

Child Protection Policy



Approved by:	Senior Leadership Team
Group:	Engagement and Culture
Responsibility:	Group Manager Engagement and Culture
Date adopted:	30 November 2023
Review:	Every 3 years or as required to be completed by Group Manager Engagement and Culture This Policy does not cease to have effect because it is due for review, or being reviewed
Consultation:	Not Required
Policy Type	Internal Corporate Management

Introduction

Policy Purpose

1. The purpose of this policy is to:
 - i. Articulate Timaru District Council (**TDC**) commitment to our obligations under the Children's Act 2014 (**CA**) to ensure the wellbeing and safety of children and young people in our community.
 - ii. Provide TDC with a broad framework and expectations to protect vulnerable children or young people.
 - iii. Ensure TDC carry out legislative safety checks on employees working with children or young persons to ensure compliance with the Act.

Scope

2. This policy applies to:
 - i. All employees, students and volunteers who may have contact with children or young persons in the course of their duties.
 - ii. All contracted personnel or third-party providers who may have contact with children or young persons in the course of providing services to TDC.

Definitions

3. Child and Young Person

4. Child is defined as:

- i. A person under the age of 14 years, pursuant to the Oranga Tamariki Act 1989 (**OTA**); or
- ii. A person under the age of 18 years, pursuant to the CA.

5. The OTA defines **young person** as a person of or over the age of 14 years but under 18 years.

6. **Child Abuse:** The OTA defines child abuse as, the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person.

- i. The definitions set out below, provide a non-exhaustive list of indicators of abuse.
 - a. **Physical abuse** means any action that may result in physical harm of a child or young person. This includes, but is not limited to: bruising, cutting, beating, hitting, shaking, burning, drowning, suffocating, biting, poisoning, strangling or otherwise causing physical harm to a child or young person. Physical abuse can also involve the fabrication of inducing an illness.
 - b. **Emotional abuse** means the persistent emotional ill-treatment of a child or young person causing severe and persistent adverse effects on the child or young person's emotional, psychological, social and intellectual functioning or development.

7. This can include a pattern of rejecting, degrading, ignoring, isolating, constant criticism or negative comparison to others, corrupting, exploiting, or terrorising a child or young person.

8. It may also include age or developmentally inappropriate expectations being imposed on children or young persons.

9. It also includes seeing or hearing the ill-treatment of others, i.e., exposure to family/whānau or intimate partner violence.

- i. **Sexual abuse** means any act that involves forcing or enticing a child or young person to take part in sexual activities, whether or not they are aware of what is happening. Sexual abuse can be, but is not limited to:

10. Contact abuse: rape, kissing, touching, 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, involvement of the child or young person in activities for the purposes of pornography or prostitution.

11. Non-contact abuse: exhibitionism, voyeurism, exposure to pornographic or sexual imagery, inappropriate photography or depictions of sexual or suggestive behaviours or comments.

i. **Neglect means** the persistent failure to meet a child or young person's basic physical or psychological need, leading to adverse or impaired physical or emotional functioning or development. Neglect can be:

12. Physical (not providing the necessities of life, like a warm place, food and clothing);

13. Emotional (not providing comfort, attention and love);

14. Neglectful supervision (leaving a child or young person without someone safe looking after them);

15. Medical neglect (not taking care of health needs); and

16. Educational neglect (allowing chronic truancy, failure to enroll in education or inattention to education needs).

17. **Children's Worker:** means a person who works in, or provides, a regulated service which may, or does, involve regular contact with a child, children, or young person, without the parent or guardian of each child being present.

18. **Employee:** means a person employed directly by TDC and includes casual, part-time, full-time and fixed term employees.

19. **Volunteer:** means people who volunteer for TDC or partner organisations.

20. **Regulated Services:** means all services provided by TDC where employees, volunteers or third party providers interact and/or work with children or young people, including but not limited to:

i. Libraries, museum, art gallery;

ii. Fitness and aquatic facilities and sport and recreation facilities, art gallery;

iii. Waste minimization and road safety;

iv. Animal control and civil defence; and

v. Any role engaging with the public on social media, student mentoring, internships and Gateway programs.

21. **Student:** means a child or young person who is attending work experience, mentoring or Gateway at TDC.

