

Ministry of Education, Heritage, & Arts

**POLICY ON
CHILD PROTECTION IN SCHOOLS
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1.0 POLICY OBJECTIVE

This policy confirms the Ministry of Education, Heritage, & Arts (herein after abbreviated to MoEHA) zero tolerance on abuse, child labour trafficking, neglect and exploitation of children. It also provides a framework for the protection, identification, managing and reporting incidents of child abuse in schools, religious establishments, social centres and wherever organized educational programmes are conducted so that delivery of MoEHA mission is realized.

MoEHA Mission

"...the provision of a holistic, inclusive, responsive and empowering education system that enables all children to realize their full potential, appreciate fully their inheritance, take pride in their national and cultural identity and contribute fully to sustainable national development".

This policy translates the mission as MoEHA's commitment to:

- a. the well-being, safety, respect and dignity of children
- b. the creation of a fun and safe learning environment for all children regardless of age, culture, ability, gender, language, ethnicity and religious belief
- c. take all rational steps to protect children from harm, bias and humiliating treatment
- d. respect their rights, wishes, sexual orientation and feelings
- e. ensure students are not discriminated against poor performance
- f. ensure all doubts and allegations of abuse will be dealt with in a timely and appropriate manner
- g. employ officers and teachers who are qualified, registered and suitable for their responsibilities
- h. engage children and parents in making schools a safe place for children
- i. assist individual schools in developing and enforcing their own child protection policy

2.0 POLICY

- 2.1 MoEHA and schools shall take all appropriate measures to protect children from all forms of abuse, neglect and exploitation.
- 2.2 All schools in consultation with all stakeholders shall develop, implement and monitor their child protection policy aligned to this policy.
- 2.3 MoEHA and schools shall seek children's inputs when formulating and developing the child protection policy in line with the United Nations Convention on the Rights of the Child (UNCRC).
- 2.4 Adherence to the contents of this policy shall be monitored by the Human Resources Management Unit of MoEHA.
- 2.5 All students' records relating to this policy shall be kept in strict confidence.
- 2.6 No person shall be appointed to work as a Child Protection Officer in any school unless s/he has a valid registration with the Fiji Teacher Registration Board.

2.7 A school Child Protection Officer [herein after referred to as CPO] shall be appointed who shall be the focal point of all investigations and all child protection issues in schools. Likewise, the 4 MoEHA Divisional offices shall appoint a CPO/Counsellor who shall be the officer in charge in the division of all child abuse investigations and reporting of cases to the relevant authorities.

2.8 MoEHA and schools shall have zero tolerance against child abuse perpetrators.

2.9 Costs involved in the implementation of this policy shall be borne by MoEHA and related stakeholders and donors. The MoEHA shall work in close consultation with relevant government stakeholders such as Department of Social Welfare [herein after referred to as DSW], Ministry of Health [herein after referred to as MoH], National Substances Abuse Advisory Council [herein after referred to as NSAAC], Ministry of Labour [herein after referred to as MoL] and the Fiji Police in reporting and identifying cases of child abuse, child labour, trafficking, neglect and exploitation.

3.0 RATIONALE

Fiji ratified the United Nations Convention on the Rights of the Child in August, 1993. As a signatory, Fiji has an obligation to protect children against:

- a. All forms of physical or mental abuse (violence), neglect or negligent treatment, maltreatment or exploitation, including sexual abuse
- b. Torture or other cruel, inhuman or degrading treatment or punishment
- c. And promote their physical recovery, social reintegration and compensation in the event of any abuse or maltreatment.
- d. Any work that is detrimental to their health and physical development.

The MoEHA, as an agency of government and custodian of children's education is mandated under the Child Welfare Decree of 2010 with the responsibility of the protection of all children under its care from all forms of abuse wherever the government has pledged its support.

The Constitution of the Republic of Fiji, 2013, Chapter 2, Bill of Rights, section 41 – (1) (d) states that: *Every child has the right to be protected from abuse, neglect, harmful cultural practices, any forms of violence, inhumane treatment and punishment, and hazardous and exploitative labour.*

Furthermore, child abuse has risen rapidly in Fiji, not only in homes and on the streets but also in schools. Unfortunately, researches strongly suggest the degrading and long term effects of such abuse on the victims like; shock, fear, guilt, shame, depression and inability to trust others.

