



## 5.1 POLICY STATEMENT

### Safeguarding Children/Child Protection Policy

#### **Rationale:**

Section 18 of the Children's Act 2014 requires that every school has a Child Protection Policy in place.

Medbury School fully recognises its responsibility for child protection and is committed to the care and protection of children attending the School, and its obligations under the Children's Act.

It is important that staff can identify and report possible cases of child abuse and neglect and that such cases are acted upon in a proper way.

#### **Purpose:**

The purposes of this policy are:

- To ensure that the School provides a safe physical and emotional environment in which children can learn and develop.
- To raise awareness of child protection issues and equip children with the skills needed to keep themselves safe.
- To inform staff of the procedures to be followed when identifying and reporting cases, or suspected cases of abuse.
- To ensure that every member of staff is aware of the indicators of abuse and understands their responsibility for referring any concerns to the Headmaster.
- To support children who have been abused and ensure that all disclosures are responded to and recorded appropriately.
- To recognise that only The Ministry for Children Oranga Tamariki and/or the Police have the statutory authority to investigate allegations of abuse.
- To report any discussion heard or overheard, concerning self-harm within the School.
- To remind staff of their professional and behavioural obligations relating to student interactions.

#### **Definition:**

The Children, Young Persons and Their Families Act 1989, (Section 2) defines child abuse as the harming (whether physically, emotionally or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person. A child is someone under the age of 14 years.

Staff employed, contracted to, or people volunteering have varying levels of contact with children depending upon their role. Staff, as core workers or non-core workers may have:

- Regular, unsupervised access to the children

- Contact with children where other adults are present
- Little or no contact with children.

**Guidelines and School Practices:**

Through curriculum delivery the School provides opportunities for children to develop skills that may assist them in identifying and protecting themselves from abuse.

The School ensures safe recruitment practices are observed and that all appropriate checks are carried out on all staff.

The School provides staff development to ensure that all members of staff know and are alert to possible signs of abuse and know what to do if they have any concerns or suspicions.

The School will investigate all incidents where discussion about self-harm is concerned.

**Statutory position:**

Any member of staff has the right to report suspicion of abuse to the Ministry for Children Oranga Tamariki or the Police (The Children, Young Persons and Their Families Act 1989, Section 15). The Headmaster should be informed of any such action before the notification is made.

Only the Ministry for Children Oranga Tamariki and/or the Police have the statutory authority to investigate allegations of abuse and/or neglect.

Where a third party approaches the School with concerns about a boy the third party should be directed to the Ministry for Children Oranga Tamariki and/or the Police.

**Media comment:**

No comment may be made by any member of staff to, or discussion undertaken with, the media relating to any case, or suspected case of abuse of a boy who attends Medbury School. Any comment made, or discussion with the media, should only be via the Headmaster or Chair of the Trust Board. They can seek guidance from the Special Education Traumatic Incident Coordinator (0800 848 326).

**Procedures:****Child Protection Coordinator**

The School's Child Protection Coordinator (CPC) is the Deputy Headmaster, and in his absence, the Headmaster.

**The role of the staff member:**

Staff are to report all cases of actual or suspected abuse or neglect of children as soon as possible, but certainly on the same day, to the Headmaster unless the Headmaster is the one against whom the allegation is made, in which case the Chair of the Trust Board will be contacted. This includes cases of suspected physical, verbal, emotional or sexual abuse and cases of suspected family violence.

Staff who have a disclosure made to them by a boy will listen and accept the disclosure with little or no comment and no promises or commitments. They will not interrupt the boy if he is recalling a significant event; the first account is usually the most accurate. The staff member will reassure the boy that he did the right thing in telling them and will tell the boy they will get help.

The staff member to whom such disclosure is made must record in writing exactly what the boy says as soon as possible and at least within 24 hours to give the written record to the Headmaster, or if not appropriate, the Chair of the Trust Board. Staff members must note the time and date of all disclosures made to them and sign their written notes. They may not discuss suspicions or disclosures with anyone other than the Headmaster, Chair of the Trust Board and statutory authorities.

#### **The role of the Headmaster:**

If the Headmaster has a disclosure of abuse or neglect made to him he will:

- listen to the boy and positively reassure him, but not make any promises or commitments.
- not formally interview the boy but only obtain necessary and relevant facts, for example, how the boy looks and feels.

