

Procedures for Responding and Reporting Child Abuse

These procedures have been established to give effect to the Board of Trustees Policy pertaining to National Administration Guideline 5.

Abuse - Definition:

The Children, Young Persons and their Families Act, 1989, defines child abuse as "...the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person". The definitions set out below provide some indicators of abuse and these should not be seen as an exhaustive list or as a check list.

<p>Physical Abuse</p> <p>Physical abuse is a non-accidental act on a child that results in physical harm. This includes, but is not limited to, beating, hitting, shaking, burning, drowning, suffocating, biting, poisoning or otherwise causing physical harm to a child. Physical abuse also involves the fabrication or inducing of illness.</p>	<p>Emotional Abuse</p> <p>Emotional abuse is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effect on the child's emotional development. This can include a pattern of rejecting, degrading, ignoring, isolating, corrupting, exploiting or terrorising a child. It may also include age or developmentally inappropriate expectations being imposed on children. It also includes the seeing or hearing the ill treatment of others.</p>
<div style="border: 2px solid black; border-radius: 15px; background-color: #cccccc; padding: 5px; display: inline-block;">Definition of Abuse</div>	
<p>Sexual Abuse</p> <p>Sexual Abuse involves forcing or enticing a child or young person to take part in sexual activities (penetrative and non-penetrative, for example, rape, kissing, touching, masturbation) as well as non-contact acts such as involving children in the looking at or production of sexual images, sexual activities and sexual behaviours.</p> <p>Staff should be aware of their 'duty of care' which precludes developing a sexual relationship with or grooming of a child. A sexual relationship between an adult and a child will always be wrong, unequal and unacceptable.</p>	<p>Neglect</p> <p>Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, causing long term serious harm to the child's health or development. It may also include neglect of a child's basic or emotional needs. Neglect is a lack: of action, emotion or basic needs.</p>

Any issues of suspected child abuse must be taken seriously and handled in an appropriate manner that ensures the child's safety.

The Designated Person for Child Protection (Principal and DP/SENCO) is responsible for ensuring that the procedure for reporting child abuse is effective and timely. If a member of staff has a child protection concern then they must inform the Designated Person as soon as possible. It should be considered whether a specific form is used, printed on coloured paper, so that concerns can be identified easily.

Guidelines:

- Royal Oak Intermediate recognises that all staff must act within the legal requirements of the Privacy Act, Children, Young Person's and their Families Act, Health Information Act and other statutes. There are provisions within each of these acts for sharing information needed to protect children and enable other people to carry out their legitimate functions. In general staff will not share information if they believe that by doing so this will endanger the child.
- Royal Oak Intermediate encourages the sharing of information when appropriate steps have been taken.
- Staff may be asked to provide information to Child, Youth and Family, the Police, Court or Lawyers and Psychologists.
- Information sharing will be restricted to those who have a need to know in order to protect children.

- When any of the above contacts a staff member for information that staff member must first refer to the principal for clearance before providing the information.
- Information will be only be given after the staff member has identified the person making the request, the actual purpose of the request, what use the information will be put to, and who will see the information.
- In the case of a Social Worker or Counsel for Child wishing to interview a child while in the care of Royal Oak Intermediate, the staff member must consult the principal to be certain that such an interview will be undertaken legally and in the best interests of the child.
- A child's records will be kept as factual as possible, and nothing will be recorded as fact without evidence to back it up. This means, for example, that no entry will be made on a child's record about guardianship of a child without sighting the appropriate documentation.
- Royal Oak Intermediate will maintain a good working relationship with Child, Youth and Family and with Police, and be familiar with the laws that serve to protect children from abuse. We will consult with Child, Youth and Family, the Police, and with other appropriate agencies that have specialist knowledge to help us protect children from abuse.
- Royal Oak Intermediate believes that in order to keep children safe, people who suspect or uncover abuse should not be tempted to deal with cases themselves. When there is a relationship of trust and understanding with the statutory agencies, people are more likely to report and enable professional investigation to ensue.
- Royal Oak Intermediate will ensure that it has contacts for Child, Youth and Family and Police offices. The Designated Person for Child Protection will maintain this information.
- Royal Oak Intermediate recognises that by law, [Sec 15 of the Children, young Persons and their Families Act 1989] any person may report a case of suspected abuse to the statutory agencies.
- The Designated Person for Child Protection will meet regularly with a contact person from a specialist agency to ensure that a trusted relationship is maintained in order that Royal Oak Intermediate can seek help easily and appropriately.
- Royal Oak Intermediate will also maintain relationships with non-governmental organisations and agencies that provide services to children and families.
- Royal Oak Intermediate encourages the networking of agencies, and staff will undertake an active programme for maintaining the relationships between the agencies.

