

5.L STUDENT PROTECTION

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INTRODUCTION

[1] The Government introduced a suite of legislative, policy and service delivery initiatives to improve how we identify and respond to the needs of vulnerable children. Under the provisions of Part 2 of the Vulnerable Children Act 2014, the Ministry of Education (along with other State services and organisations providing government-funded services to children and families) is required to have a Child Protection Policy. Dilworth has a Student Protection Policy (SPP) to set out their commitment to building a culture of child protection and to provide information on how staff are expected to respond when they have concerns about the safety and well-being of children.

PURPOSE/RATIONALE

[2] To ensure that all students at Dilworth School are free from emotional, physical, sexual abuse, neglect or deprivation, (Section 2 Oranga Tamariki Act 1989), the school as part of their obligations seeks to promote a culture of awareness and openness about all forms of

child abuse. The Oranga Tamariki Act, 1989, defines child abuse as "...the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person". The best interests/safety and welfare of the student will be paramount in the management of any abuse reports or suspicions at all times.

STATEMENT OF COMMITMENT

[3] Dilworth is committed to providing a safe and caring school climate to ensure the wellbeing and prevent the harm of children, young people, their families and staff. Dilworth is a Child Protection focus organisation where the child's safety is paramount, in line with OT (1989) and VCA (2014).

Oranga Tamariki Act 1989 Children's and Young People's Well-being Act 1989

Children's Act 2014

Given that Dilworth is a boarding school it is mandatory to report suspicions of abuse under 195A of the Crimes Act

Crimes Act 1961

All services provided by Dilworth for the safety and wellbeing of children adhere to the principles of partnership, protection and participation; and the rights and responsibilities accorded by Te Tiriti o Waitangi.

SCOPE

[4] This policy covers all staff of Dilworth who have direct or indirect contact with children. This includes those staff, paid or voluntary, employed directly by Dilworth, as well as those professionals contracted or invited to provide services to children in the care of Dilworth. This includes teaching and non-teaching staff. For the purpose of this Policy "Staff" means people working at Dilworth and includes employees, contractors, consultants, students, associates and volunteers whether working on a full time, part time, casual, or temporary basis. This policy also covers the Trust Board and their responsibilities in the safety and wellbeing of children.

[5] For the purposes of Dilworth's Policy "Child" means a student under the age of 14 years, "Young person" means a student of or over the age of 14 years and up to the age of 18 years; but does not include any person who is or has been married or in a civil union (Oranga Tamariki Act 1989, Section 2). Therefore, this policy will cover all students apart from those who have attained the age of 18 years. Notwithstanding this definition, Dilworth commits to the care and protection of all students in the care of the School.

PRINCIPLES AND ACTIONS

Staff recruitment, induction and training

[6] Dilworth has policies and procedures that ensure that: (1) Staff are carefully selected with the principles of this policy in mind; (2) Staff are appropriately trained in issues of child protection; (3) Staff are aware of the Student Protection Policy and accompanying procedures and/or guidelines. All appointments (permanent, fixed term, student, casual or volunteer) to positions that have direct and/or frequent contact with children or young people will be conditional on safety checks, including a Police check. Further information regarding Safety Checking, including vetting and screening procedures, is found in the Recruitment and Staffing Policy.

[7] Dilworth has staff recruitment and induction processes that conform to best practice in selecting and training staff who have values and behaviour consistent with child protection. In addition, Dilworth staff have continuous and frequent professional development training leading to a culture wherein student emotional, physical and sexual safety is paramount. Dilworth staff have been trained in responding to a situation in which any form of abuse or ill-treatment of a student is known or suspected. In this regard, Dilworth has specific written Protocols for the prevention of child abuse and the response to any student who reports any such abuse. These protocols also cover what actions are to be taken when allegations are made against staff or against other students. They are on the Staff Intranet.

[8] Staff should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. Adults who work with children must therefore act in a way that is considered to be safe practice. Communication between adults and children, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phone, text messaging, emails, digital cameras, videos, web-cams, websites, social networking and blogs. Adults should not share any personal information with a child or young person. They should not request, or respond to, any personal information from the child or young person other than that which might be appropriate as part of their professional role. Adults should ensure that all communications are transparent and open to scrutiny. See Dilworth Code of Conduct - Disciplinary Rules and Procedures.

