Child Protection Policy

Board of Trustees Minute Reference : December 2017 Part 1 Item 5.2

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Owner : SLT members; Runanga Managers;

 Manager HR

Responsibility for this policy : Manager, HR

1. **Background**

In acknowledging its obligation to ensure the wellbeing of children in the care of Te Kura, the Board recognises the important roles Te Kura staff have in protecting children. The Board is committed to the prevention of child abuse and neglect and to the protection of all children and will make the safety and wellbeing of the child the top priority in any Te Kura investigation of suspected or alleged abuse.

1. **Purpose**

This policy is intended to protect the safety and promote the wellbeing of children and young persons aged under 17 years who are receiving services from any staff member of Te Kura, or are associated with adults who are receiving services from any Te Kura staff member.

1. **Scope**

This policy applies to all Te Kura staff, contractors and volunteers (including mentors) and is to be used wherever child abuse or neglect is suspected or identified. It is intended to protect all children that Te Kura staff may encounter in the course of their work, including siblings, the children of adults accessing Te Kura teaching and learning services and any other children encountered by staff as they provide their service.

This policy does not cover Te Kura students aged over 17 years. Refer to the intranet’s [Policy framework page](http://intranet.correspondence.school.nz/policies-and-procedures/policy-framework) for the *Health and Safety Policy: Students* which covers Te Kura’s responsibilities for those students, including young adults.

1. **Definitions**

**Abuse** – the harming (whether physically, emotionally or sexually), ill-treatment, neglect or

deprivation of any child.

**Neglect** – the persistent failure to meet a child’s basic physical or psychological needs,

leading to adverse or impaired physical or emotional functioning or development.

**Child** – any child or young person aged under 17 years, and who is not married or in a civil

union.

**Child protection** – activities carried out to ensure that children are safe in cases where there

is suspected abuse or neglect or the risk of abuse or neglect.

**Children’s services** – any organisation that provides services to children or to adults where

contact with children may be part of the service. These organisations are required to have child

protection policies.

**Children’s workforce/children’s workers** – people who work with children, or who have

regular contact with children, as part of their roles.

**Contact:** A person’s work involves **regular or overnight contact** with children if the person has contact (other than merely incidental contact) with a child or children:

* overnight, or at least once each week; or on at least four days each month; and
* that contact is physical contact, or by oral communication (whether in person or by telephone), or communication through any electronic medium, including by way of writing or visual images.

**Disclosure** – information given to a staff member by the child, parent or caregiver or third

party in relation to abuse or neglect.

**Safer recruitment** – following good practice processes for pre-employment checking which

help manage the risk of unsuitable persons entering the children’s workforce.

**Standard safety checking** – the staged process of safer recruitment that is mandatory for

organisations covered by the Vulnerable Children Act 2014.

**Workforce restriction** – a restriction on the employment or engagement of people with

certain specified convictions under the Vulnerable Children Act 2014.

1. **Policy statement**

Te Kura will:

* provide a safe environment for teaching and learning, free from physical, emotional, verbal or sexual abuse
* work to produce the best possible outcomes for the child and work towards continuous improvement in child protection practices
* recognise the culture of the family/whānau, its importance and the rights of family/whanau to participate in decision-making about their children.
* make the safety and wellbeing of children Te Kura’s primary concern, with the child at the centre of all decision-making
* ensure that all staff are able to identify the signs and symptoms of potential abuse and neglect, are able to take appropriate action in response and will do so, recognising the importance of early intervention and the principle of applying the least intrusive intervention necessary to protect vulnerable children
* encourage staff to share information in a timely way and discuss any concerns about an individual child in accordance with the staff procedures on *Responding to concerns about student safety* (posted on the intranet’s Policy framework page, under staff procedures)
* support the roles of the New Zealand Police and Oranga Tamariki in the investigation of suspected abuse and will report suspected/alleged abuse to these agencies in accordance with the staff procedures on *Responding to concerns about child safety.*
1. **Guidelines**
* Carry out recruitment and employment safety checking in accordance with the Vulnerable Children Act 2014. (Refer to Appendix 1 *Guide to VCA Safety Checking* flowchart.)
* Provide appropriate training, including at the induction of new staff, to maintain and increase staff awareness of how to prevent, recognise and respond to child abuse.
* All matters involving allegations against staff are to be immediately escalated in writing to the Chief Executive (CE) as per the process outlined under the heading *Making a complaint* in the staff procedures on *Complaints – Procedures for dealing with complaints about staff* (posted on the intranet’s Policy framework page, under staff procedures).
* Understand that every situation is different and it is important to consider all available

