

**Procedures for Dealing with Child
Abuse, Guidelines for Schools
(SACCS Revised May 1995)
_RC0402-01**

Procedures for dealing with

CHILD

ABUSE

GUIDELINES

FOR

SCHOOLS

Revised May 1995

SACCS

(South Australian Commission for Catholic Schools)

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From Catholic Schools Handbook as Revised May 1995

9. CHILD ABUSE – GENERAL

All school personnel need to participate in the training course for mandated notifiers of suspected child abuse.

The Family and Community Services booklet '*Reporting Child Abuse - guidelines for those people required by law to report child abuse*' (1994) needs to be readily accessible to all school personnel.

9.1 INTRODUCTION

In 1976 the Community Welfare Act was amended to extend its provision for the protection of children. Teachers and other persons, including medical practitioners, nurses, dentists, police officers, child care workers and social workers are required by the Act to notify suspicions of child abuse to the Department of Family and Community Services (FACS). In November 1993, in matters of the protection of Children, the Community Welfare Act was replaced by the Children's Protection Act.

When school principals and teachers have suspicions of child abuse these guidelines are to help them carry out their obligations under the Act

Schools are required to observe the agreed practices laid out in the *Interagency Guidelines in Child Protection*, Nov 1991. (distributed 1992)

9.2 CHILDREN'S PROTECTION ACT

Under Section 11 (1) & (2) of the Children's Protection Act 1993 Principals, teachers and other school personnel (including volunteers) are obliged by law to notify the department of FACS if they suspect on reasonable ground that a child (ie. person under eighteen years of age) has been or is being abused or neglected

9.3 RECOGNITION OF ABUSE

The term 'abuse' refers to sexual, physical emotional abuse and neglect.

The following definitions are used by FACS in determining whether child abuse has occurred.

Physical abuse:	Any non accidental act inflicted upon a child which results in physical injury to the child.
Sexual abuse.	Any sexual behaviour imposed on a child.
Emotional abuse	A chronic attitude or behaviour directed at a child, or, a creation of an emotional environment, which is detrimental to or impairs the child's psychological and/or physical development.
Neglect	Neglect refers to any serious omission or commission by a person which jeopardises or impairs the child's psychological, intellectual or physical development

9.4 NOTIFICATION OF CHILD ABUSE

It is important to remember that it is not the role of school personnel to prove that abuse occurred. It is the role of FACS to determine whether abuse occurred.

The Law requires school personnel to report suspicions of abuse. School personnel have reasonable grounds to suspect abuse and to contact FACS when

- a child tells you that he or she has been abused;
- someone else tells you (eg. sibling, relative, friend, neighbour, or acquaintance of the child) that a child has been abused;
- your own observations of the child's physical condition and/or behaviour lead you to suspect that the child has been abused;
- other circumstances lead you to suspect that a child has been abused.

If in doubt you are advised to consult with your local FACS Office.

Notifying suspected abuse can be the first step in helping both the abused child and the adult causing the abuse.

There is no civil liability for notifying in good faith a suspicion of abuse.

There is a penalty of \$2,000 for failure to report.

9.5 NOTIFICATION PROCEDURES

To make a notification contact your local FACS district centre and ask to speak to the duty social worker concerning a child protection matter. Telephone numbers are in the alphabetical section of the white pages of the telephone directory under Family and Community Services (Dept of).

At weekend or after hours contact Crisis Care 131 611.

When making a notification you will be asked by the FACS social worker for the following information.

- the student's name, age and address
- your reason for suspecting that the injury or behaviour observed
- the current whereabouts of the student.
- what are the safety issues and what has been set in place for the student's safety.

The onus to notify FACS rests with the person who suspects abuse. It is recommended that school personnel advise the principal when making a FACS notification.

The Diocesan Director of Catholic Education shall be notified by the Principal.

Following the FACS investigation a number of interventions may occur, including, for example.

- counselling for the family and/or individual
- referral to other agencies

- emergency foster care to relieve the immediate stress on the family and remove the risk to the child
- the service of a parent aide (trained volunteer)
- practical assistance eg. help with housing, finance, child care
- an assessment that the student is safe and hence no further action.

In all cases of sexual abuse, serious physical abuse, or serious neglect, the Police and the Department for Family and Community Services consult to determine the respective roles of the two departments.

The Department of Family and Community Services gives child protection matters priority.

9.6 FURTHER INFORMATION

The social worker at the Catholic Education office can give you further information about child abuse. Note, however, that referring a suspected case of child abuse to an officer of the Catholic Education Office does not release a person from his/her obligation to report under the Children's Protection Act 1993.

CHILD ABUSE – GUIDELINES TO ASSIST PRINCIPALS IN HANDLING CHILD ABUSE COMPLAINTS AGAINST STAFF

- 9.7.1 If an allegation of child abuse is made by a student, parent, or other person or the Principal suspects on reasonable grounds that a child has been maltreated or neglected by a staff member, then **the Principal must notify FACS** of the complaint and enquire whether FACS will investigate the allegation. The Principal does not have to be able to prove that abuse has occurred

Because of the exacting legal requirements pertaining to all aspects of employment law eg. process, warnings, suspension and termination, advice should be sought from the Legal and Industrial Officer at the CEO before undertaking the procedures outlined in this document.

