

RUAHINE SCHOOL

The Best I Can Do, The Best I Can Be

CHILD PROTECTION POLICY and PROCEDURE (NAG 5)

CHILD PROTECTION POLICY (32 in Policy Framework) Nag 5

STATEMENT OF COMMITMENT

The safety of the child is our prime consideration at all times.

The National Administration Guidelines (NAG 5) require a school board of trustees and principals of each state and integrated school in New Zealand to:

- Provide a safe physical and emotional environment for students; and
- Comply in full with any legislation currently in force or that may be developed to ensure the safety of students and employees.

This policy applies to all children who are students at Ruahine School, and to those with whom personnel come into contact in the course of their work with Ruahine School.

It applies to staff, volunteers and management of Ruahine School.

It also applies to any contracted personnel providing support services to families and members, (including child care), and to those providing support services to staff.

This policy outlines the board's commitment to child protection and recognises the important role and responsibility of all our staff in the protection of children. It includes the board's expectations when child abuse is reported or suspected.

All staff members (including contractors and volunteers) are expected to be familiar with this policy, its associated procedures and protocols and abide by them.

The board of trustees has an obligation to ensure the wellbeing of children in our care so they thrive, belong and achieve. We are committed to the prevention of child abuse and neglect and to the protection of all children. The safety and wellbeing of the child is our top priority. Advice will be sought through appropriate agencies in all cases of suspected or alleged abuse.

The Board of Trustees is committed to complying with all relevant legislation: Vulnerable Children Act 2014; Children, Young Persons, and their Families Act 1989; Education Act 1989/1998; New Zealand Public Health and Disability Act 2000; Policing Act 2008; Sentencing Act 2002; Health and Disability Commissioner Act 1994; Employment Relations Act 2000; Privacy Act 1993; Human Rights Act 1993; Domestic Violence Act 1995; Care of Children Act 2004; Code of Health and Disability Services Consumers' Rights

In line with section 15 of the Children, Young Person and Their Families Act, any person in our school/kura 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 must follow school procedures and may also report the matter to a social worker or the local police.

Ultimate accountability sits with the board; the board delegates responsibility to the principal to ensure that all child safety procedures are implemented and available to all staff, contractors, volunteers and parents. The principal is responsible to:

1. Develop appropriate procedures to meet child safety requirements as required and appropriate to the school
2. Comply with relevant legislative requirements and responsibilities
3. Make this policy available on the school's internet site or available on request

4. Ensure that every contract, or funding arrangement, that the school enters into requires the adoption of child protection policies where required
5. Ensure the interests and protection of the child are paramount in all circumstances
6. Recognise the rights of family/whanau to participate in the decision-making about their children
7. Ensure that all staff are able to identify the signs and symptoms of potential abuse and neglect, deal with disclosures by children and allegations against staff members and are able to take appropriate action in response
8. Support all staff to work in accordance with this policy, to work with partner agencies and organisations to ensure child protection policies are understood and implemented
9. Promote a culture where staff feel confident they can constructively challenge poor practice or raise issues of concern without fear of reprisal
10. Consult, discuss and share relevant information, in line with our commitment to confidentiality and information sharing protocols, in a timely way regarding any concerns about an individual child with the board or designated person
11. Seek advice as necessary from NZSTA advisors on employment matters and other relevant agencies where child safety issues arise
12. Make available professional development, resources and/or advice to ensure all staff can carry out their roles in terms of this policy
13. Ensure that this policy forms part of the initial staff induction programme for each staff member

Reviewed May 2017 (then biennially)

CHILD PROTECTION PROCEDURE (Nag 5)

PURPOSE: to establish agreed procedures and clear guidelines for:

- Recognising and Responding to abuse
- Ensuring the welfare and interests of the child are paramount
- The Safe recruitment of staff
- Responsibility and Accountability
- Effective communication and working with other agencies
- Appropriate behaviour and attitude

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.*

Child:

Part I No.4 of the Vulnerable Children Act 2014 defines a child as: a person who is under the age of 18 years; and is not married or in a civil union.