information about the child and their environment before reaching conclusions.

* Prioritise considering the overall wellbeing and risk of harm to the child rather than trying to categorise the type of abuse or neglect.
* Te Kura staff who are concerned that a child is showing signs of potential abuse or neglect should not act alone. Follow the procedures outlined in the staff procedures on *Responding to concerns about student safety* (posted on the intranet’s Policy framework page, under staff procedures).
* It should be noted that the Privacy Act 1993 and the Oranga Tamariki Act 1989 allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated.
1. **Supporting documentation**

Vulnerable Children Act 2014

Vulnerable Children (Requirements for Safety Checks of Children’s Workers) Regulations 2015

Care of Children Act 2004

Domestic Violence Act 1995

Privacy Act 1993

Victims’ Rights Act 2002

Complaints – Procedures for dealing with complaints about staff

Health and Safety Policy: Students

Health and Safety: Students – Management Guidelines

Oranga Tamariki Act 1989

Privacy Policy, Management Guidelines and Staff Procedures

Recruitment of Staff Policy and Staff Procedures

Responding to concerns about student safety ‒ Staff Procedures

Responding to a traumatic incident affecting a student ‒ Staff Procedures

Useful detailed information about identifying possible child abuse and an assessment framework is contained in the Oranga Tamariki document [*Working together - An interagency guide*](https://www.mvcot.govt.nz/assets/Uploads/Documents/Interagency-guide-working-together.pdf).

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Approved as a governance policy Date

Karen Sewell

Chair

Board of Trustees

Appendix 1



**Annex 2**

**Guide to VCA Safety Checking for internships**

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| **Level 1** | The student has a work experience placement in a business which is ***not*** a regulated service[[1]](#footnote-1) | * The Police vetting requirements **don’t apply** to either the workers or the students.
* The VCA safety checking requirements **don’t apply** as the business is not a regulated service.
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| **Level 2** | The student has a work experience placement in a (non-education) regulated service as a children’s worker | * The Police vetting requirements **don’t apply** to either the workers or the students.
* The VCA safety checking requirements **do apply** as the organisation is a regulated service.
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| **Level 3** | The student has a work experience placement in a Service or school or as a children’s worker | * The Police vetting requirements **do apply** to the workers but don’t apply to students.
* The VCA safety checking requirements **do apply** to workers.
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**Schedule 1 - Regulated services**

***Welfare, support, and justice services***

1. services provided (including the performance or exercise of functions and powers) under the [Oranga Tamariki Act 1989](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM147087" \l "DLM147087) by the department responsible for the administration of that Act, or by any care and protection co-ordinator or youth justice co-ordinator:
2. services provided at, or in relation to the operation of, any residence within the meaning of [section 2(1)](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM147094" \l "DLM147094) or [364](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM154320" \l "DLM154320) of theOranga Tamariki Act 1989 (excluding, for the avoidance of doubt, services provided by an individual with whom a child is placed under [section 362](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM154313" \l "DLM154313) of that Act):
3. services provided by any person, organisation, or body approved under [section 396](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM154552" \l "DLM154552) or [403](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM154574" \l "DLM154574) of the Oranga Tamariki Act 1989:
4. services provided (including the performance or exercise of functions and powers) under any order, direction, or recommendation of a court made under the [Oranga Tamariki Act 1989](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM147087#DLM147087), the [Care of Children Act 2004](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM317232" \l "DLM317232), or the [Adoption Act 1955](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM292660" \l "DLM292660) by—

