



Child Protection Policy 2021

Enquiries to:	Centre Manager, Chairperson
Applies to:	All children, parents/whānau, guardians, BOT, Kaiako, visitors and relievers.
Date Developed:	May 2021
Review Date:	May 2021
Date Approved:	
Next Review Date:	Feb 2022

Reference: Ministry of Education (ECE) Regulations 2008, Licensing Criteria for ECE Centres, 2008, 8, HS 31-HS33 (Child protection), Working for families, Human Rights Act 1993, NZ Police, Children's Act 2014, (Children's Action Plan), Sexual Abuse Education, Oranga Tamariki – Ministry for Children, responding to a request for information – under section s66C of the Oranga Tamariki Act 1989, Privacy Act 1993, Child Matters. Privacy Act Dec 2020.

Relevant Legislation

• Children's Act 2014 • Oranga Tamariki Act 1989 • Care of Children Act 2004 • Family Violence Act 2018 • Privacy Act 2020 • The United Nations Convention on the Rights of the Child (UNCROC).

Links to other policies; Personnel, Sun protection, sleeping policy, programme Assessment and evaluation, Excursions, Complaints, positive guidance, appraisal, philosophy.

Definition of Abuse

Child Abuse is defined in the Oranga Tamariki Act as "the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person."

Policy Summary

Ensuring the wellbeing and safety of children, including prevention of child abuse or maltreatment, is a paramount goal of this organisation. This policy provides guidance to kaiako on how to identify and respond to concerns about the wellbeing of a child, including possible abuse or neglect.

The interests of the child will be the paramount consideration when any action is taken in response to suspected abuse or neglect. This organisation commits to support the statutory agencies (Oranga Tamariki – Ministry for Children and the New Zealand Police (the Police) to investigate abuse and will report suspected cases and concerns to these agencies as per the process in this policy.

Our Designated Person for Child Protection, Bernie Bardell, will be responsible for the maintenance and annual review of this policy, in addition to carrying out the responsibilities outlined in this policy. Kaiako will not assume responsibility beyond the level of their experience and training. Our organisation commits to ensure kaiako have access to the training they need.

Purpose, scope and principles

Our child protection policy supports our kaiako to respond appropriately to potential child protection concerns, including suspected abuse or neglect. It is our organisation's commitment to protect children from abuse and to recognise the important roles all of our kaiako have in protecting children.

This policy provides a broad framework and expectations to protect children, including (but not limited to) kaiako behaviours in response to actual or suspected child abuse and neglect. It applies to all kaiako, including volunteers and part-time or temporary roles and contractors. It is intended to protect all children that kaiako may encounter, including siblings, the children of adults accessing services and any other children encountered by kaiako as they provide their service.

In addition to guiding kaiako to make referrals of suspected child abuse and neglect to the statutory agencies – i.e., Oranga Tamariki – Ministry for Children and the Police – this policy will also help our kaiako to identify and respond to the needs of the many vulnerable children whose wellbeing is of concern. (Kaiako are competent in identification and management of

actual or potential abuse and/or neglect through the organisation's policy and procedural structures and education programme).

We recognise that in many of these cases, the involvement of statutory agencies would be inappropriate and potentially harmful to families/ whanau. Throughout New Zealand statutory and non-statutory agencies provide a network of mutually supportive services, and it is important for our organisation to work with these to respond to the needs of vulnerable children and families/whanau in a manner proportionate to the level of need and risk.

The rights, welfare and safety of the child/ tamariki, young person/rangatahi are our first and paramount consideration. All kaiako will contribute to the nurturing and protection of children and advocate for them.

Care and protection of children are built on a bicultural partnership in accordance with the Treaty of Waitangi. Māori children/tamariki, young person's/rangatahi are assessed and managed within a culturally safe environment.

All kaiako are to recognise and be sensitive to other cultures.

