

The Legal Implications of Child Protection and Safeguarding Policies: A Nigerian Perspective



Brisibe, Beimony Vivien¹, Ayibamientei, TonbieYabefa², Anurume, Peace Nkiruka³

¹LLB (RSU), BL (Abuja), LLM (Aberdeen), PhD (Leeds), Law Lecturer, Niger Delta University, Bayelsa State, Nigeria.

²LLB, (IU) BL(Abuja), AICMC, Researcher, Stanley Damabide & Partners

³LLB (BIU), BL (Abuja)

ABSTRACT: Children have the right to life, survival and development but also a right to be protected from any form of abuse, particularly in schools. Therefore, the standards for child protection in schools should be guided by the principles that prioritize the safety, well-being and rights of children. These principles form the basis of child protection safeguarding policies in schools and are paramount in ensuring a safe and secure learning environment for children. Yet the spate of child protection issues in Nigeria raises questions regarding the existence, implementation and enforcement of the pieces of legislation and policies within schools. This work not only examined the legal framework for child protection in Nigeria but also the legal implications of child safeguarding policies in schools. It argues that in order for schools to create a secure and safe environment for learning, firstly, the establishment of child safeguarding policies and procedure are critical to achieving this. Secondly, schools need to abandon the old concept of punishment-based discipline that relies on fear and embrace a more modern correction-based approach to discipline and establish structures to leverage discipline to achieve a safe and secure environment for all. It concludes that safeguarding policies should be viewed as a school's translation of child protection legislation for action and as such, its implementation manual. In drawing lessons from the UK, the study recommended that government needs to drive child protection issues through the education of stakeholders and the establishment of an enforcement mechanism or regulatory body. This body should coordinate child safeguarding issues by providing a platform for stakeholder collaboration in order to achieve more cohesion within the sector.

KEYWORDS: legal implication, child protection, child safeguarding policies, school discipline, child right act.

I. INTRODUCTION

According to the Child Rights Act (CRA) 2003, a child is a person who has not yet attained the age of eighteen years. Children have the right to be raised in settings that are joyful, safe, healthy, productive, and conducive to their intellectual growth and development. This underscores the need for child protection laws and policies. These instruments are helpful in safeguarding children from harm through the prevention and response to abuse, neglect, exploitation and violence.ⁱ Child protection involves identifying signs of potential harm, and this includes responding to allegation or suspicion of abuse, providing support and services to protect children, and holding those who have harmed them accountable.ⁱⁱ To ameliorate the violence against children, child protection policies were codified in the CRA 2003. This is to adequately equip people, especially the custodians of children, with necessary information on the rights of children. Child protection is simply refers to measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children.

One of the growing social problems today is the spate of child abuse. The incidence of abuse is in the form of violence, rape, neglect, maltreatment, and defilement, among others.ⁱⁱⁱ The World Health Organization (WHO) described child abuse as all forms of physical and/or emotional ill-treatment, sexual abuse, neglect, negligence and other exploitation that results in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship of responsibility, trust or power.^{iv} In 2021, it was reported that 90 percent of children in Nigeria witnessed one form of violence or another from their caregivers.^v In a broader sense, any form of action whether actual or potential harm that is detrimental to a child's health, survival, development, or dignity constitutes child abuse. This include accidents relating to unsafe premises and bullying, which can all be detrimental to a child's overall well being.

In dealing with child protection matters, one of the most important principles of paramount consideration is the best interest of the child.^{vi} This principle was established in the United Nations Convention on the Rights of the child and therein adopted by the

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CRA 2003. Other principles of child protection include: right to safety and well-being,^{vii} right to freedom from discrimination,^{viii} right to dignity of person^{ix} and many others. The policy is important in establishing an environment where children's safety and security are prioritized.

One area that has become the spotlight of child protection issues is the school environment, where violence in form of mistreatment has resulted in real or potential disruption to the development, health, and survival of children.^x Surprisingly, a significant portion of all forms of abuse take place in the name of discipline in schools. The United Nations Children's Fund (UNICEF) has declared the poor treatment, meted on school children, stating that 85 percent of them between the ages of one and fourteen encounter harsh discipline in schools, with nearly one in every three children facing severe physical punishment.^{xi} Schools are charged with the responsibility of ensuring the safety of children, teaching them to respect human rights, and preparing them for life in a society that values mutual understanding, peace, and the peaceful resolution of conflicts through dialogue.^{xii} As a result, the war against different forms of abuse is an ongoing battle globally.^{xiii}

This raises the issue of the need for the establishment and/or implementation of child protection and safeguarding policies in schools and the enforcement of child protection laws. Safeguarding policies are legal instruments crafted to mitigate risks and protect individuals from harm, ensuring compliance with regulatory standards and fostering a culture of accountability within institutions.^{xiv} They constitute the systematic approach taken by the educational institutions to create a protective environment for students.^{xv} Thus these policies encompass measures related to child welfare, risk assessment, and the establishment of a supportive community that prioritizes the safety and well-being of all individuals within the school setting.^{xvi} They involve a set of rules and practices designed to keep students safe, foster a positive learning environment, and prevent harm. These policies cover aspects like child protection, anti-bullying strategies, and safety measures to ensure the well-being of everyone in the school community.^{xvii}

This study seeks to explore the legal implications of child protection and safeguarding policies in schools in Nigeria. It would identify the legal framework on child protection in Nigeria, the child protection policies that have been prescribed to safeguard children in schools and legal consequences for non-compliance or breach. Furthermore, it would highlight the challenges to the implementation of child protection policy and enumerate the role of stakeholders in child protection whilst drawing lessons from the United Kingdom (UK).

