



**NEW PARK ACADEMY – JUNIOR AND HIGH SCHOOL
SITE**

**Procedure for Dealing with Police-Pupil
interviews/statements following an incident in school**

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Policy Agreed	07/02/19
To be reviewed	October 2024
Owner	Yahna Pemberton/Almut Bever-Warren
Signed	
Designation	Operational Safeguarding Officer/Headteacher

Introduction

These procedures are in the interests of safeguarding both the staff and pupils at New Park Academy and should be considered alongside the New Park Academy Safeguarding Policy.

The headteacher and senior members of staff should be familiar with the provisions of the Salford Safeguarding Procedures, including the policy for allegations against staff. All staff, advisory board and other stakeholders of the school should be aware of these procedures

Definitions

Designated member of staff

A senior member of staff with responsibility for safeguarding within the school. The members of staff for high school based incidents regarding a police statement:

- Almut Bever-Warren- Headteacher
- Laura Clegg, Deputy Headteacher
- Yahna Pemberton, Attendance and Safeguarding Operational Manager

Designated Named Advisor

The named advisor responsible for liaising with the Headteacher and other designated members of staffs over matters regarding incidents at school that may involve the police.

Stakeholder

This could be a member of the staff, named advisor, pupils or any other person who has a stake in the school e.g. parents/carers/outside agencies.

Incident

This could be a theft, assault, incident against a member of staff or another pupil, damage, abuse (physically or mental) or an allegation against a member of staff by a pupil and/or parent

Listening to stakeholders

Incidents in school of assault, theft, damage, abuse concerning staff and pupils that potentially would require police involvement and a police statement should be reported immediately to the headteacher/designated member of staff. The same applies to any incident relating to an allegation against a member of staff. Alternatively, for less severe incidents, these can be reported via the debrief session at the end of the school day.

If the headteacher/designated member of staff is the person against whom the incident occurs, this should be reported immediately to at least one of the following:

- Philippa Peplow- Deputy Headteacher
- Claire Brennan- Assistant Head Teacher- Secondary
- Nicola Webster- Assistant Head Teacher- Primary
- Karen Seymour- School Counsellor
- Designated named advisor (via the school office)

The stakeholder to whom the incident occurs must make a written, signed and dated account of the incident as soon as possible (and certainly within 24 hours.)

Immediately when a severe incident occurs that would potentially require police involvement, the Headteacher/Safeguarding Officer should, where appropriate,

- a) Seek advice from/consult the Senior Human Resources and, as necessary, The Bridge
- b) Countersign and date the written account of the stakeholder reporting the incident
- c) Obtain, as necessary, further details of the incident in writing, signed and dated by the stakeholder involved in the incident
- d) Record any information about times, dates, locations, and names of potential witnesses.

Consideration of an incident

Urgent consideration of the substance of the incident should be given by the headteacher/senior member of staff in charge of safeguarding. The designated staff are advised to make immediate contact with the designated Human Resources officer if the incident relates to an allegation against a member of staff. Where

the incident is an allegation against the Headteacher or designated Safeguarding Officer, the other designated staff/governor, in consultation with the Senior Human Resources Officer, should give urgent initial consideration.

There may be various possible outcomes for consideration:

- a) An immediate referral to the **The Bridge - tel: 0161 603 4500**
- b) An external investigation involving the Police
- c) A review of inappropriate behaviours, requiring consideration under the school's policies and procedures
- d) A dismissal of the allegation, i.e. an incident without substance, evidence or foundation

Note:

The decision on whether to conduct an external investigation depends on the nature of the incident and the involvement of stakeholders, e.g. an allegation of theft by a pupil of a piece of personal property of another stakeholder, e.g. another pupil, member of staff, member of outside agency rests with Salford Children's Services, the Police and the individual involved in the incident. An external investigation will preclude an internal school investigation.

At this point, depending on the outcome of the above, the school will follow the school/Trust's practices, procedures and policies in conjunction with a possible police investigation and subsequent police statements of pupils

Procedure to assist school-based staff managed incidents requiring police/pupil statements obtained in school

(This policy should also be read in the context of the 'Calling Emergency Services' Policy)

1. Incident occurs and process for safeguarding of stakeholder begins
2. Incident is reported to designated members of staff
3. Incident is recorded by person/persons involved in the incident within 24 hours
4. Relevant authorities are informed, e.g. HR, Safeguarding, Police, Carer & Parents
5. Internal/external procedures begin
6. In the case of an internal investigation, designated members of school staff and HR begin the process
7. In the case of an external investigation where a police statement involving a pupil may be required, channels of communication between the pupil and the police should be directed via the designated member of staff (safeguarding officer).
8. Ideally the parent/carer would be present during a police interview. However, in the event of a parent/carer not being able to be present during a police interview with a pupil, the interview will only go ahead with permission from the carer/parent. This will be obtained by telephone by the Headteacher/safeguarding officer.
9. In the absence of a parent/carer presence, a senior member of staff will act as an appropriate adult and will represent the pupil during the police interview in school.
10. No other member of staff should be present during a police interview unless specifically directed by the headteacher/safeguarding officer or the police.

