Child Protection - Vulnerable Children

Purpose and Scope

At New Zealand Kindergartens (NZK) we are committed to the prevention of abuse of children and to the well-being of children and their families. NZK holds a firm commitment to act in the best interest of the child.

This policy sets out how to manage, report and action notifications of abuse, suspected abuse or neglect of children.

This policy applies to the Board, General Managers/Chief Executives (GMs/CEs) and staff members (whether permanent, fixed, casual or relieving), and to any contracted personnel providing support services to families and members, and to those providing support services to staff.

Legislation

NZK complies with the Oranga Tamariki Act (Children, Young Persons and Their Families Act), 1989; Crimes Act, 1961; Family Violence Act 2018, 1995; Health Act, 1956; Health and Disability Sector Standards Regulations, 2001; Privacy Act, 2020; Health Information Privacy Code, 1994; Care of Children Act, 2004; Human Rights Act, 1993; Children's Act, 2014; Education Act, 1989 (Education (update) Amendment Act 2017); and Education (Early Childhood Services) Regulations 2008

Key Definitions

Child/children The *Oranga Tamariki (Children, Young Persons and Their Families) Act, 1989*, defines a child as being under the age of 14 years; Young person' refers to any person over the age of 14 years but under 17 years.

Support Services refers to external agencies and their personnel who offer support for families, children or staff, for example Family Start, Ministry of Education, Oranga Tamariki, Vision and Hearing technicians, Strengthening Families.

Designated Person is the internal staff member, usually the Head Teacher and/or Senior Teacher, that will manage, and coordinate child protection matters on behalf of the kindergarten.

Oranga Tamariki is the Ministry for Children. Dedicated to support any child whose wellbeing is at significant risk of harm currently or in the future.

Abuse The *Oranga Tamariki (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".

Examples of Abuse and Neglect can present in many ways. Some may be overt, while others more subtle and more difficult to detect.

NZK is committed to the prevention of abuse, and reporting of abuse in children.

This procedure will be available/displayed:

- On the wall in each kindergarten
- Shared with parents and guardians at induction
- Available on the Kindergartens website

Physical Abuse is a non-accidental act on a child or young person 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. Physical abuse also involves the fabrication or inducing of illness.

Emotional Abuse is the persistent emotional ill treatment of a child or young person such as to cause severe and persistent adverse effect on their emotional development. This can include rejecting, degrading, ignoring, isolating, corrupting, exploiting or terrorising; or include age or developmentally inappropriate expectations; it may include seeing or hearing the ill treatment of others, such as exposure to family/whānau or intimate partner violence.

Sexual Abuse includes any activity where an adult develops a sexual relationship with or is involved in the grooming of a child or young person. This can involves forcing or enticing a child to take part in sexual activities (penetrative and non-penetrative e.g. rape, kissing, touching, masturbation) as well as non-contact acts such as showing children sexual images of sexual activity or behavior.

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

How to Detect Child Abuse and Neglect

	How **ABUSE** can show itself	How **NEGLECT** can show itself
Physical signs	Unexplained injuries, burns, fractures, unusual or excessive itching, genital injuries, sexually transmitted diseases	Looking rough and uncared for, being dirty, without appropriate clothing, or being underweight Medical neglect – persistent nappy rash, skin disorders or other untreated medical issues.
Developmental delays	Child may be small for their age, there are cognitive delays, falling behind in education, poor speech and social skills	Child may be small for their age, there are cognitive delays, falling behind in education, poor speech and social skills
Emotional signs	Sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness / loneliness and evidence of self-harm	Sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness / loneliness and evidence of self-harm
Behavioural concerns	Age-inappropriate sexual interest or play, fear of a certain person or place, eating disorders, disengagement / neediness, aggression	Disengagement/ neediness, eating disorders, aggression
Disclosure – telling or 'hinting'	Child talking about things that indicate abuse, sometimes called an allegation or disclosure. May speak about being hurt, hit, or feeling unsafe at home.	Child talking about things that indicate abuse, sometimes called an allegation or disclosure. May speak about being left home alone or feeling unsafe at home.

