



BISHOP MACKENZIE INTERNATIONAL SCHOOL
CHILD PROTECTION POLICY

BMIS educates and inspires students to value integrity, cultural diversity, and the pursuit of well-being and excellence. Our school fosters an environment which empowers students to become creative, confident lifelong learners ready to take action in the local and global communities

CHILD PROTECTION

Consistent with the policies pertaining to the school and its goals, specifically to ensure students *have the opportunity to reach their full potential intellectually, emotionally, socially, morally and physically*; and also the Objectives of the Trust to *foster a fundamental awareness of, and respect for, the rights and freedoms of every individual in the School's community and the wider world*, BMIS shall strive to provide a safe haven for students with established procedures for ensuring the on-going protection and rights of children.

Child abuse may manifest in different ways, which may include but are not restricted to physical, emotional and sexual abuse and/or neglect. Child abuse and neglect detrimentally affect the child's physical and mental health and as a result typically impair learning. BMIS seeks to provide a positive stance of child protection, with a supportive framework to help identify and address child abuse or neglect, using a range of strategies that may be available through the school's provision or using external agencies. BMIS shall provide a safe and secure learning environment, which supports the educational, social, emotional and physical growth of the children.

In promoting positive attitudes towards child protection, the school shall take active measures with sufficiently rigorous monitoring procedures to ensure that all adults coming into contact with children, including teachers, support staff, and visitors, have been appropriately vetted to safeguard the children in our school.. Recruitment procedures shall require background checks on staff, including police clearance and medical certificates, and specific attention to child protection strategies shall be raised with all personnel during interviews.

Child Protection Acronyms

CPA Child Protection Advocate CPT Child Protection Team

Child Abuse: Reporting by Staff

Any member of staff who suspects a child may be suffering from abuse must report the grounds for suspicion to the designated Child Protection Advocate (CPA) or Counsellor in the event the CPA is absent. The CPA informs the Director and/or Head of Primary/Secondary, depending on section of school affected, as soon as possible but not exceeding 24 hours for immediate response. Should both the CPA and Counsellor be absent, then the relevant Head of Primary or Secondary should be informed.

If, in the considered opinion of the CPA or Counsellor the report is of a serious nature, then a Child Protection Team (CPT) meeting will be called at the earliest possible time. The CPT includes the CPA, Director, respective Head of Primary or Secondary and Counsellor. The CPT shall evaluate the grounds for suspicion and further action to be taken.

Also see Referral Flow Chart at end of section.

General Guidance

Child abuse is a complex issue, requiring an approach by the school that holds the protection of children as paramount while respecting the rights of individuals accused of abuse. The school will follow Malawian law in issues related to child abuse. The following sections are general guidance and principles to be followed in all cases of suspected child abuse.

Guiding Principles

The Board of Trustees has as one of its stated objects "to foster a fundamental awareness of, and respect for, the rights and freedoms of every individual in the School's community." and endorses the School aim that all students should "have the opportunity to reach their full potential intellectually, emotionally, socially, morally and physically." It is therefore the belief of the Board that every student has the right to live in a safe and secure environment.

The School's curriculum, and in particular the Personal Social Physical Education (PSPE) programmes, will instruct the students in this area as is developmentally appropriate and in addition encourage them to seek help when they feel their safety and security is threatened by any form of abuse.

Yearly training of teachers by the CPA will cover issues including; confidentiality, how to recognise signs of possible abuse, and how to respond to students who want to talk about abuse. The Board acknowledges the value of such training, of staff awareness in how to recognise signs of possible abuse, and how to respond to students who want to talk about abuse. While not intending to monitor the conditions under which students live, the Board does expect school personnel to be vigilant towards signs of possible abuse taking place outside the school's jurisdiction and when abuse is suspected to report it.

School's Response

Whenever there is a suspicion of child abuse, the School's response will always be directed towards investigating the allegations, causing any identified abuse to cease, and restoring a safe and secure learning environment. In the

event of an investigation of a staff member or student, both the accuser and accused may have restricted access to campus during the length of the investigation.