[9] Any sexual activity between an adult and a child or young person will be regarded as a criminal offence and will be a matter for disciplinary action and Police involvement. When physical contact is made with a child this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. Adults should use their professional judgement at all times, observe and take note of the child's reaction or feelings and use a level of contact and/or form of communication which is acceptable to the child for the minimum amount of time necessary. All staff are expected to behave in a manner consistent with the policy **6.e Disciplinary Rules & Procedures** and policy **5.o Dilworth Student Safety Code of Conduct**.

RESPONSIBILITIES

[10] Any member of staff, paid or voluntary, may directly witness child abuse or have allegations, made by a child or an adult, relayed to them. There may also be disclosures of abuse that have occurred prior to attending Dilworth. It is the intention of Dilworth to ensure that all staff understand their roles and responsibilities in ensuring the safety of children at all times. All staff have been trained in the use of the protocols provided on the staff splash page. They have also been educated in relation to child abuse and all aspects surrounding the dynamics of child sexual abuse.

Child Abuse Resource

[11] Each member of staff must be aware of, and alert to, potential signs of abuse or neglect. Students who have been physically abused may have some injuries that are evident. However, it is known that there are no specific indicators of child sexual abuse. This is because distressed child behaviour may have arisen from a number of different situations. It is also the case that sexually abused children may present with no distress or symptoms at all.

[12] If any member of staff has concerns, they must record a factual account of any concerns they have, or that are brought to their attention and appropriately seek advice and support from their Designated Person for Student Protection who will then, in accordance with the Protocols, inform the Headmaster and the Child Abuse Prevention and Response Committee, set up to deal with such issues.

[13] The Dilworth Trust Board has set up a Child Abuse Prevention and Response Committee and all concerns, suspicions or reports of child abuse must be reported to the Headmaster and that committee as per the Protocols. Through this process, Dilworth will take appropriate action for the safety of the student and all other students, ensuring that all allegations are managed appropriately. No investigation will occur without appropriate consultation and a decision whether a response from Oranga Tamariki or the Police is required. Dilworth will ensure that allegations or complaints are appropriately referred to the Teaching Council of Aotearoa New Zealand.

HANDLING DISCLOSURES FROM A STUDENT

[14] If a student makes a verbal disclosure to a member of staff, it is important that staff take what the child says seriously. Further information regarding responding to a disclosure is in the Protocols and there are checklists to guide staff in this regard. Under no circumstances should a member of staff attempt to conduct an investigation or deal with concerns regarding child abuse alone. Any incidents, concerns or suspicions must be reported following the procedures set out in the protocols. See Emotional Distress Referral Process

CHILD-ON-CHILD HARMFUL BEHAVIOURS

[15] It is important to be aware that children can harm other children. These behaviours are outside of what may be considered the normal range, and can extend to bullying, violence or sexual assault. Therefore, when a student alleges inappropriate harmful behaviour by another student then the student protection procedures outlined in this policy must be considered for both the students.

SUICIDAL CONCERNS OR SELF-HARMING BEHAVIOURS

[16] It is important to be aware that children and young persons can harm themselves or attempt suicide. When a student identifies thoughts of suicide, or self-harming behaviour, this must be immediately notified to the school counsellor or Chaplain and, if immediate action is required, the counsellor or Chaplain will phone the Kari Centre.

SHARING INFORMATION AND CONFIDENTIALITY

[17] The safety of all students is paramount. Sometimes a student may be unable to speak for or protect themselves. Therefore Dilworth has a greater responsibility to know when and how to share appropriate information with external agencies to protect the safety and wellbeing of students.

[18] Giving information to better protect students is not a breach of confidentiality. Wherever possible the family/whanau should be kept informed of what information has been shared and to which agency, and for what purpose. Principle 11 of the Privacy Act, 1993, states "disclosure of the information is necessary to prevent or lessen a serious threat". Therefore, any reports of abuse made by a student must be reported. This is especially the case if the alleged offender has access to the student or to other children. This would be the case if the alleged offender was a staff member or another student.

[19] Should Dilworth be contacted with a request for information or access to interview a student, then the following procedure will be followed: (1) Confirm identity and credentials of person requesting information; (2) Notify the Head of Campus and Designated Person for Student Protection; (3) Identify specific information required and purpose; (4) Check information held – does Dilworth have the information requested; (5) Designated Person for Student Protection to identify way forward and provide permission.

[20] Depending on the reason for the request, and risk to the student as judged, case by case basis, inform the family that information has been requested, by whom and seek permission. If this is a student protection issue, permission from the family is not required. The Designated Person for Student Protection will attend the interview if the student is comfortable with that. Document all steps in the process. Ensure that all documentation is placed on the student's Student Protection File in the Headmaster's office.

