



Child Protection Procedure

Date Effective: August 2012

Review Date: Term One (1) 2018

Responsible to:	General Manager
Responsible to:	
Policy:	Health and Safety
Applies to	All Employees and Volunteers
Rationale:	<p>The Board has the responsibility both under legislation and in society to provide a safe environment that enhances children's physical and emotional well-being by ensuring that children are:</p> <ul style="list-style-type: none">• Treated with dignity and respect.• Free from abuse and neglect.
Purpose:	<p>The purpose of this policy is to:</p> <ul style="list-style-type: none">• Ensure the safety and the rights of the child are protected.• Ensure that all complaints are taken seriously and dealt with effectively.• Provide clear guidance for management and personnel in respect of allegations of abuse.
Definitions:	<ul style="list-style-type: none">• "Child Abuse"- means the harming (whether physically, emotionally or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person. (<i>Children, Young Person and Their Families Act 1989</i>).• "Employees" – means all permanent, fixed or short term employees of OKA;• "Volunteers" – mean any person over the age of 18 years in a voluntary role for the OKA.
Definitions of Abuse:	<p>Includes physical, emotional and sexual abuse as well as neglect which is the direct consequence of a deliberate act or omission by an adult and which has the potential or effect of serious harm to the child.</p> <p>Sexual abuse – when an adult or someone older than a child uses his/her power or authority over the child to involve the child in any form of sexual activity.</p> <p>Physical abuse – deliberately inflicting injury to a child.</p> <p>Neglect – situations where children have been consistently deprived of their physical necessities.</p>

Commitment:

- OKA is committed to ensuring the welfare of the child/tamariki is of paramount importance;
- OKA is committed to dealing with abuse, suspected abuse or disclosure of abuse in a timely manner;
- OKA recognises that the family's primary role in caring and protecting a child should be valued and maintained. However the child's safety and wellbeing should have priority; and
- OKA is committed to complying with all relevant legislation.

Statutory Authority:

Child Youth and Family (CYF) – 0508 326 459.

References:

- OKA Policy and Procedures;
- OKA Privacy Procedure;
- OKA Complaints Procedure;
- Publication - Working together to keep children and young people safe;
- Child Youth and Family Contact Centre Referral Form (attached);
- Types of Abuse and Indicators (attached);
- CYP&F Act 1989;
- Vulnerable Children's Act 2014;
- Employment Relations Act 2000;
- The Privacy Act 1993; and
- This procedure is to be read in conjunction with the Ministry of Education (Early Childhood Services) Regulations 2008 Section 46, Criteria H, HS32, HS33.

Prevention

A number of principles have been put in place to assist in the prevention of child abuse by staff as follows:

- Employment of new staff will follow guidelines as set out in the Vulnerable Children's Act 2014.
- A police check is carried out on all new core and non-core employees, including volunteers and contractors. Teacher registration includes a police check. Copies of registration documentation and police vetting will be kept in files held by the General Manager. Anyone with a conviction relating to child abuse, violence or any other offence listed in the Act will not be employed.
- During initial planning and/or renovation of a kindergarten environment, care will be taken to ensure the risk of adults being left unobserved by others with a child will be minimised.
- Parents, families and visiting early childhood colleagues are generally welcome to be in the service at all times. All unrecognised visitors shall be challenged and those without good reason to be on the premises will be asked to leave.
- In the advent that there is child on child harmful behaviour then this procedure will be initiated for both children.
- A copy of the Child Protection Procedure will be included for all new "employees" in the induction folder. It is the responsibility of the Head Teacher to ensure all new employees working in the kindergarten are advised of the child protection procedure.

