

## 1.7 Child and Young Person Protection

New Zealand Disability Strategy – Outcome 4

UN Convention – Articles 7 & 16

Children’s Act 2014

Oranga Tamariki Act 1989

NZS 8134.1:2021

### Scope: Who this is for

This policy applies to all staff, including contractors and volunteers. This policy also applies to all carers that we recruit, match, and/or supervise.

### Statement: Why it matters

The purpose of this policy is to keep the children we work with, and come in contact with during our work, safe and well protected.

International research has found that **disabled children are at a high risk of abuse and neglect**. We all need skills and knowledge to understand how to prevent, recognise and respond to child abuse and neglect.

We put the interests and welfare of the child at the centre of everything we do. All staff members have a responsibility to discuss concerns about child abuse and/or neglect with their line manager. This policy is consistent with guidelines from Oranga Tamariki, including “Safer Organisations Safer Children”. This policy is also consistent with the Children’s Act 2014.

We do **not** question children or provide counselling, therapy or treatment for child abuse and/or neglect. We refer children and families/whānau to appropriate services.

### Our Designated Person for Child Protection:

Bernette (Berne) Peters, as National Coordinator Intensive Family Services, is our “Designated Person for Child Protection”. Berne is available to advise on care and

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protection issues. She can be contacted at [Bernette.Peters@ccsdisabilityaction.org.nz](mailto:Bernette.Peters@ccsdisabilityaction.org.nz) or 027 262 9615.

Your regional Child Protection Advisor is also available to advise. You can find their contact details in the [Branch Directory](#).

## Policy principles

- The rights, interests, welfare and safety of the child/tamaiti are at the centre of everything we do.
- It is the child's right, regardless of their needs or abilities, to be at the centre of a circle of support and protected at all times.
- There is no excuse for the abuse and/or neglect of any child. Abuse is abuse regardless of whether a child is disabled or not.
- We recognise the rights of family/whānau to participate in decisions about their children.
- We support family/whānau to stay strong and resilient to enable them to engage and connect with their children.
- We support children and their family/whānau in culturally appropriate and safe ways.
- We provide an environment in which all of us are able and encouraged to recognise and report errors or mistakes. All staff should feel confident about challenging poor practice, or raising issues of concern, without fear of reprisal.
- We are committed to ensuring that all staff are aware of the signs of potential abuse and/or neglect and are able to take appropriate action in response. This includes being aware of their Child Protection Advisor and knowing when/how to contact them.

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## Definitions

- **Child:** any child or young person aged under 18 years. Note in some cases a person in care of up to 25 years of age can be classed as a child/young person.
- **Child protection:** activities carried out to ensure that children are safe in cases where there is suspected abuse and/or neglect or children are at risk of abuse and/or neglect.
- **Child Protection Advisors:** experienced and skilled practitioners who will guide any of us concerned about child protection issues.
- **Children’s worker:** a worker who has regular or overnight contact with a child or children. Regular contact means: at least once a week; or at least 4 days each month. Contact also includes phone or electronic communication. The contact must take place without a parent or guardian of the child, or of each child, being present. See our [HR Policies](#) for more on this.
- **Core Children’s worker:** a worker who, when working with a child or children, is:
  - the only children’s worker present; or
  - the children’s worker who has primary responsibility for, or authority over, the child or children present.
- **Disclosure:** information given to a staff member by a child, parent/caregiver or a third party in relation to abuse or neglect.
- **Oranga Tamariki:** the agency responsible for investigating and responding to suspected abuse and/or neglect and for providing care and protection to children found to be in need.
- **New Zealand Police:** the agency responsible for responding to situations where a child is in immediate danger and for working with Oranga Tamariki in child protection work as well as investigating cases of abuse and/or neglect where an offence may have occurred.

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- **Physical abuse:** any acts that may result in physical harm of a child or young person. It can be, but is not limited to: bruising, cutting, hitting, beating, biting, burning, causing abrasions, strangulation, suffocation, drowning, poisoning and deliberately induced illness.
- **Sexual abuse:** any acts that involve forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. Sexual abuse can be, but is not limited to:
  - **Contact abuse:** touching breasts, genital/anal fondling, masturbation, oral sex, penetrative or non-penetrative contact with the anus or genitals, encouraging the child to perform such acts on the perpetrator or another person, involvement of the child in activities for the purposes of pornography or prostitution
  - **Non-contact abuse:** exhibitionism, voyeurism (gaining sexual pleasure from watching others when they are naked or engaged in sexual activity), exposure to pornographic or sexual imagery, inappropriate photography or depictions of sexual or suggestive behaviours or comments.
- **Emotional abuse:** any act that results in adverse or impaired psychological, social, intellectual and emotional functioning or development. This can include:
  - **Patterns of isolation:** degradation, constant criticism or negative comparison to others. Isolating, corrupting, exploiting or terrorising a child can also be emotional abuse.
  - **Exposure to family/whānau or intimate partner violence.**
- **Neglect:** the most common form of abuse and, although the effects may not be as obvious as physical abuse, it is just as serious. Neglect can be:
  - physical (not providing the necessities of life like a warm home, food and clothing)

