

Key Considerations for Evaluating Concern or Risk

“There are many ways evidence can be explained away.” Munro & Fish, Australia Royal Commission

Internal ICMEC draft for training use

This is not an exhaustive list, but a sampling of key considerations when evaluating concerns or risk mitigation. Nothing contained herein should be construed as offering legal advice or guidance. See sources below and [EdPortal.ICMEC.org/Risk Assessment](http://EdPortal.ICMEC.org/Risk%20Assessment) for more information.

Areas to consider for institutional risk, vulnerability risk, propensity risk, or situational risk assessment:	Risk exists (Tick for each 'yes')	List all risk factors that apply:	Any protective factors or risk mitigation: (environmental, procedural, or supervisory)
Institutional Situational Risks Characteristics of school prevention program			
Policies recently established and/or not fully observed Lack of robust enforcement of one-on-one and/or out of program contact, lack of multiple reporting options including anonymous reporting, resistance to or lack of explicit expectation of reporting concerns, lack of or insufficient code of conduct and acceptable use policies, lack of or insufficient background and/or reference checks.			
Senior Leadership does not prioritize child protection Protection policies not followed or processes are casual or ad hoc, deference to institution over local authority, power or status imbalances exist between staff, school is excessively achievement or outcome oriented.			
Infractions unevenly addressed and/or excused Disciplinary consequences are undocumented and/or not followed up, school accepts potentially harmful behavior based on individual style/personality/culture, allegation response process is not established, central record of child protection concerns is not maintained. Exceptions made for behavior of high-status adults.			
Staff training inadequate, incomplete, not comprehensive Poor quality or incomplete child protection training for all staff, lack of guidance on conduct and communication expectations, lack of awareness of reporting pathways, and mandatory reporter obligations.			
School culture devalues student voice Student opinion not sought or respected, needs of staff or parents are prioritized, school prestige or reputation is highlighted, competitive and/or adversarial atmosphere fostered, students seen as product rather than purpose, reports by children are dismissed or given minimal attention, emphasis of 'code of silence' or loyalty, attitude of 'it can't happen here', culture that allows sexual bullying/harassment, gender segregation and/or endorsement of hyper-masculinity.			

Vulnerability Risks Characteristics of student	Tick for yes	Risk factors:	Protective or mitigating factors:
Student/s part of vulnerable group May include: young age, new to country or school, lack of local or English language fluency, special learning needs or disability, low socio-economic level, identifies or presents as LGBTQ, has family challenges (in transition, absentee parent, family violence, weak parental bond), poor peer bonds, health challenges including substance abuse.			
Personal characteristics of student/s indicate vulnerability Isolated, shy, non-assertive, needy, bullied, previously victimized, tendency to wander or become separated, risk taking, oppositional, insufficient digital skills, low self-esteem, isolated, approval or popularity seeking, exhibits recent behavior changes.			
Credibility issues of student/s <i>Credibility issues increase the likelihood of victimization; therefore, should be considered as risk factors, NOT used to determine if allegations are credible.</i> Any incentive to remain silent, including: new to school, oppositional behavior, history of discipline issues, other unsubstantiated claims, or other credibility issues, such as victim reluctant to get adult in trouble and/or likely to be compliant in abuse, be threatened, or have reputational fears.			
*Propensity Risks Characteristics of adult *There is no typical offender. Presence of risk factors does not mean person will offend, nor does absence of risk factors indicate lack of risk.	Tick for yes	Risk factors:	Protective or mitigating factors:
Professional risk factors present Personal or professional challenges, work with vulnerable students or in vulnerable situations (impacted by access and opportunity), weak professional standards/ethics, inexperienced, fosters boundary crossing relationships, not collaborative, 'rules don't apply to me' approach, seen to be above suspicion. Favoritism for student or group.			
Adult acting outside an appropriate role and/or has disproportionate power over student/s Adult seeks solo control over programs. Adult acts beyond expected role without risk assessment/obtaining permission, adult's ability to reward or punish student not mitigated (for example by joint decision making, supervision, etc.), inappropriate student attachment evident (initiated by adult or student). Rewards risk taking/devises challenges involving risk or secrecy. Out of program contact or relationship with parent/family of student in question that exceeds local norms or history of personal or professional conflict with accuser or family.			

