CHILD PROTECTION POLICY GUIDE



Child Protection Policy Guide

This Child Protection Policy Guide is designed to support all NASC Services with a framework from which to write their child protection policy. This Guide is provided in recognition of requirements for child protection policies under the Vulnerable Children's Act, 2014, and also with the understanding of best practice.

An organisation with a culture of child protection is open and accountable, understands the needs of children, and makes their safety and security a priority. A child protection policy reflects these values, and supports the organisation in creating a safe environment for children, as well as for staff. A NASC Service which supports a culture of child protection is one where concerns for a child's wellbeing are identified and responded to quickly, where staff are trained and supported, and where staff work closely with external agencies to provide positive outcomes for children all underpinned with a robust and effective child protection policy.

The process of developing a child protection policy will be unique for each NASC Service, and must align with other service policies such as employment policies, supervision policies, human resources policies, code of conduct and home visiting policy.

This Child Protection Policy Guide will outline the sections recommended to be included in a child protection policy. Each section has an introduction that outlines the purpose of that section and provides some example statements which can be used or amended for suitability. Further development of additional statements will be required by each individual NASC Service, and 'consider' prompts have been provided to encourage consideration of additional areas which may be relevant to each NASC Service.

At the end of the Child Protection Policy Guide there are 'Additional Guidance' notes. These explore more fully certain areas, and aspects of these notes may be included in the policy, or as appendices, to provide more information.

Before writing a child protection policy, consider who the right person might be to write this policy, and what support or consultation will be required to ensure the policy covers all aspects fully. No decision regarding child protection should be made in isolation, and this is reflected in the development of policy also. The existence of a written policy does not establish a safe environment for children, it is the implementation, use and ongoing review of the policy that creates a child protection focussed NASC Service.

Introduction

The first section of a policy sets the framework on which the policy, and the NASC service, sits. It identifies the commitment that the service has to the safety and wellbeing of children, and the principles under which the policy is written. The introduction also identifies key factors such as the scope of the policy, the definitions of words contained within, and ultimately the purpose of the policy.

It is essential to include a 'Contacts' page at the start of the policy so that staff may easily identify how to contact appropriate agencies and people referred to within the policy.

Statement of Commitment

Example Statement: {NASC Service} is committed to the prevention of abuse and to the wellbeing of children, young people, vulnerable adults and their families.

Purpose

Example Statement: The purpose of this policy is to provide {NASC Service} staff guidelines by which to identify and respond appropriately to concerns of abuse and neglect, and to understand their role in keeping children safe.

Scope

Example Statement: The scope of this policy covers all children who interact with {NASC Service}, whether visiting the office or being present in the home during an assessment.

Definitions

Example Statement: For the purposes of this policy "Child" means a boy or girl under the age of 14 years, "Young person" means a boy or girl of or over the age of 14 years but under 17 years; but does not include any person who is or has been married or in a civil union (Children, Young Person, and Their Families Act 1989, Section 2).

Example Statement: For the purposes of this Policy "staff" means all those employed by {NASC Service}, whether paid or voluntary, full time or part-time.

Principles

Example Statement: All services provided by {NASC Service} adhere to the principles of partnership, protection and participation; and the rights and responsibilities accorded by Te Tiriti o Waitangi.

Example Statement: This Policy will be reviewed annually, and updated regularly in the light of operational experience and in line with changes in legislation and associated policies.

Example Statement: The responsibility for the review and implementation of this policy rests with the {NASC Service} Manager.

- ✓ Who does this policy need to cover? For example: staff, volunteers, contracted agencies
- ✓ Who, in this NASC, has responsibility for this policy, its implementation and review?
- ✓ What legislation must be considered within this policy?
- ✓ What principles does this NASC operate under that are relevant to this policy?
- ✓ Which clients would this policy apply to? For example, consider vulnerable adults, and the children of adult clients.
- ✓ Who does this policy apply to as staff members? Paid, voluntary, contracted etc.
- ✓ What expectations does your NASC Service have on others who you might contract?

Definition of Child Abuse

A clear definition of child abuse is essential to a child protection policy. Without identifying the abuse from which children need protection, the policy has no identifiable reference point. Defining child abuse within the policy also establishes the NASC Service's understanding, thereby minimising the opportunity for confusion.

Example Statement: The Children, Young Persons and their Families Act, 1989, defines child abuse as "...the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person".

Example Statement: Physical abuse is a non-accidental act on a child that results in physical harm. This includes, but is not limited to, beating, hitting, shaking, burning, drowning, suffocating, biting, poisoning or otherwise causing physical harm to a child. Physical abuse also involves the fabrication or inducing of illness.

Example Statement: Emotional abuse is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effect on the child's emotional 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.

Example Statement: Sexual Abuse involves forcing or enticing a child or young person 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.

Example Statement: Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, causing long term serious harm to the child's heath 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.

