



Operational Policies

7.14 Care and Protection of Children Policy

Classification: Health and Safety

Date: June 2023

Applies to: All Employees

Review Date: June 2024

Approved by: General Manager

Purpose:

Kaitiaki Kindergartens is committed to the protection and wellbeing of children. All Association employees play an important role in the prevention, detection and reporting of suspected child abuse. The provision of well-defined procedures, practices and reporting will reduce the incidences, and increase the detection, of child abuse:

- To ensure that children are safe from harm;
- To ensure that any suspected abuse is acted upon effectively;
- To provide a safe environment, free from physical, emotional, verbal, or sexual abuse
- To support parents and whānau to protect their children.

References:

- Children's Act 2014
- Oranga Tamariki Act 1989 (previously Children's and Young People's Well-being Act 1989)
- 2015 Children's Action Plan
- Kaitiaki Kindergartens Policy, 7.26: Personal Care Policy
- The statement of National Education and Learning Priorities (NELP) 2020
- How Can I Tell – Child Matters CPS
- Safeguarding Children – Tiakina ngā tamariki
- Safer Organisations: Safer Children. Oranga Tamariki

Definition:

- Child abuse – “means the harming (whether physically, emotionally or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person”.
 - Notification, Referral, Reporting – are terms used to describe making a report of concern to Oranga Tamariki and/or the NZ Police.
 - Person responsible – means person directly involved in and primarily responsible for the day to day education and care, comfort and health and safety of children attending a service. In our services this would be the Service Leader and, in their absence, the delegated, fully certificated team member.
 - Kaitiaki Kindergartens – is referred to as ‘The Association’
 - General Manager – is referred to as GM
 - Head Teachers and Centre Managers – are referred to as Service Leaders
 - Professional Practice Leaders – PPL
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- Kindergartens and Early Learning Centres – are referred to as services

Policy

1. The interests and protection of the child is paramount in all decisions and actions.
2. The Association has a commitment to ensure that all staff are able to identify the signs and symptoms of potential abuse and neglect, and are able to take appropriate action in response.
3. To this end, all team members will engage in the two yearly online programme on safeguarding children.
4. In the case of team members, they shall be required to attend specific professional learning and development relating to the protection of children at least once every three years.
5. Team members shall ensure that the curriculum in their service provides opportunities for children to gain an understanding about personal safety and positive self-esteem.
6. Before making any notification to authorities that have the statutory responsibility to act, a team member who suspects that a child in the Association's care has been the subject of child abuse shall first discuss the matter with their service leader who will contact a PPL and/or the GM. No referral to an external agency should be made without the GM, or in their absence, a PPL having first been involved in discussion about the matter.
7. If a staff member suspects child abuse of any kind, they will take action according to the procedures below. This process is also detailed in the Child Protection Flow Chart which is attached to this policy. The Child Protection Flow Chart should be displayed in a place that is accessible to all service employees.

Procedure

1. The Association shall maintain appropriate procedures for screening applicants before employing new staff. The Association shall conduct safety checks of all its staff in compliance with sections 25, 26 and 27 of the Children's Act 2014.
2. The Association shall ensure that all successful applicants have read the Care and Protection of Children Policy before starting at a service.
3. The Association shall provide to team members, as and when needed, contacts of appropriate agencies that deal with child protection matters.
4. The Care and Protection of Children Policy shall be displayed on the service's noticeboard and all new parents/caregivers shall be informed of the policy and procedures.
5. Team members shall maintain a confidential file, securely stored at the service, in which to document records of concern regarding the safety of children. The records of concern form will be used for this purpose.
6. The service leader shall inform families/whānau about any relievers, volunteers and students in the service.



7. Whilst in the care of the service, including outside of sessions hours events, children shall have a minimum of two adults present at all times.
8. A copy of all court-related custody and protection orders must be kept in the service in a secure facility. In addition, a copy must be sent to the Association's Support Office and drawn to the attention of the General Manager.