Besides, there is also the social shame attached to abuse. This intensifies and increases the traumatic experiences of the victims and it is exacerbated by the indifferent negative responses of those who should report the abuse or those to whom the report is entrusted.

At the MoEHA, all of its policies contain issues pertaining to child protection and enhancement of children's future. Firstly developed in 2010 and constantly reviewed every year, the Child Protection Policy will directly address protection, identification, managing and reporting incidents

of child abuse, child labour, trafficking, neglect and exploitation, so that wherever the MoEHA conducts its business, whether in the offices, schools or other teaching/learning environments, they should all be child friendly where safety, health and care of all students is promoted.

4.0 DEFINITIONS

4.1 Bullying

Bullying is defined as intentional hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. The bullying may be physical or psychological and can use other means of communication including the internet and mobile phones. Bullying can be inflicted on a child by both men and women, as well as by young people themselves. The types of bullying include:

- a. Physical - hitting, kicking, slapping, punching, use of objects.
- b. Verbal – racist or homophobic remarks, name calling, threats
- c. Emotional - tormenting, ridiculing, humiliating, ignoring, isolating from the group
- d. Sexual - unwanted physical contact or abusive comments and gestures.
- e. Spiritual – influencing/coercing the child to change his or her religion

4.2 Child abuse

It refers to all the direct or indirect abuse via omission or indifference against children whether bodily or emotionally.

4.3 Child(ren)

A child is any person under the age of eighteen years. In this policy, a child(ren) refers to a student who attends a school which is registered under the MoEHA i.e kindergarten (Pre-school), primary, secondary, technical and vocational school. This also includes private schools.

4.4 Child Labour

Any paid work undertaken by children which includes work that is mentally, physically, socially or morally dangerous and harmful to children, interfering with their schooling by depriving them of an opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long hours and heavy work.

4.5 Child Protection

Is the term used to describe the responsibilities and activities undertaken to prevent or stop children being abused or maltreated.

4.6 Child Protection Officer

A teacher/officer/counsellor selected in the school or divisional education office to be responsible for child protection issues.

4.7 Cyber Bullying

Involves the use of information and communication technologies such as e-mail, text messages, instant messages, and web sites to engage in the bullying of other individuals or groups of people.

4.8 Emotional Abuse

The continual emotional ill treatment of children that is likely to cause severe and lasting adverse effects on their emotional development.

4.9 Illicit drugs

Illicit drugs are unlawful drugs listed in Schedule 1 of the Illicit Drugs Control Act 2004.

4.10 Neglect

It is when an adult fails to meet a child's basic physical, educational, financial and or psychological needs, likely to result in serious impairment of the child's health and/or development.

4.11 Other means

An e-mail/fax from the parent's last known address would be equal to a signed consent note. It shall include the student's full name, form or class and specific type of activity.

4.12 Perpetrator

A person who initiates and is actively involved in child abuse.

4.13 Physical Abuse

Where children are physically hurt or injured - hitting, pinching, spitting shaking, throwing, smacking, punching, kicking, shoving, poisoning, burning, biting, scalding, suffocating, and drowning.

4.14 Psychological Abuse

Any form of abuse that may result in psychological trauma. Also referred to as emotional or mental abuse.

4.15 Sexual Abuse

Refers to any inappropriate sexual touch, comment or gestures that may offend a person e.g. rape, showing or touching private parts, taking or showing nude pictures or inserting objects into private parts, etc. (2009 Crimes Decree 78.2 Sub-section 1)

4.16 School

An institution which is registered with the MoEHA.

4.17 School Heads

Refers to the Principal or Head Teacher.

4.18 Verbal Abuse

Sarcastic and derogatory remarks put orally to children.

