

## **SEXUAL, PHYSICAL AND EMOTIONAL ABUSE**

Reviewed March 2010

### **RATIONALE**

All children are treated with dignity and respect and have the right to have their needs met in a safe environment. Staff have fair and clear guidelines.

### **PURPOSE**

To ensure:

1. The child's safety is paramount.
2. That all those working in the school have clear guidelines so that they can identify signs of possible abuse or neglect.
3. Procedures are in place for dealing with cases of abuse or neglect, including the notification of appropriate agencies. Refer to flow chart.
4. In the case of a complaint against an employee, action is guided by the applicable employment contract and/or principles of natural justice.

### **GUIDELINES**

All staff (teaching and non-teaching) currently working at the school and all new appointments, including those of a relieving nature, are to be aware of this policy. Communication is carried out in a sensitive manner and protects the rights of the child, the complainant and the person whose behaviour is the subject of any allegations.

All staff must be made familiar with this policy and associated procedures and receive relevant information concerning child abuse and neglect.

'Keeping Ourselves Safe' and other relevant units will be taught to increase student's knowledge of unsafe situations and to enhance their assertiveness in dealing with such situations.

Staff will be open and sensitive to children so that in abuse and/or neglect situations they will be able to seek help and feel that they are listened to and believed.

In all cases of reported or suspected abuse and/or neglect, the Principal or Acting Principal must be advised immediately and before contact is made with parents or any outside agencies.

The decision of what further action is to be taken will be made by the Principal or Acting Principal who may seek specialist advice. The Social Worker in Schools is available for consultation in all cases of suspected abuse or neglect. The Principal is expected to refer the situation to the most appropriate external agency and, except where

the student's welfare may be threatened, to inform parents/caregivers as soon as possible.

## **PROCEDURES**

1. If a child tells the teacher that they have been abused and/or neglected, or if a teacher suspects that this is the situation, the teacher must inform the Principal /Deputy Principal or SENCO immediately. If in doubt, it remains important to take this step. It is also important not to assume that other people are aware of the situation and are taking appropriate action.
2. In cases where a student discloses that they have been abused and/or neglected, it is important that the teacher listens attentively, acts on the assumption that what is conveyed is true and reports every case to the Principal or Acting Principal. It is also important that the child feels listened to, believed and reassured that they did the right thing.
3. When abuse and/or neglect is disclosed, the child should not be prompted or asked closed or leading questions (e.g. "Did he/she touch you there?"). If the teacher is attentive and indicates that they are listening and are concerned, children will often be able to say what happened and what is distressing them.
4. When abuse and/or neglect is disclosed or suspected, the staff member is required to make a written note of what was reported and/or observed as soon as possible. Records need to be factual, not speculative. Dates and times are required. Such records should be kept in a secure place and treated as confidential. A copy must be given to the Principal or Acting Principal. This copy must be also filed securely.
5. If someone in the student's home situation is implicated in allegations of sexual abuse or serious abuse or neglect of other kinds, the Principal/Acting Principal should immediately report the matter to the Social Worker in Schools, Police or Child, Youth and Family (CY&F). If it is considered likely that the student will be in danger if they go home or if the suspected perpetrator arrives at the school, the Police should be contacted and advised of the situation. If the suspected perpetrator is engaged in conversation, it is important that at least two staff members are present, preferably including the Principal.
6. If the student's welfare is unlikely to be threatened by revealing details of alleged sexual or other abuse or neglect to parents or caregivers, then they should be informed immediately by the

Principal or Acting Principal. The Principal should also contact the Social Worker in Schools, CY&F, Police and provide all relevant information.

7. The Social Worker in Schools or Police can be expected to refer the case to CY&F and the Auckland Child Abuse Team. The former has a responsibility to place the child in a safe environment, the latter is concerned with the investigation of allegations and the arrest of offenders.
8. The CY&F and/or the Police will probably visit the school to see and usually interview the student. In this situation, parents or caregivers should be informed unless the student's welfare is likely to be threatened.
9. To provide support to the student, if a parent or caregiver is not present during a CY&F or Police interview, the Principal or an appropriate staff member should attend. If necessary advocacy may be required on the child's behalf to help ensure that the interview is conducted in an appropriate location and manner.
10. If a parent or caregiver is not present during the interview, the Principal must obtain a clear understanding from the interviewer how and when the parent/s or caregiver/s will be informed.
11. It is important that the Principal maintains ongoing contact with the appropriate CY&F staff member as the case develops and it is expected that the CY&F will provide the Principal with relevant information. This information should be conveyed to the teacher involved. The teacher and Principal should continue to record observations of the student's verbal and other behaviour and document all actions taken with respect to the situation. When the case is resolved, all records must be sent to the Principal and filed.

The Social Worker in Schools is available to liaise and follow-up on referrals made to CY&F. Information received from CY&F pertaining to the referral will be relayed back to the Principal.

#### **COMPLAINTS AGAINST STAFF INVOLVING SEXUAL ABUSE**

Only after the needs of the child have been met and the appropriate agencies advised the Principal will follow the procedure for 'Complaints Against Teachers' adhering to the Board's policy on Disciplinary Procedures and applicable employment contract.

#### **POLICY REVIEW**

If a situation arises which indicates a need to amend this policy a review will take place within a month.