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- emotional (not providing comfort, attention and love)
- neglectful supervision (leaving children without someone safe looking after them)
- medical neglect (not taking care of the child's health needs)
- educational neglect (allowing chronic truancy, failure to enrol in education or inattention to education needs).

While there are different definitions and categories of abuse and neglect, the important thing is for staff to consider the overall wellbeing and the risk of harm to the child.

### **Actions and Responsibilities**

All staff, volunteers and contractors follow the requirements of this Child and Young Person Protection policy.

- Regions are required to nominate Child Protection Advisors. These Advisors are experienced and skilled practitioners who can be consulted alongside the Service Manager, and will guide any of us concerned about child protection issues.
- Child Protection Advisors will form a national network and regularly communicate with each other.
- Child Protection Advisors will complete the 5-day Child Protection Studies Programme from Child Matters. The network of Advisors will also identify ongoing skills training and development for themselves on an annual basis.
- As part of their orientation, new staff will be advised of this Child and Young Person Protection policy. All staff must know and follow the procedures in this Child and Young Person Protection policy.
- The Designated Person for Child Protection will work with local teams to identify staff to attend the 5-day Child Protection Studies Programme from

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Child Matters. This may include staff who work in intensive family services and/or with Oranga Tamariki contracts.

### **Identifying abuse and neglect**

Every situation is different, and it is important to consider all available information about the child and their environment. For example, behavioural concerns may be the result of life events, such as divorce, accidental injury or the arrival of a new sibling. It is important, however, to report any concerns to your line manager.

It is very important to note that disabled children have the same rights as other children, including the right to be free of abuse and/or neglect. There is no excuse for the abuse and/or neglect of any child. Whether a child has an impairment/disability or not must not make any difference to whether you report suspected abuse and/or neglect.

It is normal to feel uncertain when you suspect abuse and/or neglect. However, the important thing is being able to recognise when you have a concern, especially if there is a pattern forming or several signs that make you concerned. It is a requirement that all staff report any concerns about children to their line manager. Note it is not our role to investigate suspected abuse and/or neglect. That is the role of Oranga Tamariki and/or the Police.

### **Signs of potential abuse and/or neglect**

Below are just some of the possible signs of abuse and/or neglect.

- **Possible general sign of abuse:** the child talking about things that might indicate abuse (sometimes called an allegation or disclosure).
- **Possible signs of physical abuse:** unexplained bruises and welts (suspicious locations include: face, lips, mouth, eyes, torso, back, buttocks, backs of legs and genitalia); unexplained fractures, dislocations and burns.
  - **Possible physical abuse behavioural indicators:** wary of adult contact, frightened of parents, reports injury by parents, negative feelings about

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themselves, vacant or frozen stare, apprehensive when other children cry, behaviour extremes, aggressive and withdrawn.

- **Possible physical signs of sexual abuse:** difficulty walking or sitting, genital injuries, bruising and/or bleeding, pregnancy, and sexually transmitted diseases.
  - **Possible sexual abuse behavioural indicators:** bizarre, sophisticated or unusual sexual behaviour or knowledge, poor peer relationships, reports sexual assault, change in performance in school, self-harming and cruelty to animals.
- **Possible signs of emotional abuse:** failure to thrive, lags in physical development and hyperactive or disruptive behaviour.
  - **Possible emotional abuse behavioural indicators:** sleep disorders, unusual fearfulness, developmental lags, antisocial and/or destructive behaviour, habit disorders (sucking, biting and rocking) and behavioural extremes (compliant, passive, aggressive, hypervigilant (constantly scanning the environment for threats), or demanding).
- **Possible signs of neglect:** poor growth patterns, failure to thrive, abandonment, inappropriate clothing, consistent hunger and poor hygiene.
- **Possible signs of neglectful supervision:** left alone and no safe home to return to.
- **Possible signs of medical neglect:** persistent nappy rash, skin disorders and other untreated medical issues.
  - **Possible neglect behavioural indicators:** begging and stealing food, rare attendance at school, constant fatigue, falling asleep in class, not attending medical appointments, and inappropriate seeking of affection.

