



## Historic Sensitive Abuse Claims

The New Zealand Secondary Schools Principal's Association has obtained legal advice for its members on procedures to follow if historic sensitive claims of abuse are made.

'Historic Sensitive claims' are claims made by or on behalf of a former student who believes they were abused (physically, sexually, psychologically), mistreated or neglected at a New Zealand state school, and that this experience has harmed them in some way.

This advice was circulated to New Zealand secondary school principals on 15 April 2021.

The Board has reviewed this procedure and endorsed its use by the school if an historic sensitive claim is raised.

The Board will seek advice immediately on the receipt of any such claim and that advice may recommend a departure from these procedures.

### Historic Sensitive Claims of Abuse in State Schools

'Historic Sensitive claims' are claims made by a person who believes they were abused (physically, sexually, psychologically), mistreated or neglected at a New Zealand state school, and that this experience has harmed them in some way.

The Ministry of Education will only respond to claims about residential special schools and primary schools if the claim relates to events occurring before 1989, and to claims about state schools that have closed.

All other claims need to be responded to by the school's Board.

The Board will use the following outline to guide its process and procedures in responding to a historical sensitive claim:

1. Acknowledge receipt of the claim and outline for the complainant the steps that will be undertaken by the Board in reviewing and responding to their claim ("the Claim") and the likely timeframe.
2. Inform BOT Chair and Seek legal / NZTA advice and support.
3. Request from the complainant any relevant records that they hold in relation to the Claim.
4. Review school records to identify and collate relevant information that relates to the Claim.
5. Contact the Ministry of Education to determine whether they hold any relevant records in relation to the Claim.

6. Create a Board subcommittee to undertake the process of reviewing and responding to the Claim. Unless the Principal is conflicted he should generally be included in the subcommittee.
7. The Board subcommittee will consider whether it needs to refer the complainant to the Police, or whether the Board needs to contact the Police directly, if the Claim is about criminal conduct.
8. The Board subcommittee will consider whether it needs to make a mandatory report to the Teaching Council, if the Claim relates to a registered teacher and the mandatory reporting obligations have been triggered.
9. Compile a list of all of the documents that have been obtained from the complainant, school records, and Ministry of Education (“the Documents”).
10. Provide a copy of the Documents to the complainant (with redactions if necessary), and provide an opportunity for the complainant to submit further relevant information.
11. Board subcommittee to review the Documents and assess the Claim, and determine whether the Claim can be upheld or dismissed based on the information available, or whether further information needs to be obtained and an expert assessor is required.
12. An expert assessor is likely to be required where the Board subcommittee considers that interviewing of the complainant or witnesses is necessary.
13. If the Complaint is upheld, determine whether redress is necessary, such as an apology to the complainant.
14. Advise the complainant of the Board subcommittee decision.

Approved by Board of Trustees: 29 June 2021