Definitions

While remaining sensitive to different cultures, the Board sets out below some definitions of abusive behaviour. The definitions are not necessarily exhaustive.

The Child Abuse and Neglect Reporting Act (CANRA) is a California law requiring certain people to report known or suspected child abuse or neglect, and this reference provides useful definitions used herein.

Also used for guiding the Child Protection documentation is online training provided through the Chadwick Center, 2015. 'Mandated Reporter Training School Personnel Training Module' [online]. Available from: <http://educators.mandatedreporter.ca.com/default.htm> [Accessed 1 November 2016]

Emotional Abuse

Although emotional abuse is not as clearly defined in the law as other forms of maltreatment, it is generally recognized as a pattern of behavior by a caretaker that impairs a child's emotional and/or psychological development. This may include constant criticism, threats, rejection, intimidation, humiliation, acts intended to produce fear or guilt, withholding of love and support, and isolation. Emotional abuse may also be through various forms of cyber-bullying. Witnessing of domestic violence also falls within the scope of emotional abuse. In some situations, such as habitual scapegoating, belittling, or using cruel words, it may be difficult to determine what constitutes emotional abuse.

Emotional abuse is the most difficult form of child maltreatment to identify. First, the effects of emotional maltreatment, such as delays in physical development, learning problems, and speech disorders, are often evident in children who have not experienced emotional maltreatment. Second, the effects of emotional maltreatment may only become evident in later developmental stages of the child's life. Third, the behaviors of emotionally abused and emotionally disturbed children are often similar.

There are some guidelines that can help distinguish between emotional disturbance and emotional abuse. The parents of an emotionally disturbed child generally recognize the existence of a problem, whereas the parents of an emotionally abused child often blame the child for the problems or ignore the existence of a problem. The parents of an emotionally disturbed child show concern about the child's welfare and actively seek help, whereas the parents of an emotionally abused child often refuse offers of help and appear punitive and unconcerned about the child's welfare.

Reasonable suspicion of emotional abuse that must be reported often results from verbal disclosures or direct observation and involves any person willfully causing or permitting any child to suffer unjustifiable physical pain or mental suffering, or endangering the child's person or health. In the absence of a verbal disclosure or direct observation, suspicions of abuse may be reported when behavioral indicators alert the professional to suspect emotional abuse.

Emotional abuse is often difficult to prove; cumulative documentation by a child protection agency may be necessary for effective intervention. Finally, emotional abuse is most often seen in combination with other forms of abuse; any child who is being physically abused, sexually abused, or neglected is also being emotionally abused.

Physical Abuse

CANRA defines physical abuse as a physical injury inflicted by other than accidental means on a child, or intentionally injuring a child.

Physical abuse is characterized by physical injury (for example, bruises, burns or broken bones) resulting from hitting, beating, kicking, biting, burning, or otherwise harming a child. Although the injury is not an accident, the parent or caretaker may not have intended to hurt the child. The injury may have resulted from over-discipline or inappropriate physical punishment.

The injury may be the result of a single episode or of repeated episodes and can range in severity from minor bruising to death. Any injury resulting from physical punishment that requires medical treatment is considered outside the realm of normal disciplinary measures.

Additionally, abusive bruises and burns may be patterned or have a distinct outline, while accidental bruises typically do not leave a clear pattern or outline. However, abusive injuries are not always patterned and may look very similar to accidental bruises.

Broken bones, lacerations, burns (cigarette, scalding water, iron) are also injuries that may be concerning for possible physical abuse.

Neglect

Neglect refers to the negligent treatment or the maltreatment of a child by his/her caregiver that results in harm or could be harmful. The term includes both acts (e.g., locking a toddler in a hot car) and omissions (e.g., not providing food) on the part of the responsible person.

General neglect means the failure of a caregiver of a child to provide adequate food, clothing, shelter, medical care, or supervision, where no physical injury to the child has occurred.

Severe neglect means the intentional failure of a caregiver to provide adequate food, clothing, shelter, or medical care. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child wilfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.