<p>Unable to understand or respond to child protection risks Lack of appreciation of harm, lack of empathy, encourages or allows relationships to extend beyond professional role, resists protections such as hands-off coaching, or consensual touch, admits to attraction to child or use of child pornography (child sexual abuse materials), makes concern a personal rather than professional matter, marginalizes accuser or family, encourages taking sides</p>			
<p>Behavior persistence despite correction or risk mitigation Policies and procedures are disregarded and/or adult considers self an 'exception'. Any prior behavior considered inappropriate should be considered whether resolved or not.</p>			
<p>Pattern of concerning behavior or features of grooming Behavior could be considered a pattern of policy or boundary violations, exceeds scope of expertise or role in relationships, allows or cultivates 'home base' or classroom loitering behavior, emotional congruence with victim or children generally, lack of professional discernment about risks or effects of inappropriate behavior.</p>			
<p>Situational Risks Characteristics of concern</p>	<p>Tick for yes</p>	<p>Risk factors:</p>	<p>Protective or mitigating factors:</p>
<p>Opportunity offered by environment Obstructed visibility, poorly supervised, distant or isolated location, low likelihood of witnesses, likelihood of inattention (crowding or in plain sight for appearance of safety), sexualized environment or erosion of professional boundaries (could include inappropriate images or films with sexual content), travel or unfamiliar surroundings without risk mitigation, spontaneous ride sharing without informing others.</p>			
<p>Opportunity offered by timing Contact manipulated to times of low/no oversight. Transition times, out of program contact, before or after school, overnight trip, additional supervision not present, low likelihood of witnesses or likely inattention of bystanders (high traffic times, special events, emergency drills/non-routine or exceptional circumstances).</p>			
<p>Opportunity offered by situation type Expected or unexpected situation involving intimate care (bathing, un/dressing, sleeping) and non-consensual touch (massage, carrying, cleaning, injury or illness care), touching or adjusting clothing. Poor decision making (non-educational solution for educational problem). Situation is outside the normal scope of the adult's role. Situation involves resistance or capacity altering substance (alcohol, sleep aid, muscle relaxant, etc.) or activities (closed eyes, inability move away, or communicate physically or verbally, etc.).</p>			

Situational Risks	Tick for yes	Risk factors:	Protective or mitigating factors:
Characteristics of communication or access Unprofessional or inappropriate communication <i>Any element of verbal or non-verbal communication was sexual or included innuendo. Presence of quid pro quo or transactional exchange where student 'owes' adult. Degrading or authoritarian content. Tone seeks to establish peer relationship.</i>			
Frequency and timing <i>Frequency indicates favoritism. Timing indicates intimacy. Additional examples of inappropriate communication have been identified.</i>			
Expectation of privacy <i>Others, including other students, parents and colleagues were excluded from the communication.</i>			
Communication method, timing, tone or content deviates from established, accepted methods or platforms <i>Communication is identifiably different from that with other students, or by other staff members. Content is flirtatious, deeply personal or intimate, adult problems are shared, loneliness or other personal needs mentioned. Emojis with sexual or romantic connotations used.</i>			

Factors influencing a child protection concern

Make notes about:

- State of mind (angry, curious, defensive, etc.)
- Emotional spikes
- Presence of inconsistencies or weak logic
- Exact language used
- Corroborating details or lack thereof
- Exact language matches (could indicate coaching)
- Possible bystanders, other victims
- Policy violations
- Relationships that extend beyond expected role
- Persistence or inability to understand risks
- Any previous child protection concerns
- Avoid potentially leading questions, and those that convey guilt to victim

Be aware:

- Identify patterns of behavior and all boundary violations
- Victim may be compliant, afraid, or have reputational concerns
- Victim may be coached (to deny, recant, or, less frequently, accuse)
- Questions should reflect limitations of child's developmental age
- Child's account may not be chronological
- Child's account may include sharp sensory detail that may be important
- Child's account may be less detailed about the passage of time
- Witnesses and bystanders may have different perspectives or understanding of situation
- It is always the role of the adult to maintain appropriate boundaries