5.0 RELEVANT LEGISLATIONS AND AUTHORITIES

- 5.1 The Constitution of the Republic of Fiji - 2013 [Chapter 2, section 41 – (1) (d)]
- 5.2 Adoption of Infant Act 1945
- 5.3 Child Welfare Decree – 2010
- 5.4 Crimes Decree – 2009
- 5.5 Convention on the Right of the Child (CRC) -1989
- 5.6 Domestic Violence Decree 2009
- 5.7 Education Act – 1978
- 5.8 Education in Emergencies and School Safety Policy
- 5.9 Employment Relations Promulgation- 2007.
- 5.10 Fiji Education Management Information Policy -2013
- 5.11 HIV & AIDS Decree 2011
- 5.12 Illicit Drugs Control Act – 2004
- 5.13 Juvenile Act (1974): Cap 56
- 5.14 Marriage (Amendment) Decree 2009
- 5.15 MoENHCA Behaviour Management Policy-2011
- 5.16 Schools Standard Monitoring and Inspectorate Policy 2013
- 5.17 MoENHCA Early Childhood Education Policy 2013
- 5.18 MoENHCA Customer Service Policy –2013
- 5.19 MoENHCA Drugs and Substance Abuse Policy - 2012
- 5.20 MoENHCA Excursion Policy –2013
- 5.21 MoENHCA OHS Policy – 2010
- 5.22 Policy on National Management of HIV & AIDS at MoEHA Fiji Schools -2013.
- 5.23 Policy in Effective Implementation of Inclusive Education in Fiji -2013.
- 5.24 NCBBF – Fiji the State of the Nation and the Economy 2008
- 5.25 The Immigration Act 2003 under section 2 (1)
- 5.26 The Family Law Act (2003)
- 5.27 Universal Periodic Review (UPR) – National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1 – 2010.

6.0 PROCEDURES

- 6.1 The MoEHA and schools shall ensure the existence and implementation of regulatory measures with financial implications and all forms of provisions to protect children from any form of abuse.
- 6.2 Legislative mechanisms pertaining to the protection of children against any form of abuse must be consistently reviewed and updated ensuring alignment to relevant existing national regulations.
- 6.3 All parents/guardians shall be advised of activities or events that may take students outside the school compound and sign a consent note pertinent to the precise activity or give written permission by other means.
- 6.4 Students who take undue sick leaves or appear to recurrently have days off for injuries or unexplained reasons shall have their reports sent to the School Heads for monitoring and intervention advice.
- 6.5 Students' personal information - both written and visual and relating to this policy, shall be kept secure and confidential and made accessible only to the relevant and responsible officers.
- 6.6 All schools shall keep a personal case file for each student [Appendix 1].
- 6.7 The Permanent Secretary for Education (herein after referred to as PSE) upon receiving all the necessary documents regarding a child abuse allegation shall refer the case to the necessary authorities (DSW, Fiji Police, and MoH) as stipulated under the Child Welfare Decree 2010 for their intervention and s/he shall continuously request for their updates. The PSE similarly can act on recommendations and reports received from the above authorities.
- 6.8 If the offender who has been convicted by a Court of Law and sent to jail is a teacher or an employee of MoEHA, the Secretariat of the Disciplinary Staff Board with the approval of the PSE, agreed by the Minister shall inform the Public Service Disciplinary Tribunal (PSDT).
- 6.9 Schools in consultation with MoEHA shall develop and implement an instructional programme that will inform teachers, school officers and students. [Appendix 2]
- 6.10 All schools shall conduct professional development activities (PD) to up skill school administrators and teachers. [Appendix 3]
- 6.11 All school heads shall be responsible for all cases of abuse in the school. In the event that the school head is the accused or absent, then the assistants shall take responsibility and the District and Divisional Education office shall be informed who shall in turn inform the DSW. [Appendix 4]

6.12 Responding to Suspicions and Allegations

6.12.1 Receiving Evidence of Possible Abuse [Appendix 5]

Upon receiving reports of possible abuse, the receiving officer shall follow the procedures specified in the appendix. [Appendix 5]

6.12.2 Recording Information by the Child Protection Officer

To ensure that information is as helpful as possible, a detailed factual record should always be made at the time of the disclosure/concern. [Appendix 6]

6.12.3 Reporting the Concern

All suspicions and allegations of Child abuse, child labour, trafficking, neglect and exploitation **MUST** be reported promptly to the CPO who shall investigate and direct all the findings to the school head who then shall inform the School Management and the CPO in the Education Offices within 2-3 days of the incident. The District or Divisional Education office shall be required to forward a copy to the HRM section of the MoEHA. Failure to report or misreporting with the intent of shielding an accused can result in disciplinary action instituted against the reporter as stipulated in the Child Welfare Decree of 2010.

6.12.3.1 If the school head is not available, the case should be referred to the vice principal/assistant head teacher, whichever is applicable.