22. **Safety Checking:** means gathering information and undertaking an assessment of whether or not a person is suitable to be engaged to provide Regulated Services and

includes confirming a person's identity, interviews, referee checking, police vetting and risk analysis. Both new and existing employees, volunteers, and contractors of TDC will be safety checked.

23. **Ongoing Police Vetting:** means the legal requirement to undertake Safety checks every three years for employees or volunteers providing Regulated Services.
24. **Digital Communication:** means form of electronic communication including text message, writing, photograph, picture, recording or other matter that is communicated electronically.
25. **Designated person for child protection:**
26. The Wellness and Engagement Advisor is the TDC designated person responsible for providing advice and support to employees concerned about an individual child or who want advice about the child protection policy.
 - i. **Disclosure:** means any information given to an employee or volunteer by a child, young person, or other person.
27. **Oranga Tamariki:** means the agency responsible for investigating and responding to suspected abuse and neglect and for providing a statutory response to children or young persons found to need care and protection.
28. **New Zealand Police:** means the agency responsible for responding to situations where a child or young person is in immediate danger and for working with Oranga Tamariki in child protection work.

Policy Statements

29. Child Protection

- i. If a child or young person discloses child abuse, or any employee or volunteer suspects possible child abuse then they must report the disclosure or concerns. **Appendix A** sets out the process and guidelines for responding to disclosed or suspected child abuse.
- ii. Any employee who receives a disclosure, or suspects child abuse, is required to report the matter to their manager and the designated person for child protection.
- iii. If a child or young person is in immediate danger, then the employee or volunteer must call 111 and the designated person for child protection.
- iv. If there is no immediate danger, the employee or volunteer must contact their manager and the designated person for child protection who will report the disclosure or suspected child abuse to Oranga Tamariki or the Police via the contact details in **Appendix B**.

- v. Employees or volunteers must treat all information with strict confidence and disclosure of confidential information to colleagues, public, media or any other person may amount to serious misconduct.
- vi. Employees or volunteers must not contact Oranga Tamariki, New Zealand Police or any other party for any purpose after the disclosure or suspected child abuse has been reported.

30. Safety Checks and Training

- i. All prospective or new employees or volunteers that may potentially be appointed to a role within a regulated service will be subjected to prescribed safety checks under the Act as detailed in **Appendix C**.
- ii. TDC will use all the information gathered through the safety check process to assess any risk that may be posed to the safety of children or young person if the person was to be appointed.
- iii. Any existing employees or volunteers that were not employed in a regulated service who subsequently are appointed to a regulated service will undertake an additional check as per **Appendix C**.
- iv. Any current employees or volunteers who currently work in a regulated services will have safety checks renewed after three years of services as detailed in **Appendix C**.
- v. If TDC enters into a contractor or agreement with a third party providing regulated services, then the agreement or contract must include a clause requiring the third party to have a child protection policy and to complete all safety checks as required under the Act.

31. Allegations of wrongdoing

- i. If any employee or volunteer suspects, or receives a disclosure that another employee or volunteer has abused a child or young person, the Group Manager Engagement and Culture should be contacted in the first instance. The Group Manager Engagement and Culture will assist you to complete the process detailed in section 4 and **Appendices A and B**.
- ii. The Group Manager Engagement and Culture will ensure any investigations of child abuse against an employee is prompt and compliant with applicable legislation and good faith principles.
- iii. All allegations or disclosures of child abuse against an employee or volunteer, whether historic or current, will be treated in the same way and regardless of whether the employment relationship ends or has ended.
- iv. TDC has a dual responsibility in respect of both the child or young person and the employee. The decision to follow up on an allegation of suspected abuse or neglect against an employee, will be made in consultation with Oranga

Tamariki and the Police. This will ensure any actions taken do not undermine any investigations being conducted by the external agencies.

