

The Role of Schools in Protecting Child Domestic Violence Survivors

A Policy Brief by Women's Aid Organisation (WAO) | November 2019

OVERVIEW

- 1. Teachers and school administrators should be mandated to report DV and child abuse where the child's welfare is deemed to be at risk.**
- 2. A uniform policy around school transfers in domestic violence cases must be created and disseminated.**

INTRODUCTION

Schools play a critical role in the detection of and response to domestic violence (DV) against children. Due to the daily nature of schooling, schools and teachers are in a prime position to identify abuse and report it to the relevant authorities. This is even more the case since teachers who are exposed to their students regularly may be able to detect changes in their behaviour, moods, attendance, and academic performance, which can result as they cope with violence at home. Mandating the reporting and intervention of schools in suspected DV cases can help uphold the child's rights under the UN Convention on the Rights of the Child (CRC), including the child's rights to life, survival, and development.

Recommendation 1: Teachers and school administrators should be mandated to report DV and child abuse where the child's welfare is deemed to be at risk.

1. Teachers do not currently have an obligation under the law to report DV against children except in the case of sexual abuse, for which there is mandated reporting for all individuals under the Sexual Offences Against Children Act (2017). However, given that schools are uniquely positioned to play a vital role in early detection and intervention of child abuse, school administrators and teachers should be mandated to report suspected abuse, and should also be trained to look out for signs of such abuse.
 - 1.1 While it is mandatory for medical practitioners, family members, and paid child care providers to report all cases of suspected child abuse¹ under the Child Act 2001, teachers are not included in this mandatory reporting requirement.

¹ The term 'child abuse and neglect' is often used to refer to domestic violence against children. Domestic violence and child abuse are used interchangeably in this brief.

- 1.2 Owing to the direct contact between a child and his/her teacher, a teacher is well-positioned to notice any changes in the child's behaviour, which is considered the most important identifier of abuse and neglect.² This includes changes in mood, drops in attendance, and decreased academic performance that could be overlooked by other adults in the child's life. However, if teachers are not trained in detecting signs of abuse, or mandated to report it, they may not take action to uphold the best interests of the child.

WAO Case Study – Amelia

Amelia and her three siblings were physically abused by their father, and also witnessed the abuse of their mother, Kate. Amelia, the oldest child, used to excel in school, but at some point her grades started falling rapidly. Amelia's teacher asked her about why her grades were falling, and Amelia explained the situation at home. Amelia's teacher called Amelia's mother and asked her to stop fighting with her husband as 'her daughter's results are dropping.' They made no further inquiries into the situation.

WAO Case Study - Diana

Diana is a 15-year-old student who was abused by her stepfather for six years. Her stepfather was similarly abusive with Diana's mother. The violence started when Diana was nine, after her father passed away and her mother remarried. The physical, psychological, and social abuse would occur a few times a week.

Diana's stepfather would throw objects at Diana or hit her, sometimes with household objects. He would also throw her against the wall, resulting in bruises on her hips, hands and backside. Diana's stepfather was also very controlling and did not allow her to go to school for four months. Despite this, Diana's teachers did not inquire why, and hence did not discover that Diana was being abused.

- 1.3 The Welfare Department (JKM) reported that nearly 14 child abuse cases occur every day, out of which more than half go unreported.³ If teachers were obligated to report suspected child abuse, then there could be many more interventions into cases of DV against children.

WAO Case Study – Jasmine and Laila

Jasmine and Laila are sisters. By the time the girls were aged 16 and 17 years old, their father had sexually abused them both for five years. Eventually, the girls' school teacher found out about their situation and sought assistance from an NGO. Following the referral process, the sexual abuse was revealed. The NGO subsequently contacted a child protection officer who managed to press charges against the girls' father.

² Nikku, Bala Raju., Azman, Azlinda. "Breaking The Cycle Of Child Abuse In Malaysia: Linking Mandatory Reporting, Service Delivery Monitoring And Review Capacity Mechanisms." *The Malaysian Journal of Social Administration*, 10.

³ New Starits Time. "Child abuse: We are not doing enough about it." October 2018. Available at: <https://www.nst.com.my/news/exclusive/2018/10/418676/child-abuse-we-are-not-doing-enough-about-it>

Recommendation 2: A uniform policy around school transfers in DV cases must be created and disseminated

2. In the aftermath of escaping a DV situation, the child-survivor and mother-survivor may face additional difficulties related to the children's education and safety. Currently, there is no uniform policy around the transfer of a child's school in the event of DV. The lack of such a policy to mandate the responsibilities of key stakeholders causes uncertainty, particularly on the part of schools, as to what measures they should take. This has led to individual discretion being applied in DV cases, with the outcomes tending to favour the perpetrator of the abuse and causing harm to survivors of DV, including children.

