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Subject:

**DEALING WITH ALLEGATIONS OF ABUSE AGAINST
A MEMBER OF STAFF**

**Circular Number:
2015/13**

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30 April 2015**

Target Audience:

- Principals and Boards of Governors of all grant-aided schools
- The Education Authority
- Council for Catholic Maintained Schools
- Northern Ireland Council for Integrated Education
- Comhairle na Gaelscolaíochta
- Governing Bodies Association
- Trade Union Side
- Independent Schools

Summary of Contents:

The purpose of this guidance is to provide advice to Principals and Boards of Governors (BoG) of educational establishments when managing an allegation of abuse against a member of staff.

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Governor Awareness:
Essential

Status of Contents:
Advice
Guidance for Schools

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Superseded Documents:
Section 3 and 4 (para 63 and 64) of the "Pastoral Care in Schools Child Protection" guidance, as referenced in **DE Circular 1999/10**

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DEALING WITH ALLEGATIONS OF ABUSE AGAINST A MEMBER OF STAFF

1. THE PURPOSE OF THIS GUIDANCE

The purpose of this guidance is to provide advice to Principals and Boards of Governors (BoG) of ¹ educational establishments when managing an allegation of abuse against a member of staff.

This replaces Section 3 and Section 4 (para 63-64) of the Pastoral Care in Schools Child Protection guidance, as referenced in the Department of Education (DE) Circular 1999/10. However, to set in its full context, it should be read in conjunction with the Pastoral Care in Schools Child Protection guidance.

In all child related decisions the welfare principle² must inform the handling of all cases, and this is the primary reason for taking precautionary measures. **The child/pupil must be listened to and his/her concerns taken seriously.**

The possible risk of harm to children posed by the member of staff named in an allegation needs to be effectively evaluated and managed, including the child/pupil involved in the allegation, and any other children in that member of staff's home, work or community life. In some cases this will require consideration being given to suspending that person as a precautionary measure.

However, it is also recognised that in applying precautionary measures (including suspension), the welfare of the member of staff is also important. Principals and Employing Authorities have a continuing duty of care to any member of staff who is subject to an allegation. Therefore, it is essential that any allegation of abuse made against any member of staff in an educational establishment is dealt with thoroughly, fairly, efficiently, consistently and timely, in a way that provides effective protection for the child/pupil and at the same time takes account of the rights and needs of the person who is the subject of an investigation.

Precautionary suspension can have far reaching implications, not only for the member of staff involved, but also for his/her family, for other children at the educational establishment, their parents and for other members of staff. All concerned will wish to be reassured that the responsible agencies will act in a constructive and measured way when allegations of abuse are brought to their attention, whilst ensuring that the needs of the child are of paramount consideration.

¹ Please note that the definition of all words, in Italics and underlined throughout the rest of the document, can be found in **Annex A**.

² **Child's welfare is the paramount consideration – The Children (Northern Ireland) Order 1995**

2. ALLEGATIONS

Allegations can be made in a number of different ways and from a variety of sources such as:

- In person, by correspondence, by phone, by electronic means such as social media, e-mail, twitter etc.
- From pupils, their parents/relative/guardian, a member of staff, a witness, social services, the police, the media, the Employing Authority, Child Protection Support Service for Schools (CPSSS) or anonymously.

Allegations against a member of staff can include their alleged behaviour outside of their job/role, including in their own home or community, relating to children.

Allegations can be made against Temporary and Substitute Teachers on the Northern Ireland Substitute Teachers Register (NISTR) - see **Annex B**.

Allegations can also be historical, for example: where the person making the allegation has left the educational establishment or where the member of staff may have worked in another educational establishment - see **Annex C**.

3. KEY POINTS

- It is extremely important that when an allegation is made the educational establishment makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. Allegations should not be shared with other staff and children.
- If an allegation is made against a member of staff, the resolution of that allegation should be a clear priority to the benefit of all concerned. Any unnecessary delays should be avoided.
- All educational establishments should adopt these procedures for dealing with allegations against a member of staff and it should be made clear that **all allegations should be reported immediately**, normally to the Principal or Designated Teacher for Child Protection/Deputy Designated Teacher for Child Protection.
- A Lead Individual to manage the handling of an allegation should be identified from the outset. This would normally be the Principal or a designated senior member of staff. If the Principal is the subject of concern, the allegation should be reported immediately to the Chairperson (Chair) of the BoG, Deputy Chairperson, Designated Governor for Child Protection and the person appointed to be the Lead Individual.
- Where the Principal is not the subject of the allegation, he/she should advise the Chair or the Vice-Chair in their absence as soon as is practicable.