Managing Allegations Against Staff

- Royal Oak Intermediate will respond to suspicions and allegations of child abuse by a member of staff in a manner which best ensures children's or young persons' immediate and long-term safety and will treat suspicions or allegations against a staff member with the same seriousness as suspicions or allegations made against any other person.
- Royal Oak Intermediate will not act alone, and will refer all suspected situations of child abuse to Police or Child, Youth and Family. The safety of the child will be the primary consideration, and no person in this organisation will collude to protect an adult or an organisation.
- Allegations will be treated in such a way that the rights of adults and the stress upon the staff member are also taken into consideration.
- When abuse is suspected or an allegation made against a staff member, the first consideration will be to ensure the safety of child.
- When abuse is suspected, staff will follow the process for Responding to Suspected Child Abuse included in this policy.
- When there are suspicions of abuse by a staff member, both staff and children's rights are to be attended to. This means that the safety of the child is of first concern, and that the staff member must have access to legal and professional advice.
- The New Zealand School Trustees Association must be contacted and their advice followed. If that advice is different to that within this procedure, then follow NZSTA's advice.
- The person managing the child abuse issue will not be the same person as that managing the employment issue.
- The suspected staff member (or volunteer) will be prevented from having further unsupervised access to children during any investigation and will be informed fully of their rights.
- Staff will declare to a senior person any situation where there could be a conflict of interest, and provision made on a case-by-case basis about who will handle the process.
- If a child discloses abuse, staff will also follow the guide *Dealing with Disclosures of Abuse*.
- Royal Oak Intermediate will adhere to the principles of the Employment Contract's Act and give the staff member all information regarding this or her rights.
- Royal Oak Intermediate recognises the added stress to fellow staff in such a situation, and will ensure support is available.

- The Designated Person for Child Protection must immediately ensure that the suspected individual does not have any contact with the child making the allegation. A risk assessment must be undertaken to determine what level of access, if any, that person should have, to other children.
- If the police decide to undertake a criminal investigation then the member of staff may be suspended, without prejudice, as a precautionary measure, contact the New Zealand Schools Trustee Association for advice. It is important that no internal investigation is undertaken, and no evidence gathered that might prejudice the criminal investigation.
- If Royal Oak Intermediate is aware that a member of staff it has placed on precautionary suspension also works with children for another organisation, either as an employee or a volunteer, it should ensure that the other organisation is informed of the suspension and the subsequent outcome. Consultation with Child, Youth and Family or the Police will determine how this information is conveyed.
- Royal Oak Intermediate should liaise with Child Youth and Family and the Police regarding the progress of the investigation.
- If there is insufficient evidence to pursue a criminal prosecution, then a disciplinary investigation may still be undertaken if there is "reasonable cause to suspect" that abuse may have occurred. The allegation may represent inappropriate behaviour of poor practice by a member of staff which needs to be considered under internal disciplinary procedures.

References:

Child Matters Website	http://www.childmatters.org.nz/
Primary Teachers' Collective Agreement 2013-2015	Part 10
Support Staff in Schools Collective Agreement 2014 - 2016	Part 7.13
Primary Principals' Collective Agreement 2013-2015	Part 8

Appendices:

- 1] Dealing with Disclosures of Abuse
- 2] Procedure Flow Chart
- 3] Responding to Child Abuse

Next review:

Review History: May 2016

5/05/2008	15/10/2010	12/03/2015				
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Dealing with Disclosures of Abuse

Only a minority of children actively disclose abuse. Most child abuse is disclosed accidentally or through observation by an adult of a child's behaviour, words and physical appearance.

When a child does disclose abuse, this needs to be taken very seriously. It is important that any disclosure is dealt with appropriately, both for the wellbeing of the child and also to ensure that your actions do not jeopardise any legal action against the abuser.

