

INTERIM CHILD PROTECTION PROCEDURES FOR EDUCATION STAFF

INTRODUCTION

“Working Together to Safeguard Children” (Department of Health, Home Office and DfEE, 1999) advises that all ACPCs should have procedures for concerns of a child protection nature. Tower Hamlets ACPC has formally adopted the All London Child Protection Procedures (All London Child Protection Committee, 2003). These LEA procedures for staff in the Education Service should be viewed as supplementary to the All London Child Protection Procedures.

These procedures apply to all staff working in the Education Service including Teachers, Nursery Nurses, Primary Helpers, General Assistants, Learning Mentors, other Support Staff in Schools and children’s Centres, Education Social Workers (ESWs), Home/School Liaison Workers, Educational Psychologists, Home Tutors, School Development Advisors, Youth Workers and Connexions Personal Advisers.

The Children Act 1989 and national guidance such as "Working Together under the Children Act 1989" clearly specify that only Social Services, the NSPCC and the Police can carry out Child Protection Investigations. Professionals in other agencies have a duty to refer concerns of a child protection nature to one of these agencies, usually Social Services.

The Education Directorate does not have statutory powers to undertake child protection investigations. Staff working in education should not attempt to investigate a child protection matter as it may compromise any possible legal proceedings. There is a need only to establish sufficient details and information for a decision to be made about making a referral.

It is vital that any concerns are reported as soon as possible. In order for the investigative agencies to carry out their statutory duties they will need to access records and collate information. They will have to contact parents/carers and may need to arrange a medical examination. When Child Protection referrals are made late in the day this may delay appropriate action until the following morning, which may be potentially serious. Staff working in the Education Service have no powers to retain a child or to refuse to release a child to the carer at the end of the School day.

THE ROLES OF THE DESIGNATED TEACHER/PERSON AND THE DESIGNATED GOVERNOR

Every School and Children’s Centre in the Borough is required to have a Designated Teacher/Person for Child Protection. School/Centre Governing Bodies and the Headteacher/Manager have responsibility for ensuring that a Designated Teacher/Person for Child Protection is appointed. In some cases, particularly in primary

Schools, the Headteacher will carry this responsibility. Schools/Centres may have two Designated Teachers/Persons if they so choose. The Education Social Work Service (ESWS) conducts an annual survey at the start of each academic year to collate this information.

Each support service within the Education Directorate where staff members work in Schools and/or Children's Centres or work with children and young people and their families must also have a Designated Person for Child Protection.

Designated Teachers/Persons should be familiar with these procedures and must attend the multidisciplinary foundation and post-foundation training courses in child protection provided by the ACPC. Their role is to ensure that these procedures are followed in their respective Schools/Centres and to liaise with other agencies as required to ensure that advice is sought and referrals made in accordance with the procedures.

The Designated Teacher/Person also carries responsibility for maintaining the records of which children within the School/Centre are on the Area Child Protection Register and of concerns that have arisen about children at the School/Centre. This information is confidential and should only be shared on a strict need to know basis. These records should be safeguarded in a secure place away from the children's academic records.

It is also required that the Governing Body either appoints a Designated Governor or accepts shared responsibility for Safeguarding/Child Protection with the Chair as named contact. The Designated Governor must be familiar with these procedures and should also attend the multidisciplinary foundation and post-foundation training courses in child protection provided by the ACPC.

The Designated Governor carries a responsibility on behalf of the School/Centre Governing Body to ensure that the School/Centre complies with these procedures. The Designated Governor should work in liaison with the Designated Teacher/Person and report to the School/Centre Governing Body on an annual basis.

Where there are concerns relating to the involvement of members of staff in allegations or incidents of a child protection nature, the Designated Teacher/Person must ensure that the Headteacher/Manager is informed and that procedures are followed. In the case of an allegation against or incident involving the Headteacher/Manager, the Designated Governor or LEA Officer with responsibility for the Centre/Service must ensure that procedures are followed.

ACTION TO BE TAKEN – PHYSICAL INJURY, NEGLECT OR EMOTIONAL ABUSE

These procedures should be followed by any member of staff who has evidence of/or suspects abuse of a child, or is concerned about the ability of the parents/carers to provide for the child's protection, safety or well-being. It should be noted that this includes concerns about incidents which may have taken place outside the School/Centre but which have been brought to the attention of the member of staff by another child, parent/carer or neighbour etc.