II. CONCEPTUAL FRAMEWORK

Under this subheading, the key terms relevant for a comprehensive understanding of this study would be discussed. These terms are: negligence, duty of care, fiduciary relationship and discipline.

A. *Negligence*

Neglect is defined as the failure of a parent or a caretaker to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child's health, safety, and well-being are threatened with harm.^{xviii} Bovarnick considers child neglect to be a form of abuse, an act of caregivers that results in depriving a child of their basic needs such as the failure to provide adequate supervision, health care, clothing, or housing, as well as other physical, emotional, social, educational and safety needs.^{xix} On the other hand, negligence is viewed as neglect of some care that we are bound by law to exercise towards someone else.^{xx} Negligence as the most important area in the law of tort protects various interests in personal injury including physical and psychiatric, property and economic interests, and covers a wide range of activities. As a legal principle, it can function as an incentive to maintain high standards of care. According to Winfield^{xxi}, it can be defined as 'the breach of a legal duty to take care by an inadvertent act or omission that injures another'. It connotes the complex concept of duty, breach and damage suffered by the person to whom the duty was owing.^{xxii}

However, there are principal elements that must be established in order for liability to ensue in negligence. This includes: the existence of the duty of care to exercise care in the conduct in question, there must be a breach of duty or failure to conform to the expected standard of care, and causation or consequential damage has been suffered as a result of the conduct in question or the breach of duty.^{xxiii} Thus actionable negligence entails a duty to act with reasonable care towards the plaintiff to avoid foreseeable loss. Where a person or an institution who has a duty of care fails to exercise that duty of care, they may be liable for negligence.

1) *Duty of Care and fiduciary relationship:*

Duty of care is a legal principle that imposes an obligation on individuals to exercise reasonable care in their actions or omissions, with the aim of preventing foreseeable harm to others.^{xxiv} It is a legal obligation requiring an individual or entity to act in a manner that avoids causing harm or foreseeable risks of harm to others.^{xxv} This means that duty of care establishes a responsibility to take reasonable measures to ensure the well-being and safety of those who may be affected by one's actions or omissions. This can manifest as instances of abuse, manipulation, or unethical practices that compromise the integrity of the learning environment and impede the educational rights and well-being of those involved.^{xxvi} The determination of the existence of duty of care is dependent on the establishment of two essential ingredients - concept of reasonable foreseeability and the concept of proximity.^{xxvii} This concept affords the court the opportunity to limit and control the circumstances in which liability may be imposed for the consequences of negligence.^{xxviii}

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As such, there must be a reasonable foreseeability of damage for the duty of care to be imputed. Given that harm or damage arose as a result of the failure to take reasonable care, so the failure to take care creates a void that can be eliminated by the exercise of reasonable care. In a sense, a person is deemed to be liable for the consequences of the act or omission. In a similar vein, there must also be sufficient proximity between the parties. This principle of proximity has been described as a touchstone and control of the categories of cases in which the court will determine the existence of a duty of care. These involve factors such as physical closeness, circumstantial proximity (in a professional and client relationship) and causal proximity (close connection between the conduct and the loss suffered)^{xxxix}. Thus, the connection between the parties appears to be that there is an expectation that the duty of care will be exercised by one party and there is a reliance on the belief that it would be so exercised.

In this light, schools are responsible for the supervision of learners, provision of safe premises and can be held liable for any injury sustained in appropriate circumstances. In *Lewis v Carmarthenshire County Council*.^{xxx} Here, it was stated that the school authorities not only had a negative duty to avoid injury to the child, but also a positive duty to look after the child with reasonable care. Given that a four-year old is unpredictable, the school authority ought to foresee the contingency of leaving the classroom^{xxxi}. It was also stated that the duty was not absolute so it must be established that the person in charge of the child had failed to take reasonable and practicable precautions for the safety of the child.^{xxxii} In this instance, the school authorities failed to secure the premises with a fence and a gate as was customary in most schools.