- v. TDC is obligated to address employment allegations and will conduct any necessary investigation into the allegations received. The internal investigation will be separate to any other investigations that may be carried out by external agencies.
- vi. If TDC is aware that a suspected employee also works with children or young persons for another organisation, either as an employee, student or a volunteer, it will consult with Oranga Tamariki or the Police, who will then determine how this information is conveyed. TDC will not communicate any disciplinary allegations, investigation process or outcome to third parties as this will be confidential.
- vii. TDC will liaise with Oranga Tamariki and the Police and assist in the investigation where necessary.
- viii. TDC will take appropriate disciplinary action following its investigation. If the employee is still employed when any external parties investigate and report on the findings, this report may be considered for the purposes of the disciplinary investigation. TDC is not obligated to wait for the outcome of any external party investigation, and it will proceed with its own disciplinary investigation in a timely manner.

32. Employee Support

- i. TDC will provide employee support to all employees or volunteers involved in any child abuse allegations or disclosures. This includes both the employee/s receiving the allegation or expression of concern and the employee against whom the allegation has been made.

33. Information sharing and management

- i. The Privacy Act 2020 and the OTA allow information to be shared to keep children and young person's safe when abuse or suspected abuse is reported or investigated.
- ii. The designated person for child protection must be consulted before any identifying information about an allegation is shared with anyone but the employee's or volunteer's manager.
- iii. Information may be disclosed under the Privacy Act where there is good reason to do so, including where there is a serious risk to individual health and safety (see privacy principle 11/Code rule 11). As noted above, disclosure about ill-treatment or neglect of a child/young person may also be made to the Police or Oranga Tamariki under sections 15 and 16 of the OTA or the Police.

- iv. Information collected relating to any suspected or alleged child abuse must follow the requirements set out under the privacy principles and follow the key principles detailed in **Appendix D**.

34. Training

- i. TDC will ensure all new employees and volunteers are aware of their responsibilities under this policy during the induction process.
- ii. All employees and volunteers must undergo child protection training every three years.

Roles and Responsibilities

35. Managers (Tier 2, 3 and 4)

- i. Managers are responsible for ensuring their team are aware of the policy principles and understand and adhere to this policy.
- ii. Managers will make sure their team are trained appropriately. Employees who may have contact with children or young persons as part of their job must understand how to identify and report child abuse and neglect.
- iii. These employees should be trained when they start their role and then every three years.
- iv. Managers responsible for contracted or approved services are required to assess their service providers and ensure that they understand the requirement for and have in place a child protection policy.

36. Designated person for child protection

- i. As designated person for child protection, the Wellness and Engagement Advisor is responsible for ensuring TDC meets its obligations under section 16 of the CA.
- ii. The Wellness and Engagement Advisor is responsible to ensure that the appropriate authority is notified when an employee has a belief that a child or young person has been, or is likely to be, abused or neglected.
- iii. This extends to ensuring that all known information about the child, young person and their whānau is shared in full, with the appropriate authority, to determine the most appropriate response.

37. All employees, volunteers or contractors/third party providers

- i. All employees, students, volunteers, and contractors engage with children and young persons appropriately and act as good role models.
- ii. All employees, students, volunteers, and contractors have a responsibility to discuss any child protection concerns, including suspected abuse or neglect, with their manager/supervisor or the designated person for child protection.

Monitoring

- i. Target: All necessary positions have undertaken relevant training.
- ii. Monitoring: Group Manager Engagement and Culture to provide quarterly reporting to the Senior Leadership Team.

Reporting

- i. Reporting to the Audit and Risk Committee regarding the objective of the policy and ensure compliance with any legislation updates.

Delegations, References and Revision History					
Delegations Identify here any delegations related to the policy for it to be operative or required as a result of the policy					
Delegation	Delegations Register Reference				
References Include here reference to any documents related to the policy (e.g. operating guidelines, procedures)					
Title	Relevant Reference within Document				
Text					
Revision History Summary of the development and review of the policy					
Revision	Owner	Date Approved	Approval By	Next Review	Doc Ref

Appendix A

The below guide details the process that must be undertaken by an employee or volunteer who suspects or receives a disclosure of child abuse.

