

# Reporting of Suspected or Actual Child Abuse and Neglect

## Protocol between the Ministry of Education, the New Zealand School Trustees Association and Child, Youth and Family 2009

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### Introduction

The Ministry of Education, the New Zealand School Trustees Association (NZSTA) and Child, Youth and Family (CYF) are committed to ensuring a safe and supportive learning environment for all students. The following protocol and guidelines will assist boards of trustees, principals 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.*

As part of its responsibilities CYF promotes, by education and publicity, awareness of child abuse, the unacceptability of child abuse, the ways in which child abuse may be prevented, the need to report cases of child abuse, and the ways in which child abuse may be reported.

Part of that work is through the development and implementation of protocols for agencies (both governmental and non-governmental) and professional and occupational groups in relation to the reporting of child abuse, and monitoring the effectiveness of such protocols.

This protocol does not provide guidelines for addressing bullying in schools. That information can be found on the Ministry of Education website. If further clarity around this is required a discussion with a CYF social worker is recommended.

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## 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 or that may be developed to ensure the safety of students and employees.

The purpose of this protocol is to establish an agreed approach to the reporting of child abuse and neglect by those working within schools.

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 to “Working together to keep children and young people safe” provides more in depth information and should be read in conjunction with this protocol. Please contact your local Child, Youth and Family Site for a copy of this. It is also available from the CYF website at <http://www.cyf.govt.nz/documents/about-us/publications/27713-working-together-3-0-45ppi.pdf> <sup>1</sup>**

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## Definitions

<b>Child and Young Person</b>	A <b>child</b> is someone under the age of 14 years and a <b>young person</b> 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).
<b>Child Abuse</b>	<b>Child Abuse</b> 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).
<b>Notification Referral Reporting</b>	<b>Notification, referral and reporting</b> are all terms used to describe making a report of concern to Child, Youth and Family and/or Police.

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## 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.

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<sup>1</sup> This paragraph has been amended February 2015 with reference to an updated link to the Child, Youth and Family website.

**Guidelines for reporting child abuse/ neglect**

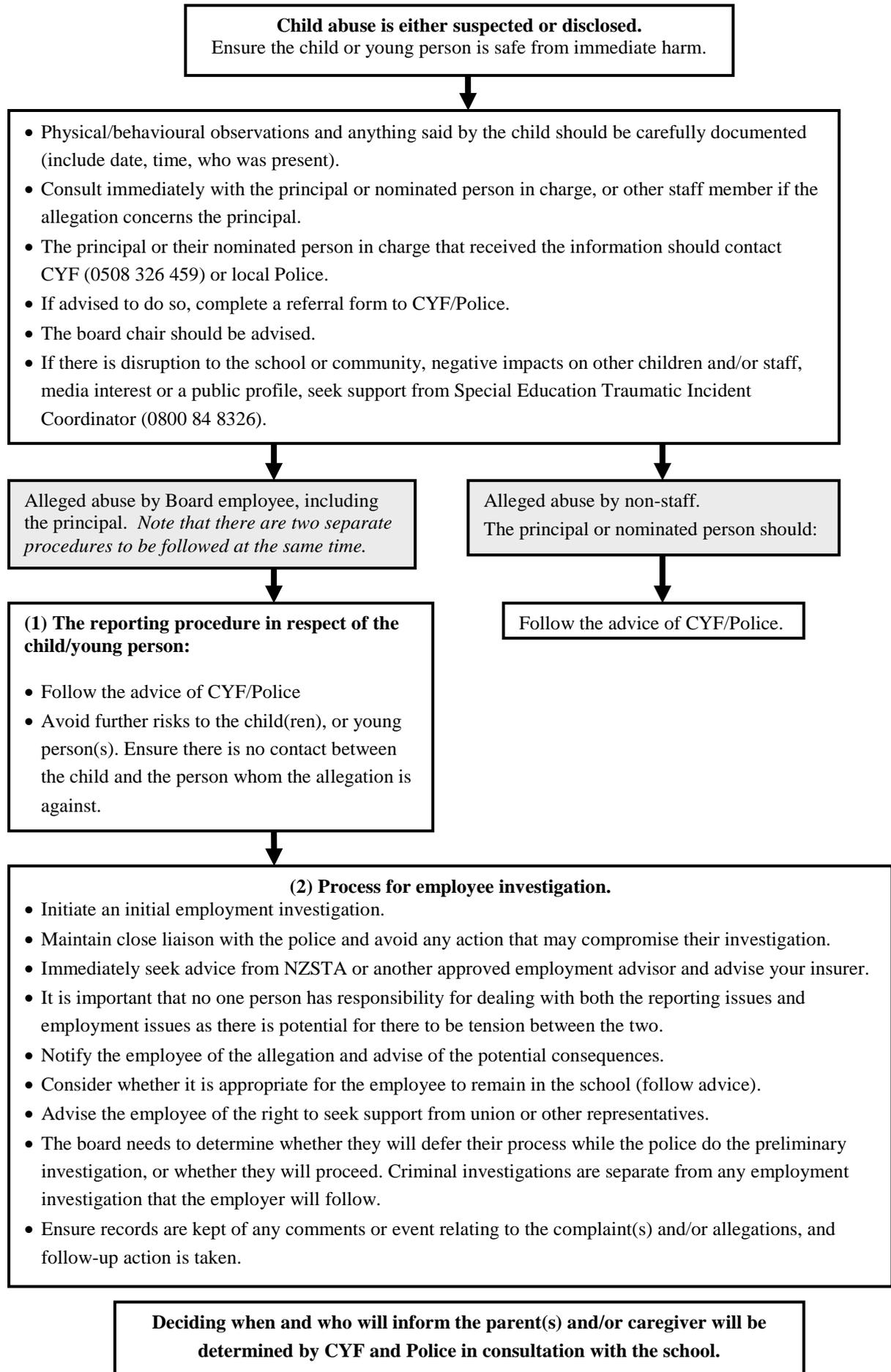
- The child's safety should always be the paramount consideration in the notification process.
  - No decisions or actions in respect of suspected or actual child abuse are to be made by any staff member in isolation unless there are concerns for the immediate safety of the child.
  - A consultative approach is essential to ensure the safety of the child and the staff member. Staff must discuss their concerns with the principal or nominated person/advocate. Where applicable follow the board's complaint policy.
  - Decisions about informing parents or caregivers should be made after consultation between the school and CYF.
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**Key Contacts**