Other forms of neglect include

- Medical neglect, such as not providing appropriate medical care or dental care
- Emotional neglect, such as not interacting with an infant or child
- Educational neglect, such as not enrolling a child in school or providing proper home-schooling

Sexual Abuse

According to the National Society for the Prevention of Cruelty to Children (NSPCC) a child is sexually abused when they are persuaded or forced to participate in sexual activities. The child may or may not realize the situation is abusive in nature and may not understand the nature of the abuse. In addition the NSPCC includes the following in their explanation of sexual abuse:

Contact abuse involves touching activities where an abuser makes physical contact with a child, including penetration. It includes:

- sexual touching of any part of the body whether the child's wearing clothes or not
- rape or penetration by putting an object or body part inside a child's mouth, vagina or anus
- forcing or encouraging a child to take part in sexual activity
- making a child take their clothes off, touch someone else's genitals or masturbate.

Non-contact abuse involves non-touching activities, such as grooming, exploitation, persuading children to perform sexual acts over the internet and flashing. It includes:

- encouraging a child to watch or hear sexual acts
- not taking proper measures to prevent a child being exposed to sexual activities by others
- meeting a child following sexual grooming with the intent of abusing them
- online abuse including making, viewing or distributing child abuse images]
- allowing someone else to make, view or distribute child abuse images
- showing pornography to a child
- sexually exploiting a child for money, power or status (child exploitation).

Sexual touching between children can also be sexual abuse when there is a significant age difference (often defined as 3 or more years) between the children or if the children are very different developmentally or size-wise."

National Society for the Prevention of Cruelty to Children, 2016. "Sexual Abuse: What is sexual abuse" [online].

London, National Society for the Prevention of Cruelty to Children. Available from

<https://www.nspcc.org.uk/preventing-abuse/child-abuse-and-neglect/child-sexual-abuse/>

[Accessed 3 October 2016].

Identifying Child Abuse

Members of the school staff are well placed to observe and report outward signs of abuse. Care must be taken in interpreting these signs as such signs can only be a cause for suspicion, and are not in themselves, proof that abuse has occurred. Unexplained changes of behaviour or school performance may indicate abuse. Inadequate clothing, poor growth or apparent deficient nutrition may indicate physical neglect, while attention-seeking or excessive dependence may point to emotional neglect.

When attempting to identify child abuse, the School will take particular care to collect evidence in accordance with Malawian law and to observe strict confidentiality.

Confidentiality

All investigations of abuse will be held in the strictest confidence. Only those persons required by this policy and those persons with a "need to know" will be advised of a suspected case. "Need to know" implies the divulging of

confidential information only to a certain degree when the information is required to perform one's official duties or to protect the safety or rights of an individual. Those with a "need to know" may include, but are not limited to, child protective services, medical professionals including counsellors, criminal investigators, the alleged perpetrator's employer, the parent's employing organization(s), the parent's/victim's diplomatic representatives, and the Board of Trustees.

A breach of confidentiality by a school employee or representative is a serious offence and will be investigated by the Director.

Informing Parents/Guardians

If the parent/guardian of an allegedly abused child were not themselves the origin of the suspicion, a decision must be taken as to whether and when to inform them.

Parents/guardians should be notified in nearly all cases unless the school determines that the allegations are frivolous or baseless, the result of malicious behaviour or rumours, do not constitute an act of abuse or parental notification could endanger the child.

If an investigation into alleged sexual abuse involves questioning the child, the parents/guardians must be informed of the suspicion and at least one parent/guardian should be present when the child is questioned. In the case of parents/guardians being the accused, the counsellor or designated child advocate can be the second adult in the room for the purpose of confidentiality, child safety and taking notes. Whenever parents/guardians are informed of suspected abuse, it must be made clear to the parents/guardians what steps have already been taken, and what further steps will be taken to resolve the issue. The family may be offered whatever help and support the School has available, and urged at the same time not to take independent action until the school's investigation is concluded.

School's Response to Abuse by Persons Outside the School's Employment or Jurisdiction

The general guidance for abuse involving persons outside the School's employment or jurisdiction are outlined in the sections below.