- In accordance with agreed disciplinary procedures **the BoG, the Chair or the Principal can impose a precautionary suspension on a member of staff** and should only do so following full consideration of an individual case in conjunction with the Lead Individual and advice from the relevant Employing Authority.
- A precautionary suspension should be kept under regular review and can only be ended by the Board of Governors.
- In response to an allegation, other options should be considered before suspending a member of staff. Suspension should not be the default option. An individual should be suspended **only** if there is no reasonable alternative. If suspension is deemed appropriate, the reasons and justification should be recorded by the employer and the individual notified of the reasons. The precautionary suspension should be reviewed monthly. The requirement to maintain confidentiality must be emphasised.
- All allegations **must** be recorded in the Record of Child Abuse Complaints book³, which must be retained securely. However, these should not be referred to in employer references. It should be noted that, if involved, the relevant Employing Authority, CPSSS, Social Services and the Police (PSNI) may retain their own records of any investigation, subject to their record and disposal policies.
- Pupils who are found to have made malicious or unfounded allegations may have breached school behaviour policies. This matter may be considered under the School's Pupil Discipline Process. In the event of a malicious or unfounded allegation being made by a person from outside the school, consideration should be given to reporting that person to the PSNI, if appropriate.
- In advising parents and/or the person who made the allegation regarding the outcome, assurance should be provided that the matter has been dealt with under the relevant procedures. However, details of the outcome of HR procedures, such as Disciplinary Procedures, should be dealt with in confidence and should not be shared.
- This guidance includes key contact details⁴ which can provide Principals and BoGs with advice about child protection matters.

4. DUTIES OF AN EMPLOYER

Employers have a duty of care to their staff and should ensure they provide effective support for anyone facing an allegation and provide the member of staff with a named contact in the school if they are suspended. The individual should be advised to contact their trade union regularly if they are a member and wish to do so.

³ See **Annex D** – Record Keeping

⁴ See **Annex E** - which contains the telephone numbers of the appropriate key agency contacts

This guidance is about managing cases of allegations that might indicate a person would pose a risk of harm if they continue to work in regular or close contact with children in their present position, or in any capacity. It should be used in respect of **all** cases in which an allegation has been made against a member of staff that relates to one or more of the following:

- Behaved in a way that has harmed a child/pupil, or may have harmed a child/pupil.
- Possibly committed a criminal offence against, or related to, a child/pupil.
- Behaved towards a child/pupil in a way that indicates he/she would pose a risk of harm if they work regularly or closely with children.
- Behaved in a way that creates a safeguarding concern.
- Abused their position of trust.
- Acted outside the Code of Conduct relating to Child Protection.

5. GUIDANCE ON NEXT STEPS

The procedure when dealing with allegations of abuse against a member of staff should be applied with expediency, sensitivity, common sense and judgement. All actions taken should comply with the inter-agency arrangements outlined in the Area Child Protection Committees (ACPC) Regional Policy and Procedures.

5.1 Establish the facts

While it is necessary for the Lead Individual to establish the facts of the allegation, he/she **MUST NOT** investigate the incident by interviewing either those directly involved or any witnesses. It is the role of Social Services/PSNI to conduct any investigations.

Interviews undertaken by untrained staff are likely to jeopardise any subsequent criminal/disciplinary investigation, and may lead to unjust outcomes for the child/pupil or the member of staff who is the subject of investigation.

Where possible the Lead Individual should establish the following:

- The general nature of the allegation.
- That the allegation is of a child abuse nature⁵.
- When and where the incident is alleged to have occurred?
- Who was involved?
- Whether any other persons were present?
- If *the records of the educational establishment* are likely to be able to support or contradict the allegation.

⁵ Clarification, if required, can be obtained from CPSSS or the relevant Employing Authority,

- Any history of similar allegations being made about the member of staff or by the person making the allegation.

5.2 Seek advice from Key Agencies

The Lead Individual should not unduly delay seeking advice, even if all information is not immediately available to them. A discussion with key agencies may be the most appropriate mechanism to do this. The Lead Individual should seek advice in the first instance from CPSSS and/or their Employing Authority.

This discussion can be an organised meeting or more likely a series of phone calls that provide the Lead Individual with the opportunity to seek advice from and hear the views of the other key agencies involved in safeguarding children. These can include:

- The Chair.
- The Designated/Deputy Designated Teacher for Child Protection.
- CPSSS.
- Employing Authority.
- Social Services.
- PSNI.

The outcome of the discussion with key agencies should be used to inform what action, if any, is appropriate and/or necessary.

In this discussion the agencies involved should share all relevant information pertaining to the allegation.

Where the police are investigating, the employer should ask them to obtain consent from the individuals involved to share their statements and evidence for use in the employer disciplinary process, if appropriate.

Social Services should adopt a similar procedure when making enquiries to determine whether the child/pupil named in the allegation is in need of protection or other services, so that any information obtained in the course of those enquiries, which is relevant to a disciplinary case, can be passed to the employer without delay.

5.2.1 A discussion with key agencies may include:

i. When is precautionary suspension likely to be appropriate?

Precautionary suspension is most likely to be considered in any case where:

- A child/pupil is at risk of significant harm.
- The allegation is so serious that, if proven, there may be grounds for dismissal.
- It is necessary to allow the conduct of the investigation to proceed unimpeded e.g. there is a possibility of the member of staff named in the allegation exercising an influence over the child/pupil and other witnesses, or tampering with potential evidence.