**BOARD OF TRUSTEES APPROVAL**

Principal \_\_\_\_\_

Date: \_\_\_\_\_

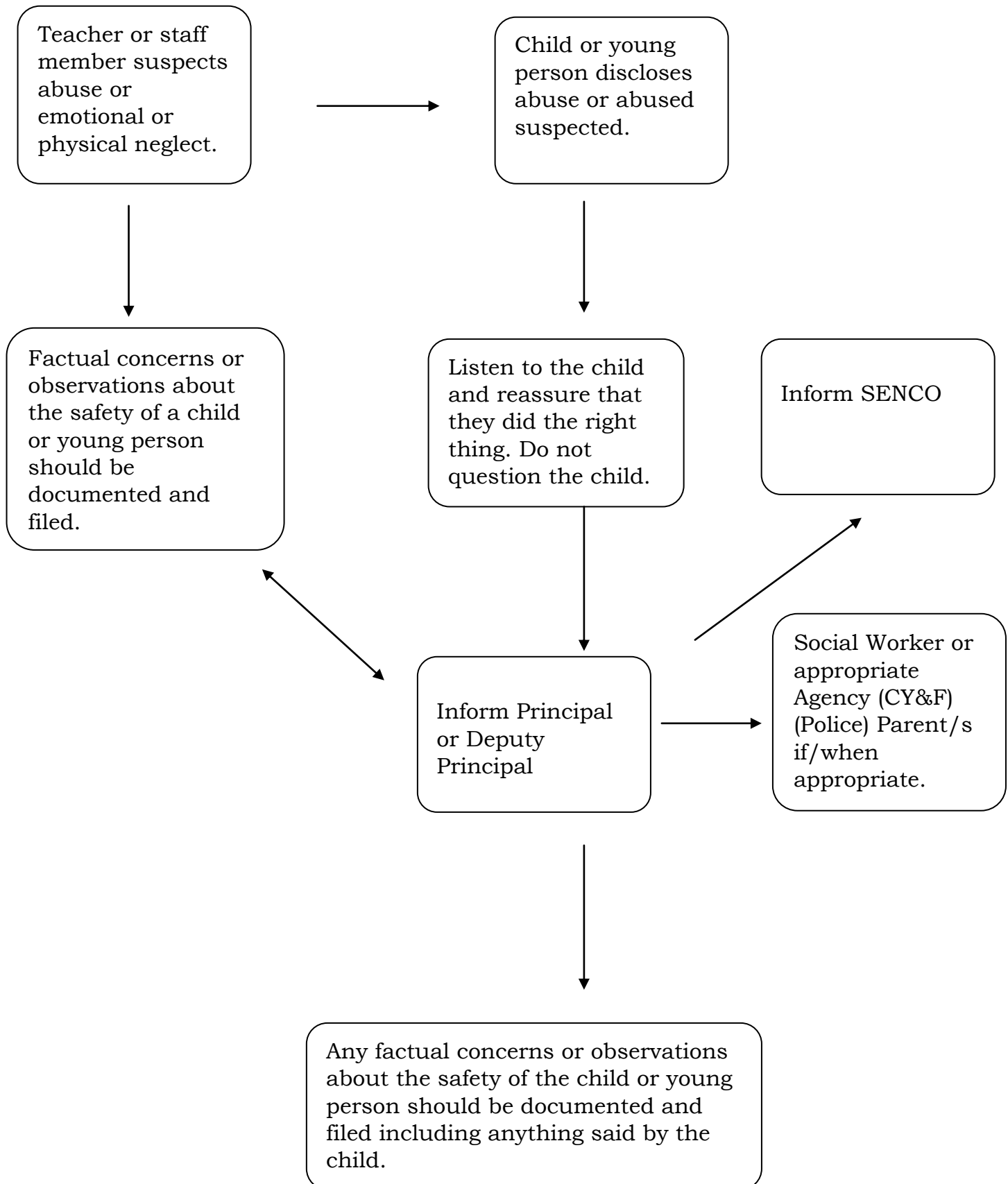
**APPENDIX**

Any person who makes a report to the Department of Child Youth and Family that a child or young person has been or is likely to be harmed, ill treated, abused, neglected or deprived is protected by section 16 of the CYP&F Act 1989.

This states –

No civil 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.

## Flow Chart of Process



## **Complaints Against Staff Involving Abuse Procedures**

Reference - Teachers Collective Contract - Complaints against teachers

1. The Principal informs the Chairperson of the Board.
2. The Principal and Chairperson inform the staff member involved. The staff member is advised to seek advice. (This could be from NZEI, PPTA, Legal help, etc).
3. The school informs School Trustees Association, and the Principal may wish to seek assistance from NZEI, PPTA, Principals Association, NZPF etc.
4. The Principal should inform the school's insurance company. The insurance company needs to be kept updated regularly on any developments.
5. The staff member may be suspended on full pay once the investigation has begun (refer TCC 3.2).
6. Counselors can be available to the staff.

### **Important points:**

- . Parents and staff to be aware of the Procedures that the school will take to protect students.
- . Staff have firm guidelines to follow in cases of suspected abuse.
- . Everyone who works in the school to be made aware of the policies that relate to reporting of abuse.

Procedures for complaints against the Principal involving Sexual Abuse

### **References:**

1. Collective Employment Contract (Part 9 G1-G3 Principals 1997 Contract)
2. Individual Contracts for G4-G5 Principals, Area and Secondary Principals
3. Code of Physical Conduct - NZEI
4. "Health & Safety in Employment Act - Codes and Practice" STA

The Board of Trustees should use these references in conjunction with assistance from the School of Trustees Association.

A Board may also need to seek legal assistance.