The Headmaster is the first point of contact for outside agencies who are pursuing child protection investigations.

The Headmaster is the person to whom any member of staff is required to report instances of actual or suspected abuse or neglect. Where the Headmaster is the one against whom an allegation is made, the Chair of the Trust Board must be contacted.

The Headmaster is responsible for reporting all cases of suspected abuse or allegations to the Ministry of Children Oranga Tamariki and/or the Police. The most important consideration should always be the safety and wellbeing of the boy. Where there is doubt as to whether a concern or incident should be reported, advice will be sought from the Chair of the Trust Board who, together with the Headmaster, will decide whether an immediate referral needs to be made to the relevant authority. This includes dealing with allegations against members of staff.

Once a referral has been made, the Headmaster and/or the Chair will record in writing the details of the referral and place this record on the boy's file.

Under no circumstances should the Headmaster, or any other member of staff attempt to carry out any investigations into the allegations or suspicions of abuse or neglect. The role of the Headmaster is to collect the details of the allegations or suspicion and to provide this information to the Ministry for Children Oranga Tamariki and/or the Police.

**Physical injury, emotional abuse or neglect:**

The Headmaster will contact the Ministry for Children Oranga Tamariki and/or the Police. If there has been an apparent injury or where there are concerns about the boy's physical or emotional safety, the boy's parents/guardians should not be contacted before first consulting with the Ministry for Children Oranga Tamariki and/or the Police.

Where emergency medical attention is necessary it will be sought immediately. The Headmaster should inform the doctor of any suspicion of abuse if a boy is thought to be at immediate risk because of family violence, intoxication, substance abuse or mental illness, for example, urgent Police intervention should be requested.

**Sexual abuse:**

- The Headmaster will contact the Ministry for Children Oranga Tamariki and/or the Police.
- The Headmaster will not speak to the boy's parents/guardians.

If a report made to the Ministry for Children Oranga Tamariki and/or the Police is made in good faith, the reporter of suspected child abuse is protected from any civil, criminal or disciplinary action (Section 16 Children, Young Persons and Their Families Act 1989).

All written records of concerns about children are to be kept securely.

The Headmaster will seek advice/directions from the Ministry for Children Oranga Tamariki and/or the Police as to how to deal with the parents of the boy.

**Access by the Ministry for Children Oranga Tamariki and/or Police to a boy in the School:**

While the law does not require the Ministry for Children Oranga Tamariki social worker and/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 boy will determine the most appropriate approach. In all cases, it is reasonable for the Headmaster and the Chair of the Trust Board to be guided by the Ministry for Children Oranga Tamariki and/or the Police.

Consent of the Headmaster is required before a boy can be interviewed at School by the Ministry for Children Oranga Tamariki social worker and/or the Police. The Headmaster shall seek clarification that the Ministry for Children Oranga Tamariki team are acting pursuant to Section 15 of the Children, Young Persons, and their Families Act 1989. The Headmaster has the right to deny the social worker or Police access to the boy if parental consent has not first been obtained, however, it is recognised that the Ministry for Children Oranga Tamariki has a responsibility to follow up on reports of concern and the Headmaster will endeavour to support them in their work. In the event access is denied, the social worker and/or Police has the option of either obtaining parental consent or (if they believe this is not in the boy'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 boy out of the School for the interview.

In the event a boy is removed from the School, the Headmaster shall obtain a copy of the warrant and names of the Police and the Ministry for Children Oranga Tamariki social worker(s) involved.

The Headmaster will endeavour to ensure that either he, or someone delegated by him, sit in on the interview.

The Headmaster must advise the Chair of the Trust Board at the end of this visit.

Once the Ministry for Children Oranga Tamariki is involved with a boy the responsibility for the welfare of that boy lies with the Ministry for Children Oranga Tamariki.

### **Dealing with allegations of abuse against staff:**

If a staff member is implicated as being responsible for the abuse, the Chair of the Trust Board shall be notified immediately. The Trust Board should ensure that the interests of the staff member and those of the boy are protected in accordance with the School's Complaints Policy and, to the extent relevant, this Policy having due regard to the principle that the safety of the boy is paramount and that natural justice must occur.