Sources: <https://learning.nspcc.org.uk/research-resources/2015/preventing-child-sexual-abuse-towards-national-strategy/>, Understanding Situational Crime Prevention for CSA – Australian Catholic University, Institute of Child Protection Services (acu.edu.au/icps), variety of serious case reviews, Brown, J. and Saied-Tessier, A. (2015) Preventing child sexual abuse: towards a national strategy for England. London: NSPCC, Risk Assessment for Volunteers, Andrew Hall Safeguarding, UK, Ken Lanning [Acquaintance Molestation and YSOs](#); Risk Profiles for Institutional CSA Literature review, Kaufman and Erooga accessed at <https://www.childabuseroyalcommission.gov.au/sites/default/files/file-list/Research%20Report%20-%20Risk%20profiles%20for%20institutional%20child%20sexual%20abuse%20-%20Causes.pdf>

Considerations for School Response to Concerns of Abuse

Created by International Centre for Missing & Exploited Children based on ITFCP Allegation Protocol and statutory guidance for educational institutions in US and UK

Step 1	Step 2	Step 3	Step 4	Step 5
Concern Arises	School Ensures Safety & Preserves Evidence	School Gathers Information/Evidence	Evaluation of Evidence and Assessment	Prevention and Restorative Actions
<p>Safety of victim and other children:</p> <p>Identification of initial priorities and policy actions including reporting obligations:</p> <p>Location of accused and due process obligations:</p> <p>Initial preservation of crime scene, if applicable:</p>	<p>Risk minimization (first actions):</p> <p>Victim safety plan decided with victim and family:</p>	<p>Considerations for gathering information:</p> <p>Reconsider reporting obligations (what are considerations?)</p> <p>Additional reporting may include:</p>	<p>Evaluation of suitability (what to consider when adults accused):</p> <p>Evaluation of ongoing safety in cases of harmful sexual behavior (what to consider when child accused):</p> <p>Note: lack of progression of criminal case does not mean victim lied, or incident did not occur.</p>	<p>Victim and victim's family needs:</p> <p>Policy reviewed and updated in light of concern:</p>

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<p>May be verbal or written</p> <p>All concerns are considered ‘formal’ complaint</p> <p>Concern may or may not have happened on school grounds</p> <p>Concern may be raised by multiple sources</p> <ul style="list-style-type: none"> ✓ image discovery ✓ rumors/gossip ✓ social media traffic ✓ victim or student disclosure ✓ staff suspicion or discomfort ✓ alumni or another school ✓ parents ✓ witness ✓ legal claim or law enforcement ✓ anonymously <p>NEVER view or share sexual images of children.</p> <p>Disclosure may be partial, or seek to protect offender</p> <p>False allegations are rare</p>	<p>Prevent contamination of possible crime scene, if applicable</p> <p>Risk minimization</p> <ul style="list-style-type: none"> ✓ prevent contact between accused and victim (minimizing victim impact) ✓ Prioritize stopping spread of sexual images of children ✓ law enforcement or local reporting obligations fulfilled, if applicable and if child not at risk of further harm by this action ✓ Parents or non-offending parent informed if child not at risk of further harm by this action ✓ accused informed (in manner that preserves evidence, if applicable) ✓ documentation and justification of decision making <p>Note: work to maintain trust and cooperation with victim’s family and accused</p>	<p>Physical evidence secured</p> <ul style="list-style-type: none"> ✓ assume digital evidence exists ✓ turn off devices ✓ prevent remote access ✓ NEVER view or share sexual images of children ✓ ask for a description of the image <p>Reconsider reporting obligations</p> <ul style="list-style-type: none"> ✓ severity, malice, intent to harm and <i>any</i> sexual images of children are aggravating elements ✓ consider law, policies, extraterritoriality <p>External reporting may include:</p> <ul style="list-style-type: none"> ✓ local hotline, cyber tip line, social media apps, child advocates and/or law enforcement ✓ involved embassies (extraterritoriality) ✓ employers <p>Note: lack of progression of criminal case does not mean victim lied, or incident did not occur.</p>	<p>Evaluation of suitability (adults accused)</p> <ul style="list-style-type: none"> ✓ consider proportionality and patterns ✓ consider providing alternatives such as interview with forensic interviewer or psychologist ✓ maintain credibility in transparent process ✓ maintain confidentiality of all children and exonerated ✓ See risk assessment tools <p>Evaluation of ongoing safety program and treatment in cases of harmful sexual behavior</p> <ul style="list-style-type: none"> ✓ disciplinary action ✓ mediation or restorative practices (depending on severity, only if agreed to by victim) ✓ ongoing risk assessment and mitigation ✓ accountability for those needing corrective action 	<p>Policies reviewed and updated</p> <ul style="list-style-type: none"> ✓ full review in light of concern or allegation ✓ staff training ✓ student abuse prevention curriculum evaluated and updated in light of concern ✓ possible ongoing hotline publicized for additional victims <p>Support for victim/s</p> <ul style="list-style-type: none"> ✓ consult with victim/s and other’s affected ✓ opportunity to share experience with senior leaders, if applicable ✓ opportunity to participate in external review or policy review ✓ review/withdrawal of honors given to offender ✓ accountability exhibited by senior leadership ✓ strong corrective action and protection from retaliation ✓ Safety planning to prevent contact by offender