Listen to the child	Disclosures by children or young persons are often subtle and need to be handled with particular care, including an awareness of the child's cultural identity and how that affects interpretation of their behaviour and language.
Reassure the child or young person	Let the child or young person know that they: <ul style="list-style-type: none"> • Are not in trouble • Have done the right thing
Ask open- ended prompts – e.g., “What happened next?”	<ul style="list-style-type: none"> • Do not interview the child or young person (in other words, do not ask questions beyond open prompts) • Don't take any action that might undermine any future investigation or disciplinary procedure, such as interviewing the alleged victim or a potential witness, or informing the alleged perpetrator or parent or carers • Do not make promises that can't be kept, e.g., “I will keep you safe now”
If the child or young person is visibly distressed	Provide appropriate reassurance and if possible, re-engage in appropriate activities under supervision until they are able to participate in ordinary activities.
If the child or young person is not in immediate danger	Re-involve the child or young person in ordinary activities and explain what you are going to do next.
If the child or young person is in immediate danger	Contact the Police immediately. Immediate danger definition; the imminent danger of physical violence or aggression, which is likely to cause serious physical harm.
As soon as possible formally record the disclosure	Formally record: <ul style="list-style-type: none"> • Anything said by the child or young person • The date, time, location and the names of any employees that may be relevant • The factual concerns or observations that have led to the suspicion of abuse or neglect (e.g., any physical, behavioural or developmental concerns) • The action taken by your organisation • Any other information that may be relevant
Confidentiality	Don't discuss the information with anyone other than the Designated Person for Child Protection, the Group Manager Engagement and Culture and your manager.

Decision Making

No decisions should be made in isolation. Discuss any concern with the Group Manager Engagement and Culture and TDC's designated person for child protection.

Appendix B

<p>Oranga Tamariki (24/7)</p> <p>Freephone: 0508 326 459</p> <p>Email contact@ot.govt.nz</p>	<p>Get in touch if you think a child or young person may be:</p> <ul style="list-style-type: none">• unsafe or in danger of harm• suffering from ill-treatment, abuse or neglect• you're not sure if you should be concerned, and want advice, or just to talk things through.
<p>NZ Police (24/7) 111</p>	<p>If a child or young person is in immediate danger.</p>

Appendix C

New Employee or Volunteer Pre-Employment Screening	
1. Advertising	Applicable roles will be advertised clearly stating the Council's child protection requirements and process.
2. Interview	Applicable Specific child safety questions are asked, and responses recorded during the interview to assess any risks that may be posed to the safety of children (please refer to Children Act 2014 Interview Questions Template)
2. Referee check	At least two referees contacted and asked about an applicant to assess any risks that may be posed to the safety of children (please refer to Children Act 2014 Referee Questions Template).
3. ID verification	Photo identification documentation (these must be original's not a copy) is sighted and copied. This can be a Passport or Drivers Licence.
4. Police Check.	A standard Police vet check but including disclosure of any convictions involving children or young person specific offences. If an applicant does not pass the police check process, then they will be advised of this as soon as possible by the Recruitment Specialist and their application will be declined or offer of employment terminated.

Existing Employee or Volunteer Appointment Screening	
1. Police Check.	A standard Police vet check but including disclosure of any convictions involving children or young person specific offences. If an applicant is an existing employee, and they do not pass the police check process, then they will be advised of this as soon as possible by the Recruitment Specialist and their application will be declined and their offer of employment terminated.

Renewal of Employee Safety Checks	
1. ID verification	Only required if the employee or Volunteer has changed their name since their last check.
2. Police Check.	A standard Police vet check but including disclosure of any convictions involving children or young person specific offences. If an employee's renewal of the employee safety, check contains a disclosure of any convictions involving children or young person specific offences then Council will undertake an employment process.

Appendix C

When collecting personal information about individuals, it is important to be aware of the requirements of the privacy principles – i.e., the need to collect the information directly from the individual concerned and when doing so to be transparent about: the purposes for collecting the information and how it will be used; who can see the information; where it is held; what is compulsory/voluntary information; and that people have a right to request access to and correction of their information.

The information as a result of the screening process will be held in a locked electronic file and will only be accessed by the Group Manager Engagement and Culture, Engagement and Culture Manager and Engagement and Culture Coordinator.

Securely store:

- The record of the concern.
- A record of any related discussions (including copies of correspondence, where appropriate).
- A record of any advice received.
- The action our organisation took, including any rationale.
- This concern with any earlier concerns, if the notification is based on an accumulation of concerns (rather than a specific incident).