

Appendix

Investigative procedures after child protection questions have been resolved preliminary to considering disciplinary action – guidance

1. **The Aim** of an investigation is to obtain, as far as possible, a fair and balanced picture through a written record. The aim is not to prove or disprove an allegation. The investigation is a fact finding exercise and is preliminary to considering the appropriateness of disciplinary action.
2. Undertakings of confidentiality should not be given to either a person making allegations or to those interviewed. Evidence compiled in the investigation should be made available to the parties in any subsequent disciplinary proceedings and those giving evidence in the investigation should be so informed.
3. **Children or parents making allegations** should be interviewed to record their allegations in the form of signed and dated statements. If these statements are made in the course of an internal investigation then they may be passed to the police should the matter be the subject of a police investigation. As a matter of good practice, the authors of the statements should be informed before the statements are provided to the police. In the case of statements made to the police, they can only be provided to the school as part of a disciplinary investigation with the consent of the authors.

Preliminary stages

4. The person undertaking the investigation should seek specialist advice as necessary, for example, from the LEA, and should familiarise him/herself with any relevant procedures and guidelines.
5. The person investigating should
 - define areas to be investigated
 - draw up a provisional list of those to be interviewed and a list of topics to be discussed, extended as required during the investigation
 - check corroborative evidence
 - assess the credibility of the person making the allegation.

The investigation process

6. Interviews should be carried out as soon as possible. A statement should be taken from each person, signed and dated. The person carrying out the investigation should have access to assistance as necessary to make the record. A suitable venue and time should be selected to encourage co-operation and the opportunity to be accompanied should be offered. At the beginning of an interview, a general explanation of the purpose of the investigation should be provided.
7. If, at any stage during the investigation, new evidence emerges which make a referral necessary under local child protection procedures or to the police, the investigation should be held in abeyance immediately following such a referral. Consideration should also be given as to whether suspension is appropriate in such circumstances.

Interviewing the teacher who is the subject of an allegation

8. The point at which this occurs will depend upon the nature of the allegation and the investigation process.
9. The teacher should be informed of his/her rights under the school's disciplinary procedure, including the right to representation.
10. The teacher should be informed of the allegation and invited to respond and to make a statement. The teacher has the right either to respond or decline to respond.
11. Full notes should be taken of the interview and the teacher invited to read and sign them as a true record after the interview. A copy of the notes will be given to the teacher.
12. The teacher should be invited to identify any persons who may have information relevant to the investigation. These names should be added to the list of those to be interviewed.

Compiling a report

13. Once all the relevant persons have been interviewed and all the relevant issues have been explored, the investigation is complete. The details obtained and the statements taken should then be compiled into a report.
14. Consideration should again be given as to whether there are matters which should be referred under local child protection procedures or to the police and whether suspension is appropriate. If there is such a referral, further proceedings at school level should be held in abeyance.

Subsequent action

15. A decision will need to be taken at this stage on whether further action should be taken, including the possible referral of the report under disciplinary proceedings. At this stage, reference should be made to paragraphs 51-56 of the guidelines set out in the Annex.

Produced for the Department for Education and Employment. Printed in the United Kingdom 10/95