In a similar vein, a fiduciary relationship exist between school owners/administrators, teachers/staff, the students and their parents/caregivers. The school and staff are entrusted by the parents/caregivers with the care and well-being of students and are obligated to act in their best interests at all times. In *Cahill v West Ham Corporation*,^{xxxiii} though the master was not found liable for negligence, it was established that the school authorities owe a duty of care to pupils who take part in organized sports. In the same vein, teachers stand *in loco parentis* to students or pupils kept in their care and as such there exists a fiduciary relationship between teachers and their students or learners. Thus, there is clearly a duty of care relationship flowing from the teacher to the learners. As such, the law requires that teachers would take care of pupils like a prudent parent would. However, where a fiduciary fails to meet their legal obligations, it constitutes a breach of fiduciary duty. The liability for breach of fiduciary duty is strict and it does not matter whether or not the fiduciary acted *mala fide* (in bad faith), as long as there was a fiduciary relationship and the fiduciary was in breach of his fiduciary duty.^{xxxiv}

B. Discipline

Discipline in schools is often viewed from the prism of inflicting corporal punishment on learners. As such, there is believed to be an ordinary authority on a head teacher to exercise discipline. This authority extends to a teacher of a class who has the 'ordinary means of preserving discipline and as between the parent of the child and the teacher. In exercising discipline, teachers must be able to satisfy themselves that the punishment administered was moderate, it was not dictated by any bad motive, and it was a normal practice in the school, such that the parent of the child might expect the child to receive it if he did wrong.^{xxxv}

It is on this premise that teachers and schools have the authority to inflict corporal punishment. This is backed by the statutory provisions in section 295 of the criminal code law,^{xxxvi} which states that, 'a blow or other force, not in any case extending to a wound or grievous harm, maybe justified for the purpose of correction' by a father or mother who may correct his child being under sixteen, or by any guardian or any such person who may have been so delegated and entrusted with the governance or custody of a child or ward, including a schoolmaster. However, corporal punishment should not extend to a wound or grievous harm.^{xxxvii} The latter is a codification of the common law position that a school teacher has the authority to inflict corporal punishment so long as the punishment is reasonable and for a just cause.^{xxxviii}

On the contrary, the modern concept of discipline means securing consistent behaviour in accordance with the accepted norms of behaviour.^{xxxix} Discipline is seen as a fundamental aspect of human life that helps individuals to achieve their goals and lead a fulfilling life. It involves the ability to control one's behavior, actions, and emotions in a consistent and intentional manner, even when faced with challenges or obstacles.^{xl} Following this view, discipline is about instilling values, teaching decision-making skills, and helping children understand the consequences of their actions. It is not about control or punishment, but about fostering personal growth and character development.^{xli} Here the misbehaviour is viewed as symptomatic of a broader issue, which should be addressed systematically. Rather than reacting temporarily to misbehaviour in a rash manner, which could lead to the use of corporal punishment to quell the situation and secure obedience. This requires a high level of professionalism, self control and maturity on the part of the adult. Discipline in this sense requires training the child proactively to be able to deal with any situation and act response-ably with a preconditioned and age-appropriate response, depending on the situation.

For discipline to be effective, the five pillars of effective discipline must be established which are: schedules, structures, systems, skills and strategies. Here learners are guided and taught life skills to make informed choices, learn to plan in order to make their work more manageable, develop self control and self reliance, take responsibility for their actions and their studies. They are made to understand the importance of following the rules by setting clear expectations and boundaries in order to guide their behaviour

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and choices. In this system, where children default they may be more willing to take responsibility by making things right, if possible, and/or accept the consequences for wrong conduct. The school has the capability to set up the structures for effective discipline. This can be achieved partly through the child protection and safeguarding policies of school.

III. LEGAL FRAMEWORK ON CHILD PROTECTION AND SAFEGUARDING IN NIGERIA

This would discuss and analyze domestic laws that make provision for child protection and safeguarding in Nigeria involving child safety and well-welfare in schools. These laws include the Constitution of the Federal Republic of Nigeria 1999, Child Rights Act 2003, and Violence against Persons Prohibition Act 2015, National School Health Policy 2006 and National Policy on Safety, Security and Violence-Free Schools 2021.

A. Constitution of the Federal Republic of Nigeria 1999

The Constitution enshrines the basic rights of all citizens in the country in its Chapter 4. Thus, children as citizens of Nigeria are constitutionally protected. A significant right concerning child protection under the Constitution is the right to life.^{xliii} Accordingly, every child is entitled to the right to life, and nobody has the power to violate that right. Furthermore, Chapter 2 which enshrines the fundamental objectives of Nigeria provides that the nation would direct its policy towards ensuring that children, young persons are protected against any exploitation whatsoever, and against moral and material neglect.^{xliiii}