Please remember – there are many different ways in which abuse or neglect may present itself. We ask that at all times, you consider the overall wellbeing and risk of harm to the child. Each situation can be different, and you will need to consider all facts and information in regard to the child and their environment before reaching a conclusion. NEVER ACT ALONE.

Roles and Responsibilities

- ✓ **You,** if you are concerned a child is showing signs of potential abuse or neglect you must talk to your Head teacher, Senior teacher or General Manager. All staff have a responsibility to understand the Vulnerable Children procedures for reporting concerns. If you feel more comfortable, you may report these concerns directly yourself.

- ✓ **Head Teachers**, have a responsibility to support and foster a culture of child protection within their teaching teams and Kindergarten. They will ensure staff are familiar with the Vulnerable Children reporting procedures. Head Teachers have a responsibility to ensure that any concerns are shared with their Senior Teacher and if after consultation with their Senior Teacher/General Manager to ensure the appropriate authority is notified.

- ✓ **Designated Person for Child Protection to** find out who is your Designated Person refer to the Child Protection Procedure that is found displayed in the centre. The Designated Person will usually be the Head Teacher and/or Senior Teacher. The role of the Designated Person is to:
  - Ensure the needs and rights of children come first, i.e. the safety and wellbeing of each child is paramount
  - Ensure clear, confidential, detailed and dated records on all child protection cases. These must contain all available information relating to the cause for concern and any subsequent action taken, including when it has been decided not to make a notification to Oranga Tamariki or the NZ Police.
  - When notification made to outside agency the Designated Person will inform General Manager so Education Review Office can be advised.
  - Establish and maintain close links with relevant local agencies.
  - Ensure that all staff are supported appropriately when dealing with child protection concerns.
  - Maintain a current awareness of children identified by Kindergartens as at risk.

- ✓ **General Manager - licensee** has the overall responsibility to ensure that this procedure complies with current obligations and is followed.

REPORTING AND RESPONDING TO CHILD ABUSE OR NEGLECT

Allegations against an external party e.g. parent, caregiver, whānau

If there is a concern that a child is suffering, or at risk of suffering, from abuse or neglect, you will be required to follow these steps:

Step 1. Staff must consult with their Designated Person (usually Senior Teacher), or in their absence the General Manager, to discuss concerns regarding suspected child abuse or neglect. If you feel more comfortable, you may report any concerns directly yourself.

Step 2. Concerns of abuse or neglect may be raised in a number of ways:

a. Directly by staff hearing or observing issues or behaviours of concern
b. Direct disclosure by the child or young person
c. Indirect disclosure through a friend

d. Complaint from parent or caregiver / whānau member
e. Report by other colleagues or agencies

Step 3. Staff must ensure that all known information about the child, and their family/whānau is shared with the Designated Person to determine the most appropriate response

Step 4. Staff must maintain appropriate confidentiality at all times.

Step 5. Staff will not act alone. As concerns arise, statutory agencies, Oranga Tamariki or NZ Police will be contacted, when necessary, to discuss appropriate next steps when responding to suspected situations of child abuse and that critical information is not held back when a report to the statutory agency is made.

Step 6. If you are aware that the child already has an Oranga Tamariki social worker assigned, and this is a new report of concern, then you must follow the procedure for reporting, but also leave a message for the social worker.

Step 7. Staff are reminded that any disclosure about either a child or adult having either witnessed abuse or been abused themselves (intimate partner violence), that you are obligated to report this information following this procedure to the NZ Police or Oranga Tamariki.

Step 8. When a serious incident involving a child or children occurs, or is suspected to have occurred at the Kindergarten, you must contact your Senior Teacher/General Manager. If after consultation it is decided to notify Oranga Tamariki, the General Manager is also required to contact the Education Review Office.