Example Statement: Family Violence is physical, emotional, sexual and other abuse by someone (usually but not always a man) of a person (usually but not always a woman) with whom they have or have had some form of intimate relationship with, such as marriage or cohabitation, in order to maintain power and control over a person. It is important to be vigilant to any signs, particularly if children are being affected.

- ✓ What additional guidance do staff need to understand and define abuse?
- ✓ What additional resources might be available to staff that outline signs and indicators of abuse?

Roles and Responsibilities of Staff

This section identifies the expectations and requirements of staff. All staff have a responsibility to keep children safe and have a role in reporting concerns of potential or actual abuse. Clear guidance on the roles and responsibilities of staff ensures consistency of behaviours, which keep both staff and children safe. It is important to define the roles that have specific responsibilities for child protection so that staff understand what to expect from others.

It is recommended that each NASC have a 'Designated Person for Child Protection'. This function is held by someone who is both accessible to staff and also has the authority to influence and create change within the NASC if necessary.

Further information regarding specific roles and responsibilities, including the Designated Person for Child Protection, can be found in 'Additional Guidance'.

Example Statement: It is the responsibility of staff to be vigilant, have knowledge and awareness of the indicators of neglect, potential or actual abuse and to report any concerns, suspicions or allegations of suspected abuse immediately and ensure that the concern is taken seriously and reported.

Example Statement: {NASC Service} will have an appointed Designated Person for Child Protection. This function will be held by the Service Manager.

- ✓ What are the reasonable expectations of staff?
- ✓ How are staff informed and support in their responsibilities for child protection?
- ✓ Who could hold the role or function of a Designated Person for Child Protection?
- ✓ Is it reasonable that the Designated Person function is held by one person or should every Team Leader or Service Manager be responsible for supporting their team?
- ✓ Who would hold the Deputy Designated Person function if the Designated Person is unavailable?
- ✓ Who else holds responsibilities for child protection with the service? For example, Human Resources or the Service Manager may hold responsibility for managing allegations against staff members
- ✓ Consider what role the DHB has in supporting your service and what their responsibilities are regarding child protection.
- ✓ What supervision and support do staff receive to manage concerns that may arise?

Child Protection Procedures

This section outlines clear guidance for staff on how to respond to a concern of child abuse. This guidance must be clear and direct so that staff immediately understand what action is needed to be taken. It is also important to determine guidelines regarding confidentiality, privacy and the sharing of information.

Example Statement: All concerns of potential, suspected or alleged abuse must be brought to the attention of the Designated Person for Child Protection. If the DP is unavailable then consultation should occur with an alternative appropriate Manager or Team Leader. A decision will be made as to whether to seek further advice or notify Child Youth and Family.

Example Statement: If a child makes a verbal disclosure to a member of staff it is important that staff take what the child says seriously.

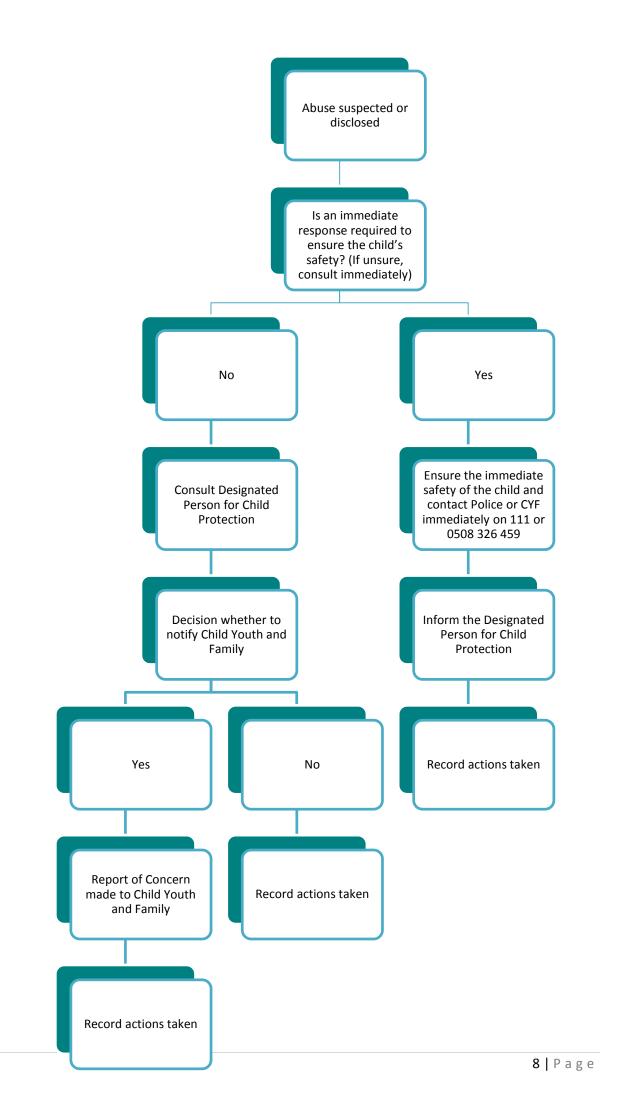
Example Statement: Under no circumstances should a member of staff attempt to conduct an investigation or deal with concerns regarding child abuse alone.

