



Procedures that underpin D7 Child Protection Policy

Identifying & Reporting Sexual, Physical, Emotional, or Verbal Abuse

- 1) Staff will act in accordance with the protocol for Reporting of Suspected or Actual Child Abuse and Neglect, between the Ministry of Education, NZSTA and Child, Youth and Family 2009. (as below)
- 2) When a child comes forward with a problem or concern, staff will be receptive and sensitive to the child so that the child feels listened to and believed.
- 3) Staff who have a concern or have been approached with a problem must discuss it with the principal. No outside agency will be involved without the prior knowledge of the Principal.
- 4) In the case of a report from a third party, the principal and staff will note the complaint and refer it onto the appropriate agency.
- 5) In cases where the principal and staff member identifies there is a concern the parents will be informed, except where the child's welfare is likely to be threatened.
- 6) The school will use the most appropriate agency for whichever type of abuse or neglect is suspected.
- 7) The school will continue to monitor progress and ensure that appropriate assistance is given to the child.
- 8) Appropriate ongoing teacher and children training will be given which includes ensuring the circulation of this policy/procedures to all staff who are in frequent contact with the students.
- 9) Keeping ourselves safe and self-esteem units will be taught as part of the Health Syllabus to increase children's assertive skills in dealing with an uncomfortable situation, and to help raise teachers' consciousness of the issues.

Protocol between the Ministry of Education, the New Zealand School Trustees Association and Child, Youth and Family 2009

Reporting of Suspected or Actual Child Abuse and Neglect

Introduction:

The Ministry of Education, the New Zealand School Trustees Association (NZSTA) and Child, Youth and Family (CYF) are committed to ensuring a safe and supportive learning environment for all students. The following protocol and guidelines will assist boards of trustees, principals and school staff in dealing with child abuse and neglect, and the management of child abuse allegations against board employees.

Section 15 of the Children, Young Persons, and Their Families Act 1989 (CYP&F Act) provides that:

Any person who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally, or sexually), ill-treated, abused, neglected or deprived may report the matter to a social worker or a constable.

As part of its responsibilities CYF promotes, by education and publicity, awareness of child abuse, the unacceptability of child abuse, the ways in which child abuse may be prevented, the need to report cases of child abuse, and the ways in which child abuse may be reported.

Part of that work is through the development and implementation of protocols for agencies (both governmental and non-governmental) and professional and occupational groups in relation to the reporting of child abuse, and monitoring the effectiveness of such protocols.

Purpose:

The purpose of this protocol is to establish an agreed approach to the reporting of child abuse and neglect by those working within schools.

The protocol will ensure that:

- The welfare and interests of the child or young person are the first and paramount considerations;
- Suspected and actual abuse of a child is responded to and recorded appropriately; and
- Effective child protection requires a full, accurate and prompt sharing of information (as permitted within the law).

The inter-agency guide “let’s stop child abuse together, A guide to Recognition-Roles-Responses” provides more in depth information and should be read in conjunction with this protocol. A copy of this guide is available from your local CYF Office or on their website: http://www.cyf.govt.nz/documents/BTC_StopAbuse.pdf

Definitions:

Child and Young Person	<p>A child is someone under the age of 14 years and a young person is someone aged 14 years and over, but under 17 years who is not or has never been married or in a civil union</p> <p><i>(section 2, CYP&F Act).</i></p>
Child Abuse	<p>Child Abuse means the harming (whether physically, emotionally or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person</p> <p><i>(section 2, CYP&F Act).</i></p>
Notification Referral Reporting	<p>Notification, referral and reporting are all terms used to describe making a report of concern to Child, Youth Family and/or Police.</p>
Child abuse/neglect includes:	<ol style="list-style-type: none"> 1. Physical abuse. 2. Sexual abuse. 3. Emotional/psychological abuse e.g. family violence, exposure to illegal activities, rejection. 4. Neglect e.g. medical neglect, abandonment, neglectful supervision.

