

CHILDREN PROTECTION POLICY

The purpose of this Child Protection Policy is to protect children and meet the requirements of the Vulnerable Children Act (2014), which seeks to protect children and help them thrive, achieve and belong, along with providing clear and consistent expectations of staff and volunteer behaviour when working with children, to ensure that, along with children, staff and volunteers are kept safe.

Description	Child Protection Policy and Guidelines
Category	Human Resources
Approver	Leadership Management Team Chief Executive
Approval date	14 September 2016
Version	1.1
Effective date	19 December 2016
Policy Owner	Group Manager: Human Resources
Review date	19 December 2018

SECTION 1:

HASTINGS DISTRICT COUNCIL CHILD PROTECTION POLICY

1. PURPOSE

The purpose of this Child Protection Policy is to protect children and meet the requirements of the Vulnerable Children Act (2014), which seeks to protect children and help them thrive, achieve and belong.

Hastings District Council has a commitment to safeguarding children who are in the care of Hastings District Council employees as part of its activities. The Child Protection Policy provides guidelines so that staff and volunteers can create a safe environment for children.

Additionally, the policy and associated guidelines provide clear and consistent expectations of staff and volunteer behaviour when working with children, to ensure that, along with children, staff and volunteers are kept safe.

2. DEFINITIONS AND ABBREVIATIONS

A **Child** is defined as anyone under the age of 18.

Staff is defined as those who are employed directly by or volunteer for Hasting District Council, as well as staff and volunteers of partner organisations whilst they are working with children and young people.

Screening means an internal process for identifying suitable candidates – in this case, those who can be relied on to keep children in their care safe. Screening is about following a process to collect enough information so that the organisation can be satisfied, having assessed the risks, that the applicant is safe to work with children in the role they are applying for. More specifically, it means verifying their identity, gathering information about them through application forms, interviews and reference checks, and finally checking what you know through the use of external checks like the Police vetting service.

Safety Checking means the formal process of obtaining checks from another agency, e.g. the Police vetting service, criminal record checks.

Child Abuse The Children, Young Persons and their Families Act, 1989, defines child abuse as "*...the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person*". The definitions set out below provide some indicators of abuse and these should not be seen as an exhaustive list or as a check list.

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.

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 terrorising a child. It may also include age or developmentally inappropriate expectations being imposed on children. It also includes the seeing or hearing of the ill treatment of others.

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.

Staff should be aware of their 'duty of care' which precludes developing a sexual relationship with or grooming of a child. A sexual relationship between an adult and a child will always be wrong, unequal and unacceptable.

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: of action, emotion or basic needs.

'**Designated Officer**' the person who holds responsibility for child protection at Hastings District Council. This function, as at September 2016, is held by Team Leader Youth Development and is assisted by Group Manager: Human Resources, Human Resources Advisor and Sports Centre Manager.

3. POLICY DETAILS

3.1 Staff/Volunteers

A clear and consistent approach to Child Protection when employing and training staff and volunteers who will work with children as part of their employment, is crucial to ensuring that both staff and children are kept safe.

There are two types of workers defined, **Core** and **Non-Core** -

Core children's workers work alone with, or have primary responsibility or authority over, children. Hastings District Council identifies Core Workers as staff in the following facilities/roles:

- Community and Sports Centres
- Aquatics Facilities, including Splash Planet
- Library staff in dedicated children roles
- Art Gallery staff in roles with dedicated interaction with children
- Skate Park Guardians
- Security staff
- City Assist Ambassadors
- Emergency Management staff
- HDC staff who have designated civil defence emergency roles
- Social and Youth Development team staff as appropriate, (as determined by Human Resources staff in conjunction with the manager)
- Other roles at the discretion of Human Resources staff, in conjunction with the manager of the area.

Non-core children's workers are those who have regular, but limited, child contact. Hastings District Council also identifies the following roles as Non-Core Workers (roles where there is likely to regular but limited contact with children)

- Animal Control Officers
- Parking Officers
- Maintenance Group staff
- Library staff (Note: Children's Library staff are Core Workers)
- Art Gallery staff

The above lists will be revised periodically.

3.1.1 Workforce Safety Checks

New Staff/Volunteers

From 1 July 2016 Workforce Safety Checks will be undertaken when prospective employees and volunteers are recruited for Core and Non-Core roles.