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<p>Victim needs:</p> <ul style="list-style-type: none"> ✓ informed of mandatory reporter requirements and confidentiality concerns addressed ✓ trauma informed care and cultural awareness prioritized ✓ need for immediate medical or mental health care determined including need for sexual assault exam ✓ immediate safety (next 24 hours) determined ✓ expectations of victim are age or developmentally appropriate ✓ if victim compliant with abuse, supervision provided and evidence secured <p>Location of accused and due process obligations:</p> <ul style="list-style-type: none"> ✓ if concern is criminal offense, care should be taken not to tip off accused prior to law enforcement involvement <p>Initial preservation of crime scene, and law enforcement interview, if applicable</p>	<p>Victim safety plan decided with victim and family:</p> <ul style="list-style-type: none"> ✓ assist in delivery of trauma informed care/mental health services ✓ scheduling changes focus on offender, not victim ✓ safe space located ✓ check ins planned ✓ monitoring of social media ✓ educational accommodations as needed ✓ confidentiality maintained ✓ strong response to backlash or retaliation by community ✓ mitigate pressure to recant, if factor ✓ Parents informed of trauma informed care/support of victim <p>Community response considered</p> <ul style="list-style-type: none"> ✓ Holding statement drafted ✓ social media monitored ✓ social emotional interventions planned ✓ community letter planned ✓ prevention of retaliation planned ✓ talking points for staff working with students planned 	<p>Information gathering:</p> <ul style="list-style-type: none"> ✓ minimize times victim must tell story ✓ seek information from other sources ✓ use open-ended questions to determine what happened ✓ understand there may not be certainty about events <p>Urgent communication needs:</p> <ul style="list-style-type: none"> ✓ lawyers, board, HQ, if applicable ✓ all staff, students, parents ✓ alumni ✓ embassies, if applicable ✓ media, only if already involved/requesting comment <p>Communication may include:</p> <ul style="list-style-type: none"> ✓ students are top priority ✓ concern for and process of appropriate response ✓ request for information ✓ contact person/s, hotline numbers ✓ confidentiality of details of case, pending inquiry ✓ updates if process is extended 	<p>Communication needs:</p> <ul style="list-style-type: none"> ✓ consult with legal advisers about what can be shared ✓ all staff, students, parents ✓ external agencies providing services ✓ recruitment firms if person deemed unsuitable to work with children ✓ previous or onward schools of accused <p>Communication may include:</p> <ul style="list-style-type: none"> ✓ reiteration of student-centered response ✓ contacts and services available for support ✓ new prevention initiatives and policy changes ✓ restitution and reconciliation plans ✓ findings of internal review <p>Allegation determined to be malicious</p> <ul style="list-style-type: none"> ✓ Determine if another person abused accuser ✓ Determine what disciplinary actions to pursue ✓ Determine any mental health needs of accuser 	<p>Ongoing staff and student support:</p> <ul style="list-style-type: none"> ✓ possible ongoing mental health and trauma-informed care offered ✓ student behavior viewed through trauma lens ✓ possible ongoing educational accommodations and safety plans ✓ Creation of trauma fund for future counseling needs for staff and students ✓ Deeper training for response team staff members, board members and parent community <p>Ongoing development of external relationships:</p> <ul style="list-style-type: none"> ✓ Repair and development of relationships lacking prior to concern (for example, law enforcement, local child advocates, and physical and mental healthcare contacts, etc.) ✓ Development of provider partnerships ✓ Development of country and city school networks

