

Spotswood College - Child Protection - Procedures

Refer to Operational Policy 9: Child Protection

Purpose:

- To comply with all legislative requirements of the Education Act 1989
- Vulnerable Children Act 2014
- Children Young Persons and Their Families Act 1989
- Human Rights Act Privacy Act State Sector Act 1988
- National Administrative Guideline 5
- Employment Relations Act 2000

Guiding Principles:

The guiding principles to foster a culture of child protection at Spotswood College are:

- Child-centred decision-making informs action, recognising the vulnerability of children
- There is a culture of staff constructively challenging poor practice and staff feel confident they can raise issues of concern without fear of reprisal
- There is continuous work towards improvement in child protection practices
- The importance of early intervention is recognised
- Concerns about the safety of children are taken seriously and responded to quickly
- The least intrusive intervention necessary to protect vulnerable children is applied
- Policies and procedures are in place that are accessible to staff, along with sources of advice on good practice
- Staff receive the training they need to respond to the needs of children accessing the service, including understanding the signs and symptoms of potential abuse or neglect, cultural frameworks for working with children and their families/whānau and responding appropriately where a concern is raised or an allegation is made (including ones involving staff)
- Staff understand safe practice eg. when and how to touch, comfort or discipline children and what is expected of them when they are alone with a child
- Staff understand the importance of working together, with professionals from other sectors, to better address the needs of vulnerable children
- Safer staff recruitment procedures are used
- All employees at Spotswood College must abide by the conditions outlined in the Spotswood Primary Code of Conduct. This is reviewed and signed by employees annually or when a staff member is newly appointed.
- All teachers must be registered and, therefore, meet the conditions outlined in the Practising Teacher Criteria

Definitions of phrases used in the procedures:

- Abuse – The harming (whether physically, emotionally or sexually), ill-treatment, neglect or deprivation of any child
- Neglect – The persistent failure to meet a child's basic physical or psychological needs, leading to adverse or impaired physical, emotional functioning or development
- Child – Any child or young person aged under 17 years and who is not married or in a civil union
- Core Worker – These are people who work alone with students without a parent or guardian present ie. teachers
- Non-Core Worker – These are people who have regular contact with children without a parent or guardian present. In a school these are teacher aides, other support staff. The VCA does not apply to volunteers such as sports coaches and parents assisting with supervision on excursions.
- Child Youth and Family – The agency responsible for investigating and responding to suspected abuse and neglect and for providing a statutory response to children found to be in need of care and protection
- New Zealand Police – The agency responsible for responding to situations where a child is in immediate danger and for working with Child Youth and Family in child protection work, including investigating cases of abuse or neglect where an offence may have occurred
- Disclosure – Information given to a staff member by the child, parent or caregiver or a third party in relation to abuse or neglect
- Designated person for child protection – In a school this responsibility is delegated to the Principal or a Senior Leader acting on behalf of the Principal
- Safer Recruitment – Following good practice processes for pre-employment checking which help manage the risk of unsuitable persons entering the children's workforce
- Safety Checking – The process of safer recruitment that is mandatory for schools, covered by the VCA
- VCA – The Vulnerable Children Act 2014

Types of Abuse and Neglect

- Physical abuse – any acts that may result in the physical harm of a child or young person. It can be, but is not limited to: bruising, cutting, hitting, beating, biting, burning, causing abrasions, strangulation, suffocation, drowning, poisoning, and fabricated or induced illness
- Sexual abuse – any acts that involve forcing or enticing a child to take part in sexual activities, whether or not they are aware of what is happening. Sexual abuse can be, but is not limited to: -