For more general concerns about the wellbeing of a child, staff will record all information and consult with their Senior Teacher. Referrals where appropriate, will be made to support agencies within the community, such as Public Health, Strengthening Families, Family Start, Catholic Social Services.

There are four stages to follow when responding to a disclosure, or where you have suspicion of abuse or neglect. These stages are: **Respond**, **Record**, **Consult** and **Report**.

RESPOND:

- Listen to the adult or child disclosing
- Reassure the adult or child
- Do NOT interview the child
- Do NOT make promises you cannot keep

If the child is visibly Distressed: Provide an appropriate reassurance i.e., "thank you for telling me, its not okay that happened to you" and re-engage in appropriate activities under supervision until they can participate in ordinary activities. (When no longer distressed)

If the child is NOT in immediate danger: Re-involve the child in ordinary activities, and inform them you will be telling someone who can help

If the child is in immediate danger: stay with the child and get another adult to call **NZ Police on 111** and then, **Oranga Tamariki on 0508 326 459** and follow their directions. Then contact Senior Teacher/GM- Professional Services

RECORD: As soon as possible formally record the disclosure or concern:

- Word for word of what is said
- The date, time, location and the names of any staff that may be relevant
- The factual concern or observations that have led to the suspicion of abuse or neglect (any physical, behavioural or developmental concerns)
- The action taken after consulting the Head Teacher / Designated Person
- Any other information that may be relevant

All information regarding concerns about the safety of children will be recorded in a confidential file and stored securely.

CONSULT:

- Consult with your Senior Teacher before making any decisions
- Consult with outside agencies as required: e.g., Public Health Nurse, Strengthening Families
- Oranga Tamariki 0508 326 4459 can be contacted for advice without reporting a concern
- If you feel more comfortable, you may report any concerns directly yourself.

Monitor and Record:

If the decision has been made not to notify Oranga Tamariki or the Police:

- Staff must continue to monitor and record and concerns
- Staff must continue to consult with Senior Teachers / GM's
- If after monitoring there are still concerns, then report as per process

REPORT:

- Notify Oranga Tamariki promptly if there is a belief that a child has or is likely to be abused or neglected
- Email through a completed report of concern form to: contact@mvcot.govt.nz
- Follow up with a phone call to the National Contact Centre: 0508 FAMILY (0508 326 459) to check if it has been received
- Notify your ERO office
- The decision to inform parents / whānau that you have reported a concern to Oranga Tamariki will be made in consultation with Senior Teachers

Continue to monitor and record any concerns and follow the process again. Remember that reporting does not stop monitoring or cease this process. Staff must remain alert for child protection concerns.

REPORTING AND RESPONDING TO CHILD ABUSE OR NEGLECT

Allegations against staff, volunteers or other adults working within NZK

NZK will respond to suspicions and allegations of child abuse by a member of staff in a manner which best ensures children's safety, treating suspicions or allegations with the same seriousness as those made against any other person.

Step 1. Allegations, suspicions or complaints of abuse against staff, volunteers or other adults must be reported to the General Manager.

Step 2. Concerns of abuse or neglect may be raised in a number of ways:

a. Directly by staff hearing or observing issues or behaviours of concern
b. Direct disclosure by the child or young person
c. Indirect disclosure through a friend, or a complaint from a parent or caregiver/ whānau member
d. Report by other colleagues or agencies

Step 3. The General Manager will ensure:

- Steps are put in place to ensure the person who has allegations made against them does not come into contact with children at Kindergarten whilst the accusation is being investigated.
- they will inform the Education Review Office.
- they will consult with and follow the advice of statutory agencies, Oranga Tamariki or the NZ Police. Will also be guided by the collective employment agreement
- .
- they will adhere to the principles of the *Employment Contracts Act 1991* and will advise the staff member under suspicion to seek appropriate legal or professional advice and support.

