



Ministry of Education, National Heritage, Culture & Arts and Youth and Sports

POLICY IN
CHILD PROTECTION OF THE MINISTRY OF EDUCATION AND FIJI SCHOOLS

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1.0 POLICY OBJECTIVE

This policy confirms the Ministry of Education, National Heritage, Culture & Arts and Youth and Sports' (herein after abbreviated to MoE) zero tolerance of abuse, 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 MoE mission is realized.

MoE 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 MoE's commitment to:

- a. the well-being, safety and respect of dignity of children
- b. the creation of a fun and safe learning environment for all children regardless of age, culture, ability, gender, language, racial origin, religious belief and/or sexual identity
- c. taking all rational steps to protect children from harm, bias and humiliating treatment and to respect their rights wishes, sexual orientation and feelings
- d. all doubts and allegations of poor performance or abuse will be dealt with in a timely and appropriate manner
- e. employing officers and teachers who are qualified, registered and suitable for their responsibilities
- f. engaging children and parents in making schools a safe place for children
- g. assisting individual schools in developing and enforcing their own child protection policy, involving management, teachers and children.

2.0 POLICY

- 2.1 MoE and schools shall take all appropriate legislative, financial, administrative, social and educational measures to protect children from all types of bodily or emotional abuse, injury or cruelty, neglect or careless treatment, ill-treatment, exploitation, abuse, including sexual abuse and/or sexual exploitation, while in the care of teachers, administrative and auxiliary staff, parent(s), legal guardian(s) or any other person who has the care of children.
- 2.2 All schools shall develop and implement a policy for the protection of all children, the identification, reporting and management of cases of child abuse, neglect and exploitation aligned to this policy.
- 2.3 MoE 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 The Permanent Secretary for Education, school heads and management shall provide intervention where abuse has already occurred.

- 2.5 It shall be mandatory for officers of the MoE and schools to be committed to child protection, to identify, manage and report incidents of child abuse, neglect or exploitation.
- 2.6 Recruitment procedures for all staff will include checks to ensure that no adult with a proven child abuse or exploitation background shall be employed as a teacher, school staff, and officer of the MoE or be entrusted with children.
- 2.7 MoE and schools shall have zero tolerance of child abuse or exploitation perpetrators including those who possess or have access to child pornography or use children to traffic contraband, sell or induce children to illicit drugs.
- 2.8 All schools shall elect a competent Child Protection Officer who will be the focal point for any child protection issues.
- 2.9 Adherence to the contents of this policy shall be monitored by the Human Resources Management Unit of MoE.

3.0 BACKGROUND

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 MoE, as an agency of the government and custodian of children's education has the responsibility of ensuring that whatever and wherever the government has pledged its support to facilitate its realization.

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 MoE, all of its policies contain issues pertaining to child protection and enhancement of children's future. However, this policy will directly address protection, identification, managing and reporting incidents of child abuse so that wherever the MoE 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 (verbal, non-verbal) 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
- b. Verbal - racist or homophobic remarks, name calling, graffiti, threats, abusive messages
- c. Emotional - tormenting, ridiculing, humiliating, ignoring, isolating from the group
- d. Sexual - unwanted physical contact or abusive comments.

4.2 Child abuse

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

4.3 Child(ren)

In this policy, a child(ren) refers to a student who attends school whether day care, kindergarten (Pre-school), primary or secondary school and all those below the age of 18 years who are not in school.

4.4 Child Protection

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

4.5 Emotional Abuse

The continual emotional ill treatment of a young person, likely to cause severe and lasting adverse effects on the child's emotional development like:

1. telling a young person they are useless, worthless, unloved, and inadequate
2. expectations of young people that are not appropriate to their age or growth
3. valued in terms of only meeting the needs of another person
4. Being constantly shouted at, threatened, name calling and bullying or taunted which may make the young person frightened or introverted.

4.6 Illicit drugs

In Fiji, illicit drugs are unlawful drugs listed in Schedule 1 of the Illicit Drugs Control Act 2004.

4.7 Neglect

It is when an adult fails to meet a child's basic physical, educational, financial and or psychological needs. For example, failing to provide;

- a. sufficient food, clothing, shelter
- b. School fees, stationery, uniform
- c. protection from physical harm or danger
- d. access to appropriate medical care or treatment

4.8 Other means

An e-mail/fax from the parent's approved address would be equal to a signed consent note. It shall include the student's full name and the date and activity to be undertaken.

4.9 Physical Abuse

Where persons physically hurt or injure a young person e.g. hitting, shaking, throwing, smacking, punching, kicking, shoving, poisoning, burning, biting, scalding, suffocating, and drowning. Giving children alcohol or inappropriate drugs also constitute child abuse.

This sort of abuse can also include when a teacher/officer reports non-existent symptoms or illness deliberately causes ill health in a child under their charge. This is called Munchausen's syndrome by proxy.

