




***Te Puawaitanga
ki Ōtautahi Trust***

***TIAKI MOKOPUNA
Child Protection Policy***

Tiaki Mokopuna - the care of mokopuna is of paramount importance

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1. POLICY SUMMARY

Purpose

To protect the safety and to promote the wellbeing of tamariki and rangatahi aged 0 to 18 years, who are receiving services from any staff member, or who are associated with adults who are receiving services from any staff members from Te Puawaitanga ki Ōtautahi Trust.

This policy recognises the important role and responsibility of all kaimahi in the protection of tamariki and rangatahi, by identifying and responding appropriately to suspected child abuse and neglect, including concerns about the wellbeing of tamariki and rangatahi.

Scope

This policy applies to all kaimahi, which includes part-time or temporary kaimahi, contractors and volunteers working for the organisation and should be used wherever abuse or neglect is suspected or identified.

Principles

- The rights, wellbeing, and safety of tamariki and rangatahi are of paramount importance.
- Our services contribute to the nurturing and protection of tamariki and rangatahi and advocate for them.
- Recognising the rights of tamariki and rangatahi to participate, in age-appropriate ways, in decision-making about themselves.
- Kaimahi can identify signs and symptoms of potential abuse and neglect and are able to take appropriate action.
- An organisation commitment to the principle of working together regarding tamariki safety issues.
- Kaimahi promote early intervention and the principle of applying the appropriate intervention that is necessary to protect vulnerable tamariki and rangatahi.
- An organisational commitment to further develop and maintain links with other cultural and community groups and to ensure that important cultural concepts are integrated as appropriate into practice.
- An organisational commitment to maintaining a professional and timely working relationship with child protection agencies – including Oranga Tamariki (OT) and the NZ Police – and to develop a network of child protection practice in our community.
- All contracts, or funding arrangements undertaken by Te Puawaitanga ki Ōtautahi Trust, will adopt this policy. This policy will be reviewed as appropriate, treated as a living document and implementation and compliance will be reported upon annually and in accordance with contractual requirements.
- The principle of ongoing professional development for kaimahi underpins this policy. This capability development includes both the embedding of the understanding of this policy and associated protocols as well as understanding of and working with child abuse.

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1.1 Organisational commitment to child protection

The Leadership Team will ensure:

- Kaimahi are aware of organisational-wide policies relevant to the management of child abuse and neglect, and these are easily accessible to kaimahi. At least four times per year these policies will be discussed at service/team hui and this will be evidenced by the minutes of these hui. At least once per year the monthly full house hui will focus on child protection matters.
- The Child Protection Policy will be reviewed annually.
- This policy complies with legislative requirements and best practice standards.
- The organisation's work force development plan will include initial, refresher and advanced training options. These will be achieved as follows:
 - Initial : policies and procedures, Child matters five day training and online course at: <http://safeguardingchildren.org.nz/product/elearning-basic-awareness-child-protection/>
 - Refresher child protection training - locally held seminars, Child Matters certificate in CP, team and organisation hui.
 - Advanced training - the advanced training will involve the Child Matters diploma in child protection. The organisation will aspire to have at least 2 kaimahi holding this qualification at any one time.
- Ensure documentation tools are in place and accessible to kaimahi for the recording of care and protection concerns.
- Ensure regular audits of child protection practice occur as part of case review processes with team leaders and internal and external supervision.
- Provide resources required to support the policy and make these available to kaimahi.
- Kaimahi working with children will be safety checked (as in accordance with the Vulnerable Children Act, 2014).
- Appropriate support and supervision will be made available for affected by tamariki and/or rangatahi abuse and neglect.
- Internal and external relationships with key stakeholders will continue to be developed and maintained (government, local government, and community-based organisations) to meet the needs of vulnerable tamariki and rangatahi.
- The organisation has designated child protection kaimahi. These kaimahi are Dianne Oakley and Tamara Williams. They act as alternates for each other for the purposes of leave. If they are away from work at the same time, then another suitably qualified kaimahi will be the designated child protection kaimahi (DCPK).

All kaimahi have responsibility for the safe management of identified and suspected child abuse and neglect. Those responsibilities include:

- To be conversant with this Child Protection Policy and related policies.
- To understand the statutory referral processes and management of suspected abuse and neglect.
- To seek advice when child abuse and/or neglect is suspected or identified.
- To attend training and updates appropriate to their area of work. Maintaining positive relationships with organisations who can support your organisation in child protection related matters (Child Matters)

1.2 Organisational commitment to Health and Safety

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Kaimahi transporting tamariki in organisational vehicles comes under: Hazard Control Plan – HCP 022 - Transporting Tamariki.