For more information on identifying possible child abuse and/or neglect see:

<https://www.orangatamariki.govt.nz/identify-abuse/>

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You can also talk to your Child Protection Advisor or the Designated Person for Child Protection, Bernette (Berne) Peters, for more information about possible signs of abuse and/or neglect.

### Responding to possible abuse and/or neglect

**If you believe a child is in immediate danger and you cannot contact your Child Protection Advisor, the Designated Person for Child Protection, your Service Manager, or your General Manager, call the Police.**

**If a child is currently being abused call the Police.**

If a child talks about possible abuse and/or neglect:

- Stay calm. Listen to the child. Try not to interrupt.
- Do **not** formally interview the child – only ask questions to get necessary, relevant facts **if and when clarification is needed**.
- Remember that the safety and wellbeing of the child comes before the interests of any other person.
- Reassure the child that they did the right thing in talking to someone.
- Tell the child that you need to get help.
- As soon as possible, write down exactly what was said and report it to your line manager **on the same day**. Your line manager will report it to your Child Protection Advisor and your Service Manager.

If you suspect abuse and/or neglect:

- As soon as possible, report your concerns to your line manager. This must be at least **on the same day** as you become aware of, or are informed of, concerns about abuse and/or neglect. Report the matter and allow it to be properly assessed even if there is doubt in your mind that the abuse and/or neglect may or may not have occurred.

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- Ensure high quality, accurate, and timely recording practices. What you record may be used as legal evidence. As soon as possible on the same day, make a written record of what you have seen, been told or have concerns about.

This includes:

- Exactly what happened or what you were told, using the person’s own words, keeping it factual and not interpreting what you saw or were told.
  - When any disclosure was made, or when you were told about/witnessed any incident/s.
  - Who was involved, who else was present and any other witnesses.
  - Any other relevant information, e.g. previous incidents that have caused you concern.
  - All observations, impressions and communication about the child.
  - As much detail as possible.
- This record will be saved in a centralised folder separate from our general records, with access permissions restricted to certain roles. Add a red flag to the Te Puna Kōrero file so that new Coordinators know to talk to their Service Manager. Their Service Manager can then tell them anything they need to know to keep the child safe.
  - Your line manager will report the concerns to your Child Protection Advisor and your Service Manager. The Child Protection Advisor and/or Service Manager will inform the General Manager within 24 hours.
  - The Child Protection Advisor will decide if there is enough clear evidence or reasonable cause to refer the concerns to Oranga Tamariki. If there is, the Service Manager will report the concerns to Oranga Tamariki. The Service Manager will do this in consultation with the Child Protection Advisor and the person who first suspected, or witnessed, the abuse and/or neglect. The

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Report of Concern and all information and correspondence relating to it is saved in a designated folder inside the centralised, restricted permissions folder.

- The Child Protection Advisor, together with your Service Manager, will decide whether the parents/caregivers will be informed of a Report of Concern or actions taken. The child's best interests must come first in this decision; see 2.2 People's Privacy and Confidentiality for our policy on sharing information.
- If the parents/caregivers will be informed, the Child Protection Advisor together with your Service Manager will decide who the appropriate person is to inform the parents/caregivers and how this is done.
- If you continue to work with the family, highlight any further, ongoing concerns or issues to your line manager. Your line manager will keep your Child Protection Advisor and your Service Manager informed. The Child Protection Advisor may decide that further issues need to be raised with Oranga Tamariki. Child safety is the most important consideration.
- If it is decided the matter does not require a Report of Concern, agree with your Child Protection Advisor, line manager and Service Manager on any further action, such as a safeguarding plan.
- Continue to reflect on your own practice with your line manager.
- Look after yourself. Professional advice and support relating to incidents of child abuse is available. Your line manager will know how to access this.

**Child Protection Advisors are required to:**

- Review the outcome and lessons learned from each consultation.
- Make a brief report to the General Manager and the Designated Person for Child Protection, Berne Peters.
- Share their experience with the national Child Protection Advisor network.

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## Staff working directly to support children

- We recognise that children and young people are most at risk when they are alone with an adult. Some of our work involves supporting children individually and with personal care. In these situations, we balance the child's need for privacy with minimising risk for the child.
- During the personal planning process, look for practical ways to keep the child safe.