B. Child Rights Act 2003

The CRA 2003, which adopted the rights under the 1989 United Nations Convention on the Rights of the Child, codifies and guarantees the rights of children in Nigeria. It defines a child as a person below the age of 18 years. It mandates that a child must be given protection and care necessary for his or her well-being.^{xliiv} The Act requires that whenever an issue concerns a child, the best interest of the child is to be the paramount consideration.^{xliv} *The Act enumerates the rights, freedoms, and responsibilities of children. These includes: right to survival and development,^{xlvi} right to leisure, recreation and cultural activities;^{xlvii} right to health and health services;^{xlviii} right to parental care, protection and maintenance;^{xlix} right to free, compulsory and universal primary education,^l right to special protection measures.^{li} Other protections include; not being harmed, including from sexual violence, being shielded from exploitative labour, or use of children in criminal activities,^{lii} protection against abduction, removal, and transfer from lawful custody,^{liii} exposure/use of drugs/narcotics.^{liv} Despite the specific provisions of the CRA, only 34 states have domesticated it.^{lv}*

C. Violence against Persons (Prohibition) Act 2015

The Violence against Persons Prohibition (VAPP)^{lvi} Act was enacted as a result of agitations for protection of persons against the different forms of violence at home and the larger society and contains provisions relating to child protection. The main thrust of the law is to eliminate violence in private and public life, prohibit all forms of violence against persons and to provide maximum protection and effective remedies for victims and punishment of offenders.^{lvii}

One of the key provisions relating to child protection of the Act is protection from violence. The Act criminalizes various forms of violence, including physical, sexual, and emotional violence.^{lviii} It also contains provisions related to sexual offenses, including those against children and a violation of this will constitute a breach punishable under the Act.^{lix} Therefore, any sexual abuse or exploitation of a child within a school setting would fall under the purview of this Act. Under the Act, the abuse of minors encompasses any action that may harm a child's physical or mental well-being. Interestingly, the Act further provides that victims of violence are entitled to material, medical, psychological, and legal assistance from the government and non-governmental agencies (NGOs) that provide such services.^{lx} This may be relevant in cases such as bullying or any other form of mistreatment that children might face in schools. Importantly, the Act makes provision for reporting of offenses and also outlines legal procedures for dealing with cases of violence.^{lxi}

D. National School Health Policy (NSHP) 2006

In 2001, the Federal Ministries of Health and Ministry of Education (MOE) in Collaboration with WHO conducted a rapid assessment of school health system in Nigeria to ascertain the status of school health. The assessment noted several health problems among learners, including the lack of health and sanitation facilities in schools and the need for urgent action in school health.^{lxii} The National School Health Policy (NSHP) is directed at meeting the health needs of students and lay a good foundation for their future with the support of the home, community and government.^{lxiii} The goals of the NSHP are to enhance the quality of health in the school community, create an enabling environment for inter-sectoral partnership in the promotion of child friendly school environment, for teaching and learning and health development.

The objectives of the policy are to provide the necessary legal framework for mobilization of support for the implementation of the School Health Programme (SHP), to set up machinery for the co-ordination of community efforts with those of governments and NGOs, toward the promotion of child friendly school environments, to guide the provision of appropriate professional services

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in schools by stakeholders for the implementation of SHP, to promote the teaching of skill-based health education, to facilitate effective monitoring and evaluation of SHP, and to set up modalities for the sustainability of the SHP.^{lxiv}

Importantly, the policy outlines the roles and responsibilities of major stakeholders in the protection and promotion of school health. *The policy included the WHO-criteria for a health-promoting school, which are as follows: active promotion of self-esteem of all pupils by demonstrating that everyone can make a contribution to the life of the school, development of good relations between staff and pupils and among pupils in the daily life of the school, use of every opportunity to improve the physical environment of the school; development of good links between the school, home and community, active promotion of the health and well-being of the school and the staff.*^{lxv}

The NSHP further enumerates the major conditions required for a healthy school environment. Accordingly, the location of the school must be away from potential environmental hazards, the school must be protected from excessive noise, heat, cold, and dampness, the structure of the school building must be adequate and constructed in line with approved standards, with particular emphasis on facilities for physically challenged learners, there must be safe recreational sports facilities, provision of appropriate and adequate furniture for learners and staff and many others.^{lxvi} In line with the policy, schools are required to ensure that the school environment is child-friendly, safe, clean, healthy and secured for school children. It identifies a school nurse as a must have for schools. The significant mandate of the NSHP requires that the skills of learners and staff are built for health promotion.^{lxvii}

E. National Policy on Safety, Security and Violence-Free Schools in Nigeria 2021

The National Policy on Safety, Security and Violence-Free Schools (NPSSVFS) in Nigeria is a product of the merging of two prominent policies, namely the National Policy on Safety and Security in School (NPSS) and the National Policy on Violence-Free Schools (NPVFS). The development and eventual merging of these two policies was possible with the ratification of the global Safe School Declaration (SSD) for mainstreaming in the Nigerian education sector.^{lxviii} This is to ensure the safety and security of schools and to create violence-free environments. According to the Policy, Violence against children in schools are acts of violence inflicted on children below 18 years within the school setting and on their way to and from school.^{lxix}