- OKA shall include, as a regular part of its professional development timetable, courses that address issues relating to child abuse and protection. Teachers shall be required to attend this professional development at least every three years.
- It is the Head Teachers responsibility to ensure that relevant resources and information relating to child abuse, neglect, protection issues and children's physical and emotional wellbeing are available within the Kindergarten for parents and whānau. Teachers will promote awareness amongst parents and whānau of such resources.
- The Child Protection Procedure will be displayed in the kindergarten and available on the OKA website.
- Head Teachers shall maintain a confidential file in the kindergarten 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.
- Teachers shall inform families about relievers, visitors and students in the kindergarten.
- A copy of all court-related custody and protection orders must be sent to the Association.
- Each kindergarten will keep a contact list of appropriate agencies that deal with child protection matters. The Association will circulate any necessary updates as and when they become available.
- The General Manager may initiate a review of the procedures used in each case that arises and provide a written report to the Board which will include recommendations for policy change if appropriate.

Safe Working Practices

- No persons other than OKA "employees" (refer to definitions) shall be given tasks that involve nappy-changing, toileting or responsibility for supervision of children. Parents and other visitors may only be given tasks under direct supervision of a staff member. For further information on changing children please refer to the OKA Changing Children Procedure.
- Staff will not take children out of the kindergarten alone, except in response to life threatening events. For further information on kindergarten excursions please refer to the OKA Excursions and Travel Arrangements Procedure.
- If a child has not been collected from the service by closing time, two adults will remain with the child, ideally staff. Please refer to the OKA Collection of Children / Missing Children Procedure.
- Babysitting of / social engagement with children that attend the service by staff outside working hours, is not encouraged. Staff who do so are not acting as employees of the service or association.
- Following is a list of OKA and Kindergarten Procedures that have further information on safe working practices. However it is important for all "employees" to be familiar with all OKA Procedures.

- Administration of Medication
- Cyber-safety
- First Aid
- Privacy
- Prevention of Harassment
- Professional Practice regarding Separated Parents / Guardians
- Providing Positive Guidance for Children/Tamariki
- Sleeping or Resting Children
- Students in Kindergarten
- Supervision Plan
- Visitors in the Kindergarten
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Allegation of Child Abuse or Neglect against an Employee

It is essential that the issues of:

- the child's welfare once the allegation of abuse is reported.
- and**
- the procedures for dealing with the staff member

are separated and managed independently. In this regard the ESM shall be responsible for the child's welfare and the General Manager shall be responsible for dealing with the staff member.

Procedures to follow after an allegation of abuse by a staff member is discovered, disclosed or suspected are:

- **Responding to information or complaint of suspected child abuse**

Where any person reports to any staff member any suspicions of child abuse at a service, the staff member shall immediately notify the General Manager. No staff member will take any action alone in these matters and any action taken or discussion about a suspicion should only be after consultation with the most senior staff member or management person that can be contacted.

When advised about an incident or allegation, the General Manager shall immediately contact Child, Youth and Family and will follow their advice as well as the process contained within the OKA Complaints Procedure.

The General Manager shall, where appropriate, seek assistance of the Ministry of Education or other professional support agencies. During this time the priority must be given:

- to protect the child
- to protect the rights of those involved

This section of the procedure is written specifically to deal with situations whereby an allegation has been made against a staff member. Please see further on in the procedure with regard to allegations of suspected child abuse where the alleged perpetrator is not a staff member i.e. parent / family member.

It is important to note that if a staff member resigns from their position the process does not stop.

2. When a staff member is suspected of child abuse or neglect

Any allegation of abuse raised by a child, parent/whānau, guardian or other employee against a staff member must be made to the General Manager.

- **Allegation by a Child/Parent/Guardian**

If an allegation is made by a child, parent/whānau or guardian the General Manager will, where practicable, ask the complainant to put the allegation in writing. The absence of a written complaint will not preclude the General Manager from acting on the allegation.

Where this complaint is made to a staff member at a service, they should document the relevant details, encourage the complainant to put the complaint in writing and then forward the complaint to the General Manager.

The parent who has made the allegation must be advised not to discuss this

with other staff, nor the person(s) involved in the alleged abuse, nor other parents or persons outside the service, until after a full and fair investigation has taken place.

- **Allegation by a Staff Member**

Any allegation by a staff member must be in writing to the General Manager.