Definitions

- Child – any child or young person aged under 17 years and who is not married or in a civil union.
- Child protection – activities carried out to ensure that children are safe in cases where there is suspected abuse or neglect or are at risk of abuse or neglect.
- Designated person for child protection – the manager/head teacher or designated person responsible for providing advice and support to kaiako where they have a concern about an individual child or who want advice about child protection policy.
- Disclosure – information given to a kaiako member by a child, parent or caregiver or a third party in relation to abuse or neglect.
- Oranga Tamariki – Ministry for Children – the agency responsible for investigating and responding to suspected abuse and neglect and for providing care and protection to children found to be in need.
- New Zealand Police – the agency responsible for responding to situations where a child is in immediate danger and for working with Child, Youth and Family in child protection work and investigating cases of abuse or neglect where an offence may have occurred.
- Physical abuse – any acts that may result in physical harm of a child or young person. It can be, but is not limited to: bruising, cutting, hitting, beating, biting, burning, and causing abrasions, strangulation, suffocation, and drowning, poisoning and fabricated or induced illness.
- Sexual abuse – any acts that involve forcing or enticing a child to take part in sexual activities, whether or not they are aware of what is happening. Sexual abuse can be, but is not limited to:
 - Contact abuse: touching breasts, genital/anal fondling, masturbation, oral sex, penetrative or non-penetrative contact with the anus or genitals, encouraging the child to perform such acts on the perpetrator or another, involvement of the child in activities for the purposes of pornography or prostitution.
 - Non-contact abuse: exhibitionism, voyeurism, exposure to pornographic or sexual imagery, inappropriate photography or depictions of sexual or suggestive behaviours or comments.
- Emotional abuse – any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development. This can include:
 - Patterns of isolation, degradation, constant criticism or negative comparison to others. Isolating, corrupting, exploiting or terrorising a child can also be emotional abuse.
 - Exposure to family/whānau or intimate partner violence.
- Neglect – neglect is the most common form of abuse and although the effects may not be as obvious as physical abuse, it is just as serious. Neglect can be:
 - Physical (not providing the necessities of life like a warm place, food and clothing).
 - Emotional (not providing comfort, attention and love).
 - Neglectful supervision (leaving children without someone safe looking after them).
 - Medical neglect (not taking care of health needs).
 - Educational neglect (allowing chronic truancy, failure to enrol in education or inattention to education needs).

Training

We are committed to maintaining and increasing kaiako awareness of how to prevent, recognise and respond to abuse through appropriate training. As part of their induction, new kaiako are made aware of the policy on child protection.

Training, resources and/or advice will be available to ensure that all kaiako can carry out their roles in terms of this policy, particularly:

- Understanding child abuse and indicators of child abuse.
- How to reduce the risk of child abuse.
- Understanding and complying with legal obligations in regard to child abuse.
- Working with outside agencies on child abuse issues.
- Planning of environment and supervision to minimise risk.
- Dealing with child/parents/family/whānau.
- Kaiako are advised not babysit privately for centre clients.

Identifying child abuse and neglect

Our approach to identifying abuse or neglect is guided by the following principles:

- We understand that every situation is different and it is important to consider all available information about the child and their environment before reaching conclusions. For example, behavioural concerns may be the result of life events, such as divorce, accidental injury, the arrival of a new sibling etc.
- We understand when we are concerned a child is showing signs of potential abuse or neglect we should talk to someone, either a colleague, manager/head teacher or the Designated Person for Child Protection – we shouldn't act alone.
- While there are different definitions of abuse, the important thing is for us to consider overall wellbeing and the risk of harm to the child. It is not so important to be able to categorise the type of abuse or neglect.
- It is normal for us to feel uncertain, however, the important thing is that we should be able to recognise when something is wrong, especially if we notice a pattern forming or several signs that make us concerned.
- Exposure to intimate partner violence (IPV) is a form of child abuse. There is a high rate of co-occurrence between IPV and the physical abuse of children.