There are a number of basic 'rules' that should be followed to ensure the safe handling of any disclosures of abuse from a child:

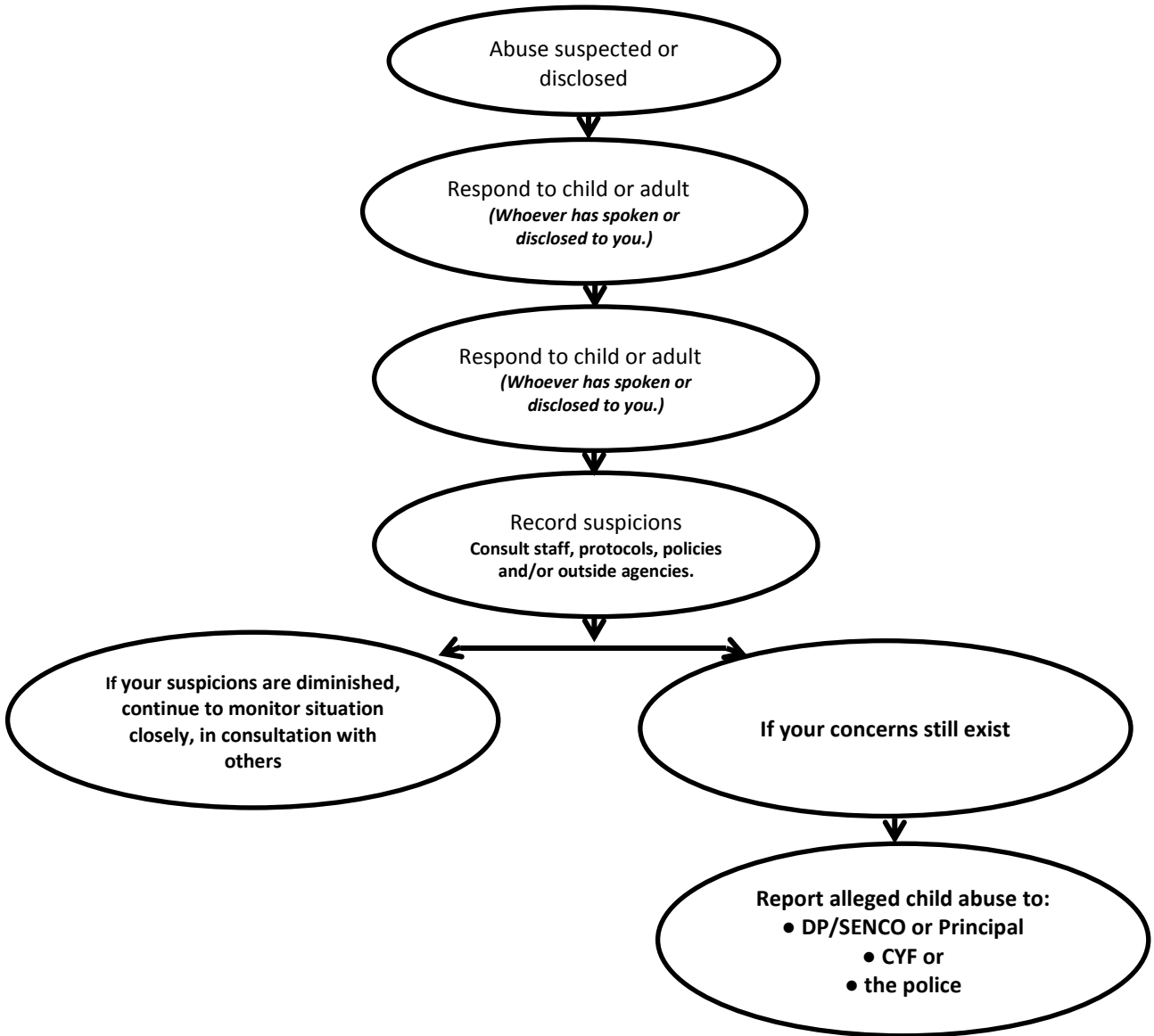
- Don't panic.
- Remember that the safety and well-being of the child come before the interests of any other person.
- Listen to the child and accept what the child says.
 - Look at the child directly, but do not appear shocked.
 - Don't seek help while the child is talking to you.
 - Reassure them that they did the right thing by telling someone.
 - Assure them that it is not their fault and you will do your best to help.
 - Let them know that you need to tell someone else.
 - Let them know what you are going to do next and that you will let them know what happens.
 - Be aware that the child may have been threatened.
- Write down what the child says in their own words – record what you have seen and heard also.
 - Make certain you distinguish between what the child has actually said and the inferences you may have made. Accuracy is paramount in this stage of the procedure
- Tell your manager or supervisor as soon as possible.
- Refer to Child, Youth and Family or the Police.
- After making the referral to Child, Youth and Family or the Police, look after yourself. Discuss the matter with the DP/SENCO or Principal.