The NPSSVFS identified significant child protection policy concerns regarding the safety and security of the school environment. As such, access to school premises must be restricted to ensure that no person with the intention to cause harm gets access to the school. Thus, it requires the school to ensure that all persons entering the school premises have necessary clearance or permission to do so. It also mandates that school gates must be locked at all times. Further, that all persons and vehicles entering the school premises are properly documented and searched. It mandates that school security personnel are always on duty.^{lxx} This implies a requirement that schools have competent security personnel to man the gate at all times. Accordingly, the school premises and environment must be free from weapons, drugs and alcohol. It imposes a duty on the head of the school to ensure the regular monitoring of the school environment with a goal to identify weapons or any other harmful instrument or potential danger. Furthermore, it mandates the school head to authorize the regular search of pupils' and students' to make sure that they do not possess drugs or weapons.^{lxxi}

The policy provides guidance on managing students outside the school premises. It requires buses or any other vehicles owned or hired by the school need to be maintained properly so that learners are not at risk of accidents. The drivers must be trained on speed limits, vehicle stoppage and crisis management so that learners remain safe during their travel to and from schools. During excursions, schools are mandated to carefully choose the location of excursion and the itinerary so that exposure to any hazard is minimized.^{lxxii} The school is further required to take extra precautions when the learners are being taken close to water bodies, narrow mountains tracks and so on.

The kidnapping of school children in the Northern part of Nigeria indicates a significant failure in adhering to and implementing this policy. It further highlights the lack of strict access control, inadequate security personnel, and the failure to ensure the safety of school children. For instance, in 2014, over 200 schoolgirls were abducted from their dormitories in a secondary school in Borno.^{lxxiii} This is a bleak incident that revealed the vulnerabilities in school security where armed militants accessed the school premises and kidnapped schoolgirls under the care of the school authority. This calls for strict adherence and implementation of this policy across Nigeria. Importantly, emergency equipment such as fire extinguishers, ropes and first aid kits, need to be procured and maintained regularly by school authorities.^{lxxiv}

F. Case Study of Lagos State Child Protection and Safeguarding Policy 2016.

It has been established that child protection and safeguarding policies in schools are of paramount importance to ensure that the best interest of the child is guaranteed. In response of the growing trends of incidence such as rape, defilement, domestic violence, child abuse, neglect, and maltreatment in the country, the Lagos State Child Protection and Safeguarding Policy (LSCPSP) was established.^{lxxv} It defines child protection as the process of protecting individual children identified as either suffering, or likely to suffer significant harm as a result of abuse or neglect. It involves measures and structures designed to prevent and respond to abuse and neglect.^{lxxvi} This policy is aimed at creating a 'child safe' environment, where children are respected, protected, empowered and

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participate in their own protection, and where all staffs are skilled, confident and competent, and well supported in meeting their protection responsibilities.^{lxxvii}

A significant aspect of the policy is that it mandates schools to carefully investigate and assess their staff thoroughly before employment in order to avoid recruiting teachers/staff that would be a danger to children. It outlined the conditions to satisfy before any staff is employed. The proposed staff is expected to present an affidavit of good behavior. The VAPP Act aids this policy by providing for the maintenance of a register of persons convicted of sexual offence, that is accessible to the public.^{lxxviii} This implies that if schools conduct background checks on prospective employees, it could reveal information relating to child protection issues before the recruitment process is concluded.

Additionally, it mandates the school to have a designated child protection/safeguarding officer whose responsibility is to maintain an overview of safeguarding within the school, raising awareness of policies, disseminate information on issues relating to the welfare of children and communicates with the State child protection unit.^{lxxix} Furthermore, it outlined the procedure for reporting or dealing with an allegation of abuse against a staff. It requires that the accused staff be taken away from the environment for the safety of the child. The reports are to be promptly and thoroughly investigated^{lxxx} and to be made to the designated safeguarding officer of the school.

One of the goals of a child protection policy is that the school environment must be safe and secure for children. The LSCPSP mandates that schools should ensure that its staff and volunteers undergo regular training on child protection to equip them with the skills and knowledge to understand, identify, respond to child protection issues and are competent to carry out their responsibilities for safeguarding and promoting children's welfare. The LSCPSP makes it mandatory for all schools, child-centred institutions such as recreational centres located in the State, both in the public and private sectors, to have a child protection policy in place that would ensure the rights of children are safeguarded.^{lxxxi} Significantly, the policy acknowledges the duty of care of the school to safeguard and promote the welfare of children and reaffirmed the need for schools to ensure that its safeguarding practices reflect its statutory responsibilities, government guidance, and best practices requirements.

Importantly, the general policy statement are mainly four, which are: the welfare of the child is paramount; all children, regardless of age, disability, gender, religious beliefs, ethnicity, disability or socio-economic background have a right to equal protection from all types of abuse; some children are additionally vulnerable because of the impact of previous experiences, dependency, communication needs or other issues, and working partnership with children, young people, their parents, carers, and other relevant agencies is essential in promoting children's welfare. Furthermore, the policy provided a template for a safeguarding and child protection statement for schools and child centred institutions in Lagos State.^{lxxxii}

From the child protection and safeguarding instruments, the main issues can be loosely categorized into two namely: the issues relating to state of the school environment and the state of the children within the school environment. The former can still be broken into two: safety, security and violence of the school environment, and cleanliness and health of the school environment. The latter relates to the welfare and well being of the children within the school environment. The absence of the other categories and sub-categories can threaten the welfare and well-being of children within the school environment. Where the school fails to provide or put the requisite measures within the school environment, it can affect the welfare and well being of the child.