We recognise the signs of potential abuse:

- *Physical signs* (e.g., unexplained injuries, burns, fractures, unusual or excessive itching, genital injuries, sexually transmitted diseases).
- *Developmental delays* (e.g., small for their age, cognitive delays, falling behind in school, poor speech and social skills).
- *Emotional abuse/neglect* (e.g., sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm).
- *Behavioural concerns* (e.g., age inappropriate sexual interest or play, fear of a certain person or place, eating disorders/substance abuse, disengagement/neediness, aggression).
- The child talking about things that indicate abuse (sometimes called an allegation or disclosure).

We are aware of the signs of potential neglect:

- *Physical signs* (e.g., looking rough and uncared for, dirty, without appropriate clothing, underweight).
- *Developmental delays* (e.g., small for their age, cognitive delays, falling behind in school, poor speech and social skills).
- *Emotional abuse/neglect* (e.g., sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm).
- *Behavioural concerns* (e.g., disengagement/neediness, eating disorders/substance abuse, aggression).
- *Neglectful supervision* (e.g., out and about unsupervised, left alone, no safe home to return to).
- *Medical neglect* (e.g., persistent nappy rash or skin disorders or other untreated medical issues).

Every situation is different and kaiako will consider all available information about the child and their environment before reaching conclusions. For example, behavioural concerns may be the result of life events, such as divorce, accidental injury, the arrival of a new sibling etc.

This organisation will always act on the recommendations of statutory agencies, including Oranga Tamariki and the Police. We will only inform families/whānau about suspected or actual abuse after we have discussed this with these agencies.

When we respond to suspected child abuse or any concerning behaviour we write down our observations, impressions and communications in a confidential register. This is kept separate from our other records and access will be strictly controlled.

Kaiako involved in cases of suspected child abuse are entitled to have support. We will maintain knowledge of such individuals, agencies and organisations in the community that provide support.

Confidentiality and information sharing

We will seek advice from Oranga Tamariki – Ministry for Children and/or the Police before identifying information about an allegation is shared with anyone, other than the centre manager or designated person. Kaiako should be aware that:

- Under sections 15 and 16 of the Oranga Tamariki Act 1989 any person who believes that a child has been or is likely to be, harmed physically, emotionally or sexually or ill-treated, abused, neglected or deprived may report the matter to

Oranga Tamariki – Ministry for Children or the Police and provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.

Any Notifications made will also be made to The Ministry of Education.

- When collecting personal information about individuals, it is important to be aware of the requirements of the privacy principles – i.e., the need to collect the information directly from the individual concerned and when doing so to be transparent about: the purposes for collecting the information and how it will be used; who can see the information; where it is held; what is compulsory/voluntary information; and that people have a right to request access to and correction of their information.

- Kaiako may, however, disclose information under the Privacy Act/Health Information Privacy Code where there is good reason to do so – such as where there is a serious risk to individual health and safety (see privacy principle 11/Code rule 11). Disclosure about ill-treatment or neglect of a child/young person may also be made to the Police or Oranga Tamariki – (refer to “responding to a request for information – under section s66C of the Oranga Tamariki Act 1989”) and Oranga Tamariki – Ministry for Children under sections 15 of the Oranga Tamariki Act 1989.

Child safe practice guidelines

To avoid situations where kaiako may be alone with children, all kaiako should examine the opportunities or possible situations where kaiako may be alone with children. Wherever possible an open door policy for all spaces should be used (excludes toilets). Kaiako should be aware of where all children are at all times.

Visitors should be monitored at all times by kaiako and volunteers and outside instructors should be monitored by kaiako. If activities require one to one physical contact (i.e. gymnastics etc.) parents and caregivers should be advised.