- Following the discussion with the key agencies it is decided that any of the above apply.

Precautionary suspension can be considered at any stage of an investigation. However, Lead Individuals should also consider whether the result that would be achieved by suspension, could be obtained by alternative arrangements.

ii. Alternatives to precautionary suspension

Alternatives to precautionary suspension can include, where available and appropriate:

- Moving the member of staff to other duties that do not involve direct contact with a specific child or children identified as being at risk.
- Moving the member of staff to other duties that do not involve direct contact with children e.g. within the Employing Authority.
- Providing an assistant to be present when the individual has contact with children.

6. WHO DECIDES TO SUSPEND?

The BoG, the Chair or the Principal can impose a precautionary suspension on a member of staff. Advice may be sought from the Employing Authority as considered necessary.

If the case has been referred to Social Services and/or requires an investigation by the PSNI, the Lead Individual will be aware of the views of the other agencies. The Lead Individual can request a statement in writing from Social Services and/or PSNI that will support the outcome of the discussion from their agency perspective.

⁶Social Services or PSNI **cannot** require that a member of staff is placed on precautionary suspension.

6.1 Is a precautionary suspension appropriate/necessary?

Following the discussion between the key agencies, the Lead Individual should consider what action is appropriate and advise the BoG, the Chair or the Principal accordingly.

There may be exceptional circumstances where the Lead Individual may still be undecided as to whether to invoke a precautionary suspension following the outcome of the discussion with the key agencies. In such circumstances the Lead Individual should discuss their views with the BoG, the Chair or the Principal and consider if any alternative action is appropriate.

⁶ See **ANNEX F** for details of the role of the Social Services and Police (PSNI)

If the BoG, the Chair or the Principal decides not to proceed with the precautionary suspension, there should be clear documented evidence of the reason(s), in particular where the decision is different from the outcome of the discussion with the key agencies.

7. POSSIBLE OUTCOMES⁷

Following discussion with the key agencies there are four possible outcomes:

- i. Precautionary suspension under child protection is not appropriate and the matter is concluded.
- ii. Allegation to be addressed through the use of the appropriate Disciplinary Procedures where consideration may be given to the requirement for a precautionary suspension under those procedures.
- iii. Precautionary suspension under child protection to be imposed.
- iv. Alternatives to precautionary suspension to be imposed.

7.1 The action to be taken on each of the above outcomes is set out below.

i) Precautionary suspension under child protection is not appropriate and the matter is concluded.

The Lead Individual should advise the BoG, the Chair and the Principal if appropriate, and action should be taken to:

- Advise the member of staff that an allegation has been made, the nature of it, and that no further action will be taken.
- Advise the member of staff of available counselling/welfare services such as Carecall.
- If the outcome of the discussion with key agencies concluded that the allegation may have been made in an attempt to draw attention to abuse emanating from another source (this is known as displacement), the Lead Individual should refer the matter to Social Services to determine whether the child concerned is in need of any specialist services.

ii) Allegation to be addressed through the use of the Disciplinary Procedures.

- Appropriate Disciplinary Procedures for teaching and non-teaching staff apply.

⁷ Please see flowchart at **Annex G**

iii) Precautionary suspension under child protection is to be imposed.

Following the internal process as stated in section 5 of this guidance:

- Advise the member of staff that an allegation has been made, the nature of it, and the action to be taken. (In line with section 8 as set out below).
- Advise the member of staff of available counselling/welfare services such as Carecall.
- A referral to Social Services/PSNI for investigation, if not already done so. A decision to be taken by the BoG, Chair or Principal to place the member of staff on precautionary suspension. (See section 5.2.1 (i) for details of when precautionary suspension is likely to be appropriate).
- Any further action under the Disciplinary Procedures should be held in abeyance pending the outcome of the external investigation.
- Following notification of the outcome of the external investigation, the status of the precautionary suspension should be reviewed and consideration given to action under the relevant Disciplinary Procedures.

iv) Alternatives to precautionary suspension to be imposed.

Following the internal process as stated in section 5 of this guidance:

- Advise the member of staff that an allegation has been made, the nature of it, and the action to be taken.
- Advise the member of staff of available counselling/welfare services such as Carecall.
- A referral to Social Services/PSNI for investigation, if not already done so. A decision to be taken by the BoG, Chair or Principal to consider and implement alternatives to precautionary suspension. (See section 5.2.1 (ii) for list of alternatives).
- Any further action under the Disciplinary Procedures should be held in abeyance pending the outcome of the external investigation.
- Following notification of the outcome of the external investigation, the status of the precautionary suspension should be reviewed and consideration given to action under the relevant Disciplinary Procedures.

8. INFORMING A MEMBER OF STAFF OF A PRECAUTIONARY SUSPENSION

When it has been decided that a precautionary suspension is necessary while a full investigation of the allegation is undertaken, the member of staff should be notified that he/she is suspended from work/duty.