Education staff should be encouraged to report their concerns about possible abuse and be able to raise concerns if they feel inappropriate or insufficient action has been taken. It is particularly important junior staff should not feel intimidated about discussing concerns that do not appear to have been taken up by more senior colleagues. No member of staff should be victimised or suffer adversely for reporting concerns. This also applies where there are concerns that a member of staff may have perpetrated abuse.

Any members of staff noticing an injury, however slight and for which the explanations are unsatisfactory or inconsistent must report this immediately to the Designated Teacher/Person.

Where the Designated Teacher/Person decides that there is cause for concern she/he must telephone the Child Protection Advice Line operated by the ESW and inform the Duty ESW. If the Designated Teacher/Person decides that it is not a child protection matter, a record must be made of the incident and kept with the child's School records. It should be remembered that school records are open to parents/carers.

Where a member of education staff is concerned about the ability of the parent/carer to provide for the child's protection, safety or physical or emotional well-being, this should be reported to the Designated Teacher/Person for Child Protection. The Designated Teacher/Person will consider the matter and decide whether to report it to the Duty ESW. If the Designated Teacher/Person decides that it is not a child protection matter a record must be made of the concern.

If a child makes a direct allegation of abuse or has a distinct injury and/or is experiencing pain and/or discomfort and for which no reasonable and consistent explanation is available this should not be discussed with parents/carers in the first instance. The concern must be reported to the Duty ESW.

If a less distinct injury is noticed or if the child makes a reference to having been physically punished but no injury is evident and no pain/discomfort is reported, the Designated Teacher/Person should raise this with parents/carers where possible. If there is a reasonable explanation and there is no pattern of unexplained injuries or pattern of absences from School before injuries are noticed or other concerns the incident must still be recorded.

When a concern is reported to the Child Protection Advice Line and it is agreed that the matter should be reported to Social Services the Duty ESW will complete a Record of Concern form. The referrer will be asked for information about the child including her/his full name, date of birth, address, telephone number, parents/carers' names, GP, ethnic background and language spoken at home etc. The Duty ESW will also need a brief description of the incident or cause for the concern and details of any explanation from the child and his/her parents/carers

The Duty ESW will contact the Social Services Advice & Assessment Team for the area in which the child lives, whether in Tower Hamlets or in another Local Authority. Social Services will then in turn consult with other investigative agencies and with the referrer on how and by whom the carer(s) will be informed of the concerns and of what action if any will be taken. A copy of the Record of Concern will be faxed to Social Services by the Duty ESW.

The School must keep a written record of events. A copy of the Record of Concern completed by the Duty ESW will be sent to the Designated Teacher/Person by internal post. Copies will also be sent to the Social Services Advice & Assessment Team Manager and the Nurse Specialist-Child Protection at the Health Authority. If the child learning difficulties and/or has a physical/sensory disability and attends a School for children with special educational needs, a copy will be sent to the Children with Disabilities Team Manager.

The referrer will be informed of the outcome of the investigation by Social Services.

ACTION TO BE TAKEN – SEXUAL ABUSE

Any suspicion of sexual abuse or actual disclosure by a child that he or she has been sexually abused must be reported immediately to the Duty ESW, who will complete the Record of Concern form and contact the appropriate investigative agencies.

Parents/carers should not normally be informed at this stage as this may jeopardise the investigation and the safety of the child.

In cases where there is an allegation of or concern about sexual abuse a strategy meeting will be held in order to decide on the most appropriate way to proceed. The referrer will normally be invited to the strategy meeting.

CONCERNS ABOUT SEXUALLY ACTIVE YOUNG PEOPLE UNDER THE AGE OF 18

The London Child Protection Committee (2005) has issued interim guidance in the form of a Protocol to assist professionals in identifying where children and young people's sexual relationships may be abusive and the children and young people may need the provision of protection or additional services.

Under the Sexual Offences Act 2003 children under the age of 13 are considered of insufficient age to give consent to sexual activity. For this reason all cases of children under the age of 13 who are believed to be or have been engaged in sexual activity must be referred to the Child Protection Advice Line. Penetrative sexual activity represents a potential case of rape (rape is penetration of any orifice by a male penis).

Whilst sexual activity for young people under the age of 16 remains illegal, 13 –16 year olds are deemed competent to give consent. However, for all young people aged 13 through to their 18th birthday, concerns relating to risk of harm in the form of possible abuse, coercion, exploitation or neglect must be referred to the Child Protection Advice Line.