- When kaimahi transport tamariki, the parent/caregiver, whom will always be present, is responsible for the tamariki and kaimahi are responsible for ensuring the correct car seat is fitted and correctly installed. Link for HCP 022 - [X:\00 All POLICIES of Te Puawaitanga ki Ōtautahi\5. Health and Safety\Hazard Control Register and Plans \(HCP\)\HCP022 - Transporting Tamariki.pdf](X:\00 All POLICIES of Te Puawaitanga ki Ōtautahi\5. Health and Safety\Hazard Control Register and Plans (HCP)\HCP022 - Transporting Tamariki.pdf)
- Pandemic Policy – All kaimahi must adhere to the pandemic policy if the government has placed the organisation into Level restrictions two, three or four.
- Kaimahi are to follow the guidelines of each level as set out by the NZ Government.

2. DEFINITIONS

Child protection describes activities carried out to ensure that tamariki and rangatahi are safe in cases where there is suspected abuse or neglect, or risk of abuse or neglect. It also recognises the role that organisations play in promoting the wellbeing of children and responding to their vulnerability.

Child abuse refers to the harming (whether physically, emotionally, or sexually), ill treatment, abuse, neglect, or serious deprivation of tamariki or rangatahi (Children, Young Persons and Their Families Act, 1989). This includes actual, potential, and suspected abuse:

Physical abuse – any acts that may result in physical harm of a child or young person.

Sexual abuse – any acts that involve forcing or enticing a child to take part in sexual activities including child sexual exploitation, whether or not they are aware of what is happening.

Emotional abuse – any act or omission that results in adverse or impaired psychological, social, intellectual, and emotional functioning or development.

Neglect – failure to meet a child’s basic physical or psychological needs, leading to adverse or impaired physical or emotional functioning or development. It is the most common form of abuse. It can be physical, emotional, neglectful supervision, medical neglect, and educational neglect.

Child protection practices- are ones that are open and accountable, understand the needs of children, make their safety and security paramount and work in partnership with other agencies to meet the needs of vulnerable children.

Safety checking - using safer recruitment processes that help keep tamariki safe, by implementing robust safety checking of current and new kaimahi.


Core and Non-Core Workers:

A **core children’s worker** means a children’s worker who work with or are providing a regulated service requires or allows that, when the person is present with a child or children in the course of that work, the person-

- a. Is the only children’s worker present; or
- b. Is the children’s worker who has primary responsibility for, or authority over, the child or children present?

A **non-core children’s worker** means a children’s worker who is not a core worker and is not left alone with tamariki at any point.

All kaimahi at Te Puawaitanga ki Ōtautahi are non-core workers, this means no kaimahi at any time should be left in sole charge of tamariki who are receiving our services. No kaimahi at any time should be toileting

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tamariki or changing a nappy. The parent **must** always be sought for this. Tamariki on site **must** always be accompanied by their parent/caregiver.

ORANGA TAMARIKI (OT) – the agency responsible for investigating and responding to suspected abuse and neglect and for providing a statutory response to tamariki and rangatahi found to need care and protection.

New Zealand Police – the agency responsible for responding to situations where tamariki and rangatahi are in imminent danger and for working with Oranga Tamariki (OT) in child protection work, including investigating cases of abuse or neglect where an offence may have occurred.

Family violence – violence and abuse against any person whom that person is, or has been, in a domestic relationship with. This can include sibling against sibling, child against adult, adult against child and violence by an intimate partner against the other partner (NZ Family Violence Clearinghouse, Papers 3 & 4, April 2013).

Intimate partner violence (IPV) - is a form of tamariki and rangatahi abuse. It is abuse towards an intimate partner. There is a high rate of co-occurrence between IPV and the physical abuse of tamariki and rangatahi (refer Murphy, et al, 2013).

Vulnerability – Factors that can make a child more vulnerable to abuse, Young mother-under 18years, little or no support, no educational qualifications, low self-esteem/poor coping skills. Parent has psychiatric history or untreated mental illness. Child living with unrelated adult. Family history of abuse. Family Violence. Child is unwanted, or at risk of poor bonding. Social isolation. Drug and/or alcohol misuse. Unrealistic expectations of child's behaviour. Multiple crises or stresses can be found at <https://www.childmatters.org.nz/downloads/20057-how-can-i-tell-04.pdf>


3. IDENTIFYING POSSIBLE ABUSE OR NEGLECT

Overall, kaimahi are required to consider the wellbeing, safety and security of tamariki and rangatahi and this includes risk of harm and the ability to define abuse to an adequate level.