- Contact abuse: touching breasts, genital/anal fondling, masturbation, oral sex, penetrative or non-penetrative contact with the anus or genitals, encouraging the child to preform acts on the perpetrator or another, involvement of the child in activities for the purposes of pornography or prostitution -
 - Non-contact abuse: exhibitionism, voyeurism, exposure to pornographic or sexual imagery, inappropriate photography or depictions or sexual or suggestive behaviours or comments
- Emotional abuse – any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development. This can include: -
 - Patterns of isolation, degradation, constant criticism or negative comparison to others. Isolating, corrupting, exploiting or terrorising a child can also be emotional abuse. -
 - Exposure to family/whānau or intimate partner violence. Neglect – neglect is the most common form of abuse, and although the effects may not be as obvious as physical abuse, it is just as serious.
- Neglect can be: -
 - Physical (not providing the necessities of life, like a warm place, food and clothing)
 - Emotional (not providing comfort, attention and love)
 - Neglectful supervision (leaving children without someone safe looking after them)
 - Medical neglect (not taking care of health needs)
 - Educational neglect (allowing chronic truancy, failure to enrol in education or inattention to education needs)

Guidance on identifying possible abuse or neglect

1. While there are different definitions and categories of abuse, the important thing is for staff to consider overall wellbeing and the risk of harm to the child. It is not so important to be able to define or categorise the type of abuse or neglect.
2. Staff should feel empowered to act on suspected abuse and neglect, even when the symptoms or patterns of symptoms are subtle, while avoiding adhering to stereotypes and making assumptions.
3. It is normal for staff to feel uncertain. The important thing is that they can recognise when something is wrong, especially if they notice a pattern, or several signs that make them concerned.
4. The indicators of potential abuse may include:
 - a. Physical signs (e.g., unexplained injuries, burns, fractures, unusual or excessive itching, genital injuries, sexually transmitted diseases)
 - b. Developmental delays (e.g., small for their age, cognitive delays, falling behind in school, poor speech and social skills)

- c. Emotional abuse/neglect (e.g., sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm)
 - d. Behavioural concerns (e.g., age inappropriate sexual interest or play, fear of a certain person or place, eating disorders/substance abuse, disengagement/neediness, aggression)
 - e. The child talking about things that indicate abuse (sometimes called an allegation or disclosure)
5. The indicators of potential neglect may include:
- a. Physical signs (e.g., looking rough and uncared for, dirty, without appropriate clothing, underweight)
 - b. Developmental delays (e.g., small for their age, cognitive delays, falling behind in school, poor speech and social skills)
 - c. Emotional abuse/neglect (e.g., sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm)
 - d. Behavioural concerns (e.g., disengagement/neediness, eating disorders/substance abuse, aggression)
 - e. Neglectful supervision (e.g., out and about unsupervised, left alone, no safe home to return to)
 - f. Medical neglect (e.g., persistent nappy rash or skin disorders or other untreated medical issues)
6. Every situation is different and it is important to consider all available information about the child and their environment before reaching conclusions. For example, behavioural concerns may be the result of life events, such as divorce, accidental injury or the arrival of a new sibling. Decisions should not be made in isolation and school procedures should be followed.
7. References to other resources to help with identifying signs of abuse and neglect are provided below:
- a. Child, Youth and Family has developed the Working Together guide on inter-agency working to identify and respond to potential abuse and neglect.
<http://www.cyf.govt.nz/documents/about-us/publications/27713-working-together-3-0-45ppi.pdf>
 - b. The Ministry of Health has also made guidance available in the health sector:
 - i. <http://www.health.govt.nz/our-work/preventative-health-wellness/family-violence/familyviolenceguidelines>
 - ii. <https://www.health.govt.nz/system/files/documents/pages/child-abuse-neglect-policy.pdf>
 - c. See also: Murphy, C. et al. (2013). Understanding connections and relationships: Child maltreatment, intimate partner violence and parenting. NZ Family Violence ClearingHouse. Issues Paper 3. April.

Procedures for responding to suspected abuse or neglect and other child protection concerns:

1. Where a student is in immediate danger the issue must be referred to the Principal or Senior Leader Acting on behalf of the Principal who will contact the Police
2. Where a child discloses abuse or when there are concerns about abuse or neglect the matter must be referred to the Principal or Senior Leader Acting on behalf of the Principal who will make a notification to Child Youth and Family.
3. Where a third party expresses concern about abuse or neglect the matter must be referred to the Principal or Senior Leader Acting on behalf of the Principal who will advise the third party to make a notification to Child Youth and Family.
4. For more general concerns about the wellbeing of a child teachers should discuss their concerns with Team Leaders. The concerns may then be referred on to the Principal who may then raise them with the Resource Teacher of Learning and Behaviour, Social Worker in Schools, Public Health Nurse or Special Education Services.
5. Responding to a child when the child discloses abuse:

a. Listen to the child	Disclosures by children are often subtle and need to be handled with particular care, including an awareness of the child's cultural identity and how that affects interpretation of their behaviour and language.
b. Reassure the child	Let the child know that they: • Are not in trouble. • Have done the right thing.
c. Ask open ended prompts – e.g., “What happened next?”	Do not interview the child (in other words, do not ask questions beyond open prompts for the child to continue). Do not make promises that can't be kept, e.g., “I will keep you safe now”.
d. If the child is visibly distressed	Provide appropriate reassurance and re-engage in appropriate activities under supervision until they are able to participate in ordinary activities.
e. If the child is not in immediate danger	Re-involve the child in ordinary activities and explain what you are going to do next.

f. If the child is in immediate danger	Contact the Police immediately.
g. As soon as possible formally record the disclosure Record	Word for word, what the child said. • The date, time and who was present.

6. Recording and notifying Child, Youth and Family of suspected child abuse or neglect:

What process to follow	For example	Key considerations
(i) Recording	Formally record: • Anything said by the child. • The date, time, location and the names of any staff that may be relevant. • The factual concerns or observations that have led to the suspicion of abuse or neglect (e.g., any physical, behavioural or developmental concerns). • The action taken by your organisation. • Any other information that may be relevant.	Relevant information can inform any future actions
(ii) Decision making	Discuss any concern with the Principal or Senior Leader acting on behalf of the Principa	No decisions should be made in isolation.
(iii) Notifying authorities	Notify Child, Youth and Family promptly if there is a belief that a child has been, or is likely to be abused or neglected. A phone call to the National Contact Centre (see below) is the preferred initial contact with Child, Youth and Family as this enables both parties to discuss the nature of the concerns and appropriate response options.	Child, Youth and Family will: (i) Make the decision to inform the parents or caregivers in consultation with your organisation. (ii) Advise what, if any, immediate action may be appropriate, including referring the concern to the Police.

	Phone: 0508 Family (0508 326 459) Fax: 09 914 1211 email: cyfcallcentre@cyf.govt.nz	
(iv) Following the advice of Child, Youth and Family	Child, Youth and Family advice will include what, if any, immediate action may be appropriate, including referring the concern to the Police.	Child, Youth and Family is responsible for looking into the situation to find out what may be happening, whether we need to work with the family or to put them in touch with people in their community who can help.
(v) Storing relevant information	Securely store: • The record of the concern. • A record of any related discussions, (including copies of correspondence, where appropriate). • A record of any advice received. • The action your organisation took, including any rationale. • This concern with any earlier concerns, if the notification is based on an accumulation of concerns (rather than a specific incident).	Records assist in identifying patterns.

Procedures for allegations or concerns about staff

1. As an employer there is a dual responsibility in respect of both the child and the employee. The decision to follow up on an allegation of suspected abuse or neglect against an employee should be made in consultation with Child, Youth and Family and the Police. This will ensure any actions taken do not undermine any investigations being conducted by the external agencies.
2. If it is a child making the allegation or raising the concern, or the allegation/concern regards a child accessing the service, that child must not be exposed to unnecessary risk. This may mean suspending an employee from their duties, subject to the requirements of the applicable employment contract and relevant legal obligations. At the very least separate the child and the staff member.

3. If, after discussion with Child, Youth and Family and/or the Police, there is a need to pursue an allegation as an employment matter, advise the person concerned, inform them that they have a right to seek legal advice and provide them with an opportunity to respond. They should also be informed of their right to seek support from the relevant union/representative body. It is vital to follow ordinary disciplinary policies, guided by the employment contract/collective employment contract and relevant statutory obligations.
4. Historical allegations should be responded to in the same way as contemporary ones, with the same priority. All allegations or concerns should be investigated fully, regardless of the resignation or termination of the staff member concerned.
5. Employees must report concerns about other staff members to the Principal or Senior Leader acting on behalf of the Principal. Confidentiality is vital for the protection of the employee reporting the concern. It is appropriate for the Principal to seek advice from NZSTA or NZEI on how to deal with the allegations.
6. Where a concern is reported about the Principal the matter must be referred to the Board of Trustees Chairperson who will seek advice from NZSTA on how to deal with the allegations.
7. Provide staff with support during what is likely to be a troubling or traumatic experience. In most cases the NZEI would be contacted to provide support for both the staff receiving the allegation or expression of concern and the staff member against whom the allegation has been made. It is inappropriate, however, for the same person to provide support to the staff member receiving the allegation and to the staff member against whom the allegation is made.