It should be noted that anyone can report suspected neglect or abuse directly to Child, Youth and Family Service or the NZ Police, however teaching staff should seek support and guidance from their Education Service Manager and must forward to the General Manager copies of any documentation that they have completed and/or forwarded to these outside agencies.

On receiving notification the General Manager shall immediately:

- Delegate the responsibility for the child's welfare to the Education Service Manager.
- Notify the Association's Board Chair and insurance company where applicable
- Begin investigation procedures. The General Manager can decide to instruct an external agency to undertake the investigation on behalf of the Association.
- Where it is the child's parents/guardian making the allegation, the General Manager may, if appropriate, advise them in a suitable, professional and sensitive manner that an investigation has been initiated and the steps taken by the Association to date and advice on the future course of action in accordance with this procedure.

3. The investigation process

Where appropriate, the General Manager will discuss the incident as soon as practical with the staff member and other possible witnesses, requesting written submissions with regard to the alleged incident. The staff member's version of the incident(s) will be considered before any decision is made.

- 3.1 Where it is deemed a fuller investigation needs to take place, the staff member shall be notified in writing of the allegation, the steps taken by the Association to date, invited to attend an investigation meeting in relation to the allegation and advised on the future course of action in accordance with this procedure and their employment agreement.

If the investigation is likely to take more than one day or is of a significantly serious nature, the staff member may be asked to carry out alternative duties or be suspended until a full investigation can be completed. Appropriate support will be accessed for the staff member and processes as per their employment agreement will be followed.

- 3.2 Where there is substantive evidence that an instance of child abuse may have taken place, the NZ Police should be contacted by the General Manager. No further action shall be taken until further advice, support or contact from the NZ Police is considered. The General Manager shall be responsible for any follow up with the NZ Police.

If it is determined that the Police will proceed to investigate the allegation, the General Manager will immediately suspend the staff member from his or her duties and provide written confirmation of that suspension. The General Manager's written notification will state:

- that the suspension is for the protection of children, other staff members and to prevent any further allegations of abuse against the staff member.
- that the suspension is to give the Association / NZ Police time to undertake an investigation.
- that the suspension is to give time for the staff member to obtain advice and the staff member will be advised to seek the assistance of NZEI Te Riu Roa or other appropriate body.

- the status of the staff member during the period of suspension.
- that salary payments will not cease during the period of suspension.
- that the suspension is in no way an indication that the allegation is proven.

Whilst the protection of the child shall be paramount and the next obligation of the General Manager shall be a full and fair investigation, it shall not be forgotten the impact to staff members this can have. Care will be taken to ensure that the presumption of innocence of those accused or implicated will be maintained until investigations are complete. Time off for counselling shall be offered to staff that have been falsely accused.

4. Subsequent Action of the General Manager

- Instruct the Education Services Manager to support the remaining teaching staff and the local kindergarten community during the period of the investigation.
- If the Association's investigation concludes that there has been a case of serious misconduct by the staff member, the General Manager will complete disciplinary procedures as contained in the relevant employment agreement.

In addition to this, the General Manager will:

- notify the Education Council requesting a suitable penalty up to and including de-registration. Following the necessary steps required of the Education Council even if the staff member resigns from his/her position.
- notify parents/whānau/guardians of the child and appropriate groups and individuals of the result of the Association's investigation.
- If appropriate inform other organisations that the employee may work or volunteer for.
- If the General Manager's investigation concludes that there is no substance to the allegation but there has been a breach of employment conditions (but is not a case of serious misconduct) and/or Association Policy and Procedure, the General Manager will:
 - complete disciplinary procedures as contained in the relevant employment agreement.
- If the General Manager's investigation concludes that there is no substance to the allegation and there has been no breach of employment conditions and/or Association Policy and Procedure, the General Manager will:
 - immediately reinstate the staff member (where applicable) and confirm this action in writing including offering crisis counselling for the staff member.
 - instruct the Education Service Manager to assist with the reinstatement of the staff member.
 - inform the parents/whānau/guardians of the child and appropriate groups and individuals of the result of the Association's investigation.

