



Child Protection Policy

Rationale

All children have the right to physical, mental and social well-being, and it is our responsibility to report any concerns of abuse of a child, and provide a safe environment for children.

Teachers/educators at Harakeke are made aware of this policy and the issues of emotional, physical and sexual abuse at the time of their induction. Teachers/educators operate within the national Code of Ethics which sets a high standard for professionals within the sector. Under section 6 of the Children, Young Persons and their Families Act (1989) "The interest, safety and well-being of children is paramount."

Teachers/educators at Harakeke are committed to the prevention of abuse and to acting at all times in the best interest of the well-being of children.

The safety of the child is our prime consideration at all times.

References:

Te Whāriki, Well-being - goal 3. Children experience an environment where they are kept safe from harm.

Education (Early Childhood Services) Regulations 2008 - Regulation 46 Health and safety practices standard: general - referring to Licencing Criteria for Early Childhood Education and Care Centres 2008: HS 31, HS32, HS33

Regulation 56

Regulation 57.

Human Resource Management policy

Smoke-free, alcohol and mind-altering substance policy

The child protection policy adheres to the following Acts:

- Vulnerable Children Act 2014
- Children Young Persons and Their families Act 1989
- Privacy Act 1993
- Human Rights Act 1993
- Education Act 1989/1998
- Domestic Violence Act 1995
- Care of Children Act 2004
- Employment Relations Act 2000
- Treaty of Waitangi

Definitions:

"Children" for the purposes of this policy is defined as someone under the age of 18

"Staff" is defined as anyone working for this organisation, whether paid, voluntary, contracted or on placement.

"DPCP" refers to the Designated Person for Child Protection;

Review

This policy will be reviewed annually and updated regularly in light of experience and in line with any changes in legislation

Roles and Responsibilities:

The Designated Person for Child Protection at Harakeke is Gundula Montag-Ruebsam(0221634224)

It is her responsibility to

- ensure that the policy is read and signed off by all staff members annually, and comprises part of the induction of all new employees and is included in the induction folder
- ensure staff are kept up to date with any changes to legislation in relation to Child Protection
- be available to staff and others, ie parents/guardians to discuss concerns about a child
- maintain updated phone numbers for Oranga Tamariki, Ministry for Children, Police and other community agencies that may assist children and families
- build relationships with community agencies who assist children and families.
- together with the relevant staff member, record concerns on a Report of Concern form and ensure a review of these concerns occurs on a weekly basis at the weekly staff meeting
- together with the relevant staff member, make referrals to Oranga Tamariki and/ or police if necessary and in accordance to the child protection procedures in this policy
- follow up any reports of concern made to Oranga Tamariki within 3 days of the referral date if no response has been received from them
- advocate to senior levels of Oranga Tamariki if Reports of Concern have been made and they have not been managed satisfactorily
- maintain a confidential file in which to record all concerns regarding safety of children. This information will be kept for seven (7) years following the end of the child's enrolment.

Definition of Child Abuse

The Children, Young Persons and their Families Amendment Act, 1994, section 2, defines child abuse as;

"...the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person".

Below are some indicators of abuse, these are should not be seen as an exhaustive list or as a check list.

Emotional Abuse

Emotional abuse is the persistent emotional ill-treatment of a child such as to cause severe and persistent adverse effect on the child's emotional development. This can include a pattern of rejecting, degrading, ignoring, isolating, corrupting, exploiting or terrorizing a child. It may also include age or developmentally inappropriate expectations being imposed on children. It also includes the seeing or hearing the ill-treatment of others.

Physical Abuse

Physical abuse is a non-accidental act on a child that results in physical harm. This includes but is not limited to, beating, hitting, shaking, burning, drowning, suffocating, biting, poisoning or otherwise causing physical harm to a child. Physical abuse also involves the fabrication or inducing of illness.

Sexual Abuse

Sexual Abuse involves forcing or enticing a child or young person to take part in sexual activities (penetrative and non-penetrative, for example , rape, kissing, touching, masturbation) as well as non-contact acts such as involving children in the looking at or production of sexual images, sexual activities and sexual behaviours.

Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, causing long term serious harm to the child's health or development. It may also include neglect of a child's basic or emotional needs. Neglect is a lack: to action, emotion or basic needs.

Intimate Partner Violence

A child may be vulnerable to abuse through being a witness of "Intimate partner violence"; this refers to any behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship. Such behaviour includes:

- Acts of physical aggression - such as slapping, hitting, kicking and beating.
- Psychological abuse - such as intimidation, constant belittling and humiliating.
- Forced intercourse and other forms of sexual coercion.
- Various controlling behaviours - such as isolating a person from their family and friends, monitoring their movements, and restricting their access to information or assistance.