Confidentiality and information sharing

1. The Privacy Act 1993 and the Children, Young Persons, and Their Families Act 1989 (CYPF Act) allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated.
2. Advice should be sought from Child, Youth and Family and/or the Police before identifying information about an allegation is shared with anyone other than the Principal or Senior Leader Acting on behalf of the Principal.
3. Under sections 15 and 16 of the CYPF Act, any person who believes that a child has been, or is likely to be, harmed physically, emotionally or sexually, or ill-treated, abused, neglected or deprived may report the matter to Child, Youth and Family or the Police and, provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.
4. Staff should also understand their obligations under the Privacy Act 1993 (and for health agency staff, the Health Information Privacy Code), namely:
 - a. When collecting personal information about individuals it is important to be aware of the requirements of the privacy principles – i.e., the need to collect the information directly from the individual concerned and when doing so to be transparent about: the purposes for collecting the information and how it will be

used; who can see the information; where it is held; what is compulsory/voluntary information; and that people have a right to request access to and correction of their information.

- b. Staff may, however, disclose information under the Privacy Act/Health Information Privacy Code where there is good reason to do so – such as where there is a serious risk to individual health and safety (see privacy principle 11/Code rule 11). As noted above, disclosure about ill-treatment or neglect of a child/young person may also be made to the Police or Child, Youth and Family under sections 15 and 16 of the CYPF Act 1989.

Professional development and safe practice

A culture of safe practice is vital for ensuring that children are protected.

1. All staff need to have knowledge of the School Child Protection Policy and the School Child Protection Procedures. These need to be readily available.
2. Staff should be informed about the content of the child protection policy and procedures as part of their orientation. Skills needed to implement the policy are included in performance management and professional development programmes.
3. Specialist child protection professional development will take place as appropriate.
4. Expectations for staff are outlined in the Spotswood Primary Code of Conduct. The Code of Conduct promotes professionalism in working with children, clearly establishes roles and expectations of adult behaviour with children and encourages staff to keep their professional and personal lives separate.
5. Further procedures for staff:
 - a. Being alone with children – No staff member should work with a student alone in a space where they cannot be seen or heard from outside of the room. If they cannot be seen or heard from outside of the room the staff member should leave the door open. Staff need to be aware of where students, who are in their care, are at all times.
 - b. Physical contact, including comforting children in distress, and helping children to dress or use the bathroom (if a necessary part of service delivery) – It is acceptable for a staff member to give a student a quick hug or to put one arm around a student's shoulders for comfort. This should be done in view of other adults in a room, never when alone with a student. For the privacy and dignity of a student a female staff member may need to help a student dress or use a bathroom. This should always be done with knowledge of another staff member. For their own safety no male staff member should assist a student with dressing or toileting.
 - c. Taking children off site, to the staff member's home or transporting children in cars – Students must have written parent/caregiver permission to leave the school site. In an emergency it is acceptable for a student to have verbal permission from a parent/caregiver to leave the school site. No staff member