Example Statement: All decisions taken, including if the concern does not require notifying Child Youth and Family, must be recorded in writing and kept securely in a Child Protection file with the reasons clearly identified and explained.

Example Statement: Giving information to protect children better is not a breach in confidentiality. Wherever possible the family/whanau should be kept informed of what information has been shared and to which agency, and for what purpose. Guidance of sharing information with family/whanau is to be sought from either the Police or Child Youth and Family. Principle 11 of the Privacy Act, 1993, states "disclosure of the information is necessary to prevent or lessen a serious threat".

Further information, including how to respond to a child who discloses abuse, can be found in Additional Guidance.

- ✓ What are reasonable timeframes for staff to respond to concerns?
- ✓ What guidance do staff need regarding responding appropriately to a child disclosing abuse?
- ✓ Who should be contacted if the Designated Person for Child Protection is unavailable?
- ✓ Will there be a standard form for reporting concerns?
- ✓ Where will records of concerns be kept and who will have access to them?
- ✓ What support will be offered to staff managing child protection concerns?
- ✓ Who can staff speak to if they feel that their concerns were not acted upon appropriately?
- ✓ Who else could be consulted regarding concerns of abuse?
- ✓ What practices are in place to ensure confidentiality is respected and maintained?
- ✓ Who will have the authority to determine what information can be shared and to whom?
- ✓ Have you considered privacy and confidentiality?
- ✓ Who will make any notifications to Child Youth and Family?
- ✓ What procedures will be followed regarding informing the family of a notification to Child Youth and Family?
- ✓ Under Ministry of Health guidelines, is your service required to notify the child's GP should you make a notification to Child Youth and Family?



Safe Recruitment of Staff

This section outlines the NASC Service's priority and process for identifying and assessing that all staff who have contact with children, whether directly or indirectly, are safe. This includes how they are recruited and what safety checks are undertaken. Information regarding the safe recruitment of staff may be included in this Child Protection Policy, or could be contained within an Employment Policy.

Example Statement: All appointments (permanent, fixed term, student, casual or volunteer) to positions that have direct and/or frequent contact with children or young people will be conditional on a safety check. Further information regarding Safety Checking, including vetting and screening procedures, is found in the Employment Policy.

Example Statement: Before making any appointment, {NASC Service} will undertake a series of checks to ascertain the candidate's suitability and safety to work in {NASC Service}. These will adhere to the statutory obligations contained within the legislation such as the Privacy Act, the Human Rights Act and Vulnerable Children's Act.

Example Statement: All appointments will follow the requirements of the Employment Policy. This outlines:

- The provision of a clear job description and person specifications.
- An application form and CV will be required from candidates.
- Verification of identification will be undertaken.
- Verification of qualifications (and registration where appropriate) will be undertaken.
- Safety checks which include police check and personal reference checks, followed by a structured interview or personal assessment process. Attitudes towards children and safety around them will be assessed during this process.
- Staff selection will be undertaken by a person knowledgeable and experienced in the field of child protection.
- Full records will be kept, and attention to HR practices maintained.

Further information can be found in the publication **Safer Recruitment, Safer Children** published by Child Matters and the Children's Action Plan Directorate. This is available at www.childmatters.org.nz

- ✓ What guidelines are established regarding the safe recruitment of staff, and where are they identified?
- ✓ Do current guidelines regarding safety checks comply with legislation and best practice?
- ✓ How often will safety checks i.e. police checks, be updated?
- ✓ Is there a recruitment or employment policy that should be referred to?
- ✓ Who is responsible for ensuring that safety checks are undertaken?
- ✓ Who has authority to determine the employment of staff in the event that information discovered through the safety checking process raises questions?
- ✓ What role will applicants hold while waiting for the completion of safety checks?
- ✓ How will staff currently employed become complaint with this policy?

Training of Staff

This section outlines the NASC Service's priority and process for identifying and assessing that all staff who have contact with children, whether directly or indirectly, are safe. This includes what training they are given to support their understanding of child abuse.

Example Statement: All appointments (permanent, fixed term, student, casual or volunteer) to positions that have direct and/or frequent contact with children or young people will be conditional on a safety check. Further information regarding Safety Checking, including vetting and screening procedures, is found in the Employment Policy.

Example Statement: All staff will receive child protection training at the level appropriate to their role. The Designated Person(s) for Child Protection will undertake more intensive training in child protection.