In the majority of cases, informing a member of staff that he/she is suspended from work/duty will take place at a meeting convened for that purpose. This should be arranged at the earliest opportunity.

The individual should be informed of the following:

- The nature of the allegation and in particular that it is a child protection allegation.
- The reason for the precautionary suspension.
- What is likely to happen next (insofar as you know and are at liberty to say).
- Reassure the member of staff that a precautionary suspension is a neutral act intended to protect all concerned.
- Advise the member of staff of the Staff Welfare Officer's contact details and of the availability of confidential and independent Staff Care Services, such as Carecall as appropriate.
- Advise the member of staff who their appointed contact person in the educational establishment will be during the period of suspension.
- Advise the member of staff of his/her right to be accompanied or represented at any future meetings.

Written confirmation of the precautionary suspension should be issued within **one working day**, including the details as discussed above.

9. AFTER A MEMBER OF STAFF IS PLACED ON PRECAUTIONARY SUSPENSION

Due consideration should be given to the initiation of the period of suspension, taking into account the need for dignity.

The suspended member of staff should also be given the name of an agreed person from the Employing Authority. The main role of this person is to provide information as to the progress of the Social Services/PSNI investigation.

The appointed contact person should provide the member of staff with general information about developments at their educational establishment, according to the wishes of that member of staff.

Social contact with the member of staff's colleagues and friends at the educational establishment should not be precluded, except where likely to be prejudicial to the gathering and presentation of evidence.

Although it is the aim that all investigations should be conducted as efficiently as possible, consistent with establishing the full facts, arrangements should be made for the member of staff or his/her representative to be contacted regularly (4-6 weekly or more often as decisions are taken), with information on progress and developments on the case.

These arrangements do not preclude the member of staff, or his/her representative, contacting those conducting the investigation at any time.

The member of staff should be offered access to the staff Welfare Services and Staff Care Services such as Carecall, which is a confidential service and is independent of the Employing Authority's Human Resources function.

A precautionary suspension should be kept under regular review and can only be ended by the Board of Governors.

9.1 Support for others concerned

Support will be needed for the child/pupil involved in the allegations, any siblings and their parents. Consideration should be given to the form such support should take. Advice on the type of appropriate support available can be discussed with the Employing Authority/CPSSS.

Consideration should also be given to what support may be needed for others at the educational establishment, both staff and children, according to the circumstances of the alleged abuse.

It is extremely important that when an allegation is made the educational establishment makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered. This allegation should not be shared with other staff and children.

10. ACTIONS FOLLOWING AN INVESTIGATION

10.1 Resignations and "compromise agreements"

The fact that a member of staff tenders his/her resignation, or ceases to provide their services, must not prevent an allegation being followed up in accordance with this guidance.

Under no circumstances should "compromise agreements" be used to avoid an investigation, e.g. where a person agrees to resign and the Principal/Employing Authority agrees not to pursue disciplinary action.

Such practice fails to protect children and brings the education service into disrepute. In any event, such an agreement will not prevent a thorough police investigation where that is appropriate, nor must it override the statutory duty to make a referral to the Disclosure and Barring Service (DBS) where circumstances require that.

It is important that every effort is made to reach a conclusion in all cases of allegations about the safety or welfare of children, including any in which the member of staff concerned refuses to co-operate with the process. Wherever possible, the member of staff should be given a full opportunity to answer the allegation and make representations about it to the Employer, in accordance with the relevant Disciplinary Procedures.

However, the process of recording the allegation along with any supporting evidence, and reaching a conclusion about whether it can be regarded as substantiated should be completed. While it may be difficult to reach a conclusion in such circumstances, and it may not be possible to apply any disciplinary sanctions if a member of staff's period of notice expires before the process is complete, the investigation should continue to its conclusion.

10.2 Return to work after suspension

In cases where it is decided on the conclusion of the investigation that a member of staff who has been suspended can return to work, the Principal, in consultation with the member of staff and those who supported him/her during suspension, should consider how best to facilitate that. Most people will benefit from some help and support to return to work after a very stressful experience.

Depending on the circumstances of the member of staff, a phased return and/or the provision of a mentor to provide assistance and support in the short term may be appropriate. The Principal should also consider how the member of staff's contact with the child/pupil who made the allegation can be best managed if they are still attending the school.

10.3 Member of staff's employment is terminated

If, on conclusion of the investigation the employer terminates the person's services, or, at any time the person resigns or leaves their employment, the Principal or Lead Individual should consider whether a referral to the Disclosure and Barring Service (DBS) is required.

The Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 places a legal duty on regulated activity providers such as, schools and employers of school staff to make a referral to the DBS where they have dismissed or removed a person from working with children or vulnerable adults (or would/may have if the person had not left or resigned etc) because they have:

- Been cautioned or convicted for a relevant offence.
- Engaged in relevant conduct in relation to children and/or vulnerable adults (i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm).
- Satisfied the Harm Test in relation to children and/or vulnerable adults. (i.e. there has been no relevant conduct (no action or inaction), but a risk of harm to a child or vulnerable adult still exists).