- should be alone with a student in a motor vehicle. A single student must be accompanied by two staff members in a motor vehicle. It is acceptable for a lone staff member to transport two or more students to an event. It is not acceptable for a student to visit a staff member's home without a parent/caregiver present.
- d. Communicating with children, including use of telecommunications technology – It is not acceptable for a staff member to communicate with a student via email, social media, text or phone without parent/caregiver permission.
 - e. Appropriate and inappropriate relationships with children, including over-familiarity, providing gifts, and fostering infatuation – Relationships between students and staff members must be entirely professional. It is the responsibility of all staff to monitor other staff. If a staff member is concerned about another staff member's relationships with students the matter must be raised with the Principal for further investigation. If it is the Principal who is in question the BOT Chairperson must be notified.
 - f. Safe restraint and isolation practices – It is advisable not to restrain a student. If the behaviour of a student is violent and aggressive it is best to remove other students from the area. In some instances, for the safety of other students and staff, a student may need to be restrained. This is best done by two staff members, holding the student's arms whilst standing. Once the student has calmed parents/caregivers must be contacted immediately to explain the situation. In re-occurring instances of this nature an action plan for dealing with the student's anti-social behaviour must be implemented with the assistance of RTLB or Special Education. The action plan must be signed and agreed to by the student's parent/caregiver.
 - g. Visitors should be monitored at all times by staff, and volunteers and outside instructors should be monitored by staff. All visitors must sign the visitor's log, located at the main office reception and sign out upon leaving.
 - h. Bus Travel – Expectations for the behaviour of students on buses must be made clear to the children and adults in the group. There must be adequate seating for all passengers. There must be at least one person responsible for the group travelling on the bus.
 - i. Travelling in school groups out of school - Trip/Visit Forms, including risk analysis must be completed and signed by teachers attending - Permission must be gained for all students leaving the school grounds - The acceptable adult to student ratio is 1:5 for all trips as per EOTC guidelines - Class teachers to carry a paper roll for quick reference and checking of students - All drivers must sign and return a form to confirm that they have a current full driver's licence, car registration, smoke-free vehicle and current warrant of fitness.
 - j. Attendance - The safety of students en route to and from school is the responsibility of the parents/caregivers. - The electronic roll must be marked at the start of all lessons, but a legal requirement, at 9 am a 1.30 pm. Students who feel sick during school time will be sent to the school office by the class teacher and parents/caregivers will be phoned to collect them. If necessary

parents/caregivers will be contacted to collect a child who has entered the sick bay. If no parents/caregivers can be contacted the students will remain at school under the supervision of office staff. - No children are to be sent home on their own during school hours without parents permission. Parents/caregivers must sign students out in the log book, located at the main office reception when taking students out of school during school hours. - No child will be kept in after school for disciplinary reasons. - Parents/caregivers will be encouraged to pick up children who have attended after school sports or other events

- k. Custodial access to children - Until a court order or a legal agreement between the parents giving sole custody is presented to the Principal it is implied that both parents have equal custodial access and rights in situations where the parents are separated, divorced, unmarried or the children are subject to a court action. - Up to date legal documentation regarding the welfare of the children should be forwarded to the Principal so that appropriate procedures for the protection of the children can be observed. - While the Principal and teachers are expected to exercise care and skill in maintaining the welfare of children, they can only act appropriately when provided with current information. - Parents must provide up to date information on access and custodial arrangements, contact details for students and legal documentation when appropriate, especially upon enrolment. - Information held at school about a particular thing will be kept in confidence. - It is not the Principal or school's responsibility to adjudicate disputes or interpret court orders. Neutral legal representation or the police may be called upon to solve on-site custodial disputes. - No action will be taken by a member of the staff in regard to custodial care without prior knowledge of the Principal. - The Principal must inform the custodial caregiver of any incident regarding custody that gives cause for concern.

Safety Checking

In accordance with the VCA;

- From 1 July 2015 – All new core workers (even if they are not new to the employer but are newly appointed to a children's worker role) must be safety checked before they start in the role
- From 1 July 2016 – All new non-core workers before they are appointed to the role must be safety checked
- By 1 July 2018 – Safety checking of all existing core workers must be completed
- By 1 July 2019 – Safety checking of all existing non-core workers must be completed

Note that safety checks are carried out on all registered teachers in order to renew their registration.

Relieving teachers are considered to be new non-core workers until a safety check has been completed



Student Teacher Trainees are considered to be new non-core workers. The Tertiary Education Provider is able to complete safety checks on behalf of the school. The school should then confirm that a safety check has been done and complete identity checks.

A register of safety checks will be kept and updated

Procedures compiled using: Safer Organisations – Safer Children