4.10 Sexual Abuse

It occurs when adults use children to satisfy their own sexual lusts. This could include sexual intercourse, masturbation and oral sex, anal intercourse, fondling, showing young people pornography or talking to them in a sexually explicit manner.

4.11 School heads

Refers to the Principal or Head Teacher

5.0 RELEVANT LEGISLATIONS AND AUTHORITIES

- 5.1 Education Act – 1978
- 5.2 Illicit Drugs Control Act 2004
- 5.3 NCBBF – Fiji the State of the Nation and the Economy - 2008
- 5.4 Universal Periodic Review (UPR) – National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1 - 2010
- 5.5 Ministry of Health Child Welfare Decree – 2010
- 5.6 National Child Protection Policy – 2010
- 5.7 The Immigration Act 2003 under section 2 (1)
- 5.8 Domestic Violence Decree
- 5.9 Adoption of Infant Act
- 5.10 Marriage (Amendment) Decree 2009
- 5.11 The Family Law Act (2003)
- 5.12 Juvenile Act (1974): Cap 56
- 5.13 Behaviour Management in Schools Policy – 2010
- 5.14 Fiji Primary & Secondary Schools Inspectorate Systems Policy – 2010
- 5.15 MoE Early Childhood Education Policy – 2009
- 5.16 MoE Customer Service Policy – 2010

- 5.17 MoE Drugs and Substance Abuse Policy - 2010
- 5.18 MoE Excursion Policy - 2010
- 5.19 MoE OHS Policy - 2010

6.0 PROCEDURES

- 6.1 Services of any teacher, school staff, and officer of the MoE who is proven to have violated this Child Protection Policy shall be immediately terminated.
- 6.2 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.
- 6.3 Students who take undue sick leaves or appear to have days off recurrently for injuries or unexplained reasons shall have their reports sent to the PSE for monitoring and intervention advice.
- 6.4 Students' personal information, both written/visual and oral shall be treated in a respectful and careful manner.
- 6.5 All schools shall have a personal file for each student. The personal files shall be updated regularly and to include the following information:
 - 6.5.1 Bio data
 - 6.5.2 Disciplinary records
 - 6.5.3 Statement from previous and current teachers regarding behaviour and attitude and academic work
 - 6.5.4 Statement from peers and colleagues
 - 6.5.5 Family background
 - 6.5.6 Academic records

6.6 Roles of the MoE

- 6.6.1 The PSE upon receiving all the necessary documents regarding a child abuse allegation shall refer the case to all the necessary authorities (social welfare, police, and health) for their intervention and s/he shall continuously request for their updates.
- 6.6.2 Develop and implement an instructional programme that will inform teachers, school officers and students:
 - 6.6.2.1 How to recognize the factors that may cause people to abuse others;
 - 6.6.2.2 How one may protect oneself from incurring abuse; and,
 - 6.6.2.3 What resources are available to assist an individual who does or may encounter an abuse situation.
- 6.6.3 Develop professional development activities (PDA) to up skill school administrators and teachers on:

- 6.6.3.1 Children's rights
- 6.6.3.2 Child growth and development
- 6.6.3.3 Identification of child abuse and neglect
- 6.6.3.4 Effects of child abuse and neglect on child growth and development
- 6.6.3.5 Personal safety as it relates to potential child abuse and neglect
- 6.6.3.6 Parenting skills
- 6.6.3.7 Life situations/stressors which may lead to child maltreatment
- 6.6.3.8 Substance abuse
- 6.6.3.9 Positive Discipline methods
- 6.6.3.10 Effective communication with children

6.7 Roles of School Heads

School heads (or Vice Principal/Assistant Head Teacher if the school head is the accused) shall:

- 6.7.1 Be ultimately responsible for all cases of abuse in schools
- 6.7.2 Give to all school staff adequate initial and on-going training in the identification of cases and in handling of child abuse disclosures
- 6.7.3 Give instructions to all school staff on the application of these procedures;
- 6.7.4 Provide prevention programmes regarding child abuse;
- 6.7.5 Use his discretion to involve any of the following officials within their district to assist when a serious child abuse situation arises (District Education Office or School Counsellors or police or village headman or PTA or the Medical staff). Officials involved shall be reminded of the confidentiality components of this policy in 6.9.5.
- 6.7.6 Implement at school level the PDA from 6.6.3.
- 6.7.7 Access all avenues of; collecting relevant information or intervention to improve a child's attendance from 6.3.
- 6.7.8 Submit to the PSE all relevant information on an alleged child abuse case immediately.
- 6.7.9 Select a Child Protection Officer for the school.

6.8 Roles of Child Protection Officer

- 6.8.1 Assist the school head in all child protection issues of the school.
- 6.8.2 Keep and maintain a record of all child protection information of the school.
- 6.8.3 Shall also be the school's Counsellor.

