

ANNEXE VI: PROTOCOL: MISCONDUCT INVOLVING MINORS

A. Response to the notification of suspicions or allegations of serious aggression or the abuse of a pupil

1. If a pupil or a family informs a teacher about an act of aggression or abuse suffered by and committed by any member of the school community (staff member or pupil), the teacher must listen carefully, ask about the facts, without entering into unnecessary details and immediately notify the Director. No promises must be made with respect to the confidentiality of the informant.
2. It is advisable to prepare a brief summary after talking to the pupil, to inform the Director in the most succinct manner. The facts must be ascertained as accurately as possible and distinctions made between what happened and the interpretation made. A form has been attached.
3. The Director will activate the procedure without delay.
4. The Director must have all the information first-hand and will be the sole official spokesman from the beginning to the end of the crisis.

B. Actions following the notification of a serious aggression or abuse

1. A case will be opened the moment notification is made of an accusation or a suspected action. The proceedings will gather all contents from the conversations and the facts subject to investigation. The principle of confidentiality is essential, such that only the person in charge of the proceedings and the Board of Governors will have access to the investigation details.
2. The Director must first discern is with respect to the certainty of the facts. If certainty cannot be ascertained, information must be requested from the preceptor or other key agents in the matter, the pupil himself or the teacher involved.
3. When certainty has been ascertained, the Director will appoint a crisis committee, formed by himself, another member of the Board of Governors and another person deemed appropriate.
4. The family of the affected pupil must be contacted immediately, and actions must be taken in unison with them.
5. If necessary, the families of the minors who have witnessed the alleged aggression or abuse must be contacted.
6. The investigation must be undertaken in an urgent manner, with all means necessary, in order to dispose of the information required as soon as possible.
7. The Board of Governors will provide the means to prevent the alleged aggressor and the alleged victim from coming into contact or sharing areas, from the moment the investigation begins, to its end.
8. The head of the investigation will prudently assess the appropriateness of interviewing the pupil involved and, if necessary, will interview other pupils with the utmost discretion, having previously informed their parents.



9. If the alleged aggressor is a pupil, the head of the investigation will meet urgently with his parents in order to inform them of the situation, before then asking the pupil, in the presence of his parents, for a detailed explanation of the events.
10. Everything possible will be done to protect the privacy, honour and image of the persons against whom a complaint has been made, while confirmation of the proof of the accusation has not been made.
11. During the entire investigation process, the teacher or school staff member under investigation will be provisionally suspended from work. If a pupil is under investigation the appropriate precautionary measures will be taken.
12. In the event that the alleged aggressor is a teacher or a school personnel member, this person will be requested to provide a written explanation of the events in as much detail as possible. To this end, both legal assistance and that of other persons will be offered. Everything possible will be done in order to ensure that the process is undertaken in an efficient and confidential manner, and that the reason for the temporary absence from his work with the pupils is not made public.
13. If it is concluded that the accusations are false or unfounded, the teacher or school employee will return to his/her normal place of work. Disciplinary measures will be taken against the person who made the unfounded accusation, in proportion to the damage sought by these unjust allegations.
14. If after the initial investigation, the evidence appears to be true, the DGAIA (Child Attention Services Department) will be informed of the facts, or, as appropriate, the Education Inspection Service, the public prosecutor, or the police, in accordance with the law.
15. If inappropriate and reprehensible activities are confirmed with respect to the protection of minors, the school will proceed with the immediate dismissal of the teacher or member of the administrative or service staff, through the initiation of the corresponding disciplinary proceedings and in accord with the applicable law.
16. If it is confirmed that the author of these inappropriate and reprehensible actions is a pupil, after notifying his family, Bell-lloc will initiate the procedure for his immediate expulsion from the school.
17. On drafting his report, the head of the investigation will use the standard declaration form, in accordance with the model previously agreed on.
18. If the aggression or abuse reported took place outside of school premises and in an activity unrelated in any way to the school, or was instigated by a person who is unrelated in any way with the school, the lawyer established for such cases will be duly consulted.

FORM FOR THE DECLARATION OF SERIOUS INCIDENTS WITH MINORS

Report date

Name of the informant

Relationship of the informant with the minor

Manner in which the information was provided (telephone call, conversation at school, etc.)

Information regarding the family of the minor:

- Name and surname/s of the mother and father

- Address

- Telephone numbers (home and mobile phones, where applicable)

DESCRIPTION OF THE INCIDENT¹

(1) Describe, in as much detail as possible, the nature of the problem or the incident you are reporting, and provide details relating to the dates and the times of the individual incidents and the circumstances in which they occurred, in addition to the name of any other person present at the time and their relationship with what happened.

If you are reporting an alleged aggression or mistreatment of a minor, who is the person allegedly involved? Add, if you can, the following information.

- Name:
- Age: Gender:
- Address:
- Relationship with the minor

- How did you obtain this information?

- What proof has been presented to validate the claim that mistreatment or aggression has occurred?

- Is there any factor in the current situation of the pupil and/or his parents/teachers or administrative and service staff that may be relevant in the case of aggression or mistreatment (e.g. an illness, loss, separation, addiction, or mental health problem, or any other difficulty)?

- Are the parents aware that an investigation has been initiated, and if evidence of the alleged mistreatment or abuse, will the authorities be informed immediately?

- Is there a need to take protective measures right now?

- Do you want to add anything else?

Signature

PROTOCOL D'ACTUACIÓ ENTRE ELS DEPARTAMENTS DE BENESTAR SOCIAL I FAMÍLIA I D'ENSENYAMENT, DE PREVENCIÓ, DETECCIÓ, NOTIFICACIÓ, DERIVACIÓ I COORDINACIÓ DE LES SITUACIONS DE MALTRACTAMENT INFANTIL I ADOLESCENT EN L'ÀMBIT EDUCATIU

Introducció i objectius

Maltractament infantil i juvenil

Situació en què un infant o adolescent és objecte de violència, física o psíquica, sexual i/o emocional, o privació dels seus drets i del seu benestar, per acció o per omissió, per part dels pares i/o cuidadors, les persones de qui generalment depèn per al seu desenvolupament correcte o per part de qualsevol altra persona.

Per saber-ne més

- Tipologia de maltractaments
- Àmbit d'aplicació
- Principis d'actuació
- Indicacions per a l'aplicació i la implementació
- Paper de l'àmbit educatiu en la detecció del maltractament infantil
- Normativa bàsica
- Protocol Marc d'actuacions en casos d'abusos sexuals i altres maltractaments greus a menors
- Protocol de prevenció, detecció, notificació, derivació i coordinació de les situacions de maltractament infantil i adolescent en l'àmbit educatiu

PREVENCIÓ

Elements de prevenció davant situacions d'abús sexual o altres maltractaments en l'àmbit educatiu

- Informació sobre abusos sexuals
- Educació afectiva i sexual
- Educació socioemocional
- Clima comunicatiu en l'àmbit escolar
- Actituds relacionals entre els professionals dels centres educatius i els infants per evitar situacions no desitjables
- Orientacions per a les famílies
- Recull d'activitats didàctiques per a la prevenció d'abusos sexuals. Educació primària
- Recull d'activitats didàctiques per a la prevenció d'abusos sexuals. Educació secundària

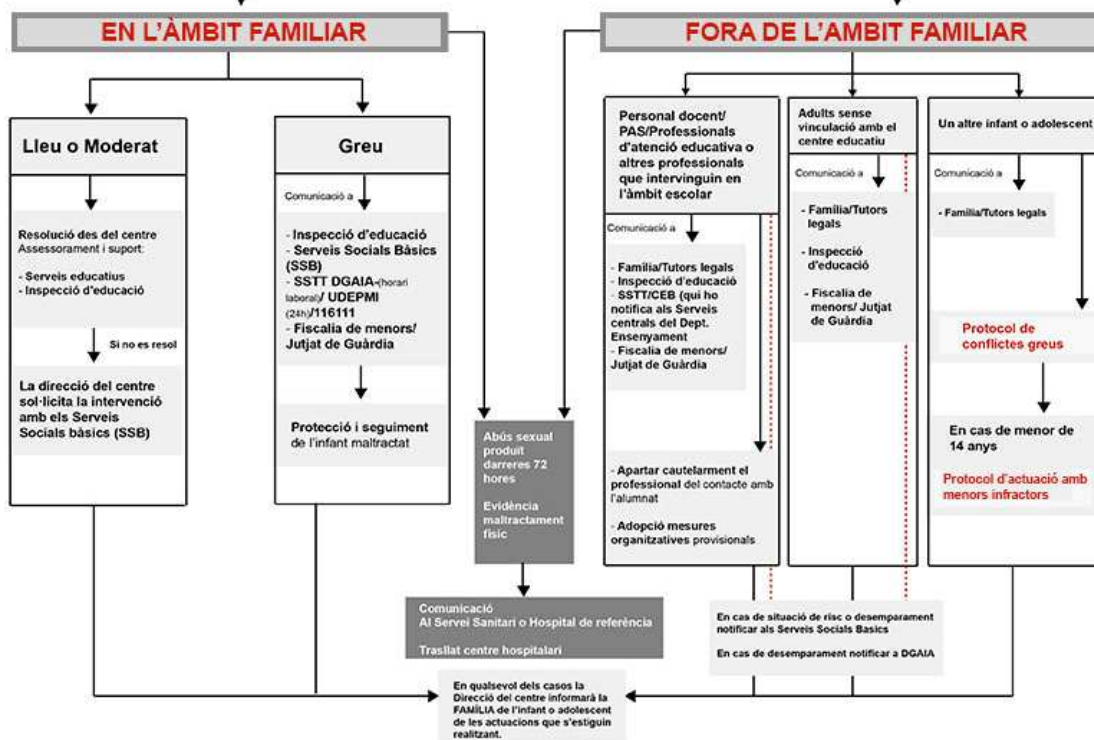
DETECCIÓ

Indicadors de maltractament
Simulador del Mòdul de Suport a la Gestió del Risc (SMSGR)

DIRECCIÓ

OBSERVACIÓ O DETECCIÓ
per part d'un membre de la comunitat escolar

VALORACIÓ I INTERVENCIÓ



Col·laboració dels serveis i centres educatius amb la DGAIA i EAIA per valorar situacions de risc i de desemparament

Recollida d'un infant en situació de desemparament i sota les funcions tutelars de la DGAIA al centre educatiu