However, children themselves through their conduct can cause harm to other children. Perhaps, it is in this aspect that instilling discipline can be an effective and proactive strategy in the prevention of harm between children. This can be achieved through the education of children in different respects to enable them make informed choices that can prevent harm. In the case of bullying, teaching children to develop self control and to deal with uncomfortable emotions, as well as understanding how one's actions affect other people could help to prevent bullying. Also children can be taught to detect the inappropriate behaviour of adults around them and to know the proper actions to take in such circumstances. This could enable children avoid situations that can lead to sexual abuse. Thus this strategy requires the identification of safeguarding issues, the appropriate safe behaviour, development of a curriculum, and educating children consistently. In teaching children to understand the importance of following the rules by setting clear expectations and boundaries with clear consequences for breach could be useful in maintaining the safety of children in schools. It is believed that these steps would encourage children to make informed choices and to guide their behaviour within the school environment.

On the other hand, schools can establish structures and systems to keep children safe within the school environment. This requires a formal risk assessment or at the minimum thinking through every activity within the school, developing procedures or protocols as well as checklists to ensure that every aspect of safety is considered in the planning of an activity within the school. Thus a careful examination of the various child protection and safeguarding laws and policies, it can be summarized that these policies in relation to schools cut across 11 main areas, namely: code of conduct of staff and volunteer, reporting mechanism, training programs, student education, student's health and security, screening procedure, physical safety measures, anti-bullying policies, online guidelines, collaboration with authorities and child rights issues.

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IV. CHALLENGES TO CHILD PROTECTION AND SAFEGUARDING IN NIGERIA

A. *Inadequate Awareness and understanding of child protection policy Resource Constraints*

One of the predominant challenges to child protection and safeguarding in Nigeria is the inadequate awareness and understanding of child protection policies. Many people do not even know that there are child protection policies for schools. For instance, the CRA 2003 reports revealed that the poor implementation of child rights is as a result of low sensitization.^{lxxxiii} Similarly, an investigation carried out in Lagos State over the increase in school negligence and child abuse cases revealed that there was low level of awareness about the existence of child protection policies for schools.^{lxxxiv} The effect is that the life, health, security and well-being of children are endangered, particularly in rural areas of Nigeria. In some of these schools, children do not have access to good water supply, healthy and conducive environment for learning, adequate facilities, neither are teachers trained on child protection nor screened before employment.

B. *Resource Constraints*

Resource constraint has been identified as a major setback in achieving educational policies in Nigeria, including child protection and safeguarding policies.^{lxxxv} Some schools, especially in rural areas, lack the necessary resources, both financial and human, to effectively implement safeguarding policies. Furthermore, a research carried out on the MOE revealed that the budgetary allocation for education is very poor and falls short of the recommended standard set by UNESCO. As such, it is insufficient to effectively implement the various educational policies in the school system.^{lxxxvi}

C. *Cultural Sensitivity:*

Cultural sensitivity negatively affects child protection and safeguarding in Nigeria. Thus, addressing child protection issues while being culturally sensitive requires a delicate balance. There is some stigma surrounding certain topics such as rape, which tends to prevent open discussions and reporting of such abuse. This makes victims and their families afraid of repercussions and societal reaction to their story. Therefore cultural sensitivity poses a reporting barrier and could account for the failure of some child abuse cases from making it to the limelight thereby aiding the perpetrators.

D. *Insufficient Training for Staff and Students: Institutional Corruption:*

Teachers and school staff in Nigerian schools do not seem to have adequate training on recognizing signs of abuse, reporting procedures, and creating a safe and inclusive learning environment. Also, students are not given adequate training on child safety and protection as demanded by the child protection policies. The cases of child abuse, negligence and bullying in schools is an indication that the training of school staff and students is inadequate.^{lxxxvii}

E. *Institutional Corruption:*

Institutional corruption facing the implementation of educational policies in Nigeria^{lxxxviii} has led to the diversion of funds allocated for the implementation of these policies and programmes by some of the officials of government ministries, agencies and departments. Ogbonnaya contended that some heads of educational institutions receive 10% gratification for the execution of any project in their institution.^{lxxxix} It has also been found that some parents bribe secondary schools principals to have their children admitted in schools. This has led to schools admitting more children than their school capacity and facility can cater for. This may be a strong reason as to how students of questionable character, who pose a threat to other students are admitted and retained in some schools. It has also been argued that some schools give bribes to officials for approval thereby boycotting due process of the law for school approval.^{xc}

V. LEGAL CONSEQUENCES FOR NON-COMPLIANCE

Legal consequences or legal implications only exist where the law has designated an act or omission as an offence and prescribed punishment for such offence as expressly prescribed in a law.^{xc1} A legal consequence would only arise where there is the violation of a right or a duty guaranteed under any law. Thus, general legal consequences that exist for non-compliance with child protection laws include, criminal liability, civil liability, administrative penalties and professional consequences. Importantly, a person may be liable to both a combination of consequences cutting across criminal and civil or other administrative penalties. For example, a sexual offence may lead to criminal liability but also loss of practicing licence or shutting down facility.