Internal Referral

The member of staff identifying signs of suspected child abuse, or being told by a child of abuse, must immediately report the observations to the appropriate CPA/Counsellor and to nobody else. The CPA/Counsellor must immediately call the CPT together.

At least two of the members of the CPT must agree, on the evidence presented, that there is cause for concern. One member of the CPT will be designated to write a brief and as far as possible factual description of the case. This document is, at this stage, for the sole use of the CPT.

The CPT must then decide whether or not, at this stage, to involve the form tutor (secondary) or class teacher (primary.) The CPT will agree on what further action needs to be taken and the role of each member of the CPT.

Action

The CPT will decide on the most appropriate course of action. Discretion will always be exercised.

This list is not intended to be exhaustive, nor to indicate an order of procedure, but rather to indicate the range of responsive actions that might be appropriate.

1. Disregard the allegations as unfounded after initial investigation. It may be obvious the allegations are false, but a record will be kept for future reference.
2. Draw parents'/guardians' attention to the evidence, without accusation or comment.
3. Inform parents'/guardians of the suspicion and offer to refer to outside counselling.
4. Refer the suspicion to, with or without informing parents'/guardians, out of concern and safety for the child, and request assistance from one or more of the following:
 - a. child protective services
 - b. an outside professional (for example the family's doctor or some other doctor)
 - c. an appropriate community leader
 - d. an appropriate member of the Board of Trustees ie. the parents' employing organisation(s)
 - e. the parents'/guardians' Embassy, High Commission or Consulate.
1. Involve the Malawi criminal justice system.
2. Involve the Child Welfare Department

School's Response to Abuse by Persons in the School's Employment

Guiding Principles

The general guidance for abuse involving persons in the School's employment is outlined in the relevant sections below. While the primary duty of the School is to protect and support the child, the Board also acknowledges that a secondary duty is to protect and support its employees and abide by the employment laws of Malawi.

Internal Referral

Any member of staff who is made aware of a suspicion of abuse relating to another member of staff, or is told by the child or the child's parents, or a third party, must report to the Director *and to nobody else*. If the Director is the suspected person, the report must be made to one of the Head teachers *and to nobody else*, after which, that Head teacher will act as though s/he were the Director for the purpose of this policy alone.

The Director, in consultation with the CPT (assuming that the accused is not a member of the CPT), must decide whether or not there is a cause for concern. The Director will write a brief and as far as possible factual description of the case. This document is, at this stage, for the sole use of the Director and the CPT.

As the allegations are against an employee and have possible repercussions for the school, the Director will bring the CPT back together to inform the team of the action/s to be taken. If the Director informs a member/s of the board of the allegation and the action to be taken, it is on a strictly need to know basis which implies the divulging of confidential information only to a certain degree when the information is required to perform one's official duties or to protect the safety or rights of an individual. (Refer to 5.2.10.3 School's Response, Refer to 17.2.1.5 Confidentiality).

Suspension

The Director must decide whether the circumstances warrant the suspension of the member of staff under suspicion. The decision to suspend must be taken quickly, preceding an investigation, and based on the possibility that abuse may have occurred, and the possibility of a repetition or continuation.

It is not a confirmation of any accusation, nor is it a judgment on the facts of the case.

Suspension will be on full pay and without prejudice to the outcome of subsequent enquiries. In the event of an investigation of a staff member or student, both the accuser and accused may have restricted access to campus during the length of the investigation.

Supporting the Staff Member

An allegation of child abuse, especially sexual abuse and however far-fetched, has a devastating effect on the accused staff member. The Director has a duty of care to the staff member, and will attempt to ensure that at least one colleague, acceptable to the staff member, undertakes the role of mentor for the duration of the investigation. Such colleague must not be a participant in the investigation.

Investigation

The Director will personally oversee an investigation into alleged abuse by a member of staff. S/he may call on the advice and assistance of any appropriate professional person outside the School, but is not obliged to do so. In any case, the ultimate decision regarding the alleged abuse is the Director's alone. The CPT will be informed of the outcome of the investigation. If the investigation cannot be concluded within 10 working days of the Director first being informed, the Director will inform the CPT and seek their advice.