Cumulative harm

Cumulative harm refers to the effects of patterns of circumstances and events in a child or young person's life which diminishes their sense of safety, stability and wellbeing.

Cumulative harm is compounded experiences of multiple episodes of abuse or layers of neglect.

Constant daily impact on the child or young person can be profound and exponential, covering multiple dimensions of their life.

For further information about identifying child abuse and neglect can be found in the reference guide published by Child Matters, *How Can I Tell? CYF Working Together Handbook* and *Indicators of Abuse*. All of which are kept as references in the office.

Procedures for the prevention of child abuse

- Parents will be informed of our Centre's Child Protection Policy via the information pack; it is published on the website and is part of the Operations Manual in the adult library
- All staff undergo safety checking as per Vulnerable Children's Act 2014 and subsequent regulations
- Harakeke will maintain high teacher (educator)/child ratios
- The Harakeke team will have ongoing child protection training, preferably annually
- Parents/caregivers are welcome and encouraged to visit at any time during the day. Parents/caregivers settling children into Harakeke are welcome and encouraged to witness and take part in the centre programme until such time as they feel secure enough to leave
- Visitors spending time at Harakeke are carefully monitored and staff supervise any adults interacting with children
- Only adults named on the enrolment form are able to collect children from the centre. Special, one off pick-up arrangements need to be communicated in writing by the parent/caregiver or informed staff in the diary
- Management and teachers/educators will ensure that no person under the influence of alcohol or any other mind-altering substance is at Harakeke while children are attending or is collecting a child. The following measures will be taken if necessary:
 1. depending on the circumstance ask the person to leave the centre immediately and/or arrange for someone else to collect the child (in case of another employee inform management immediately and appropriate action, including possible suspension will be taken)

2. if person does not leave call the Police and explain the situation (inform the person of what you are doing if safe to do so)
 3. if parent/caregiver still takes the child advise that Child, Youth and Family will be informed
 4. reassure the child/children
 5. inform management as early as possible
 6. document incident on Register of Concern form
- Written permission from parents/caregivers is required for their child(ren) to participate in excursions/outings
 - All practicable steps are taken to protect children from exposure to inappropriate material
 1. visual material donated to Harakeke (i.e. magazines) will be screened for child suitability
 2. children will only have access to the Internet under strict teacher/educator supervision (for research purposes only)
 - A complaints procedure ensures issues of concern are dealt with appropriately. Parents/caregivers are encouraged to express their feelings and concerns in order that the operation of Harakeke can be constantly improved
 - The owner/manager will exclude any employee or person otherwise engaged in the centre from coming into contact with children if there is any reason to believe that the person
 1. has physically ill-treated or abused a child or committed a crime against a child
 2. has subjected a child to solitary confinement, immobilisation or deprivation of food, drink, warmth, shelter and protection
 3. is in a state of physical or mental health that presents any risk of danger to the children
 - Visiting students are not allowed to change or toilet any child unsupervised and are not to be left alone with any child or group of children
 - Parents will be notified of the presence of a visiting student via the notice board

Child protection procedures where there is concern for a child or a child discloses abuse or neglect

- All allegations will be taken seriously
- Staff will not work alone in situations where there is concern for a child
- If there is concern for a child/a child discloses, staff must act to ensure the child's safety
- If the child is in immediate danger call the police on 111
- If a child discloses abuse it is important that staff listen and reassure the child. Do not question excessively or promise confidentiality
- Record immediately the concern or disclosure in the child's own words, using facts and observations, not opinions
- Consult immediately with the DPCP; if the DPCP is not available consult a colleague
- Concerns or disclosures of child abuse and neglect must be recorded in the Record of Concerns form(appendix 1)
- The DPCP and the reporting staff member will contact Oranga Tamariki, Ministry for Children for advice, if required, on EDU-Assist 0508332774 or the main call centre 0508 326 459. Their advice will be followed and all actions recorded on the Record of Concerns
- If a Report of Concern to Oranga Tamariki is required, the DPCP and the relevant staff member will complete the referral together and email it to cyfcallcentre@cyf.govt.nz or fax to 09 9141211; all paperwork, advice and actions will be recorded on the Record of Concern, including a copy of the Report of Concern

- If the matter does not require a referral to Oranga Tamariki the Record of Concern will be followed up by the DPCP on a weekly basis and the outcomes of the reviews recorded and kept with the register.
- If appropriate, referrals to community agencies will be completed with the DPCP and the relevant staff member
- Unless it poses a risk to the child, parents/caregivers will be informed of all decisions and concerns
- Any staff member can make a Report of Concern to Oranga Tamariki at any time if they have concerns about a child that they feel are not adequately managed under this policy

Managing allegations against a staff member

These recommended procedures should be followed in the event of suspicion or disclosure of abuse against an employee. The child must be protected from harm.