Child abuse:

Child Abuse means the harming (whether physically, emotionally or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person (section 2, CYP&F Act).

Child abuse/neglect includes:

- Physical abuse.
- Sexual abuse.
- Emotional/psychological abuse e.g. family violence, exposure to illegal activities, rejection.
- Neglect e.g. medical neglect, abandonment, neglectful supervision.

Designated Person for Child Protection in Ruahine School is the Principal. If a member of staff has a child protection concern then they must inform the Designated Person as soon as possible.

- Ruahine School 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.
- Ruahine School 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.

Key contacts:

NZSTA - 0800 STAhelp (0800 7824435) / Children Youth and Family - 0508 326 459 / Local Police /
MoE - 0800 TI TEAM (0800 848326)

Note: In cases of school employees being allegedly involved in child abuse issues the Principal or BoT chairperson must immediately (and prior to entering negotiations or legal appointment) notify the school's insurance company.

PROCEDURE

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 he/she did the right thing in disclosing.
3. Write down what the child says, check that comments and events surrounding the concern are also recorded. Record in the "I said" "Child said" format. Record details of alleged symptoms and any relevant observations of the child's appearance or behaviour. *Remember to record all dates and times and who is present.*
4. The recording shall be in writing and forwarded to the Principal (or Chairperson of the BoT if the allegation involves the Principal) immediately.
5. **Do not formally interview** the child or young person. Obtain only necessary relevant facts for when clarification is needed.
6. If the child or young person is not in immediate danger and is not upset re-involve the student in usual school activities.
7. If the child or young person is visibly upset provide appropriate activity for them under supervision with someone familiar (i.e. teacher/teacher aide) until they are able to rejoin classroom activities.
8. The Principal or Chairperson will be responsible for the custody, security and confidential nature of any records in relation to suspicions of child abuse.
9. The Principal or Chairperson may elect to consult a colleague, public health nurse or other health professional at this stage.
10. The Principal or nominated person will notify CYF Contact Centre or the Police, as appropriate, and
 - o Obtain, from CYF or Police, during the notification an indication of likely action and their time frames.
 - o Seek advice from CYF on what to tell the child or young person (**decisions concerning after school arrangements and notifying parents will be made by police and social workers in consultation with the school**).

Information required for reporting

- o Name of child/children (also known as/nicknames).
- o Date of birth.
- o Ethnicity (if known).
- o Name of caregivers, parents and other family members and current living situation.
- o Current legal custodians.
- o Reasons why it is believed that the child or young person is at risk.
- o Other significant background information.

Record the name of the contact person communicated with from 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 organisation (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 a 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:

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

However, confidentiality is not guaranteed. (Refer to Appendix 1: Release of notifier details under the Official Information Act 1982 and Privacy Act 1993.)

When a staff member is implicated as the 'Abuser': also follow the 'Complaints Procedure' as appropriate