The Headmaster shall notify the member of staff of the allegation.

The Headmaster will follow the procedures set down in the Complaints' Policy.

The Trust Board will ensure that one person has responsibility for dealing with the reporting issues and another person has responsibility for dealing with the ensuing employment issues.

### **Recognising indicators of abuse**

Staff in schools are uniquely placed to observe outward signs of abuse, unexplained changes in behaviour or the failure of a child to develop. Children who are victims of abuse often display emotional and behavioural difficulties. Staff should also be aware that children with special educational needs may be especially vulnerable to abuse and, therefore, extra care should be taken to interpret apparent signs of abuse or neglect.

The Appendix to this Policy identifies the following five types of child abuse and some indicators that may assist teachers in identifying causes of abuse:

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect
- Family Violence

### **Privacy Act 1993:**

Where parents or others involved in an investigation use the Privacy Act 1993 to request information provided by a boy to the School, the School must give due consideration to the safety of the boy if the information is disclosed. The request can be refused if the School believes that the disclosure of that information would be contrary to that individual's interests, (Privacy Act 1993 Section 29 (1) (d)), for example, in providing that information the boy may be put at risk.

### **Making a referral to the Ministry for Children Oranga Tamariki:**

- Consult the Headmaster and the Chair of the Trust Board.
- Call the Ministry for Children Oranga Tamariki on 0508 326 459 or call the Police on 111.
- After making the referral get support for yourself from appropriate persons, if needed.
- The School provides an Employee Assistance Programme (eapservices), which can be contacted on 0800 327 669.

### **Professional and Behavioural Objectives**

- All employees are expected to conduct themselves with the professionalism implied by their position, Code of Conduct, training and/or as stated in their employment contract. Employees are expected to behave at all times in a manner supportive of the welfare and best interests of all students.
- Volunteers and Visitors are expected to behave at all times in a manner supportive of the welfare and best interests of all students.

Behaviour of a sexual, physical or psychological nature, which exploits the special position of trust and authority between an employee or volunteer and a student, regardless of age, is a breach of obligations and of this Policy. Such behaviours may include:

- Sexual exhibitionism
- Development of an intimate relationship incompatible with the professional relationship, initiated by either party
- Exposing to a student, regardless of age, pornographic material in any medium
- Inappropriate discussion of matters of sexual behaviour
- Obscene language, especially of a sexual nature
- Gestures or actions of a suggestive or obscene nature
- Jokes of a sexual nature told in the presence of student/s
- Voyeurism (gaining pleasure from secret watching of another)
- Deliberately seeking to be alone with a student out of sight/earshot of other students or staff
- Detaining a student in locked facilities or in facilities that do not have immediate access to a teacher/s.

The following actions may compromise a student's safety or sense of wellbeing. They may place an adult in an unintended at risk situation. As such, the following are not to occur:

- Transporting a student, regardless of age, without seeking the consent of a parent or caregiver without informing the Headmaster
- Seeing to visit a student, regardless of age, at his home without the consent or knowledge of the parent or caregiver and/or the Headmaster
- Inviting a student, regardless of age, to the employee's home unaccompanied without the consent of a parent or caregiver or without informing the Headmaster
- Sending or receiving correspondence or an inappropriate nature
- Inappropriate giving of gifts
- Physical or emotional aggression, violence or bullying.

**Resources:**

- Appendix: Definitions and Indicators of Child Abuse  
[https://docs.google.com/document/d/1Bz9TNrMIbQk-3TCikJ6imuvtjwSsjTZ\\_v8-O7u0r714/edit](https://docs.google.com/document/d/1Bz9TNrMIbQk-3TCikJ6imuvtjwSsjTZ_v8-O7u0r714/edit)
- Children's Act 2014 No. 40  
<http://www.legislation.govt.nz/act/public/2014/0040/latest/whole.html>
- Children, Young Persons and Their Families (Oranga Tamariki) Act 2017  
<http://www.legislation.govt.nz/act/public/2017/0031/latest/DLM7064516.html>
- Guidelines for Wellbeing  
<http://www.education.govt.nz/assets/Documents/School/Traumatic-incidents-and-emergencies/Traumatic-incidents-schools-Guidelines-for-wellbeing.pdf>

**Responsible for Policy:** Deputy Headmaster  
**Approving Authority:** Headmaster  
**Applies to:** All staff and children  
**Last Review Date:** June 2020  
**Next Review Date:** June 2021





## **Appendix: Definitions and Indicators of Child Abuse**

The World Health Organisation (2002) has defined child maltreatment as: “All forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power.”