2.1 Children are placed at risk of harm when forced to continue attending school in the same location where they previously resided with their perpetrator-father. The current ad-hoc approach to school transfers places may result in the mother-survivor having to navigate unclear administrative procedures in order to ensure the safety of her child. If a transfer is rejected, the survivor-mother is forced to choose between two undesirable options: keeping the child in their current school and putting both the child and the survivor-mother's safety at risk; or keeping the child out of school for a prolonged period until the transfer is approved or the start of a new school year, which is disruptive not only to the child's education, but also potentially to their emotional and psychological wellbeing.

2.2 Even after a school transfer has been completed—and particularly where there is an IPO or PO in place—teachers and school administrators must be made aware of the DV situation and have a protocol in place to protect the perpetrator-father from showing up at the child's school and attempting to take them.

WAO Case Study – Rachel, Robert, and Laurel

Case 7 - Rachel, Robert, and Laurel are the three children of Bella. They were physically and emotionally abused by their father and also witnessed their mother being abused. After leaving the abusive home, Bella and the children went to live at Bella's sister's home. As a result, she needed to transfer the children to a new school near her sister's home. When Bella attempted to transfer the children to a school in the area where she and the children were staying with her sister, the school refused to assist with the transfer without Bella's husband's permission or a custody order. However, the school later agreed to complete the transfer when Bella returned with the IPO including the children.

Later, during the period when the IPO had expired and the PO was not yet in effect, the children's father went to the Laurel's kindergarten with her birth certificate, but the kindergarten refused to let him in. He also went to the Rachel's school, but Rachel saw him and immediately informed her teacher, who helped to hide Rachel.

2.3 Gaps in education can be disruptive to a child's development, as well as to the social integration of the child. Moreover, school is a 'constant' in a child's life, and can provide critical stability and normalcy, especially in a time of crisis where a child has endured or witnessed DV and is dealing with the emotional trauma.⁴

⁴ Women's Aid Organisation. "Where's the Child? The Rights of Child Domestic Violence Survivors." 2019. Available at: https://wao.org.my/publications/wheres_the_child/

WAO Case Study - Liza

Liza witnessed the physical, psychological, sexual, and financial abuse of her mother, Christina, by her father. When Christina and Liza finally left the abusive house and came to WAO's shelter, Christina faced difficulties when trying to transfer Liza's school. The school administrators refused to send the school transfer documents to the WAO office, despite knowing that Christina was a survivor of DV and was no longer living in the abusive home. As a result, Christina and her WAO social worker were forced to travel to another state to retrieve the documents from the school. The school administration then requested Christina to return all the textbooks in order to get the school documents, despite Christina informing the school that the textbooks were at the perpetrator's house. Liza was forced to remain out of school during this period.

2.3 Without a uniform policy, an unreasonable burden is placed on school administrators, who may be concerned over legal consequences, resource constraints, and performance indicators. There are several reasons for this, including the reason cited by some schools that they are concerned about the legal repercussions if they were to accept a child without the father's consent. In the event that a school receives conflicting instructions from the mother and father, the lack of a policy leads to uncertainty over whose instructions the school should follow. Some school officials have even shared with WAO clients their understanding that a father's guardianship rights supersede those of the mother, which is contrary to the Guardianship of Infants Act 1961.

WAO Case Study

Hanif is a principal who shared the difficulties his school faces when accepting a child under DV circumstances. In one case, Hanif shared that the father came to the school before the mother could initiate the transfer and told the school not to transfer the children. When the mother subsequently applied for the transfer, Hanif told her that he could not approve it. The mother brought this up to the District Education Officer and they said that the school should proceed with the transfer, but Hanif informed the mother that, at the end of the day, if he approved the transfer, the school was at risk of being sued.

CONCLUSION

Ultimately, teachers and school administrators are well-positioned to detect and report child abuse, and to facilitate the promotion of the child's best interests in the aftermath of domestic violence. A clear mandate by the Ministry of Education would equip schools to identify and report potential abuse, and to assist with school transfers without fear of repercussion.