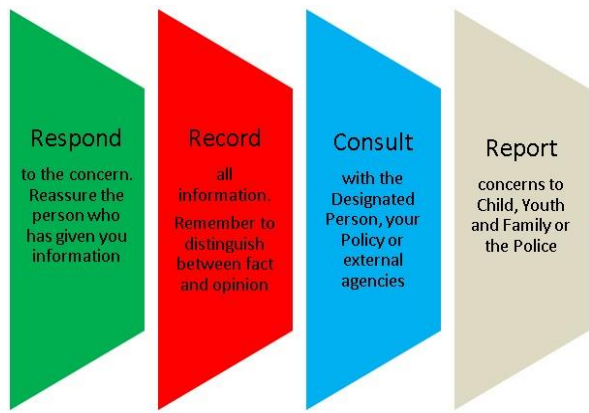
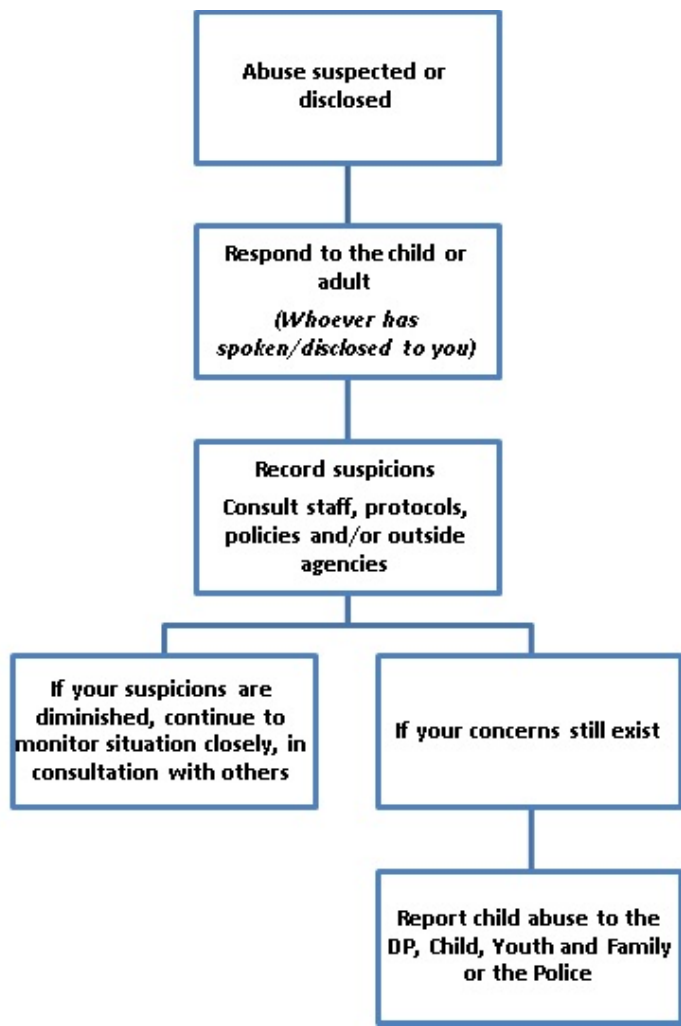
- a) Avoid further risks to the child(ren), or young person(s). Ensure there is no contact between the child and the person whom the allegation is against
- b) If the Principal is implicated then the BoT Chairperson will receive letters of complaint or concern.
- c) He/she will immediately contact NZSTA Industrial Advisor as the first point of contact for advice.
- d) He/she will keep full documentation of any meetings. The reporting process will be managed by the full BoT "In Committee".
- e) If another staff member is implicated the Principal will manage the reporting procedure and must notify the BoT Chairperson at the earliest opportunity.

In dealing with (a) and (d) above reference will be made to the Ruahine School Complaints Procedure and to the relevant Teachers/Principals Collective Agreement.

Where a staff or BoT member are implicated in an allegation of abuse in relation to a child, in addition to establishing the procedures referred to above, the Principal or BoT Chairperson must ensure that:

- The New Zealand Education Institute (NZEI) and the Board of Trustees are informed of the allegation.
- It is the responsibility of the Principal or Chairperson to ensure that immediate steps are taken to initiate an independent investigation into the allegation.
- The advice of Police is followed

- a) Where an allegation of child abuse is made against a member of staff or BoT and that allegation is proved in a criminal court and a conviction is entered, that member will be dismissed from his/her position. The Education Council of Aotearoa New Zealand must be informed of any teacher conviction.
- b) Where an allegation is not proved and a charge is not brought, the staff or BoT member may be retained in his/her position. The BoT will take every action within their means to support the member.
- c) Where a charge has been brought in Criminal Court and a prima facie case established but a conviction has not been entered, the member of staff or BoT will be addressed by the Board of Trustees.
 - The BoT will seek advice from NZSTA, and may also seek further information, clarification or independent advice, in order to assist their decision making process regarding the staff/BoT members position at the school.