A. *Criminal Penalties*

Individuals found guilty of violating child protection regulations, especially in cases involving abuse, exploitation, or endangerment, face criminal charges. This could result in fines, imprisonment, or both, depending on the severity of the offense. For instance, in 2023 a 41-year-old teacher was found guilty for the rape of a 6-year-old pupil on the school premises and sentenced to life imprisonment.^{xcii} Non-compliance may trigger investigations by law enforcement agencies or child protection units. If evidence supports criminal actions, prosecutions may follow, leading to legal consequences for the persons concerned. In Akwa Ibom state, an 11 year old boy was alleged to have been sexually molested by fellow students, the Commissioner for Education was

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directed to investigate the matter and take necessary actions. Also, in the matter of the deceased Whitney Adeniran, the Lagos State Government investigated the matter and upon conclusion filed a case of manslaughter against the School.

B. Civil Liability

Non-compliance may lead to civil lawsuits, where affected parties such as the child or their guardians may seek damages for harm caused. Schools or individuals responsible for the violation may be held financially accountable in court. For instance, the judgment of the Lagos High Court sitting in Ikeja ordered the proprietress of a school to pay the sum of twenty-five million Naira as damages to a 5-year-old pupil of the school, who became blind after he was flogged for not paying school fees.^{xciii}

C. Administrative Penalties

Educational institutions failing to comply with child protection regulations may face administrative consequences, including the fines, revocation of licenses or accreditation, restrictions, or the requirement to implement corrective measures. This can result in the closure or suspension of the institution. In Anambra State, a primary school was shut down when a 2-year-old child sustained serious injuries that the school could not explain. It was decided that the school will remain temporarily closed down, until it reconciles with the parents of the child and offset the medical bills of the injured child.^{xciv} Similarly, a school was closed in Kaduna state and the principal and vice principal were arrested over the death of a student, who was killed during a series of punishments meted out on him for absenteeism by multiple teachers in the school.^{xcv}

D. Professional Consequences

Teachers, administrators, or staff members implicated in child protection violations may face professional consequences, such as suspension, dismissal, or being barred from working in educational settings. For instance, in Rivers State, the Senior Secondary Board suspended the principal of comprehensive secondary school for having canal knowledge of a 17-year-old female student of the school.^{xcvi} Also, in Ekiti State, the State Teaching Service Commission (TESCOM) dismissed an erring teacher for sexual molestation of a female student.^{xcvii}

VI. ROLE OF STAKEHOLDERS IN CHILD PROTECTION AND SAFEGUARDING

Child protection and safeguarding of children is the business and responsibility of everyone. Stakeholders play crucial roles in the effective implementation of child protection measures. The key stakeholders in child protection include the government, school owners and administrators, teachers and staff of schools, parents/caregivers, students, the media, law enforcement agencies and legal professionals, NGOs, and international organizations.

It is the role of the government and regulatory bodies to develop and enforce legislation and policies relating to child protection. School owners and administrators have the responsibility to develop, implement and enforce child protection policies within the school environment. Additionally, they also have the duty to provide training for staff, students and parents, and establish adequate reporting mechanism and respond appropriately to reported cases. Teachers and staff are obligated to be vigilant so as to recognize signs of abuse, provide a safe environment and report concerns promptly to the designated safeguarding officer of the school. Interestingly, parents/caregivers have a responsibility to encourage open communication with their children about experiences in schools. Also, they should conduct due diligence checks on schools and their systems before enrolling their children. Furthermore, students/children have a responsibility to report any form of abuse, bullying and exploitation.

The media has a role to disseminate information about child protection policies, issues and resources. It should contribute to public discourse on the importance of creating a safe environment for children. International organizations should support national and local efforts to implement child protection measures. NGOs are to provide training to support educational institutions and promote accountability among school. They should also advocate for child protection at the policy level and offer assistance to victims and their families. Law enforcement agencies such as the Nigerian police have the role to investigate and handle reported cases of child abuse or exploitation with urgency and diligence.