The DBS will consider all the evidence provided and decide whether to bar the person from working in regulated activity, which will include most work in educational establishments.

Employing Authorities, educational establishments and other bodies all have a statutory duty to make reports, and to provide relevant information to the DBS.

Referrals should be made as soon as possible after the resignation or removal of the member of staff involved and within one month of ceasing to use the person's services.

Further advice in respect of **if, when** and **how** to make a referral, can be found on the DBS website – www.gov.uk/dbs see **Annex H**.

<https://www.gov.uk/government/publications/dbs-referrals-factsheets>

Consideration should also be given to DE Circular 2015/12 General Teaching Council for Northern Ireland (Registration of Teachers) (Amendment) Regulations (Northern Ireland) 2015, which confirms that from 1 April 2015 the Department conferred powers on the General Teaching Council for Northern Ireland to enable it to consider cases of serious teacher misconduct and to remove a teacher from its register.

11. CONFIDENTIALITY

It is extremely important that when an allegation is made the educational establishment makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

The Education Act 2011 introduced reporting restrictions in England and Wales, preventing the publication of any material that may lead to the identification of an individual who has been accused by, or on behalf of, a pupil from the same school (where that identification would identify the member of staff as the subject of the allegation).

While the Education Act 2011 does not apply to Northern Ireland and there is no statutory basis for reporting restrictions/confidentiality in allegations of child abuse against a member of staff, legal advice is that the restrictions outlined in Part 3 of the Education Act 2011, "School Workforce - Reporting Restrictions", should be applied as best practice in Northern Ireland.

The Act makes clear that "publication" of material that may lead to the identification of the individual who is the subject of the allegation is prohibited.

"Publication" includes "any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public".

This means that a parent who, for example, published details of the allegation on a social networking site would be in breach of the reporting restrictions if what was published could lead to the identification of the individual by members of the public.

DEFINITIONS

Educational Establishments

Where a child or pupil (see definition below) attends or is educated.

A Member of Staff

The term member of staff includes anyone, teaching or non-teaching, who works in an educational establishment in a paid or voluntary capacity. It includes teachers (including temporary/substitute teachers), classroom assistants, ancillary staff, volunteers, including parents etc. However, it does not include individuals employed by organisations, other than the educational establishment/employing authority, as they will have to refer to their own employment procedures.

Child/Pupil

A child is a person under the age of 18 years as defined in the Children (Northern Ireland) Order 1995. This may include children over the age of 18 e.g. special needs, 6th form students etc. In this context the term child/pupil may also mean multiple children or pupils.

The following definitions are contained in Chapter 2 of the DHSSPS guidance “Co-operating to Safeguard Children”.

Abuse - child abuse occurs when a child is neglected, harmed or not provided with proper care. Children may be abused in many settings, in a family, in an institutional or community setting, by those known to them, or more rarely, by a stranger. There are different types of abuse and a child may suffer more than one of them.

Physical Abuse – is the deliberate physical injury to a child, or the wilful or neglectful failure to prevent physical injury or suffering.

Emotional Abuse – is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child’s emotional development.

Sexual Abuse – involves forcing or enticing a child to take part in sexual activities.

Neglect – is the persistent failure to meet a child’s physical, emotional and/or psychological needs, likely to result in significant harm.

A child may suffer or be at risk of suffering from one or more types of abuse that may take place on a single occasion or may occur repeatedly over time.

Harm

Harm is defined in the Children (Northern Ireland) Order 1995 as “ill treatment or the impairment of health or development” and the question of whether harm is significant shall be determined in accordance with Article 50 (3).

Employing Authority

The term “Employing Authority” is used throughout this guidance to encompass the Education Authority (formerly the five Education and Library Boards), Council for Catholic Maintained Schools, Board of Governors or Proprietor of an Independent School as appropriate and anybody which might assume these functions in the future.

CPSSS

Child Protection Support Service for Schools – located within each of the five Regions within the new Education Authority.

Lead Individual

This is the term used to describe the person who has been identified to manage the handling of an allegation. This would normally be the Principal or a designated senior member of staff.

The Records of the Educational Establishment

These records would include such things as attendance records, timetables etc.

Accompanied or Represented

This could be a representative from their trade union, or if not in a union they may be accompanied by a colleague.

Strategy Discussion

This is the term used for the discussion between Social Services and the PSNI as part of their joint protocol.

Harm Test

In simple terms, a person satisfies the harm test if they **may** harm a child or vulnerable adult or put them at risk of harm. In other words, it is something a person **may** do to cause harm or pose a risk of harm to a child or vulnerable adult. For further details see website link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/249422/dbs-factsheet-harm-relevant-conduct-and-risk-of-harm.pdf

ANNEX B

TEACHERS ON THE NORTHERN IRELAND SUBSTITUTE TEACHER REGISTER (NISTR) AND TEACHERS ON TEMPORARY CONTRACTS.

These guidelines apply to all teachers including substitute teachers providing short term cover in educational establishments and those working on temporary contracts.