Information on identifying possible abuse or neglect is detailed in *Working together to keep children and young people safe. An Interagency Guide- Working Together* (Oranga Tamariki - August 2017). This Interagency Guide is an associated document to this Child Protection Policy. Kaimahi are required to be aware of the indicators of potential abuse and neglect, in each of the following domains:

Physical signs	Behavioural concerns
Developmental delays	Neglectful supervision
Physical neglect	Abandonment
Medical neglect	Emotional abuse (including verbal)
Educational neglect	The child talking about things that indicate abuse (sometimes called an allegation or disclosure)
Sexual abuse	

Every situation is different, and it is important to consider all available information about the tamariki or rangatahi and their environment before reaching conclusions. For example, behavioural concerns may be the result of life events, such as the arrival of a new sibling, divorce, or accidental injury, etc. It is also essential kaimahi understand normal sexual behaviours in young children and can differentiate between

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what is normal and what is not. Kaimahi are to read the information at this link in conjunction with this policy. <https://www.healthychildren.org/English/ages-stages/preschool/Pages/Sexual-Behaviors-Young-Children.aspx>

The Trust is committed to maintaining and increasing kaimahi awareness of how to prevent, recognise and respond to abuse through appropriate training. As part of induction, new staff will be made aware of this policy and its associated documents. Skills needed to successfully implement the policy will be included where appropriate into staffing performance management systems. All staff will receive child protection training and regular updates through team and staff hui and supervision.

4. RESPONDING TO CONCERNS, ALLEGATIONS AND DISCLOSURE OF ABUSE

The following has been taken from the Information Sharing Guidance for Health Professionals document:

There are four important things to know about how the information sharing provisions in the Oranga Tamariki Act 1989 and Family Violence Act 2018 work together:

- 1. Safety comes first. The sharing of personal information should be considered if there are concerns about someone's safety or if they or others are at risk of harm.*
- 2. Professionals can proactively share information, and while in most cases it's not compulsory, there will be some circumstances when you must share the information.*
- 3. You are protected when you share in good faith and in accordance with the legal requirements.*
- 4. The Oranga Tamariki Act and the Family Violence Act permit greater sharing than the Privacy Act and the Health Information Privacy Code in some circumstances, but other parts of the Privacy Act and the Health Information Privacy Code still apply.*

More information:

<https://www.health.govt.nz/publication/information-sharing-guidance-health-professionals-1-july-2019>

It is important for kaimahi who are concerned a tamariki or rangatahi is showing signs of potential abuse or neglect that they talk to their Team Leader and/or designated child protection kaimahi to assist in the formulation of a plan to address care and protection concerns. We do not act alone.

It is important for kaimahi to understand the role of Oranga Tamariki (OT) and the NZ Police in abuse and neglect cases. This organisation will always act on the recommendations of statutory agencies, including Oranga Tamariki (OT) and the NZ Police.


All allegations of abuse and neglect will be notified to Oranga Tamariki (OT) as a report of concern (ROC) to be investigated by the statutory agency. Kaimahi directly involved with the whānau will undertake this notification with the support of their Team Leader and/or our Designated Child Protection Kaimahi (DCPK).

In an emergency at the site

Contact:

Police 111

Phone: 0508 Family (0508 326 459)

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The following steps need to be considered by kaimahi:

1. Immediate response:
 - Assess the situation regarding your own safety, the child's safety and the whānau. Determine the best response in this context. If there is immediate danger, then call the Police on 111.
2. Notify your Team Leader and/or designated child protection kaimahi **immediately** you are able. Disclose all information. Determine the next steps e.g., do you remain at the house etc. DCPK directive to be actioned. If child abuse is suspected or disclosed about another tamariki, a safety plan will need to be formulated with the parent/caregiver, OT and/or the NZ Police to ensure safety for both tamariki and their whānau.
3. Convene a safety meeting with your Team Leader and/or DCPK, to review situation and continue to work through the process. Determine actions from here could include.
 - Police Intervention
 - Notification to Oranga Tamariki (OT)
 - Consultation with client whānau as appropriate
 - Referrals – e.g., support to access refuge
4. Documentation - kaimahi involved will ensure a thorough factual record is made of the situation, noting that this may be used in evidence, refer to *Te Puawaitanga ki Ōtautahi Trust CP forms and templates*. A copy of Oranga Tamariki (OT) notification to be placed in relevant (Notifications Register) folder in General Manager's office. All documentation relating to Oranga Tamariki (OT) notification will be kept in the client record folder.
5. Evaluation/debrief of our processes and closure.

