



# Child Protection Policy



## **Statement of Commitment**

Hutt City Kindergartens is committed to the prevention of abuse and to the well-being of children and their families for whom it provides a service. We are committed to always acting in the best interest of the children.

### **Principles:**

- Hutt City Kindergartens is committed to dealing with abuse, suspected abuse or disclosure of abuse/ or neglect of children.
- Hutt City Kindergartens agrees that working in accordance with this policy requires training and support for staff.
- Hutt City Kindergartens recognises that staff play an important role in the prevention, detection and reporting of suspected child abuse. We therefore have a commitment to ensure that all staff can identify the signs and symptoms of potential abuse and neglect and are able to take appropriate action in response.
- Hutt City Kindergartens will ensure any disclosures about alleged abuse are acknowledged and appropriate action taken to ensure the safety of children who make disclosures.
- Hutt City Kindergartens is committed to promoting a culture where staff feel confident that they can constructively challenge poor practice or raise issues of concern without fear of reprisal.
- Hutt City Kindergartens supports the roles of the New Zealand Police and Oranga Tamariki - Ministry for Children in the investigation of suspected abuse and will report suspected/alleged abuse to these agencies
- This policy has been written in accordance with the following legislation:
  - Education Act, 1989 (Education (update) Amendment Act 2017)
  - Oranga Tamariki Act (Children, Young Persons and Their Families Act), 1989
  - Crimes Act, 1961
  - Domestic Violence Act, 1995
  - Health Act, 1956
  - Health and Disability Sector Standards Regulations, 2001
  - Privacy Act, 2020
  - Health Information Privacy Code, 1994
  - Care of Children Act, 2004
  - Employment Relations Act, 2000
  - Human Rights Act, 1993
  - Children's Act, 2014
  - Education (Early Childhood Services) Regulations 2008

## **Objective**

The overall objective of Hutt City Kindergartens Child Protection policy is to ensure that the safety of all children attending our service is our prime consideration always.

## **Scope**

- This policy applies to all children and young persons who are attending Hutt City Kindergartens, and to those who staff come into contact with during their work with Hutt City Kindergartens, for example, siblings.
- It applies to all staff (both teaching and non-teaching), support workers, volunteers, visitors, students and management of Hutt City Kindergartens.
- It also applies to any contracted personnel providing support services to families and members, and to those providing support services to staff.

## **Definitions**

For the purposes of this policy, the following definitions apply:

- ‘Child’ and ‘children’ refers to any child under the age of 14 years; ‘Young person’ refers to any person over the age of 14 years but under 17 years; but does not include any person who is or has been married or in a civil union (Section 2 – Oranga Tamariki Act 1989).
- ‘Staff’ refers to all people working at any Hutt City Kindergarten, both paid and unpaid, and includes employees, contractors, consultants, students, and volunteers
- ‘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.

## **Definitions of 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”.

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**

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**

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 seeing or hearing the ill treatment of others, such as exposure to family/whānau or intimate partner violence.

## Sexual Abuse

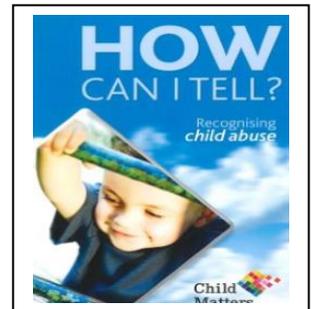
Sexual Abuse involves forcing or enticing a child or young person to take part in sexual activities (penetrative and non-penetrative, for example, rape, kissing, touching, masturbation) as well as non-contact acts such as involving children in the looking at or production of sexual images, sexual activities and sexual behaviours. 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

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.