As with permanent teachers, Lead Individuals should give initial consideration to an allegation, including establishing the facts, before considering what action is appropriate (outlined on page 5, 6, 7, 8, 9 and 10).

Advice should be sought from either the CPSSS or the relevant Employing Authority, in the first instance, as outlined previously.

If a precautionary suspension is deemed to be the appropriate course of action the period of paid suspension will not exceed the duration of the engagement/contract. The Lead Individual must advise their CPSSS, the Belfast Region NISTR Administration Team within the new Education Authority and the relevant Employing Authority accordingly.

Advice should be sought from CPSSS or the relevant Employing Authority.

In cases for individuals employed through NISTR, any such guidance or procedure produced through the mechanism of the Teachers' Negotiating Committee (TNC) should be adhered to.

HISTORICAL ALLEGATIONS

Historical allegations of abuse may include the following types of scenarios:

Member of staff currently employed in an educational establishment.

- In this case the current policy will be applied and the BoG, the Chair or the Principal will manage the response like any other case, in co-operation with the CPSSS officer, the relevant Employing Authority and other key agencies as appropriate.

Member of staff no longer employed by the educational establishment and the Principal is aware of the current employer.

- In this case the Principal will record the incoming information, inform the Chair and the relevant Employing Authority. Decisions will be taken regarding the process of managing the allegation, communicating with the other key agencies as appropriate and forwarding the information to the current employer for action.

Member of staff is retired AND no longer working.

- In this case the Principal will advise the person making the initial contact with the educational establishment to contact the police directly. The Principal will co-operate with any further action deemed appropriate by any subsequent investigation.

Member of staff is retired, no longer working in an educational establishment, but thought to be working in an environment with children.

- In this case the Principal will inform the Chair, discuss with the relevant Employing Authority, the local CPSSS officer and other key agencies as appropriate in decision making about passing the information to the current employer/manager of place of work.

Member of staff is deceased

- The Principal will inform the Chair, CPSSS officer and the relevant Employing Authority of the allegation. The person making the initial contact with the educational establishment will be informed of the status of the alleged individual and advised of their right to approach the police to pursue their allegation. The Principal would assure this person of their co-operation in any future investigation.

RECORD KEEPING

The Record of Child Abuse Complaints

Where an allegation is made about a member of staff, and is pursued either as a referral to Social Services or under the relevant disciplinary procedures, a short summary of the record must also be entered by the Designated Teacher for Child Protection or Principal on the Record of Child Abuse Complaints. A copy should be held on the child's file which is maintained for this purpose and kept in a secure place and not circulated.

The summary should include:

- A unique entry number.
- The date and brief details of the nature of the allegation.
- By whom and against whom it was made.
- If the allegation was referred to Social Services, to whom it was referred.
- The date of referral.
- If the allegation was dealt with under the relevant disciplinary procedures, a brief note of the outcome.
- A copy should be provided to the person concerned.

The Record of Child Abuse Complaints should be made available to the BoGs at least annually. The Education and Training Inspectorate (ETI) will ask to see the Record during inspections.

The purpose of the record is to enable accurate information to be given in response to any future request for information, where appropriate. It will provide clarification in cases where future DBS Disclosures reveal information from the police about an allegation that did not result in a criminal conviction and it will help to prevent unnecessary re-investigation if, as sometimes happens, an allegation re-surfaces after a period of time.

Given the number of recent historical allegations, unless the member of staff concerned is totally exonerated, the record should be retained indefinitely. This is in line with para 53 of the Pastoral Care in Schools Child Protection guidance. If a closure or an amalgamation of an educational establishment(s) occurs or when a member of staff retires, leaves or changes post, advice should be sought from the relevant Employing Authority and/or the Information Commissioner's Office.

The Information Commissioner has published guidance on employment records in its Employment Practices Code and supplementary guidance, which provides some practical advice on employment retention. All documentation retained should comply with Data Protection Guidance (see links below) and be retained in line with the DE Schools Disposal Schedule which is available on the DE Website: - <http://www.deni.gov.uk/index/schools-and-infrastructure-2/schools-management/85-disposal-of-school-records.htm>.

Data Protection Guidance

<http://ico.org.uk/> - Information Commissioner's Office Website
<http://ico.org.uk/for-organisations/data-protection/the-guide> - guide to Data Protection.

References – Although **all** allegations must be recorded in the Record of Child Abuse Complaints book, they should not be referred to in employer references.

It is extremely important that when an allegation is made the educational establishment makes every effort to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated or considered.