Child, Youth and Family - 0508 FAMILY (0508 326 459)  
Local Police  
MoE - 0800 TI TEAM (0800 848326)  
NZSTA - 0800 STAhelp (0800 782435)  
ED ASSIST – 0508 ED ASSIST (0508 332 774)

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# 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.
- 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 reinvolve 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 (i.e. teacher) until they are able to re-join classroom activities.
- Hold immediate discussion with guidance counsellor, school social worker or student support personnel.
- Inform the principal, nominated person, or other staff member if the allegation concerns the principal.
- 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).
- Get support for yourself from appropriate people if needed.

**Notifications should be made to the Police or the Child, Youth and Family 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)**

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**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.
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**What happens once reporting is made**

<b>Step</b>	<b>Action</b>
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 provision of family support.
5	<b>If reporting is urgent</b> the above actions will take place <b>immediately.</b> <ul style="list-style-type: none"><li>• Decisions concerning after school arrangements and notifying the parents will be made by Police and social workers in consultation with the school.</li></ul>
6	<b>The notifier may contact the CYF Contact Centre at any stage to obtain information on the status of the notification.</b>

**Confidentiality  
of the Notifier**

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 we cannot guarantee confidentiality.

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

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**Delegation**

**Signed by:** Ian Richards, *General Manager Service Support Child Youth and Family*

**Signed on:** \_\_\_\_\_ 2009:

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Signed by:** Jeremy Wood, *Group Manager Schools and Student Support Ministry of Education*

**Signed on:** \_\_\_\_\_ 2009:

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Signed by:** Lorraine Kerr, *President New Zealand Schools Trustees Association*

**Signed on:** \_\_\_\_\_ 2009:

**Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

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

Section 15 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 member of the Police.”*

**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.

### **27 Security, defence, international relations, etc.**

- (1) An agency may refuse to disclose any information requested pursuant to principle 6 if the disclosure of the information would be likely
  - (a) To prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
  - (b) To prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by—
    - (i) The government of any other country or any agency of such a government; or
    - (ii) Any international organisation; or
  - (c) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or

- (d) To endanger the safety of any individual.

The notification report makes provision for the notifier to provide reasons to support the withholding of their details under Section 27(1)(d) of the Privacy Act. Such reasons may include:

- 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.

### **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.

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