6.12.3.2 In the absence of the school heads and assistants, the next most senior officer should be the receiving officer

6.12.3.3 Where there is a complaint against an officer of MoEHA, school teacher, employee or volunteer, there may be two types of investigation:

6.12.3.3.1. Criminal in which case the police are immediately involved

6.12.3.3.2 Disciplinary or misconduct in which case the school will be involved.

6.12.4 Confidentiality

6.12.4.1 Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a need to know basis only.

6.12.4.2 All information should be stored in a secure place with limited access to designated people.

6.12.5 Internal Inquiries and Suspension

- 6.12.5.1 After consultation with MoEHA, the PSE will immediately suspend any individual accused of abuse pending further investigation.
- 6.12.5.2 Depending on the findings of the police inquiries, the MoEHA will assess all individual cases and make appropriate recommendations to PSE on the cause of actions to be instituted against the offender.

6.12.6 Recruiting and Selecting Personnel to work with Children

All personnel recruited to work with children must undergo proper screening and induction according to MoEHA and TRB regulations. [Appendix 7]

6.13 Application

The duty to follow the Child Protection Procedures applies to:

- 6.13.1 All teaching staff of educational establishments
- 6.13.2 Advisory/support staff in educational establishments.
- 6.13.3 All contracted workers within educational establishments.
- 6.13.4 All education officers in the District and Divisional offices.

7.0 GUIDELINES

7.1 Good Practice

All personnel should adhere to the following principles and action of good practices in addressing child abuse incidents. [Appendix 8]

7.2 Indicators of Abuse

Indications that a child is being abused may include one or more of the following [Appendix 9].

7.3 Appropriate use of child images and personal information

Staff to be aware:

- 7.3.1 before photographing or filming a child, obtain consent from the child or a parent or guardian of the child and provide an explanation of how the photograph or film will be used
- 7.3.2 ensure photographs, films, videos and DVDs present children in a dignified and respectful manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive

- 7.3.3 ensure images are honest representations of the context and the facts
- 7.3.4 ensure file labels do not reveal identifying information about a child when sending images electronically
- 7.3.5 treat children's information with confidentiality and never provide a child's personal details to unauthorized person(s)

7.4 Appropriate use of internal communication systems

Staff must never use internal systems such as computers, mobile phones, or video and digital cameras inappropriately and never to exploit or harass children, or to access child pornography through any medium.

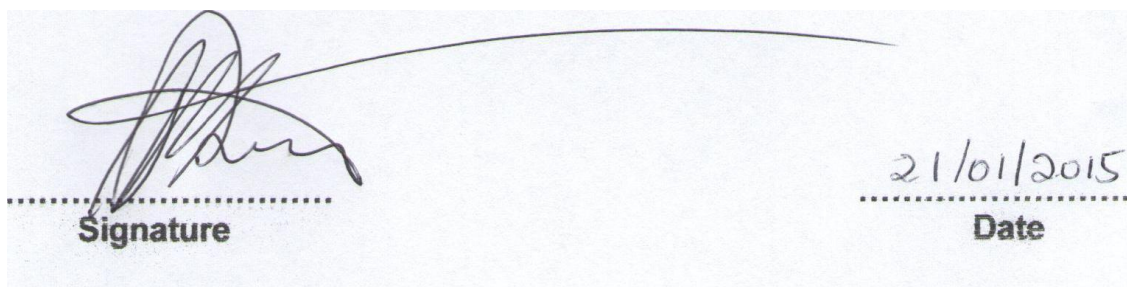
8.0 EFFECTIVE DATE.....20th January, 2015.

9.0 REVIEW DATE.....20th January, 2018.

10.0 KEY SEARCH WORDS

Abuse, Emotional Abuse, TRB, Physical Abuse, Sexual Abuse, Substance Abuse, Child labour.

11.0 APPROVED BY THE HONOURABLE MINISTER FOR EDUCATION, HERITAGE & ARTS, DR. MAHENDRA REDDY.



The image shows a handwritten signature and date on a document. The signature is written in black ink and is positioned above a dotted line. Below the dotted line, the word "Signature" is printed. To the right of the signature, the date "21/01/2015" is handwritten above another dotted line. Below this second dotted line, the word "Date" is printed.

APPENDIX 1

STUDENT'S INFORMATION FILE

The following are to be kept in the student's information file.