Step 4. The matter will be investigated or reported. If there is insufficient evidence to pursue a criminal prosecution, then a disciplinary investigation may still be undertaken.

RESPOND:

- Listen to the adult or child disclosing
- Reassure the adult or child
- Do NOT interview the child
- Do NOT make promises you cannot keep

If the child is visibly Distressed: Provide an appropriate reassurance i.e., "thank you for telling me, it's not okay that happened to you" and re-engage in appropriate activities under supervision until they can participate in ordinary activities. (When no longer distressed)

If the child is NOT in immediate danger: Re-involve the child in ordinary activities, and inform them you will be telling someone who can help

If the child is in immediate danger: stay with the child and get another adult to call **NZ Police on 111** and then, Oranga **Tamariki on 0508 326 459** and follow their directions. Then contact GM- Professional Services

RECORD: As soon as possible formally record the disclosure or concern:

- Word for word of what is said
- The date, time, location and the names of any staff that may be relevant
- The factual concern or observations that have led to the suspicion of abuse or neglect (any physical, behavioural or developmental concerns)
- The action taken after consulting the Head Teacher / Designated Person
- Any other information that may be relevant

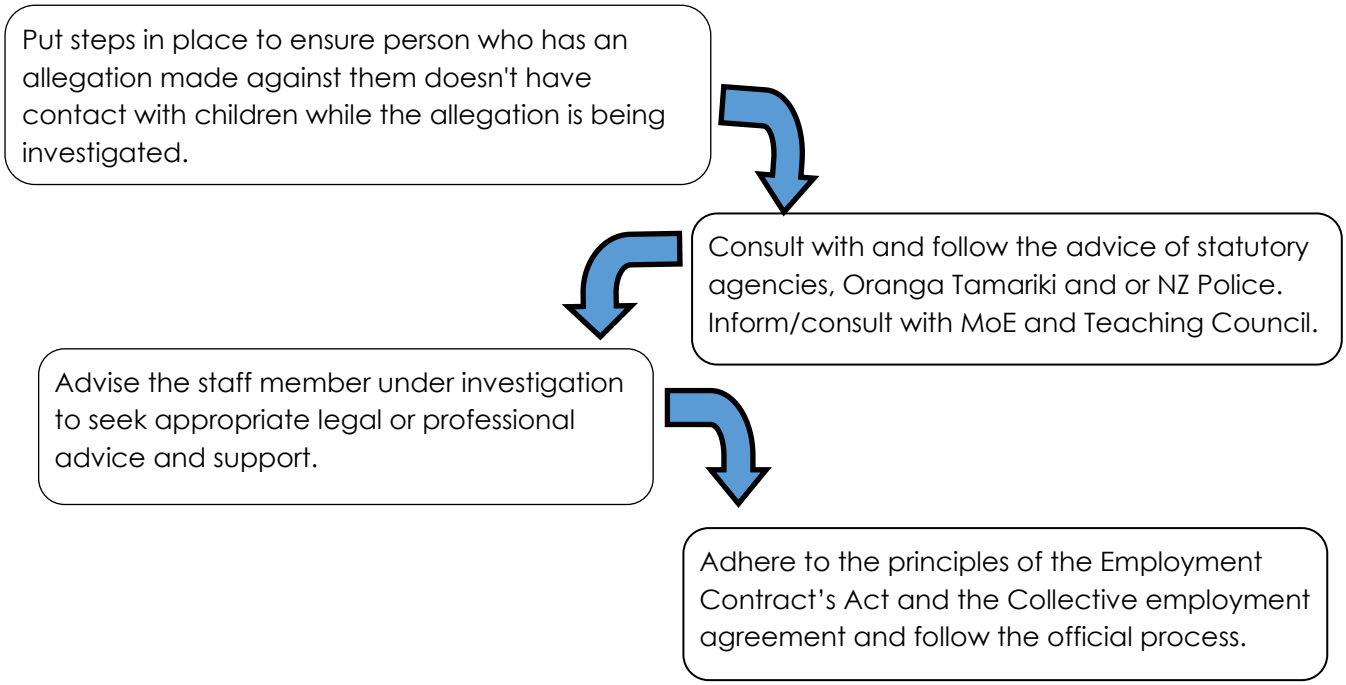
All information regarding concerns about the safety of children will be recorded in a confidential file and stored securely and a copy given to the General Manager –who will investigate further.