Guidelines for reporting child abuse/ neglect

1. The child's safety should always be the paramount consideration in the notification process.
2. No decisions or actions in respect of suspected or actual child abuse are to be made by any staff member in isolation unless there are concerns for the immediate safety of the child.
3. A consultative approach is essential to ensure the safety of the child and the staff member. Staff must discuss their concerns with the principal or nominated person/advocate. Where applicable follow the board's complaint policy.
4. Decisions about informing parents or caregivers should be made after consultation between the school and CYF.

Key Contacts

NZSTA - 0800 STAhelp (0800 782435)

Child, Youth and Family - 0508 326 459

Local Police

MOE - 0800 TI TEAM (0800 848326)

Reporting Process for Suspected or Disclosed Child Abuse

Child abuse is either suspected or disclosed.
Ensure the child or young person is safe from immediate harm.



- Physical/behavioural observations and anything said by the child should be carefully documented (include date, time, who was present).
- Consult immediately with the principal or nominated person in charge, or other staff member if the allegation concerns the principal.
- The principal or their nominated person in charge that received the information should contact CYF (0508 326 459) or local Police.
- If advised to do so, complete a referral form to CYF/Police.
- The board chair should be advised.
- If there is disruption to the school or community, negative impacts on other children and/or staff, media interest or a public profile, seek support from Special Education Traumatic Incident Coordinator (0800 84 8326).

Alleged abuse by board employee, including the principal.
Note that there are two separate procedures to be followed at the same time.

(1) The reporting procedure in respect of the child/young person:

- Follow the advice of CYF/Police
- Avoid further risks to the child(ren), or young person(s). Ensure there is no contact between the child and the person whom the allegation is against.

Alleged abuse by non-staff.
The principal or nominated person should:

Follow the advice of CYF/Police.

(2) Process for employee investigation.

- Initiate an initial employment investigation.
- Maintain close liaison with the police and avoid any action that may compromise their investigation.
- Immediately seek advice from NZSTA or another approved employment advisor and advise your insurer.
- It is important that no one person has responsibility for dealing with both the reporting issues and employment issues as there is potential for there to be tension between the two.
- Notify the employee of the allegation and advise of the potential consequences.
- Consider whether it is appropriate for the employee to remain in the school (follow advice).
- Advise the employee of the right to seek support from union or other representatives.
- The board needs to determine whether they will defer their process while the police do the preliminary investigation, or whether they will proceed. Criminal investigations are separate from any employment investigation that the employer will follow.
- Ensure records are kept of any comments or event relating to the complaint(s) and/or allegations, and follow-up action is taken.

Deciding when and who will inform the parent(s) and/or caregiver will be determined by CYF and Police in consultation with the school.

Specific Actions When Reporting Child Abuse/Neglect

- 1) If the child or young person is in danger or unsafe, act immediately to secure their safety.
- 2) Listen to the child or young person and reassure them they did the right thing in disclosing.
- 3) Write down what the child says, check that comments and events surrounding the concern are also recorded.
- 4) Do not formally interview the child or young person. Obtain only necessary relevant facts for when clarification is needed.
- 5) If the child or young person is not in immediate danger and is not upset, re-involve the student in usual school activities.
- 6) If the child or young person is visibly upset provide appropriate activity for them under supervision with someone familiar (i.e. teacher) until they are able to re-join classroom activities.
- 7) Hold immediate discussion with guidance counsellor, school social worker or student support personnel.
- 8) Inform the principal, nominated person, or other staff member if the allegation concerns the principal.
- 9) Notify CYF Contact Centre or the Police.
- 10) Obtain during the notification an indication of likely action and their time frames. Seek advice from CYF on what to tell the child or young person (decisions concerning after school arrangements and notifying the parents will be made by police and social workers in consultation with the school).
- 11) Get support for yourself from appropriate people if needed.

Notifications should be made to the Police or the Child, Youth and Family National Contact Centre. The Contact Centre telephone number is 0508 FAMILY (0508 326 459; fax number (09) 914 1211 or email CyfCallCentre@cyf.govt.nz

Information Required for Reporting

When a notification is made to Child, Youth and Family the school needs to provide the following information in the attached notification:

- 1) Name of child/children (also known as/nicknames).
- 2) Date of birth (if known).
- 3) Ethnicity (if known).
- 4) Name of caregivers, parents and other family members and current living situation.
- 5) Current legal custodians.
- 6) Reasons why it is believed that the child or young person is at risk.
- 7) Other significant background information.
- 8) The name of the contact person for Child, Youth and Family.