1. Bio data
2. Records of Abuse Cases
3. Screened statements on behavior, attitude and academic performance from previous and current teachers

Note: Include positive incidences/activities as well

4. Statements from peers
5. Family history:
 - a. Medical history
 - b. Disciplinary & Behavioral Records
 - c. Socio-Economical Status
6. Academic records
7. 3 Passport photos of student
8. An undertaking, both signed by the parents and the child to uphold the schools code of ethics, rules and conduct. This shall warrant positive reinforcement and counseling by parents, should the child fail to adhere to the school code of ethics/rules/conduct.

➤ Other relevant records may also be included

APPENDIX 2

INSTRUCTIONAL PROGRAMME

Schools in consultation with MOEHA shall develop and implement an instructional programme that will inform teachers, school officials and students on:

- a) How to recognize factors that may cause people to abuse others such as:
 1. revenge
 2. retaliation
 3. uncontrolled anger
 4. lack of alternatives
 5. being prompted by actions of victims

- b) How one may protect oneself from perpetrating abuse like:
 1. anger management training
 2. de-stressing activities
 3. allowing a professional to handle the case
 4. referring the case to the school administrators/child protection officers

- c) What resources are available to assist an individual who does or may encounter an abuse situation? For example:
 1. police Officer
 2. counselor or any teacher the child can confide in
 3. spiritual leader
 4. medical officer
 5. village headman
 6. any other responsible person

APPENDIX 3

EXAMPLES OF PROFESSIONAL DEVELOPMENT ACTIVITIES TO UP SKILL HEADS OF SCHOOLS AND TEACHERS

1. Children's Rights
 2. Child growth and development
 3. Identification of child abuse and neglect
 4. Effects of child abuse and neglect on child growth and development
 5. Personal Safety as it relates to potential child abuse and neglect
 6. Parenting skills
 7. Life situations/Stressors which may lead to child maltreatment.
 8. Substance abuse
 9. Positive discipline methods
 10. Effective communication with children
 11. Basic Counselling skills
- Other PD may be included if deemed appropriate.

APPENDIX 4

DUTIES OF SCHOOL HEADS (OR VICE PRINCIPAL/ASSISTANT HEAD TEACHER IF THE SCHOOL HEAD IS THE ACCUSED)

1. Be responsible for all cases of abuse in school.
2. Provide the school staff with training in the identification of cases and child abuse disclosure.
3. Instruct Staff on the application of the procedures.
4. Provide prevention programme regarding child abuse.
5. Use his/her discretion in informing relevant officers within the district of serious child abuse cases. Confidentiality of the case must be observed.
6. Submit immediately to PSE all relevant information on the alleged child abuse case.
7. Select a Child Protection Officer for the school. If the school has a school counselor, than she/he becomes the Child Protection Officer.

The Child Protection Officer shall:

1. Assist the school head in all child protection issues of the school
2. Keep and maintain a record of all child protection information of the school
3. Work with the District counselors at the District Education Office

APPENDIX 5

RECEIVING EVIDENCE OF POSSIBLE ABUSE

If a child says or indicates that they are being abused, the receiving officer should:

1. Stay calm so as not to frighten the child
2. Reassure the child that they are not to blame and that it was right to tell
3. Listen to the child, showing that s/he is taking them seriously
4. Keep questions to a minimum so that there is a clear and accurate understanding of what has been said
5. Inform the child that s/he has to inform other people about what has happened to help stop the abuse continuing.
6. Ensure that safety of the child is paramount. Upon referral to doctors, the latter is to be made aware that this is a child protection issue
7. Record all information
8. Report the incident to the school's Child Protection Officer

APPENDIX 6

CHILD PROTECTION OFFICER'S INFORMATION SHEET

1. Personal Information

- a. Name: _____ Name of Parent/Guardian: _____
- b. Age: _____
- c. Date of Birth: _____
- d. Home Address: _____
- e. Tel. No: _____

2. Date and Time of Incident:

3. Description of Incident:

4. Statement of Reporting Officer

5. Child's Statement:

6. Suspected Perpetrator

- a. Name
- b. Ethnic group
- c. Any other relevant information

7. Have the parents been contacted?

- a. Yes _____
- b. No _____

APPENDIX 7

RECRUITING AND SELECTING PERSONNEL TO WORK WITH CHILDREN

1. Recruiting and Selecting Personnel to work with Children

1.1. Controlling Access to Children

All staff and volunteers who have access to children shall be registered under the TRB