KEY AGENCY CONTACTS**CPSSS within the Education Authority Regions**

Belfast 028 9056 4289 / 028 9056 4107 / 028 9056 4393
 North Eastern 028 9448 2223
 South Eastern 028 9056 6434 / 028 9056 6274 / 028 9056 6947
 Southern 028 3834 1975
 Western 028 8241 1289 / 028 8241 1461 / 028 8241 1480

HR Managers within the Education Authority Regions

Belfast 028 9056 4010
 North Eastern 028 2566 2417
 South Eastern 028 9056 6263
 Southern 028 3751 2231
 Western 028 8241 1341
 CCMS 028 9039 3879 - Headquarters – Hollywood
 028 8775 2116 - Armagh/Clogher/Dromore Diocesan Office
 028 7126 1931 - Derry Diocesan Office
 028 9042 6972 - Down & Connor Diocesan Office

Disclosure and Barring Service (DBS)

Helpline - 03000 200 190

PSNI

Police Exchange 028 9065 0222

Police Child Abuse Investigation Unit

Central Referral Unit – 028 9025 9299

Social Services – Gateway Services/Child Protection

/ **Out of hours**

Belfast Health & Social Care Trust - 028 9050 7000 / **028 9504 9999**
 Northern Health & Social Care Trust - 03001 234333 / **028 9504 9999**
 South Eastern Health & Social Care Trust - 03001 000300 / **028 9504 9999**
 Southern Health & Social Care Trust - 08007 837745 / **028 9504 9999**
 Western Health & Social Care Trust - 028 7131 4090 / **028 9504 9999**

ANNEX F**ROLE OF SOCIAL SERVICES AND THE POLICE SERVICE OF NORTHERN IRELAND (PSNI)**

If, after their consideration and following discussions with CPSSS and/or the Employing Authority it may be necessary for the Lead Individual to contact Social Services to discuss the allegation and appropriate further action.

SOCIAL SERVICES**Referral to Social Services**

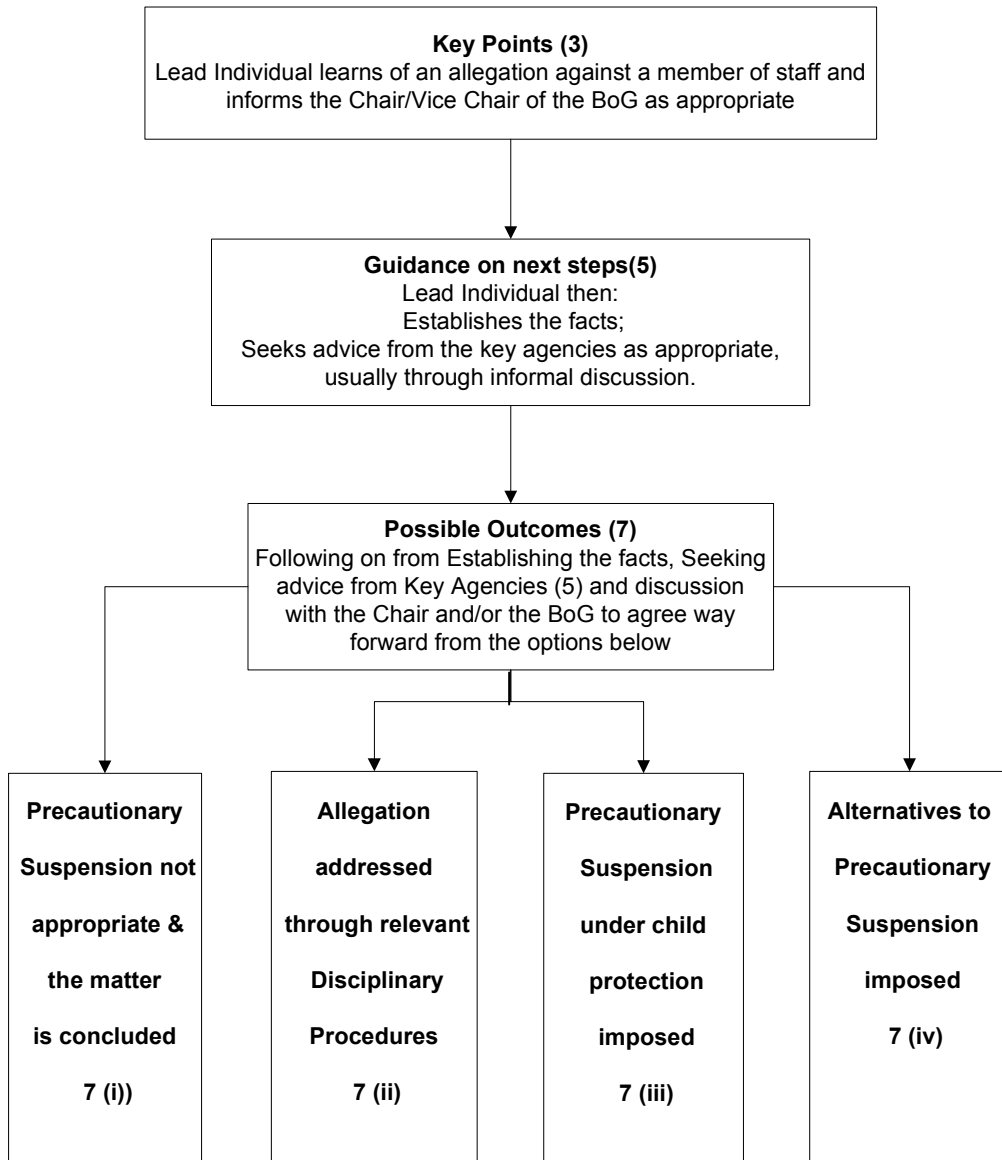
- CPSSS can advise the Lead Individual whether advice should be sought from, or whether to make a referral to Social Services. Social Services may take part in the discussion with other key agencies and offer their advice on what actions should be taken in respect of the member of staff and the child/pupil or person who made the allegation and any other individuals affected by the allegation.
- In any case in which Social Services have undertaken enquiries to determine whether the child/pupil is in need of protection, any information obtained in the course of those enquiries that may be relevant to a disciplinary case should be passed to the Lead Individual.
- Social Services may decide it is necessary to advise the PSNI of the allegation.