Within Ōtautahi, statutory and non-statutory agencies provide a network of mutually supportive services. For example, Family Start, Social Workers in Schools, Budget Services, and the Canterbury Children's Team. The Trust will work together with social service providers to identify and address the needs of tamariki, rangatahi and their whānau.

Expert advice will be sought where required, including with the provision of kaimahi training and supervision.

4.1 Responding to a tamariki or rangatahi when abuse or neglect is disclosed.

1	Listen to the tamariki or rangatahi	Disclosures are often subtle and need to be handled with particular care, including an awareness of tamariki and rangatahi cultural identity and how that affects interpretation of their behaviour and language.
2	Ask open-ended prompts. e.g., "What happened next?"	Do not interview (in other words, do not ask questions beyond open prompts). Do not make promises that cannot be kept e.g., "I will keep you safe"
3	Reassure the tamariki or rangatahi	Let them know that they: <ul style="list-style-type: none"> • Are not in trouble.

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		<ul style="list-style-type: none"> • Have done the right thing
4	If the tamariki or rangatahi is in immediate danger	Contact the NZ Police immediately.
5	If the tamariki or rangatahi is not in immediate danger	Discuss concerns with your Team Leader, and/or DCPK as per this policy.


4.2 Recording and storage of information about abuse or neglect

The gathering, recording and storage of information, is the responsibility of the kaimahi who has witnessed the child protection issue. This will be carried out with the support of the Team Leader and/or designated child protection kaimahi (DCPK).

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 purpose of 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 (Privacy Act 2020).

Kaimahi may, however, disclose information under the Privacy Act 2020 and/or the Health Information Privacy Code 1994 where there is good reason to do so, such as where there is a serious risk to individual health and safety (*refer Privacy Commissioner, December 2017 - Final-Guidance-on-releasing-personal-information-to-Police-and-law-enforcement-agencies-Principle-11*)

As soon as possible, formally record the disclosure and/or concern and update as new information becomes available.	<ul style="list-style-type: none"> • Date, time, venue and who was present. • Include factual concerns or observations that led to the suspicion and/or disclosure of abuse or neglect (e.g., physical, behaviour or development concerns, etc). • The actions taken by The Trust. • Any other relevant information.
Storing relevant information	<p>Securely store:</p> <ul style="list-style-type: none"> • The formal record of events • A record of any related discussions within the organisation and with any external organisations, including copies of correspondence. • A record of advice received. • The actions the organisation took, including any rationale. • If the notification is based on a concern or series of concerns, clearly document past and present information. • Copy of Oranga Tamariki (OT) notification to be stored in relevant file in GM office • Copy of receipt from OT to be stored on file in General Manager's office.

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The Privacy Act 2020 and the Oranga Tamariki Act 1989 - Children, Young People's Well-being Act 1989 (Legislation 2017) allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated. Note 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 (OT) or the NZ Police and, provided the report is made in good faith, no civil, criminal, or disciplinary proceedings will be brought against them.

5. ALLEGATIONS OR CONCERNS ABOUT KAIMAHI

With respect to responding to child safety matters, then follow the steps outlined in section four.

All matters involving allegations against any kaimahi need to be escalated to the General Manager and DCPK. Investigations will be carried out by the General Manager, or appointed person if absent, as per the organisations *Complaints Policy and Procedures* and the *Code of Conduct*.

If a tamariki or rangatahi make an allegation or raise concern, they must not be exposed to unnecessary risk. It is important to separate the kaimahi involved from the tamariki or rangatahi. This may mean suspending a kaimahi from their duties, subject to the requirements of their employment contract and relevant legal obligations, which will be explained to them by the General Manager and the DCPK. No attempt to collude with the kaimahi involved will be tolerated. The organisation will advise of further support for the kaimahi involved. The General Manager will advise the Board of Te Puawaitanga ki Ōtautahi of the situation involving the kaimahi.

The General Manager will liaise, via phone or face to face visit, with the parent/caregiver regarding the complaint against the kaimahi. They will be informed of their rights including contacting the Health and Disability Commissioner, statutory agencies-NZ Police and Oranga Tamariki as well as which agencies the organisation has advised of the situation. (Any privacy breach will be notified to the Privacy Commissioner).