1.2. Interview and Induction

All employees shall be required to undertake an interview carried out to acceptable protocol and recommendations. All employees should receive formal or informal induction during which:

- 1.3. A check should be made that the application form has been completed in full, including sections on criminal records and self disclosures
- 1.4. Their qualifications should be substantiated
- 1.5. The job requirements and responsibilities should be clarified
- 1.6. They should sign up to the Public Service Commission/MoEHA's Code of Ethics and Conduct
- 1.7. Child Protection Procedures are explained and training needs identified e.g. Child protection awareness and positive discipline training

2. Training

In addition to pre-selection checks, the safeguarding process includes training after recruitment (organized by MoEHA) to help staff and volunteers to:

- 2.1. Analyse their own practice against what is deemed good practice.
- 2.2. Recognise their responsibilities and report any concerns about suspected abuse
- 2.3. Respond to concerns expressed by a child
- 2.4. Work safely and effectively with children

APPENDIX 8

GOOD PRACTICE

The following are good practices that need to be observed as much as possible:

1. always work in an open environment (e.g. avoiding private or unobserved situations and encouraging open communication with no secrets)
2. treat all children equally and with respect and dignity
3. always put the welfare of children first
4. maintain a safe and appropriate distance with children
5. avoid unnecessary physical contact with children
6. involve parents/guardians wherever possible
7. gain written parental consent for any significant travel arrangements e.g. overnight stays
8. ensure that at away events adults should not enter children's rooms or vice versa
9. be an excellent role model - this includes not smoking or drinking alcohol in the company of children
10. always give enthusiastic and constructive feedback rather than negative criticism
11. recognize the developmental needs and capacity of children and do not sacrifice their welfare in a desire for club or personal achievements
12. secure written parental consent for the school to act on behalf of the parents, to give permission for the administration of emergency first aid or other medical treatment if the need arises
13. keep a written record of any injury that occurs, along with details of any treatment given
14. A written report should be made to a colleague and parents should any of the following occur whilst the child is in your care:
 - a. you accidentally hurt a child
 - b. the child seems distressed in any manner
 - c. the child appears to be sexually aroused by your actions
 - d. if the child misunderstands or misinterprets your actions

APPENDIX 9

INDICATORS OF ABUSE

1. Physical Abuse

a. Physical Indicators:

1. Unexplained bruises and welts
2. In various stages of healing.
3. Regularly appearing after absences, weekend, or vacation.
4. Unexplained burns

b. Behavioural Indicators:

1. Wary of adult contacts.
2. Apprehensive when other children cry.
3. Behavioral extremes
4. Frightened of parents.
5. Afraid to go home.
6. Reports injury caused by parents.

2. Emotional Abuse

- a. Lags in physical development.
- b. Extreme behaviour disorder.
- c. Fearfulness of adults or authority figures.
- d. Revelations of highly inappropriate adult behavior, i.e., being enclosed in a dark closet, forced to drink or eat inedible items.

3. Physical Neglect

a. Physical Indicators:

1. Consistent hunger, poor hygiene, inappropriate dress.
2. Consistent lack of supervision, especially in dangerous activities or for long periods.
3. Unattended physical problems or medical needs.
4. Abandonment.

b. Behavioural Indicators:

1. Begging, stealing food.
2. Extended stays at school (early arrival and late departure)
3. Constant fatigue, listlessness or falling asleep in class
4. Alcohol or drug use.
5. Delinquency (i.e., thefts).
6. States there is no caretaker.

4. Sexual Abuse

a. Physical Indicators:

1. Difficulty in walking or sitting.
2. Torn, stained or bloody underclothing.
3. Pain or itching in the genital area
4. Bruises or bleeding in external genitalia, vaginal or anal areas.
5. Sexually Transmitted Infection, especially in pre-teens.
6. Pregnancy.
7. Frequent bladder infection in girls.