Step 5. The General Manager will ensure

In the case of a teacher, the Teaching Council will be informed, following the outcome of the investigation if necessary.

In the case of a teacher, the Teaching Council will be informed if the teacher is dismissed or resigns/fixed term position ends after a conduct issue was raised within 12 months after the teacher ceased employment.

The General Manager will then:



NZK is committed to building a culture of child protection. No person in this organisation will collude to protect an adult or the organisation when allegations of child abuse or neglect are reported. Additionally, NZK will not use 'settlement agreements' to resolve these allegations, where these are contrary to a culture of child protection.

The process of reporting and responding to any allegation of child abuse or neglect will continue even in instances where the staff member tenders their resignation or ceases to provide services to NZK.

CONFIDENTIALITY AND INFORMATION SHARING

The *Privacy Act 2020*, and the *Oranga Tamariki (Children, Young Persons and Their Families) Act 1989* allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated. Provided the report is made in good faith, no civil or criminal or disciplinary proceedings may be brought against you.

Other matters you need to be aware of when considering confidentiality and reporting:

- Information sharing will be restricted to those who have a need to know.
- Staff may be asked to provide information to Oranga Tamariki, the Police, Court or Lawyers, and Psychologists. When one of these persons/agencies contacts a Kindergarten for information, they must be passed onto the Head Teacher of the Kindergarten.
- The Head Teacher will need to identify the person making the request, the actual purpose of the request, what use the information will be put to, and who will see the information. Head Teacher will request work contact details and return the call/ or verify the email address is a workplace email.
- Once verified, the Head Teacher will contact the Senior Teacher, as Designated Person for Child Protection for advice, before providing the information. Any written documentation to another person/agency must be pre-approved by the Senior Teacher. This also applies to any parent requesting a written letter from the Kindergarten to support custody/child protection/ legal situations.
- Court appointed Lawyers/ Social Workers must have introduced themselves via phone/email initially, before coming onsite. They must bring photographic identification for you to verify, ensuring they are who you are expecting.
- In the case of a Social Worker or Counsel for Child wishing to interview a child whilst in the care of the Kindergarten, the Head Teacher must consult their Senior Teacher / GM to be certain that such an interview will be undertaken legally and in the best interests of the child.
- Information provided will be kept as factual as possible, and nothing will be recorded as fact without evidence to back it up.

PROACTIVE PRACTICES & MEASURES NZK WILL TAKE

Safe working practices for all staff and volunteers

A relationship between an adult and a child or young person cannot be a relationship between equals. There is a potential for exploitation and harm of vulnerable children/ young people. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

NZK will ensuring that the following safe working practices are implemented:

- Staff will always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. All teachers are expected to behave in a manner consistent with the Teaching Council 'Our Code Our Standards'.
- Any person who requests to talk to staff 'in confidence' must be cautioned that if the information shared discloses the likelihood of a child having been or with the potential to be abused, they are obligated to report this information to Oranga Tamariki or the Police.
- When physical contact is made with a child this should be in response to the child's emotional or physical needs at the time (e.g. for affection, reassurance or comfort).

Physical contact should never be initiated by an adult unless there are safety grounds to do so.