Where a child or young person requires assistance, e.g., if they are intellectually or physically disabled, if possible involve the parents/caregivers and outside agencies (in education such as the Ministry of Education’s Special Education group) to assist. If this assistance is not available, ensure that the kaiako members are aware of the appropriate procedures when giving assistance. All kaiako are expected to behave in a manner consistent with the Code of Ethics as outlined by the Teaching Council. A relationship between an adult and a child or young person cannot be a relationship between equals. There is a potential for exploitation and harm of vulnerable young people. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification. All kaiako are expected to behave in a manner that maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others.

Kaiako should avoid being alone when transporting a child or young person, unless an emergency requires it. Except in an emergency, children and young people are not to be taken from our organisation’s premises, or from the programme we provide, without written parental consent.

Responding to a child when the child discloses abuse

Listen to the child disclosures by children are often subtle and need to be handled with particular care, including an awareness of the child’s cultural identity and how that affects interpretation of their behaviour and language.

- Listen to the child. (Stay calm and keep voice calm and gentle).
- Reassure the child.
- Ask open-ended prompts – e.g., “What happened next, How come, Tell me what happened, Can you describe that to me? (Don’t be too quick to fill silences)
- Thank the child for telling you
- Do Not Panic

Let the child know that they:

- Are not in trouble.
- Have done the right thing.
- Follow the policy

If the child is visibly distressed

Provide appropriate reassurance and re-engage in appropriate activities under supervision until they are able to participate in ordinary activities.

Do not interview the child (in other words, do not ask questions beyond open prompts).

Do not make promises that can’t be kept, e.g., “I will keep you safe now”.

If the child is not in immediate danger

Re-involve the child in ordinary activities and explain what you are going to do next.

If the child is in immediate danger

Contact the Police immediately

As soon as possible formally record the disclosure.

Record:

- Word for word, what the child said.
- The date, time, location and the names of any kaiako that may be relevant.
- The factual concerns or observations that have led to the suspicion of abuse or neglect (e.g., any physical, behavioural or developmental concerns).
- The action taken by your organisation.
- Any other information that may be relevant.

Decision-making

Discuss any concern with the manager or the designated person for child protection

Notifying authorities

Notify The Ministry of Education and Oranga Tamariki – Ministry for Children promptly if there is a belief that a child has been, or is likely to be abused,

Phone: 0508 Family (0508 326 459)
email: contact@mvcot.govt.nz

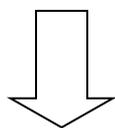
Chart to follow for guidance!

Abuse suspected or disclosed

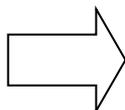
Is an immediate response required to ensure the child’s safety?
(If unsure, consult immediately)

NO

Consult designated Person for Child Protection (Centre Manager)

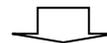


Decision whether to notify Oranga Tamariki

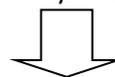


YES

Ensure the immediate safety of the child and contact Police 111 or Oranga Tamariki immediately on Phone: 0508 326 459

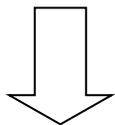


Inform the Designated Person for Child Protection
Inform Ministry of Education 463 8699

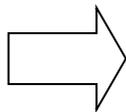


Record Actions Taken

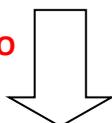
YES



Report of Concern made to Oranga Tamariki
Inform Ministry of Education 463 8699.



NO



Record actions taken

Record actions taken **(This includes - Full information about the child, all concerns, discussions, professional involved, actions taken)** Record word for word,

- *What the child said;
- * The date, time, location and the names of any kaiako that may be relevant;
- *The factual concerns or observations that have led to the suspicion of abuse or neglect (e.g. any physical, behavioural or developmental concerns ;)
- *The action taken by Lower Hutt City Education and Childcare Centre
- * Any other information that may be relevant.

Disclosure/allegation of child abuse by a kaiako member and or Manager

This section outlines the procedures to follow should an allegation of inappropriate behaviour towards a child be made against a member of kaiako. It is important to recognise that all disclosures of abuse of a child must be taken seriously, reported and investigated appropriately, with the safety of child being of the highest concern.