DEALING WITH ALLEGATIONS MADE AGAINST MEMBERS OF STAFF REGARDING INAPPROPRIATE ACTIONS WITH STUDENTS

[21] Dilworth has a duty of care to all students in the care of the school. A failure to report a significant concern about a student is a breach of that child's human rights. Anyone who has reason to make a complaint will be made aware of the Dilworth complaint process. There is potential that an issue raised as a complaint may also constitute an allegation of abuse. Any such complaint that raises a student protection issue will be referred directly to the Headmaster who will inform the Child Abuse Prevention and Response Committee.

[22] It must be remembered that making a disclosure or a complaint against someone in a position of power and authority is always difficult. The person making the disclosure may reconsider and express a wish to retract their allegation. This is not unusual. At the outset it must be clearly communicated with the student (or adult informant) that their concern is being taken seriously and will be responded to in accordance with this policy.

[23] Allegations, suspicions or complaints of abuse against staff, volunteers or representatives of other agencies must be taken seriously and reported to the Headmaster who will deal with them immediately, sensitively and expediently within the procedures outlined in this policy and in the Protocols for Child Abuse Prevention. Concerns may be raised a number of ways e.g.: (1) Directly by staff hearing or observing issues of concern or behaviour of concern; (2) Direct disclosure by the student; (3) Indirect disclosure e.g., through written or artwork or through friends; (4) Complaint from a parent or caregiver or whanau member; (5) Reports by other colleagues or agencies; or (6) As an anonymous report. If the allegation is against the Headmaster, then this must be reported directly to the Chair of the Trust Board.

[24] It is NOT the responsibility of staff to investigate allegations of child abuse. Allegations against staff will be discussed with the Headmaster, the Child Abuse Prevention and Response Committee and the Trust Board. A decision will be made as to whether a notification to Oranga Tamariki and Police is appropriate. In all student protection cases Dilworth will co-operate fully with both Oranga Tamariki and the Police in their investigations and assessments.

[25] Any decision by the Police to undertake a criminal investigation is separate from action that may be considered by Dilworth in relation to the employment of the individual concerned. A Police investigation is in relation to potential criminal activity, whereas an investigation by Dilworth as the employer is in relation to the individual's conduct as an employee.

[26] A disciplinary investigation may be undertaken if there is reasonable cause to suspect that abuse or inappropriate behaviour may have occurred. In this case, the member of staff may be suspended, without prejudice, as a precautionary measure. The allegation may represent poor practice by a member of staff which needs to be considered under internal

disciplinary procedures. A complaint or allegation against a member of staff may require a report to the Teaching Council of Aotearoa New Zealand.

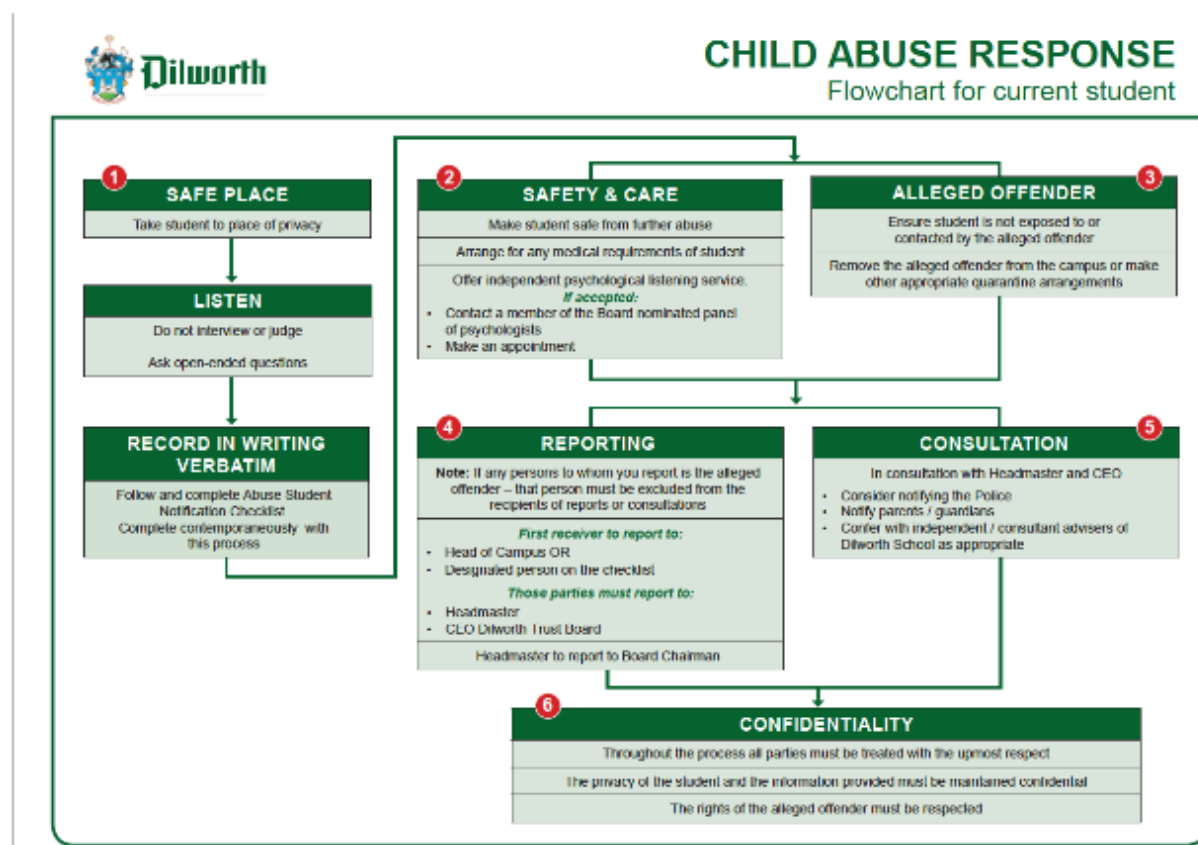
[27] All staff have a responsibility to understand what constitutes appropriate behaviour in relation to children and young people. All staff have a responsibility to maintain appropriate standards of behaviour and to report lapses in these standards by others. Any concerns or reasonable suspicions of abuse must be reported to the Headmaster who will inform the Child Abuse Prevention and Response Committee.

