



# CHILD ABUSE AND PROTECTION POLICY

## Rationale

- To establish the actions that are to be taken to protect tamariki from abuse and neglect by meeting provisions of the Vulnerable Tamariki Act 2014.
- For the purpose of this policy, abuse is used in the context of adult to child. This could be Kaiako to child or an adult (outside of the centre) to the child.
- Abuse relating to child to child or child to adult is not within the scope of this policy.

## Objective

- Child abuse and neglect is not acceptable. Tamariki need our protection. Where protection is not adequately provided by the adults responsible for the child, others need to step in to ensure the child receives adequate protection.
- The safety and wellbeing of the child is our top priority when investigating suspected or alleged abuse.
- We support families/whānau to protect their tamariki.
- We provide a safe environment, free from physical, emotional, verbal or sexual abuse.
- We support the roles of the New Zealand Police and Oranga Tamariki in the investigation of suspected abuse and will report suspected/alleged abuse to these agencies.

## Definitions

**Child Abuse** is defined in the Children Young Persons and their Families Act as “the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person.”

**Neglect** “is a pattern of behaviour which occurs over a period of time and results in impaired functioning or development of a child. It is the failure to provide for a child’s basic needs.

Neglect may be:

- Physical - failure to provide necessary basic needs of food, shelter or warmth
- Medical - failure to seek, obtain or follow through with medical care for the child
- Abandonment - leaving a child young person in any situation without arranging necessary care for them and with no intention of returning
- Neglectful supervision – failure to provide developmentally appropriate or legally required supervision
- Refusal to assume parental responsibility - unwillingness or inability to provide appropriate care for a child.”

From Child Matters website: [www.childmatters.org.nz](http://www.childmatters.org.nz)

## Procedures

- The interest and protection of the child is paramount in all actions.

- We recognise the rights of family/Whānau to participate in the decision-making about their tamariki.
- We have a commitment to ensure that all Kaiako are able to take appropriate action in response to suspected abuse situations.
- We will always comply with relevant legislative responsibilities.
- We are committed to share information in a timely way and to discuss any concerns about an individual child with colleagues or the Centre Manager/Owner.
- We are committed to promote a culture where Kaiako feel confident that they can raise issues of concern without fear of reprisal.
- Kaiako will ensure that children are protected at all times from social media, magazines will be checked by teachers before leaving in the classroom
- Kaiako will ensure that children are protected from any persons suffering from mental illness and will discuss with the Centre Manager if there are any concerns.
- Kaiako will ensure that children do not come into contact with any persons under the influence of alcohol and will inform the Centre Manager if they have any concerns
- Kaiako will ensure that children do not come into contact with any person (adult or child) at Pebbles who is suffering from a disease or condition likely to be passed on to children and likely to have detrimental effect on them
- Kaiako know and understand what abuse and neglect are, and how to recognise the signs (see attached table).
- Kaiako will talk to someone experienced, for a different point of view, or for ideas about how to help.
- We also have these contacts readily displayed on our noticeboard and in newsletters:
  1. Parent Help – 0800 568 856
  2. Oranga Tamariki – 0508 326 459
  3. Are You OK – 0800 456 450 (Family Violence Information Line).
- We conduct safety checks of all Kaiako in accordance with MSD and Vulnerable Children’s Act requirements.
- We will form good relationships with parents and be aware of issues that are barriers or make life extra hard for parents
- We will monitor situations and offer help and support to parents where we can.
- Our centre will share with parents of tamariki who attend our centre our centre Child Protection and Child abuse policies.

### **Signs of abuse and neglect**

Signs that a child’s safety and wellbeing is in danger include:

- child tells someone they have been abused (eg, have been hit, touched or are frightened)
- child with unexplained or untreated injuries
- anxiety, fear or aggression

Our centre will take urgent action if there are signs of abuse and neglect. We tell Kaiako and parents to trust their instincts and act immediately. We will follow the ‘Child Abuse Process’ (attached).

## **Allegations or concerns about staff**

When a kaiako is suspected, the same processes apply.

## **Confidentiality and information sharing**

The Privacy Act 1993 and the Tamariki, Young Persons, and their Families Act 1989 allow information to be shared to keep tamariki safe when abuse or suspected abuse is reported or investigated. Note that under sections 15 and 16 of the CYPF Act, 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 or the Police and, provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.

