

# STRATFORD DISTRICT COUNCIL

## **POLICY: CHILD PROTECTION**

**DEPARTMENT:** Community Services

**RESPONSIBILITY:**

- Director Community Services
- Human Resources

**REVIEW DATE:** 2018

**VERSION:** 1

**NEXT REVIEW:** 2020/21

**APPROVAL DATE:** 10 October 2017

### **PURPOSE**

The purpose of this Children Protection Policy is to protect children and meet the requirements of the Vulnerable Children Act (2014). The Stratford District Council is committed to ensuring the wellbeing and safety of children and young people. This policy supports our staff on how to identify and respond appropriately to potential child protection concerns about the wellbeing of a child, including possible abuse or neglect. It also provides a process in the event of a claim of abuse or neglect against a staff member.

### **SCOPE**

This policy applies to all staff who have dealings with children, including volunteers and part-time or temporary roles and contractors. It is intended to protect all children that staff encounter, the children of adults accessing services and any other children encountered by staff as they provide their service.

### **DEFINITIONS**

A **Child** is anyone under the age of 18 years and who is not married or in a civil union.

**Staff** are those who are employed directly by or volunteer for Stratford District Council, as well as staff and volunteers of partner organisations whilst they are working with children and young people.

**Screening** means an internal process for identifying suitable candidates – in this case, those who can be relied on to keep children in Council's care safe.

**Safety Checking** means the formal process of obtaining checks from another agency, e.g. the Police vetting service, criminal record checks.

**Child Abuse** is defined by the Children, Young Persons and their Families Act, 1989, 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 however these should not be seen as an exhaustive list or as a check list.

**Physical Abuse** is defined as any non-accidental action that may result in physical harm of a child. 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. Physical abuse can also involve the fabrication or inducing of illness.

**Emotional Abuse** is the persistent emotional ill treatment of a child causing severe and persistent adverse effects on the child's emotional, psychological, social and intellectual functioning or 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 the seeing or hearing the ill treatment of others.

**Sexual Abuse** Involves forcing or enticing a child 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** is the persistent failure to meet a child's basic physical 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.

**Digital Communication** is any form of electronic communicators including text message, writing, photograph, picture, recording or other matter that is communicated electronically.

The **Designated Person** is the person who holds responsibility for child protection at Stratford District Council. This function, as at April 2017 is held by Director Community Services, supported by Human Resources.

## **POLICY DETAILS**

### **1. Safe Working Practices**

Stratford District Council maintains clear and consistent expectations of staff behaviour to ensure that children, staff and volunteers are kept safe.

Stratford District Council employees, volunteers and representatives shall:

- Treat children with dignity and respect regardless of ethnicity, race, colour, gender, age, language, religion, political or other opinion, disability, or other status;
- Conduct themselves in a manner appropriate with their position as a representative of Stratford District Council in all their dealings with children;
- Immediately raise concerns regarding a child's safety or wellbeing in accordance with Stratford District Council's Designated Person for Child Protection and observe procedural fairness when engaged in decision-making;
- Be visible when working with children and, wherever possible, ensure that another adult is present when working in the proximity of children;
- Listen to children and allow them to be engaged in decisions that may affect them.
- Comply with all relevant New Zealand Government legislation, including labour laws in relation to child labour;
- Follow organisational policy for the safety of children.

## 2. **Staff and Volunteers**

A clear and consistent approach to Child Protection when employing and training staff and volunteers who will work with children as part of their employment, is crucial to ensuring that both staff and children are kept safe.

There are two types of workers defined, **Core** and **Non-Core**.

**Core** children's workers work alone with, or have primary responsibility or authority over, children. Stratford District Council identifies Core Workers as staff in the following facilities/roles:

- TSB Pool Complex staff
- Stratford Library staff
- Community Development staff
- HR Staff
- Other roles at the discretion of Human Resources staff, in conjunction with the manager of the area.

**Non-core** children's workers are those who have regular, but limited, child contact. Stratford District Council also identifies the following roles as Non-Core Workers (roles where there is likely to regular but limited contact with children).

- Assets staff
- i-SITE staff
- Customer Service staff
- Chief Executive and Directors

The above lists will be revised periodically.

## 3. **Workforce Safety Checks**

### 3.1 **New Staff and Volunteers**

Workforce Safety Checks will be undertaken when prospective employees and volunteers are recruited for Core and Non-Core roles. Responsibility for ongoing safety checking rests with the HR Manager.