[28] A person tendering his or her resignation, or ceasing to provide their services, will not prevent an allegation of abuse against a child being followed up in accordance with these procedures.

Student Protection Policy – APPENDIX 1

Responding to Child Abuse

Responding when a student tells of his abuse



CURRENT STUDENT NOTIFICATION CIRCUMSTANCE - Checklist

| Name of Student: Year Level: | Date of Complaint | Done (✓) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------|
| Name and contact details of the person completing this checklist: | | |
| Name of person to whom abuse was first reported*: | | |
| Name and contact details of any witnesses: | | |
| Student distressed Yes / No (circle) Take student to place of privacy/safety | | |
| Listen. Do not interview. If necessary, clarify, ask only open-ended questions. Reassure student. DO NOT OFFER CONFIDENTIALITY. Inform the student that someone (the designated person) must be informed. | | |
| Abuse type: Sexual / Physical / Cyber / Emotional / Verbal / Grooming / Neglect / Exposure to family violence / Sexually harmful behaviour (circle) | | |
| Harm OR Risk of harm (circle) | | |
| Is the alleged perpetrator a student/staff member/some other person? (circle) | | |
| Name of alleged perpetrator: | | |
| Date and time of alleged abuse if known: | | |
| What happened? Who was involved? Where did it take place?: What was said by student – verbatim (please fill in a separate sheet and attach) | | |
| Protective action taken: | | |
| Name and details of parents/carers: | | |
| External reporting undertaken? YES NO (please circle) Why/Why not? If no, rationale: Yes: Time, Date, Contact Name, Report Details, Reference Number and outcome. (please fill in a separate sheet and attach) | | |
| Follow-up actions required: External investigation/ internal investigation/review of policies/risk assessment review. | | |

*If the recipient of the information is not the Designated Person (Assistant Principal - Student Services), the information, once recorded, must be immediately provided to the Designated Person. If the Designated Person is not available, please contact the Head of Campus.

In the meantime:

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|----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Listen to the child | Disclosures by children are often subtle and need to be handled with care, including an awareness of the student’s cultural identity and how that affects interpretation of their behaviour and language. |
| Reassure the child | Let the student know that they are not in trouble and have done the right thing. While reassuring the student it is important that you do not agree ‘not to tell anyone’. |
| Ask open ended prompts, e.g. “What happened next?” | Do not interview the student (do not ask questions beyond open prompts for the student to continue). |
| If the child is visibly distressed | Provide appropriate reassurance and engage in appropriate activities under supervision until they are able to participate in ordinary activities. |
| If the child is not in immediate danger | Re-involve the student in ordinary activities and explain what you are going to do next. |
| As soon as possible formally record the disclosure | Record: <ul style="list-style-type: none"> • Word for word, what the student said. • The date, time and who was present. |
| Inform | Inform the Designated Person for Student Protection |

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