The General Manager should take care to ensure that actions taken do not undermine or frustrate any investigations being conducted by an external agency.

5. Protection of Information

- The General Manager shall be responsible for establishing and maintaining a file relating to the concerns or allegations raised and for the ongoing management of that file.

- This file shall be kept confidential and the lawful access to the file by relevant agencies and parties shall comply at all times with the Privacy Act 1993.
- No guarantee can be given by the Association, or the Police (where applicable) that any information recorded and held on the file (or provided to external agencies) will not be released to the family/whānau of the child involved and the principles of The Privacy Act 1993 will apply. Any staff submitting written reports must ensure that only the relevant facts and observations are recorded and should avoid recording opinions or judgements.

Reporting Procedures after Abuse DISCOVERED, DISCLOSED OR SUSPECTED

This section of the procedure is written specifically to deal with allegations of suspected child abuse where the alleged perpetrator is not a staff member i.e. parent / family member.

- It is important that teaching staff recognise the significance of what the child says and what they see and that staff act accordingly to this procedure.
- Teachers shall take seriously any disclosure from a child or an adult. Teachers shall take action in the short term to ensure the immediate safety of the child. In any action taken, the safety of the child is paramount.
- It should be noted that anyone can report suspected neglect or abuse directly to Child, Youth and Family, however the teaching staff should seek support and guidance from their Head Teacher, General Manager and/or Education Services Manager. Copies of any documentation that they have completed and/or forwarded to CYF must be kept confidential to the child and retained for seven (7) years following the child's exit date from Kindergarten.
- Staff members are required to immediately advise the Head Teacher/General Manager of the concerns and the Head Teacher and or teacher is to contact the General Manager immediately, who will inform the Education Services Manager.
- The staff member who raises the concern is required to record in writing all information on the OKA Record of Concern Form (copy attached) with the support of the Head Teacher/Education Services Manager. The form is to be completed as soon as is practicable.
- If someone in the child's home is directly implicated by an allegation of abuse, teachers shall report the matter to an appropriate agency.
- Child Youth and Family can be contacted on their 0508 number for advice on the best course of action.
- No staff member is to attempt to investigate any suspicion or allegation themselves or attempt to interview the child, any family/whānau member of the alleged abuser. Staff members must recognise that such investigations and interviews require specific expertise and that any attempt to undertake an investigation or interview could contaminate any evidence or subsequent investigation carried out by the appropriate authorities.
- No further action is taken until further advice, support or contact is received from either CYF's and/or the Police. The General Manager and/or ESM shall be responsible for any follow up with CYF and/or the Police and will be the point of contact for those agencies.
- The General Manager shall be responsible for notifying the parents/whānau/caregivers of the child involved in the allegations (subject to the

direction of CYF or the Police).

- The General Manager, in consultation with the ESM will decide on the support to be given to staff members involved in the initial reporting and ongoing developments.

Protection of Information

The Head Teacher shall be responsible for establishing and maintaining a file relating to the concerns or allegations raised and for the ongoing management of that file.

This file shall be kept confidential and the lawful access to the file by relevant agencies and parties shall comply at all times with the Privacy Act 1993.

No guarantee can be given by the Association, or the Police (where applicable) that any information recorded and held on the file (or provided to external agencies) will not be released to the family/whānau of the child involved and the principles of The Privacy Act 1993 will apply. Any staff submitting written reports must ensure that only the relevant facts and observations are recorded and should avoid recording opinions or judgements.



RECORD OF CONCERN *Confidential*

NOTE:

(This form is to be printed on yellow paper)

- Any staff submitting written reports, including this report **must** ensure that only the relevant facts and observations are recorded and should avoid recording opinions or judgements.
- Complete a separate report form for each child.
- All information must be kept for seven (7) years.