These definitions are sourced from Child Matters <http://www.childmatters.org.nz/239/childprotection-policy/section-2-child-protection-policy/definition-of-child-abuse>

Please refer How Can I Tell? published by Child Matters for further information



## Identifying Child Abuse and Neglect

Hutt City Kindergartens approach to identifying abuse or neglect is guided by the following principles:

- Whilst there are different definitions of abuse, the important thing for staff is to consider the overall wellbeing and risk of harm to the child.
- Every situation is different and all available information must be considered in regard to the child and their environment before reaching conclusions.
- When we are concerned a child is showing signs of potential abuse or neglect we must talk to our Head teacher, and Senior teacher or General Manager- Professional Services. DO NOT ACT ALONE
- It is normal to feel uncertain, however, the important thing is that we should be able to recognise when something is wrong, especially if we notice a pattern forming or several signs that make us concerned.
- Exposure to intimate partner violence is a form of child abuse. There is a high rate or co-occurrence between intimate partner violence and the physical abuse of children.

❖ Refer to Appendix for signs of abuse and neglect, and further information is in the How Can I Tell booklet.

## Roles and Responsibilities

- The General Manager- Professional Services as licensee of all Hutt City Kindergartens has overall responsibility to ensure all Hutt City Kindergartens staff follow the Child Protection policy
- The Senior Teachers are the 'Designated Person for Child Protection' at Hutt City Kindergartens. The role of the Designated Person for Child Protection 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 Senior teacher will inform General Manager – Professional Services so Ministry of Education 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.
- Head Teachers have a responsibility to support and foster a culture of child protection within their teaching teams and kindergarten. They will ensure all staff are familiar with the Child Protection policy and 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 to ensure the appropriate authority is notified.
- All staff have a responsibility to understand the Child Protection policy and procedures for reporting concerns. All staff have a responsibility to discuss any child protection concerns, including suspected abuse and neglect, with their Head Teacher in the first instance.

## Access and availability of the policy

- The Child Protection policy will be clearly displayed on the wall, in each kindergarten.
- All new parents/guardians will be informed of the policy at induction.
- The Child Protection policy will be readily available and displayed on Hutt City Kindergartens website.

## Safe Working Practices

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.

Hutt City Kindergartens are committed to ensuring that the following safe working practices are implemented:

- Staff should 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). In responding through physical contact, staff should do so only to meet the child's physical or emotional needs. Physical contact should never be initiated to gratify adult needs.
- 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. Encourage children 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- Professional Service 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 –Professional Service 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 Hutt City Kindergartens 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 be used to take photos or videos of children.

### **Safe recruitment of staff:**

- ❖ All appointments (permanent, fixed term, relieving) to positions that have direct contact with children at Hutt City Kindergartens 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 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 Child Protection policy and the procedures for reporting a concern

All staff will be informed about the Child Protection policy as part of their Health and Safety induction and review.

Hutt City Kindergartens have a commitment to provide ongoing training in child protection to all staff.

This will occur in workshop format at:

- HT meetings
- PCT Meetings
- PLD weeks
- NHT Meetings
- HCK Staff Meetings

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. These persons will be accessible to staff to provide advice and support.

Hutt City Kindergartens recognises the added stress to staff when involved in child protection issues, and will ensure support is available.

## **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 a report is made in good faith, no civil or criminal or disciplinary proceedings may be brought against you.

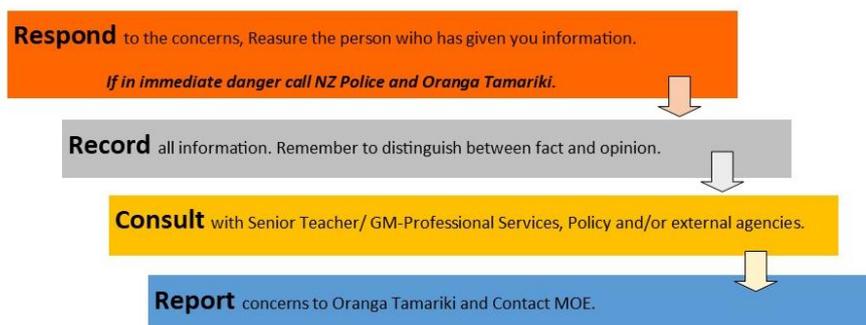
- Information sharing will be restricted to those who have a need to know.
- Staff may be asked to provide information to Oranga Tamariki, the Police, Court or Lawyers, and Psychologists. When one of these persons/agencies contacts a kindergarten for information, they must be passed onto the Head Teacher 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 your 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 Hutt City Kindergartens, the Head Teacher must consult their Senior teacher 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.