Five types of child maltreatment or abuse are defined and possible indicators presented. It is best to look for clusters of symptoms.

### **Physical Abuse**

Definition: This is non-accidental injury. It can be caused by smacking, punching, kicking, shaking, biting, burning or throwing the child.

Possible Indicators:

- Have a sudden change in behaviour or personality
- Give out hints of the abuse
- Unexplained burns, cuts, bruises, or welts in the shape of an object
- Anti-social behaviour
- Fear of adults
- Drug or alcohol abuse
- Self-destructive or suicidal behaviour
- Depression or poor self-image

### **Sexual Abuse**

Definition: Involvement of a child in forced sexual activities they do not fully understand and to which they are unable to give informed consent. Examples include indecent exposure, sexual intercourse (anal or vaginal), sexual harassment, involving children in pornographic activities or prostitution, penetration of a child’s vagina or anus with fingers or objects, and oral sex. This is often by someone in authority or someone the child trusts.

Possible Indicators:

- Have a sudden change in behaviour or personality
- Give out hints of the abuse
- Inappropriate interest in or knowledge of sexual acts
- Avoidance of things related to sexuality, or rejection of own genitals or bodies
- Physical illness or injury
- Nightmares and bed wetting
- Over compliance or excessive aggression
- Drastic change in appetite – eating disorder
- Fear of a particular person or family member
- Withdrawal
- Sudden fear of the dark or being left alone

- Secretiveness
- Loss of memory
- Depression or poor self-image
- Self-destructive or suicidal behaviour

### **Emotional Abuse**

Definition: The child's emotional and physical development is restricted because of the way the child is treated by adults. Examples include verbal abuse, denigration, active rejection, lack of love and support.

Possible Indicators:

- Have a sudden change in behaviour or personality
- Give out hints of the abuse
- Apathy
- Depression
- Hostility
- Lack of concentration
- Eating disorders

### **Neglect**

Definition: The basic survival needs of the child are not being met. Examples include withholding food, not providing adequate shelter or clothing, depriving the child of medical or dental care, not providing love or security.

Possible Indicators:

- Have a sudden change in behaviour or personality
- Give out hints of the abuse
- Unsuitable clothing for the weather
- Being dirty or unbathed
- Extreme hunger
- Apparent lack of supervision
- Sores which have not been treated

### **Family Violence**

Definition: Family violence is of particular concern for children, both as victims and as witnesses. Adults hurting children or adults hurting other adults.

It includes:

- Have a sudden change in behaviour or personality
- Give out hints of the abuse
- Physical violence like slapping, shaking, beating or hitting
- Throwing things
- Constant shouting and swearing
- Put downs
- Any threatening or controlling behaviour
- All the things that make children frightened or scared.

Possible Indicators:

- This will depend on the type of family violence being prevalent. The above indicators should be used as a guide. What to do if a Child Discloses

### **Ensure the safety of the child**

If the child is in immediate danger or unsafe, act immediately to secure their safety. Do not alert the alleged abuser.

### **Listen**

Do not ask leading questions or put words in to the child's mouth. Allow them to tell you as much as they want. Keep any feelings you might have to yourself. Reassure them that it is not their fault.

### **Believe**

Believe what they say, don't criticise.

### **Say**

I'm glad you have told me.

I'm sorry this has happened.

It's not your fault.

I'll do something to help.

### **Keep Calm**

If the child detects your discomfort or anxiety they may not want to share any more of their problem.

### **Document**

Record the day, date and time, and what the child has said word for word as far as possible. Do this as soon as you can. Do not probe at all just let the child speak.

### **Keep the Child Safe**

Keep the child in a safe place.

### **Follow Your School Policy**

This instructs you on the practical procedures and systems as well as who to refer to. Respect the child's confidentiality.

### **Find Support for Yourself**

You may need to have access to some support/ counselling. The school employs EAP services. It is unwise to talk to other staff because of the integrity of the situation.