Toileting and Care Routines

1. Visitors, parent helpers, caregivers, untrained relievers, and student teachers shall not assist children (other than their own) with toileting or changing clothing.
2. As per the Kaitiaki Kindergartens Personal Care Policy – 7.26, services will provide safe and respectful personal care practices, maintaining a child's dignity and safety at all times.
3. Team members will ensure that any personal care provided for children is done so with the knowledge of their colleagues and in a place where their colleagues would be able to discreetly observe them.
4. Toileting and incidents that require a child to have all their clothing removed (for example if they have soiled themselves and need to be cleaned) shall be recorded on the nappy changing schedule, including name of child, name of staff member, date, incident, and action taken.

Reporting concerns or disclosures not involving staff members

1. A team member who suspects a child is suffering from abuse should immediately inform their service leader of their concern, confidentially and privately and not discuss these suspicions with other team members or family members.
2. All concerns must be documented on the report of concern form as soon as is practicable.
3. The service leader **may** discreetly consult with the rest of the team to discern whether the concern is shared.
4. If, based on their initial investigation, the service leader does not share the concern, they will ensure that the report of concern form is completed to reflect this. However, it is crucial that the form be securely filed and kept for future reference should further concerns arise.
5. If, based on their initial investigation, the service leader supports the concern, they will then consult the GM or a PPL to determine follow-up actions. These may include:
 - further investigation; and/or
 - a recommendation to report the suspected abuse to Oranga Tamariki and/or to the NZ Police in accordance with section 15 of the Children, Young Persons, and Their Families Act 1989 (or any legislation in substitution of that Act).

Note: However, no referral to an external agency will be made without the General Manager (or in their absence a PPL) having first been involved in discussion about the matter, unless it is deemed that the child is in immediate or imminent danger. The Ministry of Education must also be informed if a report is made to an external agency.

6. Where a team member and service leader have concerns about a child's immediate and imminent safety, they shall:



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- a. Notify the NZ Police immediately;
 - b. Notify their PPL or the General Manager immediately;
 - c. Follow the directions given by the NZ Police and/or PPL and/or General Manager.
7. A PPL shall provide support, advice and guidance to the teaching team when they are dealing with a suspected child abuse case.
 8. Team members shall take seriously any disclosure of alleged child abuse from a child or an adult. Team members shall take action in the short term to ensure the immediate safety of the affected child or children. In any action taken, the safety of the child is paramount.
 9. Team members shall keep a record of what has been observed and/or disclosed by the child – a report will be made on the record of concern form and will include the verbal and behavioural observations, dates, times, and the name of the person making the observations. Any follow-up actions shall be recorded. Team members shall sign and date the documentation. Critical information must not be held back when a report to the relevant agency is made.
 10. All employees must observe the strictest level of discretion when expressing and communicating their concerns.
 11. Documentation about concerns shall not be held on the service premises indefinitely. It shall be passed on to the Association at the time the child stops attending.

Confidentiality and Information Sharing

1. The Privacy Act 2020 and the Oranga Tamariki Act 1989 allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated.
2. Generally, advice should be sought from Oranga Tamariki and/or the Police before identifying information about an allegation is shared with anyone other than the service leader or a designated person for child protection.
3. Under sections 15 and 16 of the CYPF Act, 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.
4. Staff should also understand their obligations under the Privacy Act 2020. Staff may, however, disclose information under the Privacy Act where there is good reason to do so – such as where there is a serious risk to individual's health and safety (see privacy principle 11).

Accusations Concerning - Involving Staff

1. All allegations of suspected abuse or neglect against an employee, including the Service Leader, must be reported to the PPL immediately.
2. All allegations of suspected abuse or neglect against an employee must be notified to Oranga Tamariki. This will ensure any actions taken do not undermine any investigations being conducted by the external agencies.



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3. No investigation will take place by the service staff, including having further discussions with those making the accusation. All initial investigations will be made by Support Office staff.
4. Staff accused of child abuse shall immediately be separated from contact with the child and may be moved, placed on special leave or suspended, as determined by the General Manager, while a thorough investigation takes place.
5. If after discussion with Oranga Tamariki and/or the Police, there is a need to pursue an allegation as an employment matter, the person concerned will be advised, and informed that they have a right to seek legal advice and be given an opportunity to respond. They will also be informed of their right to seek support from the relevant union or representative body.
6. Historical allegations will be responded to in the same way. All allegations or concerns will be investigated fully, regardless of the resignation or termination of the staff member concerned.
7. The Association will provide staff with support during the investigation which includes both the staff receiving or making the allegation or expression of concern and the staff member against whom the allegation has been made. However, it is inappropriate for the same person to provide support to the staff member receiving/making the allegation and to the staff member against whom the allegation is made.
8. The Association is committed to not using, 'settlement agreements', where these are contrary to a culture of child protection.