Possible outcomes of investigation

- a. The allegations were unfounded, no abuse of any description having occurred. Any rumours or false information that has been shared will be addressed and stated that this is not true, or dealt with in an appropriate manner.
- b. There is evidence of abuse, but not by the member of staff suspected.
- c. There has been inappropriate behaviour by the member of staff suspected, a breach of professional guidelines but falling short of abuse as defined in the introductory guidelines.
- d. There has been an instance of child abuse amounting at least to serious professional misconduct and at worst a breach of the laws of Malawi.

Action Following Investigation

- a. All parties who have been made aware of the allegations will be informed of the outcome. The matter will be regarded as closed. (At this stage, staff have recourse to the grievance procedure and parents to the complaints procedure.)
- b. In the case that there were rumours or false information shared, the CPT in support of the falsely accused, will address the situation in an appropriate manner.

- c. The suspected abuse will now be treated as being by a person outside the School's employment, and investigated accordingly.
- d. A written reprimand will be administered by the Director, together with guidance and warnings regarding future conduct.
- e. The member of staff concerned will be dismissed for professional misconduct, in accordance with the contract. The matter should be referred to the Malawi authorities and/or the employee's diplomatic representatives.
- f. In all cases where reasonable grounds exist for the allegations, or where disciplinary action is taken against a member of staff resulting from the investigations, the Board Chair will be advised of the situation.

School's Response to Sexual Abuse of BMIS Students by Other BMIS Students

Guiding Principles

The general guidance for abuse by BMIS students are outlined in sections below.

Definition of Sexual Abuse

The definition of sexual abuse at the top of this section of procedures is not entirely appropriate in cases of child on child abuse. The following passage serves to clarify what is intended:

'Children and young people have always been curious about the opposite sex and/or experimented sexually. However, where a child is in a position of power over another child, and abuses that trust through some sexual activity, then this is abuse. Where one child forces himself/herself on another child of a similar age, this is also abusive. Such situations should be taken as seriously as if an adult were involved and would be investigated in the same way by the child protection agencies. This is important, as the effect on the child victim may be as great, and the perpetrator could also be a victim. Since abuse is addictive, it is important to establish the chain and to take action. You cannot assume that the young person will grow out of it.' (David Pearson 'Child Abuse – Guidance for Teachers' Family Reading Centre, UK, 1996)

If there is genuine mutual agreement or consent regarding the conduct in question, it cannot be classed as abuse, although the behaviours may be a cause for concern in other ways.

Internal Referral

Any member of staff who is made aware of a suspicion of abuse or identifying signs of suspected abuse, or is told by the child or the child's parents/guardians or a third party must immediately report the information to the CPA, or in the cases of unavailability the counsellor. The CPA must immediately inform the CPT *and nobody else*.

At least two members of the CPT must agree, based on the evidence presented, that there is cause for concern. One CPT member will write a brief and as far as possible factual description of the case. This document is, at this stage, for the sole use of the CPT.

The CPT members must then decide whether or not, at this stage, to involve the form tutor (secondary) or class teacher (primary.) The CPT will agree on what further action needs to be taken and the role of each member of the CPT.

Action

The CPT will decide on the most appropriate action. Discretion will always be exercised.

This list is not intended to be exhaustive, nor to indicate an order of procedure, but rather to indicate the range of responsive actions that might be appropriate.

1. Disregard the allegations as unfounded after initial investigation, but record the incident for future reference.
2. Draw both sets of parents' attention to the evidence, without accusation or comment.
3. Inform both sets of parents of the suspicion and offer to refer to outside counselling.
4. Refer the suspicion, with or without informing parents, to one or more of the following:
 - a. child protective services
 - b. an outside professional (for example the family's doctor or some other doctor)
 - c. an appropriate community leader
 - d. an appropriate member of the Board of Trustees i.e. the parents' employing organisation(s)
 - e. the parents' Embassy, High Commission or Consulate
5. Involve the Malawi criminal justice system
6. Involve the Child Welfare Department