The Workforce Safety Check comprises:

- Interviewing
- Reference/good character checking
- An identity check
- Police vetting
- An assessment of any risk the staff or volunteer may pose to a child (which may include consideration of applying for a Core Worker Exemption, where a person has a conviction for a Specified Offence as listed in Schedule 2 of the Act).

### 3.2 **Existing Staff**

In accordance with the Act, existing Core staff will be Safety Checked by 1 July 2019 and Non-Core staff by 1 September 2020.

#### **4. Training**

Staff who are identified as Core children's workers will be required to undertake training in child protection. A one off training programme will be run for core and non-core workers followed by refresher training every three years.

Responsibility for the provision of training rests with Managers, with the assistance of the Human Resources Manager.

This training is to ensure that all staff who have interaction with children as part of their employment recognise the signs of potential child abuse or neglect and respond consistent with our Child Protection Policy, as well as ensure they operate in a way that protects themselves.

#### **5. Outside Providers**

In the case that outside providers are used for Stratford District Council programmes that involve children, contract documents for engaging such organisations will include a process to ensure the organisation has adequate child protection policies and procedures in place, and appropriate auditing will be undertaken.

#### **6. Confidentiality and Information Sharing**

Confidentiality is important when dealing with sensitive information, including that of children. It should be emphasised that children's information should not be shared with members of the public, to ensure the safety of children.

Where informal or formal requests for assistance are made or complaints regarding child protection are laid, they are to be handled:

- As promptly as possible;
- In absolute confidentiality;
- With sensitivity yet with complete impartiality to seek a just resolution.

Confidential and/or sensitive information regarding the child will only be available to the Designated Officer for Child Protection.

Keeping children safe requires the appropriate sharing of information subject to legal restrictions and the best interests of the child.

Council recognises that all staff must act within the legal requirements such as the Privacy Act, Vulnerable Children's Act, Children, Young Person's and their Families Act, Health Information Act and other statutes. There are provisions within each of these acts for sharing information needed to protect children and enable other people to carry out their legitimate functions. In general, staff will not share information if they believe that by doing so this will endanger the child.

Staff may be asked to provide information to Ministry for Vulnerable Children Oranga Tamariki, the Police, Court, Lawyers or Psychologists.

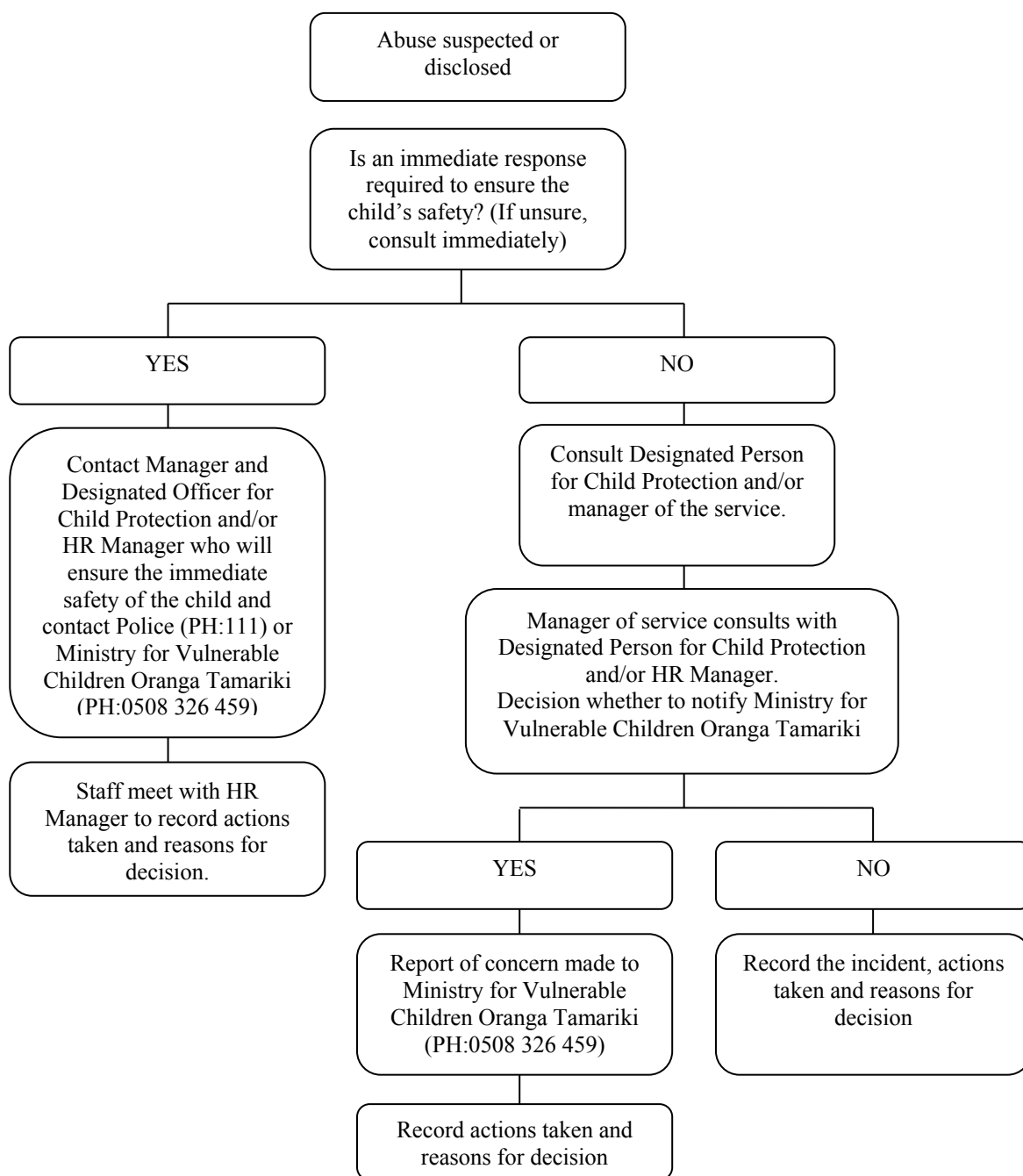
All requests of information sharing should be reported to the Designated Officer for Child Protection and/or the HR Manager. Information sharing will be restricted to those who have a need to know in order to protect children.