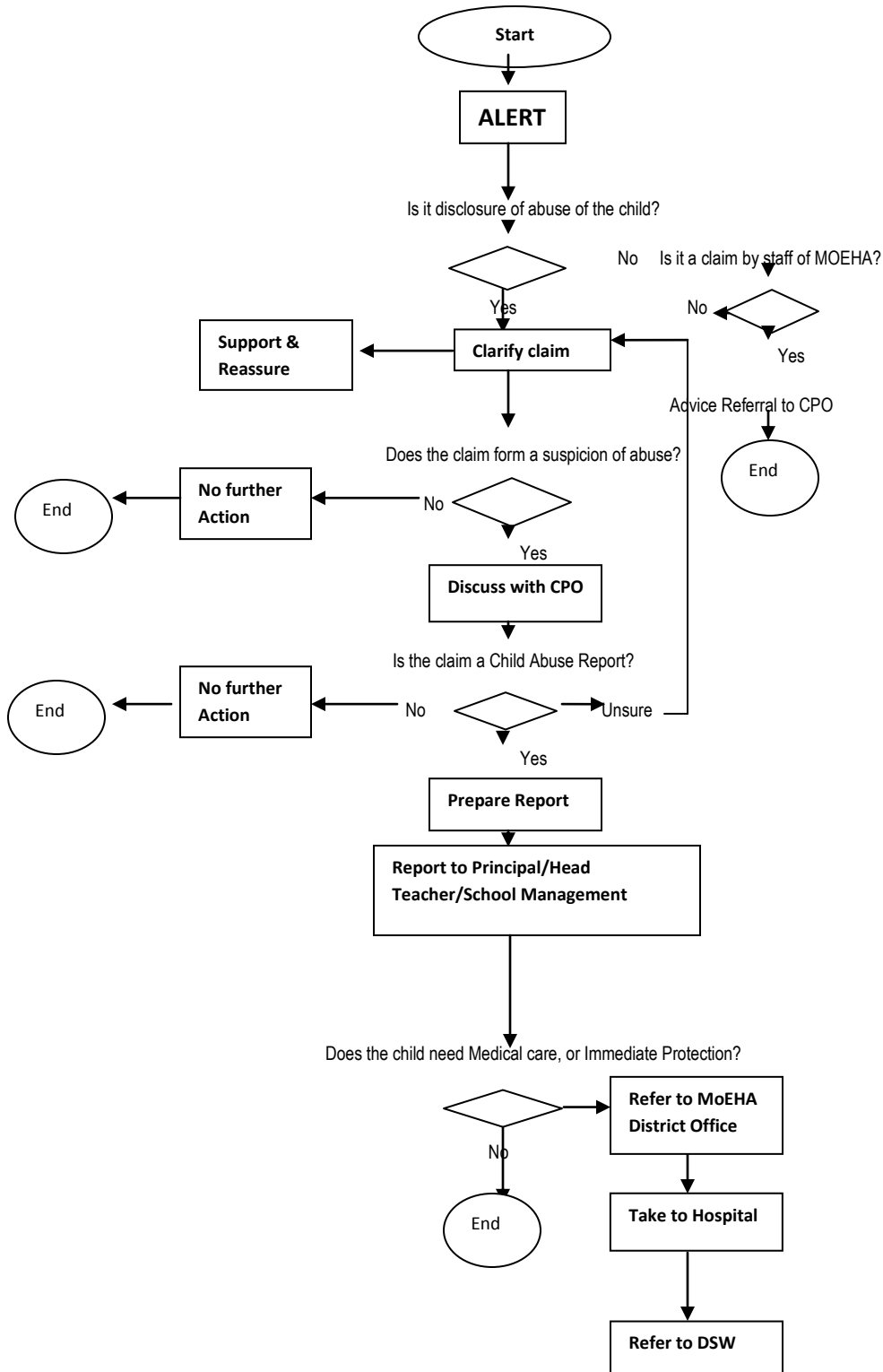
b. Behavioural Indicators:

1. Unwilling to change for gym or participate in physical education class.
2. Withdrawal, fantasy or infantile behavior.
3. Bizarre, sophisticated, or unusual sexual behavior or knowledge.
4. Poor peer relationships.
5. Delinquent or run-away.
6. Reports sexual assault by caretaker.

Note: It must be recognized that the above list is not exhaustive, but also that the presence of one or more of the indications is not proof that abuse is taking place. It is **NOT** the responsibility of those working in MoEHA and schools to decide that child abuse is occurring. It **IS** their responsibility to act on any concerns.

APPENDIX 10

PROPOSED SCHOOLS CHILD PROTECTION POLICY DRAFT FLOW – CHART PART 1



APPENDIX 11

PROPOSED MoEHA CHILD PROTECTION POLICY DRAFT FLOW – CHART PART 2

