the further the person is from the parental home, or where parental visits are infrequent. A similar situation could arise where there is opportunity to take children singly, or in a group, away from family surroundings (for example, on holiday).

d. Is there frequent contact?

The more frequent the contact with the same client or group of clients, the greater the opportunity to put the child at risk. This is especially so if the contact is unsupervised, or occurs away from other clients.

e. If the post gives access to children are they particularly vulnerable?

It may be considered that younger children are more vulnerable than older children and generally less able to protect themselves, but the nature of the risk must also be considered. Younger children may be more at risk of sexual abuse, older children from drugs. More particularly, children with a physical or mental

handicap, or who have social or behavioural problems, are likely to be more vulnerable than those whose health is sound and/or who come from a stable home background.

EXISTING EMPLOYEES

14. Checks with the Police should not generally be carried out on existing employees or volunteers unless they transfer from other work to positions which provide opportunity for substantial access to children. In the case of a teacher transferring to a school without a break in employment a check will not normally be necessary. If, exceptionally, serious allegations are made against a person already working with children, or previously unrevealed information comes into light, a check may, however, be made. This must **not** be done without the knowledge of the individual concerned, who must be given an opportunity to discuss any information revealed by the check, as in paragraph 21. Subsequent action as a result of such a check is a matter for the employer in the light of all the circumstances.

HOW CHECKS ARE TO BE REQUESTED

15. Education and Library Boards should submit their requests for criminal records checks direct to the Criminal Records Office (CRO) at RUC Headquarters. The Council for Catholic Maintained Schools will fulfil a similar role in respect of teaching appointments to Catholic maintained schools as will the NI Council for Integrated Education in respect of teaching appointments to Grant-Maintained Integrated Schools. Requests for checks in respect of all appointments to all other voluntary schools (including voluntary grammar) and independent schools **should be channelled to CRO by the individual school through the Department of Education (Teachers' Administration Branch).**

16. Student teachers should **not** usually be subject to a police check, unless other evidence available to a Teacher Training Institution suggests that there may be a cause for concern in a particular case. Checks on these people will be carried out when they obtain their first full-time employment as teachers. Where a University or College of Education has cause for concern in respect of any particular student wishing to undergo a course of initial teacher training, a request for a criminal record check should be submitted to CRO through the Department of Education.

17. Each body submitting requests for information direct to CRO should nominate a senior officer and a deputy to be responsible for requesting and receiving the results of criminal records checks, and the names of the officers so nominated should be conveyed to the RUC. He/she will be personally responsible for overseeing the operation of the checking procedure

and for ensuring that any information revealed by the Police check is released only to those who need to see it.

18. All requests for checks will be the responsibility of the nominated officer who will decide whether a check is necessary and justified under the terms of this Circular, and if so, make the formal request to CRO. A specimen form for this purpose is attached at Appendix A. Only one copy of the form need be sent. Request forms which have not been signed by the nominated officer or deputy will not be accepted by the Police. The form should be completed in full. If all details are not available from the candidate's application form, he/she should be asked to supply the missing information. After carrying out a check of their records, the Police will send the results back to the requesting officer. The form attached at Appendix B is for use by school authorities where requests are submitted to CRO through the Department. Two copies should be completed and sent to the Department. One will be held by the Department for record purposes until the results of the check are forwarded to the school which made the request.

INFORMATION GIVEN IN RESPONSE TO A CHECKING REQUEST

19. The Police will reply showing either that there is no trace of the person concerned on the details supplied or giving full details including cautions and bind-over orders. It is for the employer to make a judgement as to the candidate's suitability taking into account only those offences which may be relevant to the particular job or situation in question. The fact that a person has a criminal record does not automatically render him or her unsuitable for work with children. A person's suitability should be looked at as a whole in the light of **all** the information available.

20. In deciding the relevance of any convictions, the following points should be considered:

a. The nature of the conviction

In general, convictions for sexual, violent or drug offences will be particularly strong contra-indications for work with children.

b. The nature of the appointment

Often, the nature of the appointment will be helpful in assessing the relevance of

the conviction. For example, offences involving sexual abuse, violence or the misuse of drugs would give rise to particular concern where the position was one of providing care; offences involving dishonesty would be particularly relevant where the position was one involving the handling of clients' money: those involving drunkenness or driving convictions would be of concern in situations involving transport of clients.

c. When the offence occurred

Offences which took place many years in the past may often have less relevance than recent offences. However, convictions for violent or sexual offences are more likely to give cause for continuing concern than others for, say, dishonesty.

d. Frequency of offence

A pattern of unrelated or similar offences over a period of years is more likely to give cause for concern than an isolated minor conviction.