Important Notes:

- The same action should be taken if the allegation is about abuse that has taken place in the past, as it will be important to find out if the person is still working with or has access to the children
- Dealing with an allegation that a professional, staff member, foster carer or volunteer has abused a child is difficult but must be taken seriously and dealt with carefully and fairly.

Things TO SAY when a child discloses:	Things NOT TO SAY when a child discloses:
<ul style="list-style-type: none"> • Repeat the last few words in a questioning manner • 'I believe you' • 'I am going to try to help you' • 'I will help you' • 'I am glad that you told me' • 'You are not to blame' 	<ul style="list-style-type: none"> • 'You should have told someone before' • 'I can't believe it! I am shocked!' • 'Oh that explains a lot' • 'No not...he's a friend of mine' • 'I won't tell anyone else' • 'Why? How? When? Where? Who?'
Things TO DO	Things NOT TO DO
<ul style="list-style-type: none"> • Reassure the child that it was right to tell you. • Let them know what you are going to do next. • Immediately seek help, in the first place from the designated child protector. • Write down accurately what the child has told you. Sign and date your notes. Keep all notes in a secure place for an indefinite period. • Seek help for yourself if you feel you need support. 	<ul style="list-style-type: none"> • Do not attempt to deal with the situation yourself. • Do NOT formally interview the child: <ul style="list-style-type: none"> ○ Never ask leading questions. ○ Never push for information or make assumptions. ○ Only necessary relevant facts should be obtained, when clarification is needed. • Do not make assumptions, offer alternative explanations or diminish the seriousness of the behaviour or alleged incidents. • Do not keep the information to yourself or promise confidentiality. • Do not take any action that might undermine any future investigation or disciplinary procedure, such as interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or parents or carers. • Do not permit personal doubt to prevent you from reporting the allegation to the designated child

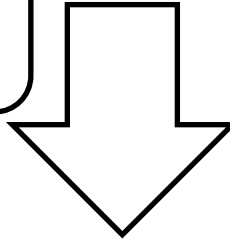
Procedure Flow Chart



Responding to Child Abuse

ABUSE SUSPECTED

Child abuse or potential child abuse is suspected, witnessed, reported or alleged through discloser.
If the child is in danger or unsafe, act immediately to secure their safety.

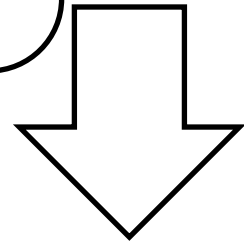


LISTEN, RECORD AND CONSULT

LISTEN to the child and reassure them, but do NOT make promises or commitments you cannot keep. Do NOT formally interview the child – obtain only necessary relevant facts if and when clarification is needed.

CAREFULLY RECORD any physical or behavioural observations and anything said by the child (using the child’s own words as far as possible. Include, date, time, who was present etc.).

CONSULT immediately with the Principal or DP/SENCO. Discuss and agree on an appropriate course of action, including whether a report of concern is to be made.



REPORT YOUR CONCERN

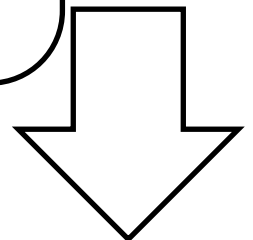
The Principal or DP/SENCO who received the information should contact Child, Youth and Family (0508 326 459) or the Police and make a report of concern.

If the alleged abuse is by a staff member:

- Follow the advice of NZSTA, CYF, and Police.
- Ensure there is no contact between the child or young person and the staff member who the allegation is against.

If the alleged abuse is by a non-staff member:

- Follow the advice of CYF/Police.
- Ensure the child or young person is in a place of safety – their safety is PARAMOUNT.



INFORM

Consultation will take place between the Designated Person for Child Protection and Child, Youth and Family to decide who will inform the parents of the child and provide support for the family.