

## **Child Abuse and Neglect Procedures:**

Based on; Protocol between the Ministry of Education, the New Zealand Schools Trustees Association and Child, Youth and Family 2009

### **Rationale**

Miller Avenue School is committed to ensuring a safe and supportive learning environment for all students. The following protocol and guidelines will assist our Board, principal 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.

IT IS MANATORY FOR TEACHERS TO REPORT ABUSE OR NEGLECT AS DETAILED ABOVE.

### **Purpose**

In regard to student safety the National Education 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 (Including the Vulnerable Childrens Act) or that may be developed to ensure the safety of students and employees.

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.

### **Definitions**

Child and Young Person:

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 (section 2, CYP&F Act).

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.

### **Guidelines for reporting child abuse/ neglect**

- The child's safety should always be the paramount consideration in the notification process.
- 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.
- A consultative approach is essential to ensure the safety of the child and the staff member. Staff must discuss their concerns with the principal of the school the child attends and/or SWiS. (Protected Disclosure policy and protocols may also apply here.) Staff have the right, after this process, to report should they personally think this is necessary and the school or SWiS have not done so.
- Decisions about informing parents or caregivers should be made after consultation between the school and CYF.

### **Key contacts**

Principal Miller Avenue School 07 8628602. (RTLb RTLit must contact principal of school child attends in the first instance)

SWiS 021 903073

Children Youth and Family - 0508 326 459

Local Police - 862 8744 Rosie, Youth Aide Officer if available.

### **Reporting process for suspected or disclosed child abuse**

Specific actions when reporting child abuse/neglect

- If the child or young person is in danger or unsafe, act immediately to secure their safety.
- Listen to the child or young person and reassure them they did the right thing in disclosing.
- Write down what the child says, check that comments and events surrounding the concern are also recorded.
- If the concern is raised through information that comes to the school through another source write down what was said. Obtain or question for only relevant facts or clarification.
- Do not formally interview the child or young person. Obtain only necessary relevant facts for when clarification is needed.
- If the child or young person is not in immediate danger and is not upset, re-involve the student in usual school activities.
- If the child or young person is visibly upset provide appropriate activity for them under supervision with someone familiar (ie teacher, teacher aide) until they are able to rejoin classroom activities.
- Hold immediate discussion with principal of the school and/or school social worker if one is assigned to the school.
- Use Protected Disclosure process if the allegation concerns the principal.
- The Principal or the person delegated will;
- Notify CYF Contact Centre or the Police.
- 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).
- Obtain support for team members from appropriate people if needed. Team members may request this also.

### **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](mailto: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:

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

### **What happens once reporting is made**

Step Action

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/or CYF 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.

7 Confidentiality of the notifier is a matter between the notifier and CYF. If the notifier is concerned for their safety or the safety of their family the school and/or Police may offer support. This should be discussed with the principal. An anonymous reporting can be made.

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 CYF or the school cannot guarantee confidentiality.

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

### **Education**

The school will teach students to recognise abuse and neglect against themselves, others in their family or peers. A cycle of the Police Education Kia Kaha and Keeping Ourselves safe will supplement the ongoing teaching in class when relevant contexts support such learning. Such education will stress the need to tell and give options of how they could do this.

From time to time relevant information will be reported in the MASCOT.

The principal will up skill the Board through reports. They will attend training if relevant.

CYF's will be invited, on a needs basis, to staff meetings to discuss issues with staff or staff will attend CYF's training.

### **Policy in regard to the Vulnerable Children's Act (VCA) 2014.**

The Board of Trustees will;

- Conduct a safety check of every person employed or volunteering as a "children's worker" that complies with section 31 (VCA) before employment commences.

This check will confirm the identity of the person (VCA section 32) using the Police Vetting requirements for documentation.

- Seek information as relevant and practical from former employers, community agency, referees (professional and/or character) to enable a risk assessment to be compiled which would assess the risk the person would pose to the safety of children if employed to work with children.

### **Appendix 1**

#### **Relevant Legislation**

Vulnerable Children's Act 2015 Sections 14 - 44

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

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.

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.

Criminal Records Clean Slate Act 2004

<b>Relates to NAG:</b>	<b>Relates to NEG:</b>		<b>Review Cycle: 3 yrs</b> <b>Next Review Date:2017</b>
5, 3	2	<b>Attached Appendix:</b>	<b>Linked To:</b> Protected Disclosure Complaints
<b>Related Legislation:</b>		Vulnerable Childrens Act 2014 Children, Young Persons, and Their Families Act 1989 (CYP&F Act) Criminal Records Clean Slate Act 2004 Human Rights 1993 Privacy Act	