GLOSSARY OF TERMS

Adolescents

For the purpose of these guidelines adolescents (young people, teenagers) are 14 - 17 years and are a sub-category of children (0 - 17 years).

Bullying

“The intentional hurting of one person by another, where the relationship involves an imbalance of power. It is usually repetitive or persistent, although some one-off attacks can have a continuing harmful effect on the victim.” *Anti-Bullying Alliance Statement of Purpose UK*

Child

New Zealand’s legal definition of ‘child’ varies depending upon the legal context in which the child is being viewed (*Children, Young Persons and Their Families Act 1989; Care of Children Act 2004; Domestic Violence Act 1995*).

The *United Nations Convention on the Rights of the Child* states in *Article 1*, that ‘child’ means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Child Abuse

“The harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person.”

Section 2 (1), Children, Young Persons and Their Families Act 1989

Child Abuse and Neglect

Harming or maltreatment, whether physical, sexual, emotional (also called psychological) or, by neglect. Abuse is generally seen as an *act of commission* or a deliberate act, whereas neglect is seen as an *act of omission* or a failure to do something.

The *Children, Young Persons and Their Families Act 1989*, section 2(1), defines child abuse as “the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person”.

Child Pornography

In accordance with the *Optional Protocol to the Convention on the Rights of the Child*, ‘child pornography’ means ‘any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.’

Child Protection

An activity or initiative or project designed to protect children from any form of harm, particularly arising from child abuse or neglect.

Emotional Abuse

The persistent emotional ill treatment of a child adversely affects their development, it may involve conveying to a child that they are worthless, unloved, and inadequate; or where inappropriate expectations are imposed upon them. In addition, it includes children who are regularly frightened, exploited or corrupted.

Family Violence

Children are always affected either emotionally or physically where there is family violence even if they are not personally injured or physically present.

Neglect

The persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development, such as failing to provide adequate food, shelter and clothing, or neglect of, or unresponsiveness to, a child’s basic emotional needs.

The *Children, Young Persons and their Families Act 1989* defines neglect as: any act or omission that results in impaired physical functioning, injury, and/or development of a child or a young person.

It may include, but is not restricted to physical neglect ... neglectful supervision ... medical neglect ... abandonment ... [and] refusal to assume parental responsibility.

Notification, Referral, Reporting

Notification, referral and reporting are all terms used to describe making a report of concern to Child, Youth and Family or the Police.

Online Grooming

Online grooming of children occurs on the Internet. Some abusers will pose as children online and make arrangements to meet with them in person.

The act of sending an electronic message with indecent content to a recipient whom the sender believes to be under 16 years of age, with the intention of procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily the sender. Section 131B, Crimes Act 1961 [Section 131B: inserted, on 20 May 2005, by section 7 of the Crimes Amendment Act 2005 (2005 No41)].

Personnel or Staff

Personnel either employed by an organisation, or engaged by an organisation on a sub-contract basis, or engaged by an organisation on a voluntary or unpaid basis.

Physical Abuse

May involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child including fabricating the symptoms of, or deliberately causing, ill health to a child.

Sexual Abuse

Involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts and non-physical contact – for example, sexual grooming. Sexual abuse may also include involving children in looking at, or in the production of, pornographic material, or encouraging children to behave in sexually inappropriate ways.

Sexual Grooming

Refers to actions deliberately undertaken with the aim of befriending and establishing an emotional connection with a child, in order to lower the child's inhibitions in preparation for child sexual abuse.

Sexual Grooming is a criminal offence.

Using Force

Using force for the purpose of disciplining a child is a criminal offence.

Section 59, Crimes Act 1961

[Section 59: substituted, on 21 June 2007, by [section 5](#) of the Crimes (Substituted Section 59) Amendment Act 2007 (2007 No 18)].

Vulnerable Adults

Some adults are more vulnerable to abuse, such as those with physical disabilities or learning and development delays.

Vulnerable Children

Children who are particularly vulnerable to abuse, such as very young children or those with physical and mental disabilities.