(i) the department responsible for the administration of the [Oranga Tamariki Act 1989](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM147087#DLM147087); or

(ii) any other person, organisation, or body:

1. services provided by any person, body, or organisation pursuant to any decision, recommendation, or plan made by a family group conference under the [Oranga Tamariki Act 1989](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM147087#DLM147087):
2. services provided at prisons, secured facilities, and children’s health camps:
3. services provided as part of a condition of bail made under the [Bail Act 2000](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM68379" \l "DLM68379):
4. services and facilities of the kind referred to in [sections 4(1)﻿(a)](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM149438" \l "DLM149438) and [7(2)﻿(b)﻿(i)](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM149444" \l "DLM149444) of the Oranga Tamariki Act 1989:
5. social or support services, including (but not limited to) victim support services, drug and alcohol rehabilitation services, and childcare services:
6. mentoring and counselling services:
7. youth services and youth work:
8. participating in a telephone communication service that is likely to be used wholly or mainly by children:
9. moderating an electronic interactive communication service that is likely to be used wholly or mainly by children (but a person does not moderate a public electronic interactive communication service unless he or she has access to the content of the matter or contact with users of the service):
10. services provided to escort, track, or transport children for the purposes of the [Oranga Tamariki Act 1989](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM147087#DLM147087):
11. out-of-school care and recreational services:

***Health services***

1. services provided at a public hospital:
2. services provided at a publicly funded medical practice or facility, including blood and cancer centres, treatment centres, outreach clinics, and mental health services:
3. services provided through medical practices belonging to primary health organisations (PHOs):
4. services provided by health practitioners:
5. Well Child Tamariki Ora (WCTO) services (eg, Plunket):
6. home-based disability support services:
7. residential disability support services:
8. ambulance services:
9. maternity services, including lead maternity carers and midwives:

***Education services***

1. education services provided at a registered school (as defined in [section 2(1)](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM175965" \l "DLM175965) of the Education Act 1989):
2. early childhood services (as defined in [section 309](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM187091" \l "DLM187091) of the Education Act 1989):
3. education services provided by a trades academy, a service academy, or an alternative education provider for or on behalf of a school:
4. education services provided at any off-site location for or on behalf of a registered school or early childhood service, including teen parent units, school camps, and learning centres:
5. services provided to ensure enrolment and attendance at school in accordance with [sections 20](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM178225" \l "DLM178225) and [25](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM178240" \l "DLM178240) of the Education Act 1989:
6. services provided at a playgroup (as defined in [section 309](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM187091#DLM187091) of the Education Act 1989):
7. services provided at any location on behalf of a limited child care centre (as defined in [section 2(1)](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM278835" \l "DLM278835) of the Health and Safety in Employment Act 1992):

***Transport services***

1. work driving a vehicle that is being used only for the purpose of conveying children and any persons supervising or caring for the children (for instance, school bus services):

***Policing services***

1. specialist child and family policing services provided by Police employees (as defined in [section 4](http://www.legislation.govt.nz/act/public/2014/0040/latest/link.aspx?search=sw_096be8ed8160896f_schedule+1_25_se&p=2&id=DLM1102132" \l "DLM1102132) of the Policing Act 2008):

***Local authority services***

1. social and support services, including (but not limited to) mentoring and counselling services and community outreach, advocacy, and engagement services:
2. education services, including (but not limited to) learn-to-swim programmes and digital literacy programmes:
3. services provided at community facilities, including (but not limited to) sports and recreation centres, libraries, swimming pools, galleries, and community centres:
4. services provided in public environments, including (but not limited to) surf and beach patrols, skate park guardians, and road safety co-ordinators.
1. Regulated services are government -funded services provided to children or adults in respect of children and are listed in ***Schedule 1*** of the VCA. In the education sector, a regulated service includes education services provided at, by, or on behalf of Services and schools. This includes any person or organisation contracted by a Service or school, to provide an education service. [↑](#footnote-ref-1)