What Happens Once Reporting is Made

- 1) CYF Contact Centre will generate a letter to the person named as 'notifier' acknowledging the reporting, and advising which CYF site the matter was referred to recommending either further action or no further action.
- 2) CYF site will make the final decision as to whether or not further action will be taken and by whom. Depending on the assessed level of needs for the child/young person and their family a referral may be made to a non-government organization (NGO) social service for their support.
- 3) If further action is to be taken the social worker allocated to the case will develop an investigation plan. This may require input from the notifier.
- 4) Once the reporting has been investigated CYF will contact the notifier to advise if any further action has been taken or will be taken or whether a referral will be made to an NGO for either an assessment or for provision of family support.
- 5) If reporting is urgent the above actions will take place immediately. Decisions concerning after school arrangements and notifying the parents will be made by Police and social workers in consultation with the school.
- 6) The notifier may contact the CYF Contact Centre at any stage to obtain information on the status of the notification.

Confidentiality of the Notifier

A person's name will not normally be released in the absence of a request under the Official Information Act or Privacy Act. If a request is made the information will be released unless there is a reason to withhold such as;

- The client has a history of violence and has threatened or abused staff on previous occasions; or
- The client is closely related to the notifier.

However we cannot guarantee confidentiality.

(Refer to Appendix 1: Release of notifier details under the Official Information Act 1982 and Privacy Act 1993.)

Appendix 1 - Relevant Legislation

Section 15 of the Children, Young Persons, and Their Families Act 1989

Section 15 provides that:

“Any person who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally, or sexually), ill-treated, abused, neglected, or deprived may report the matter to a Social Worker or a member of the Police.”

Section 16 of the Children, Young Persons, and Their Families Act 1989

Section 16 provides protection from prosecution for people making a report under section 15, and states:

“No civil, criminal, or disciplinary proceedings shall lie against any person in respect of the disclosure or supply, or the manner of the disclosure or supply, by that person pursuant to section 15 of this Act of information concerning a child or young person (whether or not that information also concerns any other person) unless the information was disclosed or supplied in bad faith.”

Section 17 of the Children, Young Persons, and Their Families Act 1989

Section 17 provides investigation of report of ill-treatment or neglect of child or young person

- 1) *Where any Social Worker or member of the Police receives a report pursuant to section 15 of this Act relating to a child or young person, that Social Worker or member of the Police shall, as soon as practicable after receiving the report, undertake or arrange for the undertaking of such investigation as may be necessary or desirable into the matters contained in the report and shall, as soon as practicable after the investigation has commenced, consult with a Care and Protection Resource Panel in relation to the investigation.*
- 2) *Where, after an investigation under subsection (1) of this section into the matters contained in a report under section 15 of this Act, the Social Worker or member of the Police to whom the report was made reasonably believes that the child or*

young person to whom the report relates is in need of care or protection, that Social Worker or member of the Police shall, as soon as practicable, notify a care and protection coordinator of those matters in accordance with section 18 of this Act.

3) *Where any person receives a report pursuant to section 15 of this Act relating to a child or young person, that person shall, as soon as practicable – after*

- (a) That report is investigated under subsection (1) of this section; or
- (b) A decision is made not to investigate the report, -

unless it is impracticable or undesirable to do so, inform the person who made the report whether or not the report has been investigated and, if so, whether any further action has been taken with respect to it.”

Subsection (1) was substituted by s6 of the Children, Young Persons, and Their Families Amendment Act 1994.

Release of notifier details under the Official Information Act 1982 and Privacy Act 1993

Child, Youth and Family will not generally release the name of a notifier (whether a member of the public or a Ministry staff member) unless the information is requested under the Official Information Act 1982 or the Privacy Act 1993.

Members of the public will not have their names released (in most circumstances) when requests are made

Accordingly, the names of people who have made notifications to Child, Youth and Family are **not** able to be withheld following a request unless there is an **actual** threat to that person's safety. The ground for withholding a person's name in instances where there is in fact a reasonable threat to safety is section 27(1)(d) of the Privacy Act.