Historical allegations will be responded to in the same way as contemporary ones, with the same priority and will be notified to Oranga Tamariki (OT) and/or Police.


The principle of the paramountcy of the child will be upheld in any investigation of allegations against the kaimahi.

6. EVALUATION AND CLOSURE

Review is the deliberate process of evaluating the effectiveness of what the organisation does as part of continuous quality improvement. A formal review will take place within a month, of the closure of the situation.

The formal, planned review must ensure:

- All procedures were followed.
- Tamariki and rangatahi were central to all decisions.
- Positive working relationships were maintained.
- Planned outcomes were achieved.
- Recommendations for improvement are/were implemented where appropriate.


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The review should also consider developments in child protection theory and practice and any additional guidance produced by government agencies. The DCPK is responsible for ensuring that a formal review is undertaken. The General Manager is to be notified of the outcomes of this review.

He Tautoko Tautoko/Associated Documents

Policies	<ul style="list-style-type: none"> • Code of Conduct • Health and Safety Policy • Police Vetting Policy • Professional Development and Training Policy • Protected Disclosure Policy • Recruitment Policy • Home Visit Policy • Vehicle Policy • Dog Policy • Service Delivery Policy • Request for Client information • Supervision Policy • Complaints Policy • Request for Sharing Client Information • Transferring Client Information • Using and Disclosing Client Information • Privacy Policy • Pandemic Policy • Human Resources Policy (HR)
Forms	<ul style="list-style-type: none"> • All Hazard Control Plans 001-022 • HCP022 – Transporting Children • Consent Forms • Confidentiality Agreement • Photo Permission Form • Report of Concern to Oranga Tamariki
Legislation	<ul style="list-style-type: none"> • Care of Children Act 2004 • Oranga Tamariki Act 1989 - Children, Young Person's and their Families Act 2005 Domestic Violence Act 1995 • Health Information Privacy Code 1994 • Privacy Act 2020 • The United Nations Convention on the Rights of the Child 1989 (UNCROC) • Victims' Rights Act 2002 • Vulnerable Children Act 2014 • Health and Disability Commissioner Act 1994 • Human Rights Act 1993 • Education Act 1989/Update amendment act 2017 • Employment Relations Act 2000 • Code of Health and Disability Services Consumers' Rights
General Information	<ul style="list-style-type: none"> • Health Professional Guidance on Information Sharing (1 July 2019) • <i>An Interagency Guide- Working Together</i> (Oranga Tamariki - August 2017). Changes to the Crimes Act: Margaret Barnett-Davidson; Kai Tiaki Nursing New Zealand (February 2012) Vol 18 No 1

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	<ul style="list-style-type: none"> • Oranga Tamariki website – https://www.orangatamariki.govt.nz/ • Legal and Professional Aspects of Child & Family – Protection Issues: Carla Humphrey: Midwifery News (December 2011) • The Māori Party Press Release: 11 October 2012 He mokopuna, he taonga - an aspiration for all Aotearoa • Privacy Commissioner. <i>Health Information Privacy Code 1994. Incorporating amendment and including revised commentary.</i> Wellington: Privacy Commissioner. • Office of the Privacy Commissioner. (undated) <i>Sharing personal information of families and vulnerable children. A guide for inter-disciplinary groups.</i> Wellington: Office of the Privacy Commissioner. • Ministry of Social Development. (undated). <i>Safer organisations, safer children. Guidelines for child protection policies to build safer organisations. Children’s Action Plan. Identifying, supporting and protecting vulnerable children.</i> Wellington: Ministry of Social Development. • Murphy, C., et al. (April 2013). <i>Understanding connections and relationships: Child maltreatment, intimate partner violence and parenting. NZ Family Violence Clearing House. Issues Paper 3</i> Auckland: University of Auckland. • NZ Family Violence Clearinghouse. (April 2013). <i>Policy and practice implications: Child maltreatment, intimate partner violence and parenting. Issue Paper 4.</i> Auckland: University of Auckland. • NZ Family Violence Clearinghouse. (April 2013). <i>Understanding connections and relationships: Child maltreatment, intimate partner violence and parenting. Issue Paper 3.</i> Auckland: University of Auckland. • Vulnerable Children (Requirements for Safety Checks of Children’s Workers). Regulations 2015 made under Vulnerable Children’s Act 2014. • https://www.healthychildren.org/English/ages-stages/preschool/Pages/Sexual-Behaviors-Young-Children.aspx
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