The Workforce Safety Check comprises:

- Interviewing, comprising specific questions in the area of child protection
- Reference/good character checking, including specific questions in the area of child protection
- An identity check
- Police vetting
- An assessment of any risk the staff or volunteer may pose to a child (which may include consideration of applying for a Core Worker Exemption, where a person has a conviction for a Specified Offence as listed in Schedule 2 of the Act).

Existing Staff

In accordance with the Act, existing Core staff will be Safety Checked by 1 July 2019 and Non-Core staff by 1 September 2020.

3.1.2 Outside Providers

In the case that outside providers are used for Hastings District Council programmes that involve children, contract documents for engaging such organisations will include a process to ensure the organisation has adequate child protection policies and procedures in place, and appropriate auditing will be undertaken.

3.1.3 Training

Staff who are identified in 3.1 will be required to undertake training in child protection.

- For Core Workers this will be a one-off training programme of six hours, and refresher training at least every three years.
- For Non-Core workers this will be a one-off training programme of two hours and refresher training at least every three years.
- Exceptions to this will be authorised by HR. A standing exception is that Splash seasonal staff who are not in supervisory roles will only be required to undertake the shortened training.

This training is to ensure that all staff who have interaction with children as part of their employment recognise the signs of potential child abuse or neglect and respond consistent with our Child Protection Policy, as well as ensure they operate in a ways that protect themselves.

3.2 Confidentiality and Record Keeping

Confidentiality is important when dealing with sensitive information, including that of children. It should be emphasised that children's information should not be shared with members of the public, to ensure the safety of children.

Where informal or formal requests for assistance are made or complaints regarding child protection are laid, they are to be handled:

- As promptly as possible;
- In absolute confidentiality;
- With sensitivity yet with complete impartiality to seek a just resolution.

Confidentiality and sensitive information regarding the child will only be available to the Designated Officers for Child Protection.

3.3 Safe Working Practices

Hastings District Council maintains clear and consistent expectations of staff behaviour to ensure that children, staff and volunteers are kept safe.

Hastings District Council employees, volunteers and representatives shall:

- Treat children with dignity and respect regardless of ethnicity, race, colour, gender, age, language, religion, political or other opinion, disability, or other status;
- Conduct themselves in a manner appropriate with their position as a representative of Hastings District Council in all their dealings with children;
- Immediately raise concerns regarding a child's safety or wellbeing in accordance with Hastings District Council's Designated Person for Child Protection and observe procedural fairness when engaged in decision-making;
- Be visible when working with children and, wherever possible, ensure that another adult is present when working in the proximity of children;
- Listen to children and allow them to be engaged in decisions that may affect them.
- Comply with all relevant New Zealand Government legislation, including labour laws in relation to child labour;
- Follow organisational policy and the safety of children.

3.4 Reporting and Incident Response

Any issues of suspected child abuse must be taken seriously and handled in an appropriate manner that ensures the child's safety. Any suspicion or disclosure of child abuse or neglect must be immediately reported to Team Leaders who will advise the Designated Officer for Child Protection and/or the Group Manager: Human Resources. The following flowchart provides guidance to decision-making.

ABUSE SUSPECTED OR DISCLOSED

Monday – Friday
8am – 5pm

Out of Hours / Off
Duty

Consult with
Supervisor/Manager
IMMEDIATELY

Is an immediate response required to
ensure the child's safety?