The procedures are to ensure and/or provide:

- The **safety of the child is the first consideration**
- That all complaints are taken seriously and dealt with effectively
- That in the case of a complaint against an employee, action is guided by the applicable employment contract.
- Clear guidance for management and employees in respect of any allegations received concerning children within the Centre environment.

Please note there are two procedures to be followed here:

1. For the child - Reporting and Responding to Child Abuse
2. For the staff member - Responding to an Allegation against Employee.

In all cases it is suggested that no one person should have responsibility for dealing with both the child and employee issues. If the allegation is against the centre owner/manager and/or the Designated Person for Child Protection the local office of the Ministry of Education should be contacted immediately (03 546 3479)

Responding to an allegation against a staff member

- The centre owner(s)/manager will respond to suspicions and allegations of child abuse by a member of staff in a manner which best ensures children's immediate and long-term safety and will treat suspicions or allegations against a staff member with the same seriousness as suspicions or allegations made against any other person.
- The centre owner(s)/manager will not act alone, and will refer all suspected situations of child abuse to Police or Oranga Tamariki. The safety of the child will be the primary consideration, and no person in this organization will collude to protect an adult or organization.
- Allegations will be treated in such a way that the rights of adults and the stress upon the staff member are also taken into consideration;
- When abuse is suspected or an allegation made against a staff member, the first consideration will be to ensure the safety of the child.
- The centre owner(s)/manager must ensure that the suspected individual is immediately suspended without prejudice, as a precautionary measure.
- When abuse is suspected, staff will follow the process for Responding to suspected child abuse included in this policy.

- When there are suspicions of abuse by a staff member, both staff and children's rights are to be attended to. This means the safety of the child is of first concern, and that the staff member must have access to legal and professional advice.
- The person managing the child abuse issue will not be the same person as that managing the employment issue.
- The centre owner(s)/manager will adhere to the principles of the Employment Contract's Act and give the staff member all information regarding their rights.
- The centre owner(s)/manager recognize the added stress to fellow staff in such a situation, and will ensure support is available.
- The centre owner(s)/manager should liaise with Oranga Tamariki and the Police regarding the process and progress of the investigation.
- If the centre owner(s)/manager are aware that a member of staff it has placed on precautionary suspension also works with children for another organization, either as an employee or a volunteer, it should ensure that the other organization is informed of the suspension and the subsequent outcome. Consultation with the Ministry of Children or the Police will determine how this information is conveyed.
- If there is insufficient evidence to pursue a criminal prosecution, then a disciplinary investigation may still be undertaken if there is "reasonable cause to suspect" that abuse may have occurred. The allegation may represent inappropriate behaviour or poor practice by the member of staff, which needs to be considered under internal disciplinary procedures.
- Records will be kept of any comments, complaints or allegations by the complainant and any follow-up action taken.
- The centre owner/manager should consult with the policy regarding reporting.
- The centre owner/manager is advised to ensure records are kept of any comments by the child complaints and /or allegations, and follow-up action.
- The decision to follow up on an allegation of suspected abuse against an employee of the Centre should be made in consultation with the following:
 - Child Youth & Family
 - New Zealand Police
 - Ministry of Education Local Office
- The centre owner(s)/manager will have a dual responsibility in respect of both the child and the employee. As mentioned above it is strongly recommended that an immediate consultation is sought with the agencies involved. The purpose of this consultation is to enable the manager to discuss the concern or allegation and to:
 - Determine the extent of the assistance they can give to the investigation
 - Consider the timeframe to be followed with regard to the possible conflict between what steps the Manager may take as an employee and possible police intervention
 - Consider the employer role in conjunction with any procedures outlined in relevant employee contracts.
- When it has been determined the centre owner(s)/manager should pursue the matter as an employer, they should advise the person accused of the allegation and seek a response. It is vital that the employer should refer to the relevant employee contract and it is advisable to seek legal support in every case when proceeding with disciplinary action. The accused

employee/volunteer is to be immediately suspended to protect all children at the service and the employee concerned.

- We commit not to use 'settlement agreements', where these are contrary to a culture of child protection. Some settlement agreements allow a member of staff 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.
- The manager should take care to ensure actions taken by the Centre do not undermine or frustrate any investigations being conducted by any external agency. It is strongly recommended that the manager maintain a close liaison with CYF and the police to achieve this.