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<p>Priorities and policy actions</p> <ul style="list-style-type: none"> ✓ initial determination of mandatory reporting obligations ✓ report to law enforcement if suspicion a crime occurred ✓ board and response team notified ✓ confidentiality upheld ✓ wishes of victim considered ✓ disclosure recorded in child’s words, dated and signed ✓ central record for documentation started ✓ seek legal advice (depending on severity of concern) ✓ act with compassion ✓ be aware there may be additional victims <p>In cases of non-recent abuse school may need to determine if accused still has contact with children.</p> <ul style="list-style-type: none"> ✓ Contact with previous and onward school should be considered at some point depending on risk assessment 	<p>Actions for accused, depending upon severity of charge</p> <ul style="list-style-type: none"> ✓ if applicable, parents informed if does not put accused at risk of harm and criminal investigation not expected ✓ exclusion, supervisory or scheduling changes made as needed or as matter of policy (do not convey guilt) ✓ statement made or interview planned with accused, if not a criminal matter ✓ expectations are age or developmentally appropriate ✓ inform any outside parties to protect children ✓ advised of process and right to due process including legal representation, if applicable (usually point at which supervision status changes) ✓ mental health support provided, if child, consider if accused might also be a victim of abuse 	<p>Internal review of case:</p> <ul style="list-style-type: none"> ✓ proceeds during law enforcement investigation but doesn’t hamper ✓ use of outside entity with no school affiliation may be appropriate ✓ concern is ‘taken seriously’ or ‘victim is believed’ until abuse is ruled out ✓ focus on victim and possible additional victims ✓ standard of proof: abuse likely occurred on balance of probability or preponderance of evidence NOT criminal standard of ‘innocent until proven guilty ‘ ✓ may include written statement from victim, accused, and possible bystanders including staff and students. ✓ Keep victim and family updated on progress ✓ Understanding that in many abuse cases certainty about what happened may never be achieved <p>Links for further guidance:</p>	<p>Reinstatement, if applicable</p> <ul style="list-style-type: none"> ✓ support, monitoring, and accountability if disciplinary action taken ✓ efforts to remove cloud of suspicion if allegations were unfounded ✓ monitoring of social media <p>Response to legal action, if applicable</p> <ul style="list-style-type: none"> ✓ do not allow threat of claim to deter inquiry, action or external assessments ✓ know your insurance coverage and legal exposure at time of concern ✓ establish scope of legal advice needed (employment, family law, criminal and civil law, human rights or child protection law) ✓ ensure school has say in issues such as liability, limitation periods, apologies, and settlement agreements 	<p>Facility and program changes needed in light of concern:</p> <ul style="list-style-type: none"> ✓ Environmental audit conducted ✓ Situational and program risks assessed ✓ Evaluation of safer hiring protocol if applicable <p>Information gathered on accused is retained and shared, if applicable:</p> <ul style="list-style-type: none"> ✓ In cases where criminal charges did not occur, determine how substantiated concerns will be stored and shared ✓ Understand sharing options and actions which may include: revocation of letters of reference, notification of licensing boards, demographic data and results of inquiry shared with accreditation, recruitment and international law enforcement partners, previous and onward employers licensing boards, and others, in light or local employment and defamation laws