## Responding to and reporting suspected child abuse or neglect

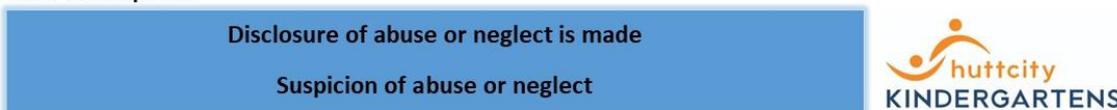
If there is a concern that a child is suffering, or at risk of suffering, from abuse or neglect, these steps must be followed in all circumstances:

1. Staff must consult with their Senior Teacher, or General Manager – Professional Service in their absence, to discuss concerns regarding suspected child abuse or neglect. No decisions or actions are to be made in isolation.
2. Concerns may be raised in a number of ways, eg:
  - a. Directly by staff hearing or observing issues of concern or behaviour of concern
  - b. Direct disclosure by the child or young person
  - c. Indirect disclosure e.g. through art work or through friends
  - d. Complaint from a parent or caregiver/ whānau member
  - e. Reported by other colleagues or agencies
3. Staff must ensure that all known information about the child, and their family/whānau is shared in full with the Senior Teacher to determine the most appropriate response
4. Staff must maintain appropriate confidentiality at all times.
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.
6. If you are aware that the child already has an Oranga Tamariki social worker assigned to them, 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.
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 Police or Oranga Tamariki.
8. When a serious incident involving a child or children occurs, or is suspected to have occurred, whilst at kindergarten, you must contact your Senior Teacher/General Manager- Professional Services. If after consultation it is decided to notify Oranga Tamariki, the General Manager- Professional services is also required to contact the Ministry of Education.

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.



## How to Respond:



- Respond:**
- Listen to the child/ adult disclosing.
  - Reassure the child/adult.
  - Do not interview the child.
  - Do not make promises that you can't keep.

**If the child is visibly distressed:** Provide appropriate reassurance i.e. "thank you for telling me. It is not ok that happened to you" and re-engage in appropriate activities under supervision until the can participate in ordinary activities.

**If the child is NOT in immediate danger:** Re-involve the child in ordinary activities, and inform them that 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 (e.g. Any physical, behavioural or developmental concerns).
- The action taken after consulting the Senior Teacher.
- Any other information that may be relevant.

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

## Consult/ Decision Making:

- 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.
- No decisions are made in isolation.

### Monitor and Record:

If the decision is made not to notify Oranga Tamariki or the Police, monitoring must occur:

- Staff must continue to monitor and record any concerns.
- Staff must continue to consult with Senior Teachers.
- If after monitoring, you still have concerns then report as per process.

## Report/ Notifying Authorities:

- Notify Oranga Tamariki promptly if there is a belief that a child has been or is likely to be abused or neglected.
- Email through a completed report of concern form to : [contact@mvcot.govt.nz](mailto:contact@mvcot.govt.nz).
- Follow up with a phone call to the National Contact Centre: 0508 Family (0508 326 459) to check it has been received.
- Notify your local MOE 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 once does not stop this process, staff must email alert for child protection concerns.