PSNI**Allegation investigated by PSNI**

Under the “Protocol for Joint Investigation by Social Workers and Police Officers of Alleged and Suspected Cases of Child Abuse (Northern Ireland)”, if there is any reason to suspect that a criminal offence has been committed or if an allegation is of a serious enough nature, Social Services will consult immediately with the PSNI’s Child Abuse Investigation Unit (CAIU).

- The time an investigation takes, will in most cases, be driven by the nature and complexity of it and to some extent the availability of all concerned. There are no set times for an investigation to be completed. However, the PSNI will be diligent, expeditious and sensitive to all who are concerned and will aim to complete enquires as quickly as possible, consistent with a fair, full and thorough investigation and will keep the progress of the case under review.
- The decision whether to prosecute an individual or not lies with the Public Prosecution Service, based on the case file presented by the PSNI.
- Records held by PSNI are subject to the Data Protection Act 1998. Records may continue to be held by the PSNI, even if an allegation is not substantiated.

- The PSNI, together with the other UK police forces, operate the Notifiable Occupations Scheme. This Scheme provides a common national framework for the management of police information, including relevant convictions and intelligence. It relates to professions or occupations which carry special trust or responsibility, such as the protection of the vulnerable, including children, in which the public interest in the disclosure of conviction and other information by the police generally outweighs the normal duty of confidentiality owed to the individual.
- The sharing of such information allows the Employing Authorities and educational establishments to consider whether any disciplinary procedure or internal investigation is appropriate.
- The PSNI will normally advise the employer of the outcome of their investigation.



LEGISLATIVE FRAMEWORK

- The Children (Northern Ireland) Order 1995 – <http://www.legislation.gov.uk/nisi/1995/755/contents/made>
- Protection of Children and Vulnerable Adults (POCVA) Order 2003 – http://www.dhsspsni.gov.uk/prot_children_vulnerable_adults.pdf
- Safeguarding Vulnerable Groups (NI) Order 2007 – <http://www.legislation.gov.uk/nisi/2007/1351/contents/made>
- The Sexual Offences (Northern Ireland) Order 2008 – <http://www.legislation.gov.uk/nisi/2008/1769/contents>

LINKS WITH OTHER POLICIES AND GUIDANCE

- **DHSSPS: Key Children’s Safeguarding Policy Guidance:** ‘Co-operating to Safeguard Children’. <http://www.dhsspsni.gov.uk/show-publications?txtid=14022>
- DE Circular 2013/1 Child Protection: Disclosure and Barring Arrangements: Vetting Requirements for Paid Staff Working in or Providing a Service for Schools and DE Circular 2012/19 Disclosure and Barring Arrangements: - Changes to Pre-employment Vetting checks for Volunteers Working in Schools from 10 September 2012. <http://www.deni.gov.uk/index/facts-and-figures-new/departmental-circulars.htm?formsend=1&show=20&page=1>
- **Safe Handling Guidance:** <http://www.deni.gov.uk/useofreasonableforce2004-2.pdf>
- **Voluntary Grammar Schools: Governing Body Association -** <http://www.gbani.org/>
- **Disciplinary Procedure for Teachers, including Principals and Vice-Principals, in Grant-Aided Schools with Fully Delegated Budgets and Notes of Guidance for Relevant Bodies –** http://www.deni.gov.uk/index/school-staff/81_teachers-payandconditions_pg/81-employment-conditions-and-procedures.htm
- **Pastoral Care in Schools Child Protection –** <http://www.deni.gov.uk/dc1999-10-5.pdf>
- **Area Child Protection Committees’ (ACPC) Regional Policy and Procedures** <http://www.dhsspsni.gov.uk/acpcregionalstrategy.pdf>

- **Safeguarding Board for NI:** the SBNI was established by the DHSSPS in 2012 in recognition of the fact that children are more likely to be protected when agencies work in an all-inclusive, coordinated and consistent way.

The SBNI is the key process for agreeing how childrens' agencies will co-operate to safeguard and promote the welfare of children in Northern Ireland and for ensuring the effectiveness of those agencies.

<http://www.safeguardingni.org/>

- **Disclosure and Barring Service:**
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>