27 Security, defence, international relations, etc.

- 1) An agency may refuse to disclose any information requested pursuant to principle 6 if the disclosure of the information would be likely
 - a) To prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
 - b) To prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by—
 - i) The government of any other country or any agency of such a government; or
 - ii) Any international organisation; or
 - iii) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
 - iv) To endanger the safety of any individual.

The notification report makes provision for the notifier to provide reasons to support the withholding of their details under Section 27(1)(d) of the Privacy Act. Such reasons may include:

- The client has a history of violence and has threatened or abused staff on previous occasions; or
- The client is closely related to the notifier

Summary

In summary, a person's name will not normally be released in the absence of a request under the Official Information Act or Privacy Act. If a request is made the information will be released unless there is a reason to withhold (as outlined above). We cannot guarantee confidentiality of a notifier even if a request is made and the information withheld under section 27(1)(d).

There may be some circumstances where the Family Court may require that the records in question be produced to the Court, or a complaint could be laid with the Ombudsman or Privacy Commissioner and an investigation occurs which may conclude that the Ministry is required to release the information. Such circumstances would however be rare.

Notes:

- ◆ The school provides staff development to ensure staff are aware of the indicators of abuse and the procedures to report. Community liaison social workers from the Department of Child, Youth and Family Services [CYFS] are available to assist schools in this area of staff development. All staff members should have access to a copy of *Breaking the Cycle: An Interagency Guide to Child Abuse* (a companion document to the protocols available from CYFS).
- ◆ Through curriculum delivery the school provides programmes to develop skills in children that may assist them in identifying and protecting themselves from abusive situations.
- ◆ Any staff member has the right to report suspicion of abuse to CYFS or the police (Section 15 Children, Young Persons and Their Families Act 1989). The principal should be informed of any such action.
- ◆ Only CYFS and/or the police have the statutory authority to investigate allegations of abuse.
- ◆ Providing the report is made in good faith, Section 16 of the Children, Young Persons and Their Families Act 1989 protects the person who reports from civil, criminal, or disciplinary proceedings regarding reporting suspected abuse. This only applies to reports made to CYFS and the police.
- ◆ Access by social worker or police to a child in school: While the law does not require a CYFS social worker or the police to have consent from a parent or guardian to interview a child as part of an investigation into possible abuse or neglect, they generally try to obtain consent before a child is interviewed. On occasion it may not be possible or appropriate to obtain parental consent before a child is interviewed. This may be the case, for example, where a parent is the alleged abuser. In such circumstances the best interests of the child will determine the most appropriate approach.
- ◆ Consent of school management is required before a child can be interviewed at the school. Under normal circumstances the school management allows this access as the paramountcy principle applies. The school does, however, have the right to deny the social worker or police access to the child if parental consent has not first been obtained. In such an instance the social worker and/or police has the option of either obtaining parental consent or (if they believe this is not in the child's best interests) seeking a warrant from the Family Court. A warrant gives the social worker and/or police the authority to proceed with the interview and, if necessary, to take the child out of the school for the interview.
- ◆ Where a child is interviewed at school the normal procedure is for a staff member the child has confidence in to be present. Ideally that staff member will be briefed by the social worker or police officer prior to the interview regarding the level of support to provide.
- ◆ Section 66 of the Children, Young Persons and Their Families Act 1989 requires government departments and crown entities (including schools) to provide information, on request, to the police, CYFS social workers, and care and protection coordinators, where the information is needed to determine whether a child or young person is in need of care or protection. Where the board or a staff member receives such a request they are required to supply it. They should require a reference to the authority under which the information is being requested (ie reference to section 66).
- ◆ Where parents or others involved in a complaint use the Privacy Act 1993 to request information provided by the child to the school, the school must give due consideration to the safety of the child if the information is disclosed. The request can be refused if the school believes that in providing that information the child may be put at risk (Privacy Act 1993 Section 29 (d)).
- ◆ Where a third party approaches the school with concerns about a child, they should be directed to CYFS or the police.
- ◆ Once CYFS is involved with a child the responsibility for the welfare of that child lies with CYFS. While schools may from time to time disagree with the decisions made by CYFS, the school's primary responsibility is for the child's education.