

PROCEDURE 3.1.11 (NAG 3)

CHILD ABUSE ALLEGATIONS AGAINST AN EMPLOYEE PROCEDURE

PRINCIPLE:

The principle of this procedure is that all children and young people should be treated with dignity and respect and has the right to have their needs met in a safe environment. When allegations are made that threaten that safety, school management will act on those allegations while taking care to treat the employee fairly. This procedure is designed to ensure and/or provide:

1. The safety of the child or young person is the first consideration
2. That all complaints are taken seriously and dealt with effectively
3. That in the case of a complaint against an employee, action is guided by the applicable employment contract and/or principles of natural justice
4. Clear guidance for management and employee in respect of any allegations received concerning children or young persons within the school environment

RECOMMENDED PROCEDURES:

The recommended procedures should be followed in the event of suspicion or disclosure of abuse against an employee. If the accused is the Principal, refer to complaints procedure, then the child advocate takes responsibility for the child and read 'Board Chairperson' for Principal in procedure. The child or young person must be adequately protected (refer to 'Flowchart of Action').

Please note there are two procedures to be followed here:

1. The reporting procedure in respect of the child/young person
2. The procedure for dealing with the employee. In all cases it is suggested that no one person should have responsibility for dealing with both the reporting issues and the employment issues.

These steps are to be followed when dealing with an employee:

1. The Principal should consult with the child advocate or guidance counsellor to ensure implementation of policy regarding reporting.
2. The Chairperson of the School Board of Trustees should be informed as soon as possible.
3. The Principal is advised to ensure that precise, dated records are kept of any comments, complaints and/or allegations by the student (or others), and of any follow-up action taken.
4. The decision to follow up on an allegation of suspected abuse or neglect against an employee of the school should be made in consultation with the following:
 - a) Oranga Tamariki Ministry for Vulnerable Children (formerly CYFS)
 - b) New Zealand Police
 - c) Chairperson of Board of Trustees
5. The Principal and/or the Chairperson of the Board of Trustees will have a dual responsibility in respect of both the child or young person and the employee. As mentioned above it is strongly recommended that an immediate consultation is sought with the agencies involved. The purpose of this consultation is to enable the Principal and the Board Chair to discuss the concern or allegation and to:

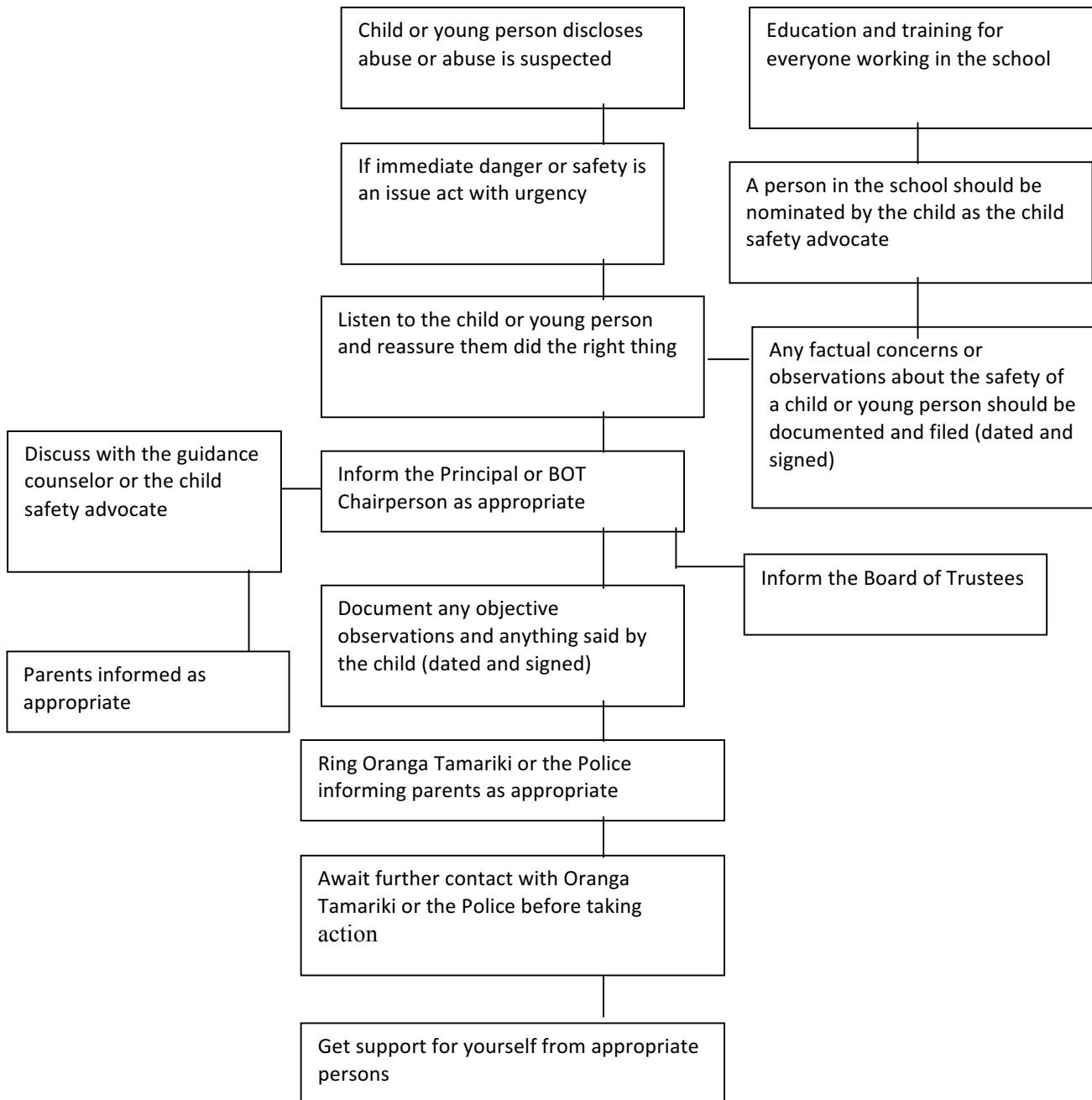
- a) Determine the extent of the assistance they can give to the investigation,
 - b) Consider the time-frame to be followed with regard to the possible conflict between what steps the Board may take as an employer and possible Police intervention, and
 - c) Consider the employer role of the Board in conjunction with any procedures outlined in relevant employee contracts.
6. When it has been determined the Board should pursue the matter as an employer, the Board should advise the person accused of the allegation and seek a response. It is vital that the employer should refer to the relevant employee contract in every case when proceeding with disciplinary action.
 7. The employee complained against should be advised of their right to seek support/advice from:
 - a) NZEI, PPTA counsellor or field officer, or other appropriate union/representative
 - b) other relevant teachers organisation if applicable.
 8. Under no circumstances should the child or young person raising the concern or those making the allegation be exposed to unnecessary risk. This may require the Board to contemplate removal of the employee from the school environment subject to the requirements of the applicable employee contract.
 9. All actions of the Board must be consistent and applicable with the appropriate Collective Employment Contract or Individual Employment Contract.
 10. The Board should take care to ensure actions taken by the school do not undermine or frustrate any investigations being conducted by any external agency. It is strongly recommended that the Board maintain a close liaison with Oranga Tamariki Ministry for Vulnerable Children and the Police to achieve this.

Reviewed by: S. Mudgway

Date: October 2017

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FLOW CHART OF ACTION



Points to note:

- Documentation may subsequently be used in court as evidence for either side.
- Avoid making judgements - simply record the facts. Date all entries/notes/documentation.
- Interviewing of suspected abuse victims is a specialised procedure best left to those who are trained in such techniques.
- The child advocate should be responsible for ensuring that the child's welfare remains paramount.