Information will be only be given after the staff member has identified 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.

## 7. Reporting and Incident Response

Any issues of suspected child abuse must be taken seriously and handled in an appropriate manner that ensures the child’s safety. Any suspicion or disclosure of child abuse or neglect from a staff member, volunteer, or member of the public must be immediately reported to Managers who will advise the Designated Officer for Child Protection and/or the HR Manager.

The flowchart below provides guidance to decision making.

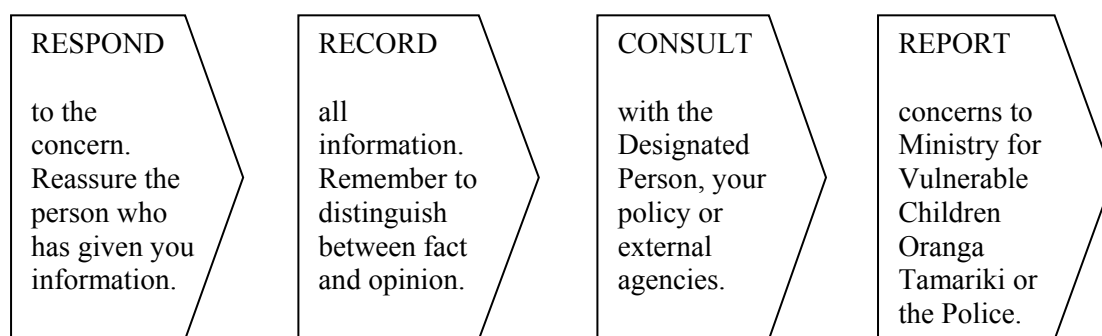


## 8. Identifying child abuse and neglect

Our approach to identifying potential abuse or neglect is guided by the following principles:

- (a) We understand that every situation is different and it is important to consider all available information about the child and their environment before reaching conclusions. For example behavioural concerns may be the result of life events, such as divorce, accidental injury, the arrival of a new sibling etc.
- (b) We understand when we are concerned a child is showing signs of potential abuse or neglect we should talk to our manager before taking action and that we should not act alone.
- (c) We recognise the signs of potential abuse.
- (d) We are aware of the signs of potential neglect.

## 9. What we will do



We will meet our commitment to protect children from abuse through the following means:

- (a) **Awareness**  
We will ensure that all relevant staff are aware of the problem of child abuse and the risks to children.
- (b) **Prevention**  
We will ensure, through awareness and good practice, that staff and others minimise the risks to children. Staff who work with children and young adults will be screened via the Police Vetting Service at the time of employment and every three years thereafter.
- (c) **Reporting**  
We will ensure that relevant staff are clear what steps to take where concerns arise regarding the safety of children.
- (d) **Responding**  
We will ensure that action is taken to support and protect children where concerns arise regarding possible abuse.

In order that the above standards of reporting and responding are met, Stratford District Council staff will ensure that they:

- i. Take seriously any concerns raised.
- ii. Take positive steps to ensure the protection of children who are the subject of any concerns.
- iii. Support children, staff or other adults who raise concerns or who are the subject of concerns.
- iv. Act appropriately and effectively in instigating or co-operating with any subsequent process of investigation.

- v. Are guided through the child protection process by the principle of ‘best interests of the child’.
- vi. Listen to and take seriously the views and wishes of children.
- vii. Work in partnership with parents or carers and other professionals to ensure the protection of children.

**11. Relationships with External Agencies**

Council will not act alone, and will refer all suspected situations of child abuse to Police or Ministry for Vulnerable Children Oranga Tamariki. The safety of the child will be the primary consideration, and no person in this organisation will collude to protect an adult or an organisation from allegations or investigations being made.

**12. Associated Documents**

Human Resources Policy  
Volunteers Policy  
Vulnerable Children’s Act 2014  
Health and Safety Act

## APPENDIX ONE

### 1. Guide for Dealing with Immediate Physical Harm

In the case of immediate physical risk of harm contact Police on 111.

### 2. Guide for Dealing with Disclosures of Abuse

Only a minority of children actively disclose abuse. Most child abuse is disclosed accidentally or through observation by an adult of a child's behaviour, words and physical appearance.

When a child does disclose abuse, this needs to be taken very seriously. It is important that any disclosure is dealt with appropriately, both for the wellbeing of the child and also to ensure that your actions do not jeopardise and legal action against the abuser.

There are a number of basic 'rules' that should be followed to ensure the safe handling of any disclosures of abuse from a child:

- Don't panic.
- Remember that the safety and well-being of the child comes before the interests of any other person.
- Listen to the child and accept what the child says.
  - Look at the child directly, but do not appear shocked.
  - Don't seek help while the child is talking to you.
  - Reassure them that they did the right thing by telling someone.
  - Assure them that it is not their fault and you will do your best to help.
  - Let them know that you need to tell someone else.
  - Let them know what you are going to do next and that you will let them know what happens.
  - Be aware that the child may have been threatened.
- Write down what the child says in their own words – record what you have seen and heard also.
  - Make certain you distinguish between what the child has actually said and the inferences you may have made. Accuracy is paramount in this stage of the procedure
- Tell your manager or supervisor as soon as possible.
- If appropriate, the HR Manager will refer the matter to Ministry for Vulnerable Children Oranga Tamariki or the Police.
- After making the referral to Ministry for Vulnerable Children Oranga Tamariki or the Police, look after yourself. Discuss the matter with your manager, or HR Manager.

### Important Notes

The same action should be taken if the allegation is about abuse that has taken place in the past, as it will be important to find out if the person is still working with or has access to the children.

Dealing with an allegation that a professional, staff member, foster carer or volunteer has abused a child is difficult but must be taken seriously and dealt with carefully and fairly.

### Things TO SAY when a child discloses

- 'I believe you'.
- 'I am going to try to help you'.
- 'I will help you'.
- 'I am glad that you told me'.
- 'You are not to blame'.



### **Things NOT TO SAY when a child discloses**

- ‘You should have told someone before’.
- ‘I can’t believe it! I am shocked!’
- ‘Oh that explains a lot’.
- ‘No not...s/he’s a friend of mine’.
- ‘I won’t tell anyone else’.
- ‘Why? How? When? Where? Who?’

### **Things TO DO**

- Reassure the child that it was right to tell you.
- Let them know what you are going to do next.
- Immediately seek help, in the first place from your Manager or the HR Manager.
- Write down accurately what the child has told you. Sign and date your notes. Keep all notes in a secure place for an indefinite period.
- Seek help for yourself if you feel you need support.

### **Things NOT TO DO**

- Do not attempt to deal with the situation yourself.
- Do not formally interview the child.
- Never ask leading questions.
- Never push for information or make assumptions.
- Only necessary relevant facts should be obtained, when clarification is needed.
- Do not make assumptions, offer alternative explanations or diminish the seriousness of the behaviour or alleged incidents.
- Do not keep the information to yourself or promise confidentiality.
- Do not take any action that might undermine any future investigation or disciplinary procedure, such as interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or parents or carers.
- Do not permit personal doubt to prevent you from reporting the allegation to your Manager or the HR Manager.

### **3. Procedures for Responding and Reporting Child Abuse**

- Allegations, suspicions or complaints made against staff of abuse against a child must be taken seriously and reported to a Designated Officer for Child Protection who will manage them immediately, sensitively and expediently.
- It is not the responsibility of staff to investigate allegations of child abuse.
- Allegations will be treated in such a way that the rights of adults and the stress upon the staff member are also taken into consideration.
- When abuse is suspected or an allegation made against a staff member, the first consideration will be to ensure the safety of child.
- When there are suspicions of abuse by a staff member, both staff and children’s rights are to be attended to. This means that the safety of the child is of first concern, and that the staff member must have access to legal and professional advice.
- The person managing the child abuse issue will not be the same person as that managing the employment issue.
- The suspected staff member (or volunteer) will be prevented from having further unsupervised access to children during any investigation and will be informed fully of their rights.
- Staff will declare to a senior person any situation where there could be a conflict of interest, and provision made on a case-by-case basis about who will handle the process.
- SDC will adhere to the principles of the Employment Relations Act and give the staff member all information regarding their rights.

- SDC recognises the added stress to fellow staff in such a situation, and will ensure support is available.
- The individual against whom an allegation is made must not have any contact with the child making the allegation. A risk assessment must be undertaken to determine what level of access, if any, that person should have, to other children.
- If the police decide to undertake a criminal investigation then the member of staff may be suspended on pay without prejudice, as a precautionary measure. It is important that no internal investigation is undertaken, and no evidence gathered that might prejudice the criminal investigation.
- If SDC is aware that a member of staff it has placed on precautionary suspension also works with children for another organisation, either as an employee or a volunteer, it should ensure consult with Oranga Tamariki and/or the Police regarding the information being conveyed to that organisation.
- SDC will liaise with Oranga Tamariki and the Police regarding the progress of the investigation.
- If there is insufficient evidence to pursue a criminal prosecution, then an employment disciplinary investigation may still be undertaken if there is "reasonable cause to suspect" that abuse may have occurred. The allegation may represent inappropriate behaviour of poor practice by a member of staff which needs to be considered under internal disciplinary procedures.

#### **4. Expectations of Staff to ensure their Safety**

Expectations for staff should promote professionalism in working with children, clearly establish roles and expectations of adult behaviour with children and encourage staff to keep their professional and personal lives separate.

In addition to topics specifically covered in these Guidelines, consider whether to include statements of expectation for staff about:

- a. Being alone with children.
- b. Physical contact, including comforting children in distress, and helping children to dress or use the bathroom (if a necessary part of service delivery).
- c. Taking children off site, to the staff member's home or transporting children in cars.
- d. Communicating with children, including use of telecommunications technology.
- e. Appropriate and inappropriate relationships with children, including over-familiarity, providing gifts, and fostering infatuation.
- f. The organisation's policies on safe restraint and isolation practices.
- g. Any other high-risk situations relevant to delivery of services.

Below are some examples of good child-safe practices:

- a. To avoid staff being alone with children, all staff should examine the opportunities or possible situations where staff may be alone with children. Wherever possible an open door policy for all spaces should be used (this excludes toilets). Staff should be aware of where all children are at all times.
- b. Visitors should be monitored at all times by staff, and volunteers and outside instructors should be monitored by staff.
- c. If activities require one to one physical contact (i.e., classes in swimming, gymnastics etc.) parents and caregivers should be advised.
- d. Where a child requires assistance, e.g., if they are intellectually or physically disabled, if possible involve the parents/caregivers and outside agencies (e.g., in the education sector, the Ministry of Education's Special Education group) to assist. If this assistance is not available, ensure staff members are aware of appropriate procedures when giving assistance.
- e. Staff should avoid being alone when transporting a child, unless an emergency requires it. Except in an emergency, children are not to be taken from the premises, or from the programme, without written parental consent.