Other points for consideration

- What information do I have about the subject of the incident?
- What information do I have about the child/adult making claims about the incident?
- Am I aware of any tension/friction between the parties?
- Has the incident caused injury to any stakeholder
- Has a possible criminal offence against taken place
- Has any behaviours indicated unsuitability of the stakeholder to remain in education/at a place of work.

What is the aim of an appropriate adult?

The role of the appropriate adult is to safeguard the interests, rights, entitlements and welfare of children and vulnerable people who are suspected of a criminal offence, by ensuring that they are treated in a fair and just manner and are able to participate effectively.

Here is how the law describes the role:

"To safeguard the rights, entitlements and welfare of juveniles and vulnerable persons to whom the provisions of this and any other Code of Practice apply". Police and Criminal Evidence Act 1984 Code C 1.7A

"To act as appropriate adults to safeguard the interests of children and young persons detained or questioned by police officers". Crime and Disorder Act 1998 s.38(4)

What difference do appropriate adults make?

Outcomes for children and vulnerable people

The main outcomes for children and vulnerable people are that they are:

- Treated fairly with respect for their rights and entitlements
- Able to participate effectively in procedures related to the investigation and/or their detention.

In addition, research with people who have been supported by appropriate adults has indicated benefits to mental health, emotional wellbeing, personal dignity and freedom from abuse. For example, research by Bristol University found that service users felt supported emotionally, and more protected against mockery, intimidation, fear, dehumanising, bullying and isolation. People appreciated the support for reasons other than those defined in PACE (identifying other personal factors such as gender or ethnicity as important in generating vulnerability).

What can appropriate adults do?

The Police and Criminal Evidence Act 1984, Code C, paragraph 1.7A states that, "the appropriate adult is expected, amongst other things, to:

- Support, advise and assist them when, in accordance with this Code or any other Code of Practice, they are given or asked to provide information or participate in any procedure;
- Observe whether the police are acting properly and fairly to respect their rights and entitlements, and inform an officer of the rank of inspector or above if they consider that they are not;
- Assist them to communicate with the police whilst respecting their right to say nothing unless they want to as set out in the terms of the caution;
- Help them to understand their rights and ensure that those rights are protected and respected."

Many police processes cannot take place without an appropriate adult. Appropriate adults are expected to be an active participant. In order to be effective, they need to be assertive and speak up. Based on their description in law above, here is a bit more information about what appropriate adults do.

1. Advise, support and assist the vulnerable suspect

In relation to information and procedures, AAs have a role in helping children and vulnerable people to:

- understand their rights;
- use their rights;
- participate effectively.

This involves:

- checking whether a person understands the meaning and significance of information provided to them;
- checking whether a person understands the meaning and significance of questions asked of them, and their own replies, including when they are asked to give their consent to procedures;
- helping a person to understand the meaning and significance of information and questions;
- providing general, non-legal, advice about custody procedures and their rights, including on the scope and limit of the AA role vs accessing legal advice.

Importantly, AAs may not give legal advice. This is the role of the solicitor or police station legal representative. However, the AA can require a solicitor to attend, even if a person has waived their right to legal representation.

2. Observe and inform if rights are breached

AAs have a role in:

- ensuring police are treating a person in compliance with their rights and entitlements;
- observing whether a person's condition/state has deteriorated or otherwise changed;
- escalating issues that have not been resolved by investigating officers, detention officers or custody sergeant to higher ranked officers;
- ensuring any issues are recorded on the interview and/or custody record so that this information is available to courts.

3. Assist the vulnerable suspect with communication

AAs have a role in helping people to understand, and be understood, when they are detained or questioned. This includes helping them to maintain their right to silence if that's what they want to do.

AAs may not:

- assist the interviewer in getting information or confessions that the person does not wish to give. The AA role was developed as a safeguard in response to concerns about false confessions. If the AA acts as an 'agent of the interrogation', they are not be independent of the police and courts are likely to question the reliability of evidence gained.
- be able to meet very significant speech, language and communication needs. In some cases it may be necessary to appoint a qualified professional (e.g. an intermediary) to conduct a formal assessment and potentially provide additional support with communication.

4. Protect the rights of the vulnerable suspect

AAs have a role in:

- checking that people understand their rights, entitlements and the caution, including by asking them questions to test understanding;
- asking police officers to provide further explanation where required;
- providing information or explanations about rights, entitlements and the caution;
- talking to people who waive their right to free legal advice about any misconceptions they may have;
- requiring a solicitor to attend where they believe it to be in the best interests of a vulnerable suspect;
- intervening in interviews to protect rights;
- making representations in relation to rights, such as during reviews of detention;
- engaging with police, lawyers and medical professionals in the interests of protecting a person's rights.