VII. LESSONS FROM THE UNITED KINGDOM

The United Kingdom has been ranked first among 60 Countries for its response to child sexual abuse and exploitation.^{xcviii} Its child protection system has been described as laudable and successful over the years.^{xcix} In fact, when the UK attempted to reform this child protection system, it was challenged by citizens on the ground that the system was good and had helped child protection flourish in the country, and also being of assistance to nurture multi-professionals and multi-agencies working together to achieve child protection initiatives.^c

The origin of the UK child protection system goes back to the mid-1970s and the response to the inquiry following the death of one Maria Colwell.^{ci} The inquiry identified concerns about how agencies and professionals worked together. In Maria's case, it was about social services, health, school, and education, welfare, housing, police and National society for the prevention of cruelty to children. The inquiry highlighted the complexity of seeking to protect and assist children and families when different agencies each hold partial information, how difficult it is to build a full picture of what is happening, and how assumptions about what other workers and agencies might be doing can leave gaps in responding to concerns. This inquiry gave rise to what ultimately became

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the Local Safeguarding Children Boards (LSCBS). Over the last years, UK has intentionally invested in investigations and inquiries which have led to the extension of statutory guidance and growth of government directives. Consequently, it has led to promotion of good practice across the Country.^{cii}

Overall, the UK has created one of the safest child protection systems in the world, although between 50 and 70 children are known to die in England each year as a consequence of neglect or abuse, this is a lower rate for the children population than anywhere else in the world according to comparative statistics. This has been the story of UK's successful child protection system since the 1980s. It has achieved a successful child protection system in a number of ways. First, UK invests diligently in conducting serious case reviews of child abuse and death to identify lessons and strategies to improve practice and prevent future occurrences as was demonstrated in Maria's case.

Furthermore, the UK is very intentional and consistent in creating awareness of child protection in the country. It does this through awareness campaigns and prevention programs to help educate children, the public and professionals about the importance of child protection and how to respond to concerns. Significantly, it adopted a multi-agency approach involving collaboration between education, healthcare, social services, and law enforcement. This led to the creation of the LSCB in different regions of the country to promote collaboration among agencies at the local level, facilitate information sharing and joint decision making on child protection.

Furthermore, the Office for Standards in Education, Children's Services and Skills (Ofsted) was created and delegated to look carefully at the safeguarding measures in schools and colleges, and assess whether extra support was needed for teaching about sex and relationships in schools.^{ciii} A relationship, sex and health education curriculum was designed to make sure young people learn about respect, consent and privacy. This curriculum starts with relationships and health education for primary aged pupils and includes sex education for secondary aged pupils.^{civ} Furthermore, all schools are mandated through the published statutory guidance, Keeping Children Safe in Education, to ensure that all School staff receive safeguarding and child protection training and this is strictly monitored.^{cv}

From the foregoing, there are key lessons to be drawn from the UK experience which can strengthen child protection management in Nigeria. Some of key aspect that needs to be strengthened is in the area of effective coordination of the multiple agencies and ministries that can have an impact on child protection including the ministries of health and education and law enforcement agencies among others. The role of the Ministry of education is rather broad to focus child protection. As such, a body should be established to specifically facilitate a coordinated approach to child protection and encourage collaboration between schools, law enforcement, social services. It should also be responsible for establishing and implementing proactive measures to strengthen child protection in schools and other child centred institutions. This includes enriching the curriculum content relating to sex education, safety and anti-bullying and education of children, carers, parents, schools as well as other children centred institutions and relevant non-governmental organizations. Most importantly, effective monitoring and supervision of the child protection and safeguarding policies of school would be critical to effective implementation and successful outcomes on child protection in Nigeria.

VIII. CONCLUSIONS

Child protection and safeguarding policies in schools are of paramount importance to ensure that the best interest of the child as articulated in the United Nations Convention on the Rights of the Child and Child's Rights Act 2003 is guaranteed. Child protection and safeguarding policies are founded on the basic principles of a child's human rights, right of child to education, right to protection, survival and development, best interest of the child and other principles.

It was established that schools owe a duty of care to students to create and ensure a safe, clean, healthy and secure environment for them to acquire knowledge. This also implies that schools owe parents and care givers the duty to ensure that their wards are protected and kept safe at all times. Therefore, where the school fails to discharge this duty of care owed, it is could amount to negligence under the law and they could face legal consequences. These consequences include, civil liability, criminal liability, administrative penalties, revocation of license, investigation and prosecution and so on.

Consequently, the work identified the role of stakeholders in ensuring child protection and safeguarding. It further drew lessons from the United Kingdom on Child Protection and Safeguarding as the UK has achieved success in child protection over the years and interestingly, it has been able to minimized the rate of child rights violations in the Country, which is something Nigeria urgently needs to learn.

From the UK child safeguarding experience, two key elements stand out, which are: education and the establishment of a regulatory agency. On the one hand, while children are being educated about various aspects of safety, there is also a regulatory agency to ensure that the standards are maintained in relation to child protection in schools through monitoring and supervision as well as coordinating multiple agencies. In order for the system to be effective, the education of various stakeholders is key as well as training of agency staff among others. Thus, a body that has the capacity to facilitate a coordinated approach to child protection should be established to address child safeguarding issues, particularly in schools.

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