No

Yes

Manager consults with Designated
Person for Child Protection or GM: HR

Decision whether to notify
Oranga Tamariki and/or Police

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

No

Yes

Record the incident,
actions taken and
reasons for decision

Report of Concern
made to
Oranga Tamariki
and/or Police

Record actions taken and
reasons for decision

Supervisor/Manager will
advise Designated Person
for Child Protection or GM:
HR

Record actions taken and
reasons for decision

4. ROLES AND RESPONSIBILITIES

Party/Parties	Roles and Responsibilities
Designated Officer for Child Protection	<p>Ensures child protection is a key focus, and that appropriate protocols and procedures such as child protection policy implementation, staff training and support, are in place.</p> <p>Ensures that children identified as vulnerable have access to the services and support that they may need.</p> <p>This role is not a 'job' within itself, but usually sits as a function of an established role.</p> <p>Responsibilities include:</p> <ul style="list-style-type: none"> • Being a source of advice and support for staff who may have child protection concerns; • Ensuring the Child Protection Policy is reviewed regularly, and that staff are well informed; • Ensuring required staff (those identified in 3.1.1) have received child protection training, and that this is recorded; • Ensuring practices and procedures within the organisation have a child protection lens applied; • Overseeing the maintenance and confidentiality of child protection records and documentation.
Group Manager: Human Resources Manager	To ensure that staff and volunteers who will be working with children as part of their employment, are appropriately vetted and screened, and that anyone with relevant convictions will be banned from working directly with children.
Managers of staff identified in 3.1.1	<p>Ensuring that staff are familiar with this policy and the expectations related to the specific tasks of the job and how those relate to children.</p> <p>Enabling attendance at child protection training.</p>
Staff and volunteers working with children	<p>To identify vulnerable children to the Designated Officer for Child Protection.</p> <p>To ensure they act in accordance with the Safe Working Practices identified in 3.3, and the Child Protection Guidelines.</p>

5. ASSOCIATED DOCUMENTS

The child protection policy is to be used in conjunction with the following existing policies:

- **HDC Staff Policy & Information Manual**

This child protection policy adheres to the following Acts:

- **Health and Disability Commissioner Act 1994**
- **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**
- **Code of Health and Disability Services Consumers' Rights**
- **Vulnerable Children's Act 2014**

SECTION 2: Guidelines and processes for _____

HASTINGS DISTRICT COUNCIL CHILD PROTECTION PROCEDURES AND GUIDELINES

1) GUIDE FOR DEALING WITH IMMEDIATE PHYSICAL HARM

In the case of immediate physical risk of harm contact Police on 111

2) GUIDE FOR DEALING WITH DISCLOSURES OF ABUSE

Only a minority of children actively disclose abuse. Most child abuse is disclosed accidentally or through observation by an adult of a child's behaviour, words and physical appearance.

When a child does disclose abuse, this needs to be taken very seriously. It is important that any disclosure is dealt with appropriately, both for the wellbeing of the child and also to ensure that your actions do not jeopardise any legal action against the abuser.

There are a number of basic 'rules' that should be followed to ensure the safe handling of any disclosures of abuse from a child:

- Don't panic.
- Remember that the safety and wellbeing of the child come before the interests of any other person.
- Listen to the child and accept what the child says.
 - Look at the child directly, but do not appear shocked.
 - Don't seek help while the child is talking to you.
 - Reassure them that they did the right thing by telling someone.
 - Assure them that it is not their fault and you will do your best to help.
 - Let them know that you need to tell someone else.
 - Let them know what you are going to do next and that you will let them know what happens.
 - Be aware that the child may have been threatened.
- Write down what the child says in their own words – record what you have seen and heard also.
 - Make certain you distinguish between what the child has actually said and the inferences you may have made. Accuracy is paramount in this stage of the procedure
- Tell your manager or supervisor as soon as possible.
- Team Leader / Manager to contact a Designated Officer for Child Protection.
- The Designated Officer for Child Protection will refer to Oranga Tamariki or the Police and advised staff of the outcome
- Look after yourself. Discuss the matter with your manager, supervisor or relevant person.

Important Notes:

- The same action should be taken if the allegation is about abuse that has taken place in the past, as it will be important to find out if the person is still working with or has access to the children.
- Dealing with an allegation that a professional, staff member, foster carer or volunteer has abused a child is difficult but must be taken seriously and dealt with carefully and fairly.

Things TO SAY when a child discloses

- Repeat the last few words in a questioning manner
- 'I believe you'
- 'I am going to try to help you'
- 'I will help you'
- 'I am glad that you told me'
- 'You are not to blame'

Things NOT TO SAY when a child discloses

- 'You should have told someone before'
- 'I can't believe it! I am shocked!'
- 'Oh that explains a lot'
- 'No not...he's a friend of mine'
- 'I won't tell anyone else'
- 'Why? How? When? Where? Who?'