6.9 Responding to Suspicions and Allegations

6.9.1 Receiving Evidence of Possible Abuse

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

- 6.9.1.1 Stay calm so as not to frighten the child
- 6.9.1.2 Reassure the child that they are not to blame and that it was right to tell
- 6.9.1.3 Listen to the child, showing that s/he is taking them seriously

- 6.9.1.4 Keep questions to a minimum so that there is a clear and accurate understanding of what has been said
- 6.9.1.5 Inform the child that s/he has to inform other people about what has happened to help stop the abuse continuing.
- 6.9.1.6 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
- 6.9.1.7 Record all information
- 6.9.1.8 Report the incident to the school's Child Protection Officer

6.9.2 Recording Information

To ensure that information is as helpful as possible, a detailed factual record should always be made at the time of the disclosure/concern. Information should include the following:

- 6.9.2.1 the child's name, age and date of birth
- 6.9.2.2 the child's home address and telephone number
- 6.9.2.3 whether or not the person making the report is expressing their concern or someone else's
- 6.9.2.4 the nature of the allegation, including dates, times and any other relevant information
- 6.9.2.5 a description of any visible bruising or injury, location, size etc. Also any indirect signs, such as behavioural changes
- 6.9.2.6 details of witnesses to the incidents
- 6.9.2.7 the child's account, if it can be given, of what has happened and how any bruising/injuries occurred
- 6.9.2.8 have the parents been contacted? If so what has been said?
- 6.9.2.9 has anyone else been consulted? If so record details
- 6.9.2.10 has anyone been alleged to be the abuser? Record detail

6.9.3 Reporting the Concern

All suspicions and allegations **MUST** be reported appropriately. Failure to report or misreporting with the intent of shielding an accused can result in termination of services (guilty of a gross misdemeanour).

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

Where there is a complaint against an officer of MoE, school teacher, employee or volunteer, there may be three types of investigation.

- a. Criminal in which case the police are immediately involved
- b. Child protection in which case the MoE (and possibly) and the police will be involved
- c. Disciplinary or misconduct in which case the school will be involved

Any teacher, school staff or officers of the MoE are not child protection experts and it is not their responsibility to determine whether or not abuse has taken place. All suspicions and allegations must be subsequently reported to the MoE.

6.9.4 Concerns outside the immediate School Environment (e.g. a parent or guardian)

- i. Report the concerns to the school's Child Protection Officer
- ii. If the child protection officer is not available, the person being told or discovering the abuse should inform the school head who will then inform the police immediately after informing MoE
- iii. The parents/guardians shall only be informed after consultation between the school head and the police department

6.9.5 Confidentiality

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. This includes the following people:

- a. The Ministry of Education
- b. The parents/guardian of the child
- c. The person making the allegation
- d. Police
- e. The alleged abuser (and parents if the alleged abuser is a child)

Seek police advice on who should approach the alleged abuser.

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

6.9.6 Internal Inquiries and Suspension

- 6.9.6.1 After consultation with MoE, the School head will immediately suspend any individual accused of abuse pending further police and MoE inquiries
- 6.9.6.2 Irrespective of the findings of the police inquiries, the MoE will assess all individual cases to decide whether a member of staff or volunteer can be reinstated and how this can be sensitively handled. This may be a difficult decision; especially where there is insufficient evidence to uphold any action by the police. In such cases the MoE must reach a decision based upon the available information which could suggest that on the balance of probability, it is more likely than not that the allegation is true. The welfare of the child should remain of paramount importance throughout. However, if the circumstances are questionable, the child's personal file can be referred to.

6.10 Recruiting and Selecting Personnel with Children

6.10.1 Controlling Access to Children

- 6.10.1.1 All staff and volunteers who have access to children shall be registered under the FTRB
- 6.10.1.2 Two confidential references, including one regarding previous work with children should be obtained. These references **MUST** be taken up and confirmed through telephone contact.

- 6.10.1.3 Evidence of identity (passport or driving licence with photo)
- 6.10.1.4 Police checks should be automatically required as standard recruitment procedures

6.10.2 Interview and Induction

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

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

6.10.3 Training

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

- 6.10.3.1 Analyse their own practice against what is deemed good practice, and to ensure their practice is likely to protect them from false allegations
- 6.10.3.2 Recognise their responsibilities and report any concerns about suspected poor practice and/or abuse
- 6.10.3.3 Respond to concerns expressed by a child
- 6.10.3.4 Work safely and effectively with children

6.11 Application

6.11.1 These Child Protection Procedures apply to all educational establishments.

6.11.2 The duty to follow the Child Protection Procedures applies to:

- 6.11.2.1 All staff of educational establishments, both teaching and non-teaching.
- 6.11.2.2 Advisory/support staff in educational establishments.
- 6.11.2.3 All contract workers within educational establishments.