- 9.7.2 If FACS decides **not** to investigate the allegation but recommends that the Principal investigates the incident, then the Principal should:
- Determine whether there is sufficient evidence to justify an investigation of the allegation.
 - Determine whether the allegation is serious or trivial
 - Determine whether the matter should be taken up with the employee or ignored.

- 9.7.3 If the matter is considered to be serious and is to be taken up with the employee then the Principal should arrange a meeting with the employee in accordance with the following steps

(The information provided to the employee below need NOT be in writing but must be documented)

- The Principal should advise the employee that the topic of the meeting relates to an allegation of alleged misconduct by the employee to a child or children.
- The Principal should inform the employee that the employee is entitled to be accompanied at the meeting by any union representative, solicitor or witness.
- The Principal must inform the employee of the availability of supportive counselling services.

9.7.4 At the meeting the Principal should have an appropriate witness present as an observer and note-taker eg. Deputy Principal, CEO representative. The Principal must inform the employee of the nature of the allegations and inform the employee that an investigation will be carried out.

The employee must be given an opportunity to respond to the allegations, to offer an explanation, or to raise any other matters which the employee considers relevant.

9.7.5 If, in the interests of the safety and welfare of students, a Principal (or FACS or the Police) decides that it is appropriate for the employee to take leave (be suspended) from duties while an allegation of child abuse is investigated then:

- Such suspension shall be on full pay
- The Principal shall advise the employee of the reasons why the decision has been made to suspend the employee but the Principal need only state that allegations of impropriety or inappropriate conduct have been made and that time is needed to conduct an investigation.

9.7.6 Investigation

A proper investigation of the allegations should be carried out. It is insufficient to merely rely on the fact that allegations have been made

The investigation process must be carefully documented.

An investigation may include the following:

- Interviewing persons who may have (or should have) knowledge of the alleged misconduct;
- Assessing any relevant documentation;
- Assessing any other information available to you, or which can be obtained without unreasonable effort or delay

Any investigation must be carried out promptly

9.7.7 A further meeting of the same parties should be arranged following the Principal's investigation of the complaint. At this meeting the Principal must advise the employee whether the Principal believes there is substance to the allegations.

If **NOT** the employee must be advised that no further action will be taken. If the Principal believes that there is substance to the allegations then the Principal must inform the employee that the Principal has considered all matters raised at the interview including the employee's response. The

Principal must then inform the employee of any action which the Principal intends to take.

9.7.8 If it is the Principal's view that the misconduct will require a **warning only** at this stage then:

- Detail the unsatisfactory conduct.
- Detail the standards which need to be met and set a **review date** (eg. 1 term).
- State clearly that you are issuing a **warning**.
- Detail the potential consequences of failing to achieve the standards within the time frame **including termination of employment**.
- Remind the employee that any further misconduct of this nature will result in immediate dismissal.

The advice should be confirmed in writing and should also state that:

- the date and place of the meeting,
- that the employee was given an opportunity to be represented at the meeting,
- that the employee was given an opportunity to respond to the matters raised at the meeting,
- that the employee was provided with the opportunity to use Access counselling,
- that a formal warning is being issued

9.7.9 A **review meeting** must be arranged. The employee is entitled to be accompanied at the review meeting by a witness of their choice

If no further allegations inform employee that his/her conduct will be continually assessed. (The time frame is at the Principal's discretion but should be at least one term).

9.7.10 If it is the Principal's view after investigation that the allegations constitute serious misconduct then at the interview the employee should be told of the results of the investigation. Generally it will be appropriate to take some time to consider your decision due to the serious consequences of termination of employment. The Principal is not required to make a decision immediately. If the employee departs the premises, it is appropriate to advise the employee to return at a specific time (within 24 hours, or as soon as is reasonably possible) so that you can inform the employee of your decision.

In reaching your decision, it is necessary to ensure that any decision to terminate employment:

- is not harsh, unjust or unreasonable,
- does not include a prohibited reason as one of the factors in reaching your decision eg. illness, union activities, filing a complaint against the employer, race, colour, sex, age etc

If termination is to take place, the Principal must contact the Legal and Industrial Officer or the Co-ordinator of Human Resource Services at the CEO before undertaking the following procedures.

Termination should be confirmed in writing

The letter of advice should contain the following

- confirm that the employee had an opportunity to be represented;
- confirm that the employee had an opportunity to respond to the allegations;
- note that you have considered all material, including the employee's response,
- advise that the employee's employment has been terminated and the reason (ie. serious misconduct);
- advise the date of termination.

As a dismissal for serious misconduct there is no obligation to provide notice. Payment should be made up until date of termination and payments for annual leave, leave loading, LSL should be paid. These payments must be clearly itemised.

9.7.11 Any allegations and any actions in relation to allegations **must be carefully documented.**

9.7.12 All allegations must be dealt with in a confidential manner.

PLEASE NOTE:

The above procedures should be read in conjunction with 'The Interview of Students' guidelines for schools.