Allegations, suspicions or complaints of abuse against kaiako, volunteers or representatives of other agencies must be taken seriously and reported to the Manager who will deal with them immediately, sensitively and expediently within the procedures outlined in this policy.

It is **NOT** the responsibility of kaiako to investigate allegations of child abuse.

If the Police decide to undertake a criminal investigation then the member of kaiako may be suspended, without prejudice, as a precautionary measure. It is important that no internal investigation is undertaken, and no evidence gathered that might prejudice the criminal investigation.

Procedure to follow (Reference: Child matters)

- Two people should be designated to deal with the allegation – one responds to employment aspects and another to the child protection concern. (Designated person, centre manager, and or Chairperson).
- The Manager is to ensure the Board of Trustees is to be notified. (Follow EduCANZ requirements).
- Record all comments and allegations.

Management to consult with Oranga Tamariki – Ministry for Children or the Police.

It is advisable at this time to notify the Ministry of Education

- Safety of child must be assured even if it means the temporary removal of kaiako member.
- Although there should be a fair investigation, no attempt should be made to collude with the member of kaiako.
- Management to refer to the relevant employment contract.

Oranga Tamariki – Ministry for Children or management to advise employee and seek a response (depending on outcomes of discussions with statutory agencies.)

- Employee will be advised of their right to seek support/advice from union or other appropriate representatives.
- Management to contemplate removal of employee from the programme environment, subject to the employment contract.
- Management to maintain close liaison with Oranga Tamariki – Ministry for Children or the Police.

If an allegation is made against the manager – the same process is to be followed; however the Chairperson becomes the designated contact person.

To ensure the child is kept safe, management may take steps to remove the kaiako member against whom an allegation has been made from the environment, subject to the requirements of the applicable individual or collective employment agreement and relevant employment law, including the Human Resources disciplinary procedures.

Management will consult with Oranga Tamariki – Ministry for Children and/or the Police before taking any further action. At this point update the Ministry of Education

We commit not to use ‘settlement agreements’, where these are contrary to a culture of child protection. Some settlement agreements allow a member of kaiako to agree to resign provided that no disciplinary action is taken, and a future reference is agreed. Where the conduct at issue concerned the safety or wellbeing of a child, use of such agreements is contrary to a culture of child protection.

Teaching Council (Reference: Child matters)

A complaint or allegation against a member of kaiako may require a report to Teaching Council of Aotearoa New Zealand. (EduCANZ). Physical, sexual, or psychological abuse is reportable whether it occurs as

- A single act; or
- A number of acts forming part of a pattern of behaviour, even if some or all of those acts, viewed in isolation, would be minor or trivial.

Designated Person for Child Protection – (Roles and responsibilities)

- Usually the Centre Manager
- Has a deeper level of training, and understanding of child abuse
- Source of support, advice and expertise within the organisation when deciding what action to take
- Keeps appropriate records of concerns
- Refers to the relevant investigating agencies
- Regularly reviews and updates the child protection policy

Recruitment and employment (safety checking)

Our recruitment policy reflects a commitment to child protection by including comprehensive screening procedures. Safety checks will be carried out, as required by the Vulnerable Children Act 2014.

Recording and notifying Oranga Tamariki – Ministry for Children of suspected child abuse or neglect and the process to follow.

Record of in Incident or Allegation form located in policy folder.

Board of Trustees consulted	Yes/No	Kaiako consulted	Yes/No
Parents consulted	Yes/No		
Approved by _____	Designation _____	Date	

Signs of abuse and neglect

The physical and behavioural signs, symptoms and history listed below, may indicate abuse or neglect. However they are not specific to abuse or neglect. In certain situations, contexts and combinations they may indicate other conditions. All signs must be examined in the total context of the child or young person's situation.