Things TO DO

- Reassure the child that it was right to tell you.
- Let them know what you are going to do next.
- Immediately seek help, in the first place from the designated child protector.
- Write down accurately what the child has told you. Sign and date your notes. Keep all notes in a secure place for an indefinite period.
- Seek help for yourself if you feel you need support.

Things NOT TO DO

- Do not attempt to deal with the situation yourself.
- Do NOT formally interview the child:
 - Never ask leading questions.
 - Never push for information or make assumptions.
 - Only necessary relevant facts should be obtained, when clarification is needed.

- Do not make assumptions, offer alternative explanations or diminish the seriousness of the behaviour or alleged incidents.
- Do not keep the information to yourself or promise confidentiality.
- Do not take any action that might undermine any future investigation or disciplinary procedure, such as interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or parents or carers.
- Do not permit personal doubt to prevent you from reporting the allegation to the designated child protection officer.

3) PROCEDURES FOR RESPONDING AND REPORTING CHILD ABUSE

- Allegations, suspicions or complaints made against staff of abuse against a child must be taken seriously and reported to a Designated Officer for Child Protection who will manage them immediately, sensitively and expediently.
- It is not the responsibility of staff to investigate allegations of child abuse.
- 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 child.
- When there are suspicions of abuse by a staff member, both staff and children's rights are to be attended to. This means that 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 suspected staff member (or volunteer) will be prevented from having further unsupervised access to children during any investigation and will be informed fully of their rights.
- Staff will declare to a senior person any situation where there could be a conflict of interest, and provision made on a case-by-case basis about who will handle the process.
- HDC will adhere to the principles of the Employment Relations Act and give the staff member all information regarding their rights.
- HDC recognises the added stress to fellow staff in such a situation, and will ensure support is available.
- The individual against whom an allegation is made must not have any contact with the child making the allegation. A risk assessment must be undertaken to determine what level of access, if any, that person should have, to other children.
- If the police decide to undertake a criminal investigation then the member of staff may be suspended on pay 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.
- If HDC is aware that a member of staff it has placed on precautionary suspension also works with children for another organisation, either as an employee or a volunteer, it should ensure consult with Oranga Tamariki and/or the Police regarding the information being conveyed to that organisation.

- HDC will liaise with Oranga Tamariki and the Police regarding the progress of the investigation.
- If there is insufficient evidence to pursue a criminal prosecution, then an employment disciplinary investigation may still be undertaken if there is "reasonable cause to suspect" that abuse may have occurred. The allegation may represent inappropriate behaviour of poor practice by a member of staff which needs to be considered under internal disciplinary procedures.

4) EXPECTATIONS OF STAFF TO ENSURE THEIR SAFETY

Expectations for staff should promote professionalism in working with children, clearly establish roles and expectations of adult behaviour with children and encourage staff to keep their professional and personal lives separate.

In addition to topics specifically covered in these Guidelines, consider whether to include statements of expectation for staff about:

- a. Being alone with children.
- b. Physical contact, including comforting children in distress, and helping children to dress or use the bathroom (if a necessary part of service delivery).
- c. Taking children off site, to the staff member's home or transporting children in cars.
- d. Communicating with children, including use of telecommunications technology.
- e. Appropriate and inappropriate relationships with children, including over-familiarity, providing gifts, and fostering infatuation.
- f. The organisation's policies on safe restraint and isolation practices.
- g. Any other high-risk situations relevant to delivery of services.

Below are some examples of good child-safe practices:

- a. To avoid staff being alone with children, all staff should examine the opportunities or possible situations where staff may be alone with children. Wherever possible an open door policy for all spaces should be used (this excludes toilets). Staff should be aware of where all children are at all times.
- b. Visitors should be monitored at all times by staff, and volunteers and outside instructors should be monitored by staff.
- c. If activities require one to one physical contact (i.e., classes in swimming, gymnastics etc.) parents and caregivers should be advised.
- d. Where a child requires assistance, e.g., if they are intellectually or physically disabled, if possible involve the parents/caregivers and outside agencies (e.g., in the education sector, the Ministry of Education's Special Education group) to assist. If this assistance is not available, ensure staff members are aware of appropriate procedures when giving assistance.
- e. Staff should avoid being alone when transporting a child, unless an emergency requires it. Except in an emergency, children are not to be taken from the premises, or from the programme, without written parental consent.