DISCREPANCIES AND DISAGREEMENTS

21. Where the information provided by the Police differs from that provided by the candidate, the employer must, before taking a final decision on the appointment, discuss the discrepancy with the candidate. Where there is disagreement, the candidate should have the opportunity to see the information provided by the Police. A candidate who believes that the information is incorrect and wishes to make representations to the Police should do so in the first instance through the nominated officer. Thereafter, if still dissatisfied, he/she should be advised to pursue the matter with the Police direct.

22. If the dispute continues, it is for the employer to decide whether or not to proceed with the appointment, taking into account the nature of the offence(s) to which the disputed information relates.

SAFEKEEPING OF INFORMATION

23. The information which the Police will provide is of a confidential nature. It must be used only to judge the suitability or otherwise or a candidate for the position in question and it must be kept securely while the judgement is being made. Once this has been done, the information

should be destroyed, with due regard to its confidentiality. An indication on the records that a Police check has been carried out may be made, but this should not refer to any specific offences.

CHECKS WITH OTHER POLICE FORCES

24. Where the candidate lives or has lived in another part of the United Kingdom or in the Republic of Ireland, the RUC Criminal Records Office will make enquiries as to the existence of a criminal record with the relevant Police Force. The RUC is also able to check through Interpol the criminal background of applicants who live or have lived abroad (ie in countries outside the United Kingdom or the Republic of Ireland), provided such checks come within the terms of this Circular and the applicant's permission has been obtained. Such checks will of course take longer to process.

Certain countries are not prepared to carry out such checks and others require certain conditions to be met before they will agree to do so. The countries concerned are as follows:-

> Austria, Belgium, France, Holland and Japan will not accept requests for checks of criminal background and the RUC should not, therefore, be asked to check applicants from these particular countries.
>
> Norway and Sweden require an authorisation, signed by the subject, to be supplied when a criminal record check is requested. If requesting a check on an applicant from one of these countries the form must, therefore, be accompanied by the subject's authorisation.
>
> Saudi Arabia, Trinidad and Pakistan require the subject's fingerprints and passport details to be supplied before they will respond to a request for a check of criminal background. It would not, therefore, be practical to request criminal records checks on applicants from these countries.

DENI RECORDING SYSTEM

25. The Department of Education for Northern Ireland has a system for recording cases of misconduct by teachers. Under this system, the Department receives information from the Police upon conviction, from employers where there has been a dismissal (or a resignation in circumstances where there would otherwise have been a dismissal) and from press reports. Where there has been misconduct, the Department has a statutory duty to consider the need

to withdraw recognition from the teacher concerned. Where the misconduct is of a minor nature, a warning letter would usually be issued, but where the offence is serious, the Department may decide that recognition should be withdrawn.

26. In connection with the appointment of full-time and part-time teachers to grant-aided schools and of full-time teachers to institutions of further education, the Department carries out a check to ensure that recognition has not been previously withdrawn. In doing so, the Department consults not only its own records, but also lists of debarred teachers maintained by the Department of Education and Science and the Scottish Education Department. The Department will continue to carry out this check for teachers alongside the criminal records checks being carried out under this Circular.

REPORTING OF CONVICTIONS OF STAFF DURING EMPLOYMENT

27. The Police already report new convictions of certain staff to their employers or professional bodies. These arrangements will continue. In addition, where the Police are aware that the individual convicted has substantial access to children as a result of holding a position in any of the groups listed in paragraph 7, they will in future forward a report of the conviction to the relevant nominated officer. Only relevant convictions will be reported, ie those involving indecency, dishonesty, violence, drink or drugs. If the Police are in any doubt as to the identity of the employer, they will send the report to the Department's nominated officer who will forward it to the relevant employer.

28. Action to be taken on receipt of such a report is a matter for the employer concerned, but the subject of the report should be informed of its receipt and given the opportunity to confirm its accuracy.

POLICE INDEMNITY

29. The Police will require to be indemnified by employers against any liability incurred as a result of the provision of information in response to requests made under the new arrangements and the reporting convictions. The indemnity required will be in the following form:

> "… undertakes to indemnify the Police against any liability or civil claim which may be incurred by any serving or former Police Officer or serving or former member of Police civil staff as a result of the provision by the Police to […] of reports of convictions, cautions or bind-over orders."