7.0 GUIDELINES

7.1 Good Practice

All personnel should adhere to the following principles and action:

- a. always work in an open environment (e.g. avoiding private or unobserved situations and encouraging open communication with no secrets)
- b. treat all young people equally and with respect and dignity
- c. always put the welfare of the young person first, before winning
- d. maintain a safe and appropriate distance with students
- e. avoid unnecessary physical contact with young people
- f. involve parents/guardians wherever possible
- g. gain written parental consent for any significant travel arrangements e.g. overnight stays
- h. ensure that at away events adults should not enter a young person's room or invite young people to their rooms
- i. be an excellent role model, this includes not smoking or drinking alcohol in the company of young people
- j. always give enthusiastic and constructive feedback rather than negative criticism
- k. recognizing the developmental needs and capacity of the young person and do not risk sacrificing welfare in a desire for club or personal achievements
- l. secure written parental consent for the school to act in loco parentis, to give permission for the administration of emergency first aid or other medical treatment if the need arises
- m. keep a written record of any injury that occurs, along with details of any treatment given
- n. if during your care you accidentally hurt a young person, the young person seems distressed in any manner, appears to be sexually aroused by your actions and/or if the young person misunderstands or misinterprets something you have done, report any such incidents as soon as possible to another colleague and make a written note of it. Parents should also be informed of the incident.

7.2 Indicators of Abuse

Indications that a child is being abused may include one or more of the following:

7.2.1 Physical Abuse

7.2.1.1 Physical Indicators:

- A. Unexplained bruises and welts:
 - i On face, lips, mouth.
 - ii On torso, back, buttocks, thighs.
- B. In various stages of healing.
 - i Clustered, forming regular patterns.
 - ii Reflecting shape of article used to inflict (electric cord, belt buckle).
 - iii On several different surface areas.
- C. Regularly appearing after absences, weekend, or vacation.
- D. Unexplained burns:
 - i Cigar, cigarette burns, especially on soles, palms, back, or buttocks.
 - ii Immersion burns (sock-like, glove-like, doughnut shaped on buttocks or genitalia).
 - iii Patterned-like electric burner, iron, etc.
 - iv Rope burns on arms, legs, neck or torso.

7.2.1.2 *Behavioural Indicators:*

- i Wary of adult contacts.
- ii Apprehensive when other children cry.
- iii Behavioral extremes:
- iv Aggressiveness or withdrawal.
- v Frightened of parents.
- vi Afraid to go home.
- vii Reports injury caused by parents.

7.2.2 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.

7.2.3 Physical Neglect

7.2.3.1 Physical Indicators:

- a Consistent hunger, poor hygiene, inappropriate dress.
- b Consistent lack of supervision, especially in dangerous activities or for long periods.
- c Unattended physical problems or medical needs.
- d Abandonment.

7.2.3.2 Behavioural Indicators:

- a Begging, stealing food.
- b Extended stays at school (early arrival and late departure)
- c Constant fatigue, listlessness or falling asleep in class
- d Alcohol or drug use.
- e Delinquency (i.e., thefts).
- f States there is no caretaker.

7.2.4 Sexual Abuse

7.2.4.1 Physical Indicators:

- a. Difficulty in walking or sitting.
- b. Torn, stained or bloody underclothing.
- c. Pain or itching in the genital area.
- d. Bruises or bleeding in external genitalia, vaginal or anal areas.
- e. Venereal disease, especially in preteens.
- f. Pregnancy.
- g. Frequent bladder infection in girls.

7.2.4.2 Behavioural Indicators:

- a Unwilling to change for gym or participate in physical education class.
- b Withdrawal, fantasy or infantile behavior.
- c Bizarre, sophisticated, or unusual sexual behavior or knowledge.
- d Poor peer relationships.

- e Delinquent or run-away.
- f Reports sexual assault by caretaker.

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 MoE and schools to decide that child abuse is occurring. It **IS** their responsibility to act on any concerns.

7.3 Appropriate use of child images and personal information

Staff will be aware:

- a. when photographing or filming a child, endeavour to comply with local traditions for reproducing personal images
- b. 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
- c. 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
- d. ensure images are honest representations of the context and the facts
- e. ensure file labels do not reveal identifying information about a child when sending images electronically
- f. 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.....15/11/10

9.0 REVIEW DATE.....15/11/11

10.0 KEY SEARCH WORDS

Abuse, Emotional Abuse, FTRB, Physical Abuse, Loco parentis, Sexual Abuse, Substance Abuse

11.0 APPROVED BY THE MINISTER FOR EDUCATION, NATIONAL HERITAGE, CULTURE & ARTS AND YOUTH & SPORTS, HONOURABLE FILIPE BOLE



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Signature

15/11/10

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Date

Proposed MoE Child Protection Policy *draft* Flow-chart