### **The Manager will:**

- Always prioritise the safety and wellbeing of the child.
- Maintain confidentiality. Failure of Kaiako to comply with this policy will be regarded as serious misconduct.
- Respect the rights of those involved during any investigation.
- Immediately investigate and fully and objectively record in writing, any reports of incidents, allegations or suspicions of child abuse. The Manager will, where appropriate, seek the assistance of the Ministry of Education, Oranga Tamariki, Policy and/or other professional agencies in order to conduct a full investigation.
- Report child abuse to the Police or Oranga Tamariki (see *Process for Reporting Child Abuse attached*)
- Inform parents after discussing the best way to do this with Police or Oranga Tamariki advisors. If a family member or close associate of the family or whanāu is suspected of child abuse, the parent(s) may not initially be informed, but the centre will ensure that the information is disclosed by an appropriate person at an appropriate time.
- Suspend a Kaiako under suspicion until a full investigation can be completed.
- Maintain appropriate records.
- Ensure the centre's procedures protect Kaiako from unjustified allegations of abuse.
- Ensure the centre has educational and informational resources for tamariki and adults on child abuse.

### **Kaiako will:**

- Always prioritise the safety and wellbeing of the child.
- Familiarise themselves with this centre policy.
- Immediately notify the Manager if they observe signs of child abuse or anyone reports to them any suspicions of child abuse of tamariki at the centre, or a pattern of neglect or concerns is identified.
- Maintain confidentiality. Failure of Kaiako to comply with this policy will be regarded as serious misconduct.
- Respond appropriately to a child who initiates physical contact in seeking affection, reassurance or comfort. It is not appropriate to force any form of unwanted affection/touching on a child. Touching should not be initiated to gratify adult needs.

Physical contact during the changing or cleansing of tamariki must be for the purpose of that task only and not be more than is necessary for the job.

- Never take a child from the centre without the permission of a parent, except in the case of an emergency where clearance has been obtained from either the Manager or the Owner.

### **Protected Disclosure**

When a Kaiako or associate brings a case of child abuse to the attention of the center or the authorities, our centre will not disclose the name of the person without their permission unless it is to Oranga Tamariki or the Police and is necessary to do so in the interests of the child.

### **Relevant Background (including legislation/regulation references)**

Kaiako Safety Checking Policy

Vulnerable Children Act 2014 and associated regulations.

### **Responding to a child when the child discloses abuse**

i. Listen to the child	Disclosures by tamariki 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.
ii. Reassure the child	Let the child know that they: <ul style="list-style-type: none"> <li>• Are not in trouble</li> <li>• Have done the right thing</li> </ul>
iii. Ask open-ended prompts – eg: “what happened next?”	Do not interview the child in other words, do not ask questions beyond open prompts for the child to continue) Do not make promises that cannot be kept, eg: “I will keep you safe now”
iv. 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
v. If the child is not in immediate danger	Re-involve the child in ordinary activities and explain what you are going to do next
vi. If the child is in immediate danger	Contact the Police immediately (call 111)
vii. As soon as possible, formally record the disclosure	Record: <ul style="list-style-type: none"> <li>• Word-for-word what the child said</li> <li>• The date, time and who was present</li> </ul>

## Recording and notifying Oranga Tamariki of suspected child abuse or neglect

What process to follow	For example	Key considerations
i. Recording	Formally record: <ul style="list-style-type: none"> <li>• Anything said by the child</li> <li>• The date, time, location and the names of any Kaiako that may be relevant</li> <li>• The factual concerns or observations that have led to the suspicion of abuse or neglect (eg: any physical, behavioural or developmental concerns)</li> <li>• The action taken by your centre</li> <li>• Any other information that may be relevant</li> </ul>	Relevant information can inform any future actions
ii. Decision-making	Discuss any concern with the centre manager/supervising kaiako or designated person for child protection	No decisions should be made in isolation
iii. Notifying authorities	Notify Oranga Tamariki promptly if there is a belief that a child has been or is likely to be abused or neglected. A phone call to the National Contact Centre (0508 Family / 0508 326459) is the preferential initial contact with ORANGA TAMARIKI as this enables both parties to discuss the nature of the concerns and appropriate response options. Phone: 0508 Family / 0508 326459 Fax: 09 914 1211 e-mail: <a href="mailto:OrangaTamarikicallcentre@OrangaTamariki.govt.nz">Oranga Tamarikicallcentre@Oranga Tamariki.govt.nz</a>	ORANGA TAMARIKI will: <ol style="list-style-type: none"> <li>1) Make the decision to inform the parents or caregivers in consultation with your centre</li> <li>2) Advise what, if any, immediate action may be appropriate, including referring the concern to the Police</li> </ol>
iv. Following the advice of Oranga Tamariki	ORANGA TAMARIKI advice will include what, if any, immediate action may be appropriate, including referring the concern to the Police	ORANGA TAMARIKI is responsible for looking into the situation to find out what may be happening, whether they need to work with the family or to put them in touch with people in their community who can help
v. Storing relevant information	Securely store: <ul style="list-style-type: none"> <li>• The record of the concern</li> <li>• A record of any related discussions, including copies of correspondence where appropriate</li> <li>• A record of any advice received</li> <li>• The action your centre took, including any rationale</li> <li>• This concern with any earlier concerns, if the notification is based on an accumulation of concerns rather than a specific incident</li> </ul>	Records assist in identifying patterns