ACTION TO BE TAKEN BY EMPLOYERS

30. The new checking arrangements should be brought into operation from the 1990/91 school year. **Each employer who will be making requests direct to the Police** should select their "nominated officer", and a deputy, and provide the Police with the names and specimen signatures, so that they can compile a list of those authorised to request and receive information about criminal records. Notifications should be sent to:- The Chief Constable, Crime Branch, C3 (Criminal Records Office), RUC, Brooklyn, Knock Road, Belfast BT5 6LE.

31. At the same time each such employer should arrange to draw up a written indemnity in the form set out in paragraph 29 and forward this to: The Chief Constable, Crime Branch, C3 (Criminal Records Office) at the address above.

ENQUIRIES

32. Enquiries about specific requests for criminal background checks submitted to the Department should be made to the appropriate Branch of the Department.

Dd.7043 C30 3/99 CCN6254

Appendix A to Circular 1990/28

SPECIMEN FORM FOR REQUESTING A CRIMINAL RECORDS CHECK
EDUCATION AND LIBRARY BOARDS/CCMS

IN CONFIDENCE

To: The Chief Constable
Criminal Records Office
Royal Ulster Constabulary
Brooklyn
Knock Road
BELFAST BT5 6LE

From: .....
.....

Tel No: .....
Ref No: .....
Date: .....

Under the provisions of Circular 1990/28 it is requested that a check for any record of convictions, cautions or bind-over orders be carried out in respect of the undernoted, who will have substantial access to children in the capacity of ..... at .....

COMPLETE IN BLOCK CAPITALS

Mr/Mrs/Miss/Dr (Delete as appropriate)

Date of Birth: .....

Surname: .....

Place of Birth: .....

Christian Names: .....

Maiden Name: .....

Any other previous surnames: .....

Address: .....
.....
.....

Previous address: .....
(within the last 5 years) .....
.....

Any other identifying particulars .....

Convictions/cautions declared ☐ Yes ☐ No

I am satisfied that the particulars given above are accurate and that the above-named person has given written permission for the check to be made and is aware that any spent convictions will be disclosed.

I further declare that any information given will be treated is strict confidence and used only in accordance with the Circular.

SIGNED: ..... *POSITION:* .....

Name in Capitals .....
(Nominated Officer/Deputy Nominated Officer)

TO BE COMPLETED BY POLICE AND WHOLE FORM RETURNED

☐ No trace on the details supplied

☐ The subject may be identical with the person whose record of convictions is attached

SIGNED: ..... **RANK:** ..... **DATE:** .....

Appendix B to Circular 1990/28

SPECIMEN FORM FOR REQUESTING A CRIMINAL RECORDS CHECK
(2 COPIES OF THIS FORM SHOULD BE SENT)

For use by Voluntary Schools (other than Catholic Maintained Schools)
Independent Schools, Grant-maintained Integrated Schools, Teacher Training Institutions,
the Sports Council

IN CONFIDENCE

To: Department of Education

Name and address of employer:
.....
.....
Tel No: ..... Ext: .....
Ref No: .....
Date: .....

For referral to:
.....
RUC CRIMINAL RECORDS OFFICE

Under the provision of Circular 1990/28 it is requested that a check for any record of convictions, cautions or bind-over orders be carried out in respect of the undernoted, who will have access to children in the capacity of .....

COMPLETE IN BLOCK CAPITALS

Mr/Mrs/Miss/Dr (Delete as appropriate)	Date of Birth: .....
Surname:	Place of Birth: .....
Christian Names:	
Maiden Name:	Any other previous surnames: .....
Address:	Previous address: .....
.....	(within the last 5 years) .....
.....	.....
Any other identifying particulars	
Convictions/cautions declared ☐ Yes	☐ No

I am satisfied that the particulars given above are accurate and that the above-named person has given written permission for the check to be made and is aware that any spent convictions will be disclosed.

I further declare that any information given will be treated in strict confidence and used only in accordance with the Department's instructions.

SIGNED: ..... *POSITION:* .....

NAME IN CAPITALS
(Nominated Officer/Deputy Nominated Officer)

TO BE COMPLETED BY POLICE AND WHOLE FORM RETURNED TO DENI

☐ No trace on the details supplied ☐ The subject may be identical with the person whose record of convictions is attached

SIGNED: ..... RANK: ..... DATE: .....

DENI RESPONSE

☐ No observations ☐ Record of convictions attached

SIGNED: ..... DATE: .....