## **Managing Allegations Against Staff**

- Hutt City Kindergartens will respond to suspicions and allegations of child abuse by a member of staff in a manner which best ensures children’s safety and will treat suspicions or allegations against a staff member with the same seriousness as suspicions or allegations made against any other person.
- There is potential that an issue raised as a complaint may also constitute an allegation of abuse.
- Any such complaint that raises a child protection issue must be reported directly to the General Manager – Professional Services
- Allegations, suspicions or complaints of abuse against staff, volunteers or other adults within the kindergarten will be taken seriously and reported to the General Manager- Professional Services who will deal with them immediately and sensitively within the procedures outlined in this policy. Concerns may be raised in a number of ways e.g.:
  - Directly by staff hearing or observing issues of concern or behaviour of concern
  - Direct disclosure by the child or young person
  - Indirect disclosure e.g. through art work or through friends or a complaint from a parent or caregiver/ whānau member
  - Reports by other colleagues or agencies
- The General Manager - Professional Services 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.
- The General Manager – Professional Services will consult with and follow the advice of statutory agencies, Oranga Tamariki or the NZ Police. The General Manager- Professional Services will also be guided by the collective employment agreement as well as informing the Ministry of Education and Teaching Council.
- The General Manager – Professional Services will adhere to the principles of the Employment Contract’s Act and will advise the staff member under suspicion to seek appropriate legal or professional advice and support.
- If there is insufficient evidence to pursue a criminal prosecution, then a disciplinary investigation may still be undertaken. The allegation may represent inappropriate behaviour or poor practice by a member of staff which needs to be considered under internal disciplinary procedures.
- No person in this organisation will collude to protect an adult or the organisation. Hutt City Kindergartens commits not to use ‘settlement agreements’, where these are contrary to a culture of child protection.
- Any staff member tendering their resignation, or ceasing to provide their services, will not prevent an allegation of abuse against a child being followed up in accordance with this policy.

**How to Respond if an:**

**Allegation is made against a Staff Member**



**Respond:**

- Listen to the child/ adult disclosing.
- Reassure the child/adult.
- Do not interview the child.
- Do not make promises that you can't keep.

**If the child is visibly distressed:** Provide appropriate reassurance i.e. "thank you for telling me. It is not ok that happened to you" and re-engage in appropriate activities under supervision until the can participate in ordinary activities.

**If the child is NOT in immediate danger:** Re-involve the child in ordinary activities, and inform them that 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.

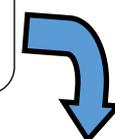
**Record and inform:** As soon as possible formally record the disclosure or concern

- 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 (e.g. Any physical, behavioural or developmental concerns).
- Any action taken after consulting the General Manager—Professional Services
- Any other information that may be relevant.

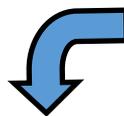
All information regarding concerns about the safety of children must be recorded in a confidential file and stored securely and a copy given to General Manager—Professional Service who will investigate further.

**The General Manager Professional Services will then:**

Put steps in place to ensure person who has an allegation made against them doesn't have contact with children whilst the allegation is being investigated.



Consult with and follow the advice of statutory agencies, Oranga Tamariki and or NZ Police. Inform/consult with MOE and Teaching Council.



Advise the staff member under investigation to seek appropriate legal or professional advice and support.



Adhere to the principles of the Employment Contract's Act and the Collective employment agreement and follow the official process.

## **APPENDIX**

### **Signs of Child Abuse and Neglect**

**The following guidelines identify some of the signs of potential child abuse:**

- Physical signs (unexplained injuries, burns, fractures, unusual or excessive itching, genital injuries, sexually transmitted diseases).
- Developmental delays (small for their age, cognitive delays, falling behind in education, poor speech and social skills).
- Emotional abuse/neglect (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).
- Disclosure (the child talking about things that indicate abuse, sometimes called an allegation or disclosure).

**The following guidelines identify some of the signs of potential neglect:**

- Physical signs (looking rough and uncared for, dirty, without appropriate clothing, underweight).
- Developmental delays (small for their age, cognitive delays, falling behind in education, poor speech and social skills).
- Emotional abuse/neglect (sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm)
- Behavioural concerns (disengagement/ neediness, eating disorders, aggression).
- Neglectful supervision (out and about unsupervised, left alone, no safe home to return to).
- Medical neglect (persistent nappy rash or skin disorders or other untreated medical issues).

### **Associated procedures:**

- Appointments procedure
- Cyber safety procedure
- Excursions procedure
- Privacy procedure
- Relievers procedure
- Resolution of Concerns and Complaints procedure
- Toileting/Nappy changing procedure
- Visitors to kindergarten procedure
- Wellness/Hauora procedure

This policy is reviewed annually

Last Reviewed May 2022