Example Statement: All staff will update their child protection training every three years as a minimum.

Information outlining a recommended training plan can be found in Additional Guidance.

- ✓ What training do staff need regarding identifying and responding to vulnerability and child abuse?
- ✓ What training does the Designated Person(s) for Child Protection require to be a source of support and guidance for staff?
- ✓ Where is it recorded what training staff have had regarding child protection?
- ✓ How often will training be updated?
- ✓ Who will have responsibility for ensuring that staff have attended training?

Safe Working Practices

This section outlines the expected behaviours of staff that ensure they are working safely. Providing clear guidelines on staff behaviours ensures consistency of actions that keeps both children and staff safe.

Further information regarding safe working practices are included in 'Additional Guidance'.

Example Statement: All staff are expected to behave in manners consistent with the {NASC Service} Code of Conduct.

Example Statement: All staff are expected to behave in manners that maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others.

- ✓ What guidelines are established that identify expected behaviours of staff? Is there a Code of Conduct or Staff Handbook?
- ✓ What systems are in place for concerns to be raised if a member of staff is considered to be working in unsafe ways?
- ✓ How are potentially unsafe situations identified and recorded? I.e. teenagers with physical behavioural issues or a female assessor visiting a child with sexually problematic behaviours.
- ✓ What guidelines are in place that outlines expectations of staff in relation to:
 - The use of social media or personal cell phones to contact children
 - The use of photography or videos
 - o Being alone with children
 - o Appropriate language to use in front of children
 - The giving of gifts or rewards to children
 - Personal relationships with clients or past clients
 - Physical contact with children, such as holding, cuddling, playing, restraining, comforting or the administration of medical aid
 - Transporting children
 - Home visiting where children are present

Allegations made against members of staff

This section outlines the procedures to follow should an allegation of inappropriate behaviour towards a child be made against a member of staff. It is important to recognise that all disclosures of abuse of a child must be taken seriously, reported and investigated appropriately, with the safety of child being of the highest concern.

Example Statement: Allegations, suspicions or complaints of abuse against staff, volunteers or representatives of other agencies must be taken seriously and reported to the Manager who will deal with them immediately, sensitively and expediently within the procedures outlined in this Section.

Example Statement: It is **NOT** the responsibility of staff to investigate allegations of child abuse.

Example Statement: If the Police decide to undertake a criminal investigation then the member of staff may be suspended, 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.

- ✓ Who is the appropriate person to be informed regarding allegations against a member of staff?
- ✓ Who will be responsible for the employment aspects of the allegation and who will be responsible for the child protection aspects?
- ✓ What is a reasonable timeframe for reporting concerns?
- ✓ What support will be offered to the staff member who has been alleged against?
- ✓ Who will the NASC service consult with regarding the allegation?
- ✓ Who will determine whether Child Youth and Family or the Police need to be notified?
- ✓ Does this section comply with legislation? For example, Employment Relations Act, 2000
- ✓ What support and safeguards will be provided to the child pending the outcome of an investigation?

Roles and Responsibilities

Responsibilities of all staff:

It is the primary responsibility of staff to be vigilant, have knowledge and awareness of the indicators or neglect, potential or actual abuse and to report any concerns, suspicions or allegations of suspected abuse immediately and ensure that the concern is taken seriously and reported.

Each member of staff must:

- be aware of, and alert to, potential indicators of abuse or neglect
- record a factual account of any concerns they have, or that are brought to their attention
- appropriately seek advice and support from their Team Leader or Service Manager who will then contact external agencies if appropriate
- work in co-operation with the parents and caregivers, unless this compromises the safety of the child.

Role of the Designated Person for Child Protection

The role of the Designated Person is to:

- Ensure the needs and rights of children come first i.e. the safety and wellbeing of each child is paramount.
- Provide advice and support to staff, and make a decision as to whether or not to consult with or seek further advice from Child Youth and Family.
- Ensure clear, confidential, detailed and dated records on all child protection cases are maintained. These must contain all available information relating to the cause for concern and any subsequent action taken, including when it has been decided not to make a notification to Child Youth and Family or the police.
- Ensure that all staff are aware of, and have access to, full copies of the procedures for reporting child abuse.
- Ensure that all staff receive appropriate child protection training.
- Ensure that all staff are supported appropriately when dealing with child protection concerns.
- Establish a close link with the relevant local agencies to ensure clear and effective communication

Role of Human Resources (if appropriate to service)

The role of Human Resources is to:

- Ensure the needs and rights of children come first i.e. the safety and wellbeing of each child is paramount.
- Ensure that all allegations are managed appropriately. No investigation will occur without appropriate consultation and a decision whether a response from Child Youth and family or the Police is required.
- Ensure that the rights of the member of staff are upheld and that support is provided during an investigation

Responding to Child Abuse

Guidelines for responding when a child tells of his or her