CHILD PROTECTION CONFERENCES

If a Child Protection Conference is called following an investigation it is essential that the School/Centre is represented by someone who has informed knowledge of the child. This would normally be the Designated Teacher/Person and/or the child's Head of Year and/or the child's Class Teacher. It may be appropriate for other staff involved with the child in the School/Centre to attend but this should only be on a need to attend basis. The School/Centre should also provide a written report to the conference in accordance with the format provided by Social Services.

Parents will usually be invited to attend Child Protection Conferences and will have access to any written report. If a member of staff has information that they feel unable to share with the parents/carers, they should contact the chair of the conference prior to the meeting.

MONITORING CHILDREN ON THE CHILD PROTECTION REGISTER (CPR)

If at the Child Protection Conference it is decided that a child is at risk of significant harm the child's name will be placed on the Area Child Protection Register. The School/Centre will be officially notified and given the name of the key worker who will be a Social Worker from the Local Authority in which the child lives.

It is particularly important to keep a careful watch on the attendance and well-being of pupils on the CPR. The key worker must be notified as soon as attendance breaks down or if there are other concerns as discussed and agreed at the Child Protection Conference and specified in the Child Protection Plan. There must be close and continuous liaison with the key worker, which may include attendance at core group and other meetings.

Even when a child's name is on the Child Protection Register and/or the case is open to an allocated social worker any new concerns of a child protection nature must be reported to the Child Protection Advice Line.

EDUCATION STAFF NOT BASED IN SCHOOLS/CHILDREN'S CENTRES

Including After-School Club Staff, Connexions Personal Advisors, Education Social Workers, Educational Psychologists, Home Tutors, Home School Liaison Workers, Play Centre Staff, School Developments Advisors, Study Support Staff and Youth Workers.

Actual or suspected abuse might be brought to/come to the attention of a member of staff from a support service when she/he is working in a School/Centre. In such a situation they must ensure that the matter is brought to the attention of the Designated Teacher/Person at the School/Centre so that the matter can be reported to the Duty ESW.

If the Designated Teacher/Person decides not to report the matter to the Duty ESW but the member of staff remains concerned then he/she should consult their own Designated Person within the Education Directorate or, if this is not possible, telephone the Duty ESW direct.

CONCERNS ARISING DURING HOME VISITS OR OFFICE BASED INTERVIEWS

If a child makes a direct allegation or a member of staff suspects that a child may have been injured or has any concerns about the child's well-being they must make a written record of the concern and any explanations given by the child or parents/carers. They should then contact their Designated Person or the Duty ESW without delay. No attempt should be made to carry out an investigation.

If the concern is after office hours and it is believed the child may be at immediate risk the Social Services Out Of Hours Team or the Police should be contacted without delay.

Whilst the ESWS makes every effort to ensure that there is always a qualified senior member of staff on duty, on occasions due to exceptional circumstances there may not be a Duty ESW available. In this situation direct contact should be made with the Social Services Duty Team in the area in which the child lives, whether in Tower Hamlets or in another Local Authority.

CONCERNS ABOUT RESPONSES TO REFERRALS/NEED ADVICE

Any concern about a lack of response on the Child Protection Advice Line or about the quality of the advice given should be reported to the LEA's Lead Officers – the Principal Education Social Worker or the Principal Officer-Legal & Liaison.

When referrals are passed to Social Services and the referrer is concerned about a lack of response then the Duty ESW should be informed and he/she will contact Social Services.

If there is concern over the type of response from Social Services then the referrer should discuss this with the appropriate Advice & Assessment Team Manager and if this proves difficult or unsatisfactory then the referrer could ask to speak to the Service Manager (Fieldwork) or the Child Protection Co-ordinator.

Where a situation is acute and a practical response from Social Services is not forthcoming then the referrer can contact the Police Child Protection Team. The Police Child Protection Team will then contact Social Services to discuss the matter and how it should be dealt with.

In case of any difficulty and the referrer is unsure what to do then she/he should call the Duty ESW for further assistance.

Where there is particular concern about how cases are being dealt with despite the steps detailed above having been followed then the Designated Teacher should contact the LEA's Lead Officers or the Service Manager for Child Protection in Social Services.

Where there is particular concern about the progress of cases involving allegations against members of staff then the Headteacher or Chair of Governors of the School or the Manager or LEA Officer with responsibility for the Centre/Service should either contact the LEA Lead Officers or the Principal Education Human Resources Officer – Child Protection.