Kindergarten: _____

SECTION A *(to be completed by Teaching Staff)*

Date of Report: _____

Child's Name: _____

DOB: _____

Child's Address: _____

Child's Phone Number:

Dates and Brief outline of issues:

Staff Member's Observations:

(marks on body if appropriate and include specific reference to words, comments, behaviour and actions of the child)

Other Relevant Information:

Discussed with:

Date referred to General Manager and/or ESM:

SIGNED:

Staff Member

Print Full Name

Head Teacher

Print Full Name

SECTION B *(to be completed by General Manager)*

Action Planned:
(including referral information)

Follow-up details:

SIGNED:

General Manager

Print Full Name

These guidelines should be applied to 'teachers' communication with:

- Child, Youth and Family
- Court Appointed Lawyers
- Court Appointed Psychologists

The Head Teacher is primarily responsible for the handling of communication with external agencies unless they have delegated this responsibility to another teacher.

The General Manager and/or Education Services Manager will be kept informed of any communication with external agencies.

In all communications:

- The teacher shall request the name/s of staff, their office and position, and request the name of the case manager/supervisor/authority. The teacher shall independently verify this information with the agency/organisation prior to giving information.
- Information shared shall be factual and conversations shall be documented and a copy retained by the teacher. It may be appropriate to request the caller emails/posts questions to the kindergarten and teachers respond in writing.
- The teacher/s may request copies of correspondence from the agency/organisation that documents information obtained from the teacher/s.

Telephone communications:

- Telephone conversations must be made in non-contact time at a time agreeable to the teacher. The teacher shall inform agencies/callers of appropriate times at the first call.

Visits to the kindergarten:

- Agency staff should ring ahead if they wish to visit and make a suitable time, agreed upon by the teacher/s. In some instances, social workers or lawyers may have a court order that allows immediate access to the child.
- Due to conflict between child protection procedure's i.e. open door policy, teachers will not allow the child to be interviewed by agency staff without another adult present.
- The child's interests and needs are paramount.

Please also refer to the following procedures and publications:

- OKA Privacy Procedure
- OKA Separated Parents Procedure
- A Ministry of Education circular – Professional Practice regarding separated Parents/Guardians

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 terrorising 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 Indicators:

- Bed wetting or bed soiling with no medical cause
- Frequent psychosomatic complaints (e.g. headaches, nausea, abdominal pains)
- Non-organic failure to thrive
- Pale, emaciated
- Prolonged vomiting and/or diarrhoea
- Malnutrition
- Dressed differently to other children in the family

Behavioural Indicators:

- Severe developmental lags with obvious physical cause
- Depression, anxiety, withdrawal or aggression
- Self-destructive behaviour. This can include self-harm, suicide, alcohol and drug abuse
- Overly compliant
- Extreme attention seeking behaviours or extreme inhibition
- Running away from home, avoiding attending at school
- Nightmares, poor sleeping patterns
- Anti-social behaviours
- Lack of self esteem
- Obsessive behaviours
- Eating disorders

Caregiver Indicators:

- Labels the child as inferior or publicly humiliates the child (e.g. name calling)
- Treats the child differently from siblings or peers in ways that suggest dislike for the child
- Actively refuses to help the child
- Constantly threatens the child with physical harm or death
- Locks the child in a closet or room for extended periods of time
- Teaches or reinforces criminal behaviour
- Withholds physical and verbal affection
- Keeps the child at home in role of servant or surrogate parent
- Has unrealistic expectations of child
- Inappropriately involves child in adult issues such as separation or disputes over child's care
- Exposes child to witnessing, either seeing or hearing, situations of arguing and violence in the home

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: of action, emotion or basic needs.

Physical Indicators:

- Dressed inappropriately for the season or the weather
- Often extremely dirty and unwashed
- Severe nappy rash or other persistent skin disorders
- Inadequately supervised or left unattended frequently or for long periods
- May be left in the care of an inappropriate adult
- Does not receive adequate medical or dental care
- Malnourished - this can be both underweight and overweight
- Lacks adequate shelter
- Non-organic failure to thrive

Behavioural Indicators:

- Severe developmental lags without an obvious physical cause
- Lack of attachment to parents/caregivers
- Indiscriminate attachment to other adults
- Poor school attendance and performance
- Demanding of affection and attention
- Engages in risk taking behaviour such as drug and alcohol abuse
- May steal food
- Poor social skills
- No understanding of basic hygiene

Caregiver Indicators:

- Puts own need ahead of child's
- Fails to provide child's basic needs
- Demonstrates little or no interest in child's life - does not attend school activities, social events
- Leaves the child alone or inappropriately supervised
- Drug and alcohol misuse
- Depressed

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.

Physical Indicators (often unexplained or inconsistent with explanation given):

- Bruises, welts, cuts and abrasions
- Burns - small circular burns, immersion burns, rope burns etc.
- Fractures and dislocations - skull, facial bones, spinal fractures etc.
- Multiple fractures at different stages of healing
- Fractures in very young children, especially those not yet mobile

Behavioural Indicators:

- Inconsistent or vague explanations regarding injuries
- Wary of adults or a particular person
- Vacant stare or frozen watchfulness
- Cringing or flinching if touched unexpectedly
- May be extremely compliant and eager to please
- Dresses inappropriately to hide bruising or injuries
- Runs away from home or is afraid to go home
- May regress (e.g. bedwetting)
- May indicate general sadness
- Is violent to other children or animals

Caregiver Indicators:

- Inconsistent or vague explanations regarding injuries
- May appear unconcerned about child's wellbeing
- May state the child is prone to injuries or lies about how they occur
- Delays in seeking medical attention
- May take the child to multiple medical appointments and seek medical treatment without an obvious need

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.

Physical Indicators:

- Unusual or excessive itching or pain in the genital or anal area
- Torn, stained or bloody underclothing
- Bruises, lacerations, redness, swelling or bleeding in genital, vaginal or anal area
- Blood in urine or stools
- Sexually transmitted infections
- Pregnancy
- Urinary tract infections
- Discomfort in sitting or fidgeting as unable to sit comfortably

Behavioural Indicators:

- Age-inappropriate sexual play or language
- Bizarre, sophisticated or unusual sexual knowledge
- Refuses to go home, or to a specific person's home, for no apparent reason
- Fear of a certain person, place, sound or smell
- Depression, anxiety, withdrawal or aggression
- Self-destructive behaviour. This can include self-harm, suicide, alcohol and drug abuse
- Overly compliant
- Extreme attention seeking behaviours or extreme inhibition
- Dresses inappropriately to hide bruising or injuries
- Eating disorders
- Compulsive behaviours

Caregiver Indicators:

- May be unusually over-protective of the child
- Accuses the child of being sexually provocative
- Misuses alcohol or drugs
- Invades the child's privacy (e.g. during dressing, in the bathroom)
- May favour the victim over other children

INTIMATE PARTNER VIOLENCE OR FAMILY VIOLENCE

Intimate Partner Violence or Family Violence includes threatening to harm people, pets or property, and causes family members to live in fear. Children are always affected either emotionally or physically where there is family violence even if they are not personally injured or physically present.

While some men experience violence from partners and family members, women and children are the most likely victims of family violence.

Indicators in the Child:

- Physical injuries consistent with the indicators of Physical Abuse
- Absenteeism from school
- Bullying or aggressive behaviour
- Complaints of headaches or stomach aches with no apparent medical reason
- Talking or describing violent behaviours

Indicators in the Victim:

- Physical Injuries including: bruising to chest and abdomen, injuries during pregnancy
- Depression and/or anxiety
- Inconsistent explanations for injuries
- Fearful
- Submissive

Indicators in the Perpetrator:

- Isolates and controls partner and children
- Threatens, criticises, intimidates, uses aggressive and physical abuse towards partner and children
- Minimises and denies own behaviour, or blames victim for the perpetrators own behaviour