- Physical contact of children during changing or cleansing must be for the purpose of that task only and be no more than is necessary. Staff should inform another teacher or adult when changing or toileting a child, and a record will be kept. If the child is capable, encourage the child to take care of themselves.
- Staff should not be left alone with a child at the beginning or end of a session.
- Staff should avoid being alone with a child in secluded areas of the Kindergarten.
- Staff at their discretion may exclude from the Kindergarten any person who appears to be affected by alcohol or any other substance that has a detrimental effect on the person's functioning behaviour. Contact and inform the Senior Teacher/ General Manager immediately.
- Staff can contact external agencies such as Oranga Tamariki – Ministry of Children or NZ Police, if they believe any parent/caregiver is affected by alcohol or any other substance that has a detrimental effect on the person's functioning behaviour, and ability to care for their child/ren. Contact and inform the Senior Teacher/ General Manager immediately. Any incidents will be reported to the MoE.
- Staff shall inform families about relievers/visitors/students via the whiteboard.
- Visitors, volunteers, family/whānau, outside agencies, must be in view of the Kindergarten staff at all times.
- When transporting children in an emergency, there must always be two adults in attendance.
- Children can only be picked up by those designated on the child's enrolment form, unless prior consent has been given by the parent/s.
- Staff personal devices such as phones and tablets are not to be used to take photos or videos of children. If photos have been taken for the parent or Kindergartens social media, photos must be deleted off the device before leaving the premises.

Recruitment checks for staff:

All appointments (permanent, fixed term, relieving) to positions that have direct contact with children at NZK will include safety checks as required by the *Children's Act 2014*. This includes:

- Checks required for new children's workers and
- Checks required for 3- yearly periodic rechecking

Further information regarding safety checking, including police vetting and screening procedures is found in the Appointments procedure.

Information regarding the acceptance of visitors and volunteers within our Kindergartens is found in the Visitors to Kindergarten Policy.

Students, regular volunteers, and researchers are subject to safety checking as part of the Students, Researchers and Volunteers Policy

Professional learning and development:

Training, resources and/or advice will be available to ensure that all staff can carry out their roles in terms of this policy, particularly:

- Recognising and responding to the signs and indicators of actual or suspected abuse
- Planning of environment and supervision and safe practice to minimise risk
- Understanding and complying with legal obligations regarding child abuse
- Dealing with child/parents/family/whānau

- Ensuring staff understand and can follow the Vulnerable Children Procedure and the procedures for reporting a concern

All staff will be informed about the Vulnerable Children Procedure as part of their Health and Safety induction and review.

NZK has a commitment to provide ongoing training in child protection to all staff beyond that of induction. Additional training will occur in workshop format at HT, PCT, NHT, Kindergarten Meetings and PLD weeks. The Designated Person will make themselves accessible to staff to provide advice and support at any time.

Once initial training has occurred all staff will be expected to participate in a refresher course every two years. The Designated Person for Child Protection will undertake more intensive training in order to discharge their duties effectively in this role.

NZK recognises the added stress to staff when involved in child protection issues and will ensure support is available to support your mental wellbeing throughout the process.

Word of Warning

This policy does not form part of an employee's contract of employment. However, it is important that you understand that a breach of this policy may result in disciplinary action including but not limited to, termination of your employment. If you want to make a complaint or raise a concern regarding a breach of this policy, please speak with your GM/CE. You can refer to our Grievance Procedure for guidance on how grievances are handled at NZK.

Procedure Reviews

This procedure must be reviewed and updated every three years by the NZK Tiger Team in accordance with the changing regulatory requirements and best practices.

The NZK Tiger Team will ask all Associations to undertake an evaluation using at least one example of:

- how well the policy and procedure has supported the service to respond; or
- how well the policy and procedure would support the service to respond using a hypothetical scenario.

Feedback to be provided to the NZK Tiger Team following the evaluation. Any amendments will be made at the discretion of NZK.

Related Procedures

Protected Disclosures Procedure
Grievance Procedure
Kindergarten Teachers Collective Agreement (KTCA)
Vulnerable Children's Act 2004

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