## Allegations against staff

When an allegation is made against a staff member, volunteer or contractor:

- The General Manager, National Human Resources Manager and Designated Person for Child Protection must be immediately notified. Together they will appoint an appropriate investigating officer and will oversee the investigation. The National Human Resources Manager will guide the Human Resources process.
- The staff member should immediately be removed from any duties that involve children. This is subject to the requirements of the person's contract and relevant employment law.
- If there is clear evidence or reasonable cause to believe an instance of child abuse and/or neglect may have occurred, the Police and/or Oranga Tamariki will be informed to conduct an investigation.
- If a disciplinary process is required, it will then be carried out following section 9 of the [HR Policies](#).

The staff member will be informed of their legal rights, including the ability to seek support.

## Confidentiality and information sharing

Only share information about suspected abuse and/or neglect with the following internal staff:

- your line manager

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- your Service Manager
- your Child Protection Advisor
- the Designated Person for Child Protection
- your General Manager.

If a child is in immediate danger or currently being abused, **call the Police**.

**Note:** Do not share information with a staff member if the concern is about them or there is a clear conflict of interest between them and any of the people the concern is about. If you cannot share information with your line manager because of this, go to their line manager.

If the Child Protection Advisor decides there is enough clear evidence or reasonable cause, we can share information with Oranga Tamariki and/or the Police. We will seek advice from Oranga Tamariki and/or the Police before information about suspected abuse and/or neglect is shared with other organisations.

Always keep in mind that:

- The Privacy Act 2020 and the Oranga Tamariki Act 1989 allows information to be shared to keep children safe when abuse or suspected abuse is reported or investigated.
- Under sections 15 and 16 of the Oranga Tamariki Act 1989 any person who believes that a child has been, or is likely to be, harmed physically, emotionally or sexually or ill-treated, abused, neglected or deprived may report the matter to Oranga Tamariki or the Police and provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.
- Our policy 2.2 People’s Privacy and Confidentiality in the [National Service Policies Manual](#) explains how we protect the privacy and confidentiality of people receiving support from us. All staff should know this policy.

The Office of the Privacy Commissioner has published a set of guidelines called “Sharing Personal Information of Families and Vulnerable Children”, which includes

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a range of helpful advice about confidentiality and information sharing:

<https://www.privacy.org.nz/privacy-act-2020/information-sharing/approved-information-sharing->

## **Orientation**

All staff will be informed about the content of this Child and Young Person Protection policy during orientation. All staff must know and acknowledge that they understand this Child and Young Person Protection policy.

All staff will receive a [Child Protection Pocket Reference Z Card](#) (called “Change our mind set from ‘What if I am wrong, to what if I am right?’”) and will know how to contact their region’s Child Protection Advisor.

Workplace support is available to all staff. If needed, please discuss with your line manager.

## **Impact of not using this policy**

If this policy is not followed, we could:

- put a child at risk of harm or neglect
- neglect our duty of care for a child
- put ourselves at risk of harm
- risk harm to the relationships of all the people involved
- lack understanding of how we work safely with children
- face disciplinary action under Human Resources policies
- breach our service contracts
- break the law and possibly face legal action.

## **Any questions about this policy**

For any questions about this policy, contact the National Coordinator Intensive Family Services or your local Child Protection Advisor.

For any feedback on this policy, contact a member of the National Service Policy Team.

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## Related documents

- National Service Policies Manual
  - 1.2 Children and Young People’s Rights
  - 1.9 Recognising and Responding to Adult Abuse and Neglect
  - 1.11 Working Respectfully in a Person’s Home
  - 2.2 People’s Privacy and Confidentiality
- [HR Policies](#)
  - Section 6: Recruitment
- [Health and Safety Manual](#)
  - 19 Working Safely in the Community
  - 20 Managing Violence in the Community
- [Caregivers Manual](#) – Oranga Tamariki Services

## Related resources

- Our [Child Protection Pocket Reference \(Z Card\)](#)
- Child Matters’ [How Can I Tell?](#) resource on recognising child abuse
- [Information from Oranga Tamariki about how to identify abuse](#)
- Oranga Tamariki’s [Safer Organisations Safer Children](#) guidelines
- Child Matters’ publication on safe policies and practices, called [Creating a Safe Organisation](#)
- Ministry of Health [Family Violence Assessment and Intervention Guideline](#)
- Oranga Tamariki’s interagency guide on [Working together to support tamariki, rangatahi and their family/whānau](#)
- Oranga Tamariki’s [care standards](#)
- Resource from the Privacy Commissioner on [Sharing Personal Information of Families and Vulnerable Children](#)

## Policy owner/s

Role: National Coordinator Intensive Family Services

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## Document review

This document will be reviewed based on our Control and Review policy, which is in the [National Service Policies Manual](#). This includes reviews at least once every three years.

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