Guidelines for Communications with External Agencies

These guidelines should be applied to communications by staff with:

- Oranga Tamariki
- The NZ Police
- Lawyers appointed by the Court as "Lawyer for the Child"
- Lawyers representing families in custody disputes
- Court Appointed Psychologists
- Ministry of Social Development – Work and Income
- Schools
- Other ECE services

The General Manager (or in their absence a PPL) must be consulted and their direction sought before any notification of suspected child abuse is made to any agency or third party on behalf of the Association and before any information regarding a child is provided to any agency.

The Service Leader is primarily responsible for the handling of communication with external agencies unless they have delegated this responsibility to another team member, with the approval of the General Manager.



Initial requests for information from external agencies/individuals

1. The Service Leader shall inform the person requesting the information that they will refer their request to the General Manager. For example, if a person phones the service and says “I am requesting information about John Smith, does he attend your service and do you have any concerns about him?” the Service Leader will respond by saying “Thank you for your query, our process is that any request for information to be shared regarding children attending our services must be cleared with our General Manager before we are able to provide information, can I take your name, position and number and I will call you back.”
2. Information shared by the Service Leader about alleged child abuse or by the service with an agency shall be factual and conversations shall be documented, and a copy retained by the Service Leader.
3. If the information is shared over the telephone, the Service Leader shall ensure that there is another Association staff member present during the conversation.
4. The Association may request copies of correspondence from the agency/ individual and copies of any documents or information obtained from its staff about suspected child abuse.

Sharing information with schools and other ECE services

Before sharing written information with schools and other ECE services, regarding concerns about a child in relation to child protection, a staff member shall first discuss the matter with a PPL and the General Manager. No written information, other than information relating to teaching and learning, will be shared to a school or ECE service without the General Manager (or in their absence a PPL) having first been involved in discussion about the matter.

Visits to the Service

1. If external agency staff contact the service and are wanting to interview children who are attending our services, the General Manager (or in their absence a PPL) must be informed about this request immediately

Note: In most cases the external agency will ring ahead if they wish to visit and make a suitable time, agreed upon by the team member/s. However, in some instances, social workers, lawyers or the NZ Police may require immediate access to the child. Immediate access should be given, however, the General Manager (or in their absence a PPL) must still be informed by the service. The service leader must check the identity of the person on arrival and a photocopy taken and added to the child’s file.

2. Service Leaders will explain to external agencies that in order to meet the Association’s policies children can only be interviewed if a service staff member is present. The child’s interests and needs are paramount.



Exposure to inappropriate material

Team members will ensure that children are not exposed to any inappropriate material (particularly of an explicitly sexual or violent nature) by taking the following steps:

1. Vetting reading of collage materials such as magazines, books for their content before use by children
2. Ensuring all access to websites on digital communication devices is under team member supervision

Persons using or under the influence of alcohol or any other substance

During the hours of the service's operation no person should be using or under the influence of alcohol or any other substance that has a detrimental effect on their functioning or behaviour. Where a team member suspects that this is the case, the following actions must be followed:

1. The service leader must be informed immediately
2. The person must be asked to leave the premises immediately.
3. The PPL must be informed and an incident report completed
4. The service leader will ensure that the person is not going to drive a vehicle while under the influence. If the person is determined to drive the service leader must make every endeavour to keep their child on the premises and find alternative transport.
5. If after all intervention fails and the person has proceeded to drive the police will be notified.
6. Should the person be a staff member then their removal on the day will be followed by the appropriate employment process (see Serious Misconduct in the Disciplinary Policy).

Signed:

General Manager

Date:

28/9/23

Endorsed by

Signed:

President of the Board

Date:

28/9/23



Guidance on recognising the signs of abuse

It is not always easy to recognise that a child is being hurt or is at risk, so abuse is often undetected. There are indicators (signs, symptoms or clues) that when found, either on their own or in various combinations, can point to possible abuse, neglect or family violence.

Indicators can be:

- Physical – such as bruises or burns and relate to a child’s physical condition.
- Behavioural – such as a child cringing or flinching if touched unexpectedly; or a caregiver constantly calling a child ‘stupid’ or ‘dumb’. Behavioural indicators can be displayed by a child or by the alleged abuser.

Indicators do not necessarily prove that a child has been harmed. They alert us that abuse may have occurred and that a child may require help or protection. Sometimes indicators can result from life events that do not involve abuse, such as divorce, accidental injury, the arrival of a new sibling etc.

Child Abuse is defined in the Children Young Persons and their Families Act as

“the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person.” It includes:

1. Emotional Abuse
2. Neglect
3. Physical Abuse
4. Sexual Abuse

1. Indicators of Emotional Abuse

There may be **physical indicators** that a child is being emotionally abused. Some examples of this are:

- Bed-wetting or bed soiling that has no medical cause
- Frequent psychosomatic complaints (eg. Headaches, nausea, abdominal pains)
- Prolonged vomiting or diarrhoea
- Has not attained significant developmental milestones
- Dressed differently from other children in the family
- Has deprived physical living conditions compared with other children in the family

There may also be **indicators in a child’s behaviour** that could indicate emotional abuse. Some examples of this are:

- Suffers from severe developmental gaps
- Severe symptoms of depression, anxiety, withdrawal or aggression



- Severe symptoms of self-destructive behaviour – self harming, suicide attempts, engaging in drug or alcohol abuse
- Overly compliant; too well-mannered; too neat and clean
- Displays attention seeking behaviours or displays extreme inhibition in play
- When at play, behaviour may model or copy negative behaviour and language used at home

There may be **indicators in adult behaviour** that could indicate emotional abuse. Some examples of this are:

- Constantly calls the child names, labels the child or publicly humiliates the child
- Continually threatens the child with physical harm or forces the child to witness physical harm inflicted on a loved one
- Has unrealistic expectations of the child
- Involves the child in “adult issues”, such as separation or access issues
- Keeps the child at home in a role of subservient or surrogate parent

2. Indicators of Neglect

There may be **physical indicators** that a child is being neglected. Some examples of this are:

- Inappropriate dress for the weather
- Extremely dirty or unbathed
- Inadequately supervised or left alone for unacceptable periods of time
- Malnourished
- May have severe nappy rash or other persistent skin disorders or rashes resulting from improper care or lack of hygiene

There may also be **indicators in a child’s behaviour** that could indicate neglect. Some examples of this are:

- Demonstrates severe lack of attachment to other adults
- Poor school attendance or school performance
- Poor social skills
- May steal food
- Is very demanding of affection or attention
- Has no understanding of basic hygiene

There may be **indicators in adult behaviour** that could indicate neglect. Some examples of this are:

- Fails to provide for the child’s basic needs, such as housing, nutrition, medical and psychological care
- Fails to enrol a child in school or permits truancy
- Leaves the child home alone
- Is overwhelmed with own problems and puts own needs ahead of the child’s needs

More details and examples of indicators of neglect are available in the book 'How Can I Tell?'



3. Indicators of Physical Abuse

There may be **physical indicators** that a child is being abused. Some examples of this are:

- Unexplained bruises, welts, cuts, abrasions
- Unexplained burns
- Unexplained fractures or disclosures

There may also be **indicators in a child's behaviour** that could indicate physical abuse. Some examples of this are:

- Is wary of adults or of a particular individual
- Is violent to animals or other children
- Is dressed inappropriately to hide bruises or other injuries
- May be extremely aggressive or extremely withdrawn
- Cannot recall how the injuries occurred or gives inconsistent explanations

There may be **indicators in adult behaviour** that could indicate physical abuse. Some examples of this are:

- May be vague about the details of the cause of injury and the account of the injury may change from time to time
- May blame the accident on a sibling, friend, relative or the injured child
- Shakes an infant
- Threats or attempts to injure a child
- Is aggressive towards a child in front of others
- May delay in seeking medical attention for a child

4. Indicators of Sexual Abuse

There may be **physical indicators** that a child is being sexually abused. Some examples of this are:

- Torn, stained or bloody underclothing
- Bruises, lacerations, redness, swelling or bleeding in genital, vaginal or anal area
- Blood in urine or faeces
- Sexually transmitted disease
- Unusual or excessive itching or pain in the genital or anal area

There may also be **indicators in a child's behaviour** that could indicate sexual abuse.

Some examples of this in young children are:

- Age-inappropriate sexual play with toys, self, others
- Bizarre, sophisticated or unusual sexual knowledge
- Comments such as "I've got a secret", or "I don't like Uncle"
- Fire lighting by children
- Fear of certain places eg bedroom or bathroom



Some examples of this in older children are:

- Eating disorders
- Promiscuity or prostitution
- Uses younger children in sexual acts
- Tries to make self as unattractive as possible

There may be **indicators in adult behaviour** that could indicate sexual abuse. Some examples of this are:

- May be unusually over-protective of a child
- Is jealous of a child's relationships with peers or other adults or is controlling of the child
- May favour the victim over other children
- Demonstrates physical contact or affection to a child which appears sexual in nature or has sexual overtones

This information has been sourced from Child Matters <http://www.childmatters.org.nz/56/learn-about-child-abuse/recognise-the-signs>

More details and examples of indicators of sexual abuse are available in the book 'How Can I Tell? All services should have a copy of this document.

Responding to Disclosures

Knowing how to respond if a child or young person discloses that they are experiencing abuse and neglect is crucial if you work or volunteer with children. Disclosures or hints that a child may be at risk now or in the future can come when you are not expecting it, on a busy day, or just as the activity is finishing.

It is vital that we respond in a way that ensures the child feels supported and safe, so they receive the help they need. The most important response you can make is to clearly show the child that you believe them. As a result of lessons learned from adults who were abused as children both at home and in an institution (school, sports club, church etc) it is known that many felt unable to disclose the abuse as children and remained silent. This allowed the abuse to continue to them and others, with devastating consequences to their long-term health and well-being.

At times, people working with children ask us for a tool or script on how to respond to disclosures. There is no particular script to follow. Just remember that responding to a disclosure relies on human qualities such as:

- Compassion – caring about what is happening to the child
- Empathy – an understanding of how the child is feeling and the impact on them
- Patience – prioritising in your day the importance of what the child is sharing with you
- Courage – to face or act on a situation that may be difficult or frightening



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It's important to respond well to ensure:

- The child's safety is secured
- They get the help they need
- The child or young person will trust professionals who can help them
- The child or young person receives support and comfort

This information has been sourced from Safeguarding Children – Tiakina Ngā tamariki



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CHILD ABUSE

Flow chart for responding to actual or suspected child abuse
Please note that Child Youth and Family CYFs are now known as Oranga Tamariki

NOTICE

Disclosure or suspicion of child abuse

- Emotional/psychological
- Sexual
- Physical
- Neglect

If you believe a child is in immediate danger

call:

POLICE ON 111

and then the General Manager and your PPL

Otherwise follow this process

RECOGNISE AND RECORD

You should immediately inform your Service Leader of your concerns. Document your concerns on the *Record of Concern* form. Include as much detail and keep your records as factual as possible. Include any physical or/and behavioural observations and anything said by the child that has caused your concern.

INFORM

President of the Board

INFORM

General Manager (GM)

INFORM

Professional Practice leader (PPL) **ASAP**

RESPOND

CONTACT POLICE IF:

- Child is home alone
- Child has been severely abused
- There is immediate danger of death or harm
- If your safety is compromised

RESPOND

CONTACT ORANGA TAMARIKI IF:

- Injuries seem suspicious or are clearly the result of child abuse
- Interaction between child and parent or care giver seems angry, threatening or aggressive
- If multiple risk indicators exist

REVISIT

Continue to document all observations/interactions on the record of concern forms. **Keep your PPL informed.**

Contact Oranga Tamariki

Helpline: 0508326459

Email:

contact@orangatamariki.govt.nz

**Follow advice from Oranga Tamariki / Police.
Avoid further risks to the child.**

If staff think the abuse may have been perpetrated by a family member or someone close to the family, staff will **NOT** inform the family of the decision to report the abuse: family will be informed by the most appropriate person e.g Oranga Tamariki or Police.

If staff think the abuse may have been perpetrated by a staff member they should follow the Kaitiaki Kindergarten's Care and Protection of Children policy and procedure.