



## **Staff Facing Allegations of Abuse Policy**

**September 2017**

## **Policy**

1. The school is committed to the safeguarding of the young people in our care. It is similarly committed to protecting its employees from false allegations of abuse.
2. The school will ensure that their safeguarding arrangements are aligned with the procedures and practice of the local authority as part of the inter-agency safeguarding procedures set up by the Local Safeguarding Children Board (LSCB) through consultation and cooperation.

## **Eligibility**

3. This policy is applicable to all workers, employees and volunteers of the school. Where the term 'employee' or 'staff' is used, it is intended to be inclusive of all of these groups.

## **Entitlement**

4. The children and young people who attend the school have a right to be protected from all forms of abuse.
5. The staff have a right to be protected from false allegations of abuse being made against them and to have any allegation against them dealt with quickly and fairly.
6. The school has a right to expect all staff to abide by and follow the procedure and rules set out here to help prevent pupils making false allegations, and fully co-operate with the school if/when an allegation is made against them. The school also expects any member of staff who suspects another member of staff of having behaved inappropriately to bring this to the attention of the Headteacher or the Designated Senior Person.
7. All concerned will work to a quick resolution of the matter, co-operating to remove all unnecessary delays.

## **Responsible People**

8. A designated senior person should be identified in the school who will have responsibility for child protection issues, in this school it is *\*[post title]*. This role is key to ensuring that proper procedures and policies are in place that are followed with regard to child-protection issues, and that there is a dedicated expert available for other staff, volunteers and governors to draw upon, for advice and guidance and who will liaise with the senior management team, the Local Authority Designated Officer (LADO) and with other external agencies if necessary
9. The designated senior person is a senior member of the school's leadership team. They have the status and authority within the school management structure to carry out the duties of the post, including committing resources to child-protection matters and, where appropriate, directing other staff. The deputy will be *\*[post title]* to act in the designated person's absence. The designated senior person will be suitably trained in child protection and will have their training updated every two years.
10. The Headteacher and all members of staff will undergo child protection training suited and relevant to their job which will be reviewed and updated annually.

## **Procedural Principles**

11. Staff at the school are advised to maintain an attitude of 'it could happen here' where safeguarding is concerned. When concerned about the welfare of a child, staff members should always act in the interests of the child.

12. These procedures comply with the guidelines given in the documents; “Keeping children safe in education. Statutory guidance for schools and colleges” September 2016 which can be found here: <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> (this document also includes the guidance on Allegations of abuse made against teachers and other staff at part 4) and the document “Working Together To Safeguard Children” March 2015 which can be found here: <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2> .
13. It must be recognised that one child could be abused by another child within the school. If this is reported or noticed by a member of staff then the procedures in the Schools Safeguarding Children Policy and below should be followed although any sanction applied if an allegation is proven would not involve the disciplinary processes but may involve suspending the abusive child from the school. Each circumstance will be different and would be decided at a case review with the relevant authorities
14. Child protection procedures in place at the school will:
- Help pupils to understand what is and is not acceptable behaviour towards them, and encourage them to speak up if they have concerns or worries, advising them of who to speak to.
  - Listen to pupils who bring forward allegations, and if necessary take professional advice from the LADO and other external advisors e.g. the Local Safeguarding Children Board, Children’s Social Care Services or the Police in determining the next steps.
  - Provide training, advice and guidance to all staff to ensure that they know what is acceptable, and can recognise and minimise the risk of false accusations by avoiding the occasions when these might arise.
  - Encourage an environment of openness and honesty in which staff are able to report any concerns about a colleague to the Headteacher, the Trustees or the Chair of Governors.
  - Maintain an environment where staff and pupils know that confidentiality will be respected and maintained.
  - Conduct an initial assessment quickly when an allegation is made and refer the information to the appropriate organisations promptly if appropriate.
  - Provide guidance to employees to enable them to understand that if an accusation is made by a pupil then, by the very nature of an accusation of this type, there will always be a need to err on the side of caution, and unless the initial investigation produces a result that the accusation is possibly malicious, then removing them from the situation will inevitably occur. As long as all staff understand this, then any stigma attached will be minimised.
15. Behaviour policies at the school will:
- Help pupils understand the consequences, to all involved, of making a false allegation of abuse.
  - Let pupils know the range of possible sanctions which may be applied if it is shown that they have made a malicious allegation against a member of staff. These could be up to and including permanent exclusion (as well as referral to the police if there are grounds for believing a criminal offence may have been committed).
16. All staff need to be aware of protecting themselves in certain situations. These will differ for various job types, but training should be given to all staff to help them recognise those situations which will arise in their own area of work, in particular:

- Where physical contact with pupils is necessary – especially when providing intimate care, or restraint is necessary. The school policy and procedures on restraint should be understood and followed.
  - When private or confidential meetings with pupils take place – especially if involving sensitive conversations as may be the case when staff have pastoral responsibility for pupils.
  - Sensitive teaching materials – especially for sex education purposes.
  - Relationships and attitudes to pupils which should always be professionally maintained.
  - Personal contact details, email addresses and telephone numbers etc, should not be given to pupils without the permission of the Headteacher.
17. The code of conduct issued to all staff with their contract provides guidance on the behaviour expected of a school employee, including staff/student relationships, and this should be understood by each employee, worker and volunteer. Further guidance of the conduct expected when with pupils can be found in the staff conduct rules associated with pupil contact Appendix 1.

### **Avoiding Allegations Arising**

18. Good practice, training and use of professional judgement should hopefully avoid allegations arising. Following the staff code of conduct and the staff conduct rules associated with pupil contact (at Appendix 1) should help, and in cases where allegations have been made wrongly, should provide good evidence in defence of a wrongful allegation.
19. All staff should be given training at induction in these good practices, and this should be re-emphasised/refreshed at regular intervals, the frequency to be decided on a risk basis for the particular job function.

### **Procedure**

20. If after an initial assessment there is evidence that a transgression has occurred, then the allegation of abuse will be referred on to the Local Authority Designated Officer (LADO) and advice will be taken as to whether to refer on to the police for possible criminal proceedings or social services for a child protection investigation. The schools own internal disciplinary procedures will be put on hold until this decision is made and any external investigation has been completed. We will need to complete our own disciplinary procedures in order to impose any type of sanction independent of any external agency investigation.
21. Guidance issued by the DfE expects cases of allegations to be dealt with quickly. There is a published expectation that 80 percent of cases will be dealt with within 1 month, 90 percent within 3 months and all but the most exceptional cases to be dealt with in 12 months. For those cases where it is clear immediately that the allegation is unfounded or malicious then it is expected that they should be resolved within one week.
22. Where the initial assessment decides that the allegation does not involve a possible criminal offence it will be for the school to deal with it, although if there are concerns about child protection, the school should discuss this with the Local Authority Designated Officer (LADO). In such cases, if the nature of the allegation does not require formal disciplinary action, the Headteacher should institute appropriate action within 3 working days. If a disciplinary hearing is required and can be held without further investigation, the hearing should be held within 15 working days.

23. If the initial assessment decides that the allegation is not serious enough to refer on to the LADO it will be for the organisation to deal with it through the normal disciplinary procedures. The reasoning behind this decision should be recorded for inspection in the future. If however the subsequent investigation uncovers evidence that changes this decision then our disciplinary process will be stopped and the LADO contacted.
24. If there is no direct evidence of actual abuse but there is a concern about the safety of a pupil a cause for concern notification form should be completed by the person who wishes to raise the concern, a copy of which is given to the Headteacher or designated person. Examples of this type of evidence could be unexplained bruising seen or a nervous/frightened demeanour.

### **Response to an Allegation**

25. When a pupil brings forward an allegation, they should be listened to without interruption, preferably with another person present, if possible the person who has pastoral responsibility for the pupil. Notes should be taken at the time if possible, but if this distresses the child further these should be done soon after before recollections fade.
26. The Headteacher and the designated senior person should be contacted immediately. If the Headteacher is not available or if the allegation is against the Headteacher then the report should be to the Chair of Governors *\*[the persons named here maybe changed at the discretion of the school but should be of a stature to ensure a fair and speedy resolution]*.
27. The pupil should be cared for by the person responsible for their pastoral care until their parent/guardian can be contacted and they arrive at the school. The Headteacher, with advice from the designated senior person, should decide whether the case should be discussed with the LADO and if it is appropriate to refer onto the police and/or social services. If it is decided to contact them a strategy discussion will be convened to decide on the immediate response and who to involve. The initial conversation with the LADO should decide on how much detail to tell the parents/carers of the pupil, this needs to happen before they arrive at the School.
28. If the allegation is reported to the LADO then they will discuss the case with the Headteacher and come to a decision as to whether there should be police and/or social services involvement.
29. The Headteacher should defer the question of whether to talk to or suspend the member of staff about whom the allegation has been made until they have discussed the case with the appropriate authorities above. (If the case is not serious enough to refer on, then it should also not be serious enough to need to suspend.)
30. The member of staff accused must be kept informed throughout the process and given someone to liaise with. This is particularly important if they have been suspended. They can also be offered support, maybe by access to occupational health helpline or a counselling service.
31. Three types of investigation may follow:
- Enquiries by social services and the Local Safeguarding Children Board under child protection procedures.
  - Related police investigations into possible criminal offences.
  - Investigations under the school disciplinary procedures.

## **Suspension and the Alternatives to Suspension**

32. Suspension should not be the automatic response to an allegation of abuse. If the situation indicates there is a risk to a child, or where the allegations are so serious that dismissal for gross misconduct is possible, then suspension should always be the option taken.
33. Suspension should also always be the case if there is a risk to a fair investigation by means of interference or intimidation.
34. Suspension is a neutral act; it should not imply guilt or any likely outcome and will always be on normal contractual pay. Suspension should be seen as removing any likely harm to either/both the child and the member of staff by taking them away from a difficult situation.
35. Suspending a member of staff can be only be done by \*[check for this school] the Headteacher (or their designated deputy) or the Chair of Governors, and only the Headteacher (or their designated deputy) can re-instate a member of staff from suspension. Where the allegation is against the Headteacher, the Chair of Governors and/or the Governors/Trustees/Directors must take on these responsibilities.
36. If a member of staff is suspended then the school should record the reasons and justifications for the suspension and tell the member of staff the reasons.
37. Suspension is not always appropriate, especially if the initial investigation has indicated that referral to the child protection agencies is not necessary at this stage.
38. Alternatives to suspension could be:
  - Paid leave.
  - Agreement to work at a different location or at home.
  - A change of duties away from pupil contact.
  - Working at the same job but with close supervision.
39. If a member of staff is suspended they should know who the investigating officer is and how to contact them, they should also be advised to seek help from their union or professional association if they have one.

## **Possible Outcomes of an Allegation**

40. An investigation under the disciplinary procedure would be the usual response to an allegation however this process will normally be suspended pending the outcome of a police or social services investigation and a probable strategy meeting. Once the police investigation has been completed it may still be necessary to complete the disciplinary investigation depending upon the outcome.
41. There may be remaining concerns about the professional conduct of the staff member, regardless of the outcome of the court case, which may need investigating under the school's disciplinary procedures. Whilst some allegations, if proven, would not be a criminal act or unlawful behaviour, they may still be considered unprofessional practice and should be followed up.
42. The normal disciplinary procedures should be followed, and appropriate warnings given, or the case found to be unsubstantiated. If gross misconduct is found, then dismissal will usually be the outcome. In all cases where the employee is exonerated it will usually be helpful for the school to provide informal counselling to the employee concerned when the case is concluded, and prior to their return to normal duties, if they have been away from normal duties.
43. Where a member of staff is dismissed or resigns before the disciplinary process is completed, they should be informed of the statutory duty of the School to report cases

where the allegation is proven or where the case is incomplete but strong evidence exists that it would have been proven, to the Disclosure and Barring Service. In the case of a teacher the DBS may refer the case onto the National College for Teaching and Leadership for consideration for their removal from the register of qualified teachers. The process of referral to the DBS can be found in 'Keeping children safe in education'. General guidance can be found here <https://www.gov.uk/government/collections/dbs-referrals-guidance--2>.

44. Settlement agreement must not be used in these types of cases.
45. The parents/carers of the pupil must be kept informed throughout the process up to and including the outcome of any disciplinary process. The parents should not be told the detail of the disciplinary meetings/hearings and what they are told should be in confidence. All disclosure should bear in mind the data protection act, the human rights act and the law on confidence.
46. Appropriate support and counselling should be offered to the pupil who made the allegations and, where appropriate, to their parents. This should take into account a child's needs where false or malicious allegations have been made as this can be an indication of other issues.
47. It may be helpful for the school to review the management guidance for staff in the light of the allegations made and any investigation that followed. The Headteacher and Governors should consider what information should be given to colleagues, parents, pupils and the press in cases where the allegation has been in the public domain, or the subject of school gossip. All media enquiries regarding an allegation of abuse must be referred to the Headteacher or Chair of Governors and all statements to and other contact with the media on such matters will be undertaken by the Headteacher or \*[insert who at this school].

### **Confidentiality**

48. At all stages of the process it is vital that confidentiality is maintained for all those involved.
49. The school must decide on how to handle any gossip or rumour. All staff must be reminded of the need not to talk to the press and not to mention anything to do with their work or the school on social networking media/sites.
50. The Headteacher will need to decide how to respond to speculation/gossip amongst the pupil group.

### **Records**

51. It is vital to keep accurate records of any allegation and how it was followed up, all conversations, investigatory interviews and disciplinary hearings. These records should be kept in a sealed envelope with the personnel records of the person involved, taking account of the provisions of the schools Personnel Records Policy and Data Protection. The records should be kept on file until the person ends their employment with the school or for a period of 10 years if this is longer.
52. If an allegation is found to be not proven then it should not be referred to in any references given by the school also if the allegation is found to be malicious then it should normally be removed from the personnel records of the employee.

### **Related Documents**

DBS Policy and Checking Procedure

DBS Referral Guidance

Personnel Records Policy and Data Protection.

Disciplinary Procedure.

Guidance for Employees Facing the Disciplinary Procedure.

Appeals Policy and Procedure.

Whistleblowing policy and Procedure

DfE document; "Keeping children safe in education. Statutory guidance for schools and colleges" Sept 2016. <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2> this document also includes the guidance on Allegations of abuse made against teachers and other staff at part 4.

DfE document "Working Together To Safeguard Children"  
<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

**These last two documents are historical but have useful advice which is more detailed.**

DfE document "Safe Guarding Children & Safer Recruitment in Education" Jan 2007  
<https://www.gov.uk/government/publications/safeguarding-children-and-safer-recruitment>

DfE statutory guidance document "Dealing with allegations of abuse against teachers and other staff guidance for local authorities, head teachers, school staff, governing bodies and proprietors of independent schools"  
<https://www.gov.uk/government/publications/dealing-with-allegations-of-abuse> .



## **Appendix 1**

### **Staff Conduct Rules Associated with Pupil Contact**

#### **Purpose of The Conduct Rules.**

1. This set of conduct rules associated with pupil contact is intended to help all school based employees and all other staff who have contact with pupils/students in maintaining the present high standards in their relationships with their pupils and to minimise the risk of them being accused of improper conduct towards the pupils with whom they come into contact during the course of their daily work.

#### **Introduction**

2. It would be impossible and inappropriate to lay down hard and fast rules to cover all the circumstances in which members of staff inter-relate with pupils and where opportunities for their conduct to be misconstrued might occur. The school's code of conduct will address the matters included in this appendix – among other things, and staff should be reminded during safeguarding training of the content of the code of conduct.
3. Teachers, in particular, are vulnerable both to the possible consequences of their close professional relationship with their pupils and to malicious or misplaced allegations made by pupils, arising from the teacher's normal and proper association with them in school. It should be stressed that any form of abuse of children by employees in schools is very rare. Nevertheless, all employees in schools need to be vigilant about the conduct of others and prudent about their own conduct so that their relationships with their pupils remain, and are seen to remain, entirely proper and professional.
4. In most circumstances the staff member will rely on their own professional judgement, and these conduct rules will serve only to confirm what has always been their own good practice.
5. From time to time it is wise for all employees in schools to re-appraise their teaching styles, their relationships with pupils, and their manner and approach to individual pupils, to ensure that they give no grounds for doubt about their intentions, in the minds of colleagues, of pupils, or of their parents.

#### **Physical Contact with Pupils**

##### **General**

6. As a general principle, staff are advised not to make unnecessary physical contact with pupils. This is particularly the case with children of secondary school age, and maturing children of primary school age.
7. Physical contact that may be misconstrued by the pupil, parent or other casual observer should be avoided. Such contact can include well-intentioned informal gestures such as putting a hand on the shoulder or arm which, if repeated with an individual pupil, could be misconstrued, as well as more obvious and more intimate contact which should never occur.

##### **Occasions when Contact is Acceptable Outside Instruction**

8. There may be occasions when a distressed child needs comfort and re-assurance that may include physical comforting, such as a caring parent would give. Staff should use their discretion in such cases to ensure that what is normal and natural, and what is seen

to be normal and natural by others present, does not become unnecessary and unjustified contact, particularly with the same pupil over a period of time. Where an employee has a particular concern about the need to provide this type of care and reassurance, he/she should seek the advice of the Headteacher, or a senior member of staff with pastoral responsibility for the child.

### Contact During Instruction

9. Some employees are likely to come into physical contact with their pupils from time to time in the course of their duties, for example when showing a pupil how to use a piece of apparatus or equipment, or whilst demonstrating a move or exercise during Games or P.E. Employees should be aware of the limits within which such contact should properly take place and the possibility of such contact being misinterpreted.

### Caring for Pupils with Particular Problems

10. Staff who have to administer first aid should ensure, wherever possible, that another child or adult is present if they are in any doubt as to whether necessary physical contact could be misconstrued. Particular thought should be given prior to any request being made to see an injury that would require the removal of clothing. Such requests are best made by an employee holding an approved first aid certificate.

### Toileting \*[appropriate for prep schools, nursery and special schools; delete if not appropriate]

11. Wherever possible employees who have to help children with toileting and personal care should be accompanied by another adult and pupils should be encouraged to change themselves. It is accepted that there will be some situations where pupils will present particular problems for employees, and the emphasis should be on what is reasonable under the circumstances.

### Educational Visits and Extra Curricular Activities

12. Employees should be particularly careful when supervising pupils in a residential setting, such as a ski trip, outdoor education camp, or extended visit away from home, where more informal relationships tend to be usual, and where teachers may be in proximity to pupils in circumstances which are very different from the normal school environment.

### Physical Restraint of Pupils

13. Section 93 of the Education and Inspections Act 2006<sup>1</sup> enables school staff to use reasonable force to prevent a pupil from: "hurting themselves or others, from damaging property, or from causing disorder."
14. The DfE advice 2013 "Use of reasonable force. Advice for head teachers, staff and governing bodies" clarifies the position about the use of physical force by staff and can be found here <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>. This advises on physical restraint by teachers and others authorised by the Headteacher to control pupils, and applies to all schools.
15. It is important that staff follow the school's guidelines on the use of force to control or restrain pupils. All incidents where reasonable force has been necessary to restrain pupils need to be clearly recorded, as specified by the requirement on schools contained in the Apprenticeships, Skills, Children and Learners Act 2009.

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<sup>1</sup> Replaces section 550A of the Education Act 1996.

16. Staff are not expected to restrain a child if by so doing they put themselves at risk. Staff dealing with such pupils should be trained in proper and safe methods of restraint.
17. The legislation does not cover more extreme cases, such as action in self-defence or in an emergency, when it might be reasonable for someone to use a degree of force. These are matters for personal judgment in each circumstance, which will have to be justified.

### Reporting Incidents

18. Following any incident where staff consider that their actions have been, or may be, misconstrued, they should discuss the matter with the Headteacher. Where it is agreed with the Headteacher, the employee should provide a written report of the incident. This would apply particularly in a case where a teacher had been obliged to restrain a pupil physically, and a complaint might be made by the pupil concerned, his parents or another adult.

### **Private Meetings with Pupils**

#### Interviews.

19. Members of staff should be aware of the dangers that may arise from private interviews with individual pupils. It is recognised that there will be occasions when confidential interviews must take place, but, where possible, such interviews should be conducted in a room with visual access, or with the door open, or in a room or area which is likely to be frequented by other pupils. Where such conditions cannot apply, staff are advised to ensure that another adult is aware that the interview is taking place and is in reasonable proximity to the room during the course of the interview.
20. The use of 'engaged' signs or lights is not advisable. Wherever possible staff should leave space between themselves and the pupil being interviewed. Whilst there are occasions when staff may need to stand or sit next to a pupil, e.g. when looking together at a piece of work, in most circumstances the interview can be conducted with the member of staff sitting opposite to, and separate from, the pupil.
21. Similarly, staff should avoid allowing individual pupils to socialise with them in private office or store room areas.

#### Conversations of a Sensitive Nature

22. Many members of staff have a pastoral responsibility for pupils, and in order to fulfil that role effectively there will be occasions when conversations will touch upon particularly sensitive matters. In these circumstances staff, must use their discretion to ensure that any questions cannot be construed as unjustified intrusions.

#### Evasive Action

23. Staff should avoid interviewing alone any pupil who is known to be disturbed, or who is known to have a 'crush' on them. If a member of staff becomes concerned as a result of any suggestive actions or comments made by a pupil, the interview should be suspended immediately, with the pupil being informed that the interview will be concluded when another member of staff is present. The Headteacher, or other member of the senior leadership team, should then be informed of the incident, and the details should be confirmed in writing and followed up by the Headteacher or other appropriate staff member.

### Detentions

24. Should it prove necessary to detain a pupil for more than a short period of time at the end of the day, whatever the reason, advance notice should be given, at least a day in advance, to the pupil's parents. If a single pupil is being detained, then similar guidelines to those outlined for interviewing pupils should be observed.

### Meetings with Pupils Outside of the School

25. Staff should not arrange to meet pupils away from the school premises unless the specific approval of the Headteacher or Head of Department has been obtained beforehand.

### Notes/ Letters to Pupils

26. Staff should be aware that if they send letters to pupils, they should not be of a personal nature.

### **Choice and Use of Teaching Materials**

27. When using sensitive teaching materials, staff should be aware of the danger that their use could be misinterpreted by both pupils and parents, and may be criticised after the event. If material with sexual connotations is to be used, it is important to check that its use does not conflict with the school's policy on sex education.

### **Relationships and Attitudes**

28. As with physical contact, comments by members of staff to pupils, either individually or in groups, can be misconstrued. Staff should not, therefore, make unnecessary comments to and/or about pupils that could be construed to have a sexual connotation. It is also unacceptable for staff to introduce or encourage debate amongst pupils in class, or elsewhere, which could be construed as having a sexual connotation that is unnecessary given the context of the lesson, or the circumstances.
29. The systematic use of insensitive, disparaging or sarcastic comments to pupils is not conducive to good relations.
30. In general terms, staff should ensure that their relationships with pupils are appropriate to the age and gender of the pupils, taking care that their conduct does not give rise to comment or speculation. Attitudes, demeanour and language all require care and thought, particularly when teachers of either sex are dealing with adolescent boys and girls.

### **Mobile/Home Telephone Numbers and Email Addresses**

31. Mobile/home telephone numbers or personal email addresses must not be given to pupils without the permission of the Headteacher or Head of Department. If a text message or email is received from a pupil, it should not be responded to, but saved and reported to a senior member of staff at the school as soon as possible, who will decide on the appropriate course of action that needs to be taken.
32. If a telephone call is received on a private phone, the conversation should be kept as brief as possible, and reported to a senior member of staff as soon as possible, who will decide on the appropriate course of action that needs to be taken.
33. An exception to the above is if the member of staff has their own child at the school in which case they cannot be held responsible for private numbers/addresses being given out by their child to others.

### **Where it is Suspected That a Pupil is Being Abused by an Employee in School.**

34. All employees have a duty of care to the children and young people in their care. However difficult the situation you have a professional duty to report any concerns you have about the behaviour of a colleague that breaches these conduct rules or is not consistent with good practice. The Headteacher will then follow the schools procedure for dealing with teachers or other school employees facing an allegation of abuse.

### **Conclusion**

35. In all circumstances the employee's professional judgement will be exercised and for the vast majority of employees these conduct rules associated with pupil contact will serve only to confirm what has always been their practice. If staff have any doubts about points made in this document they should consult their Headteacher or a representative of their union or professional association.
36. From time to time it is wise for all employees in schools to re-appraise their teaching styles, their relationships with pupils, and their manner and approach to individual pupils, to ensure that they give no grounds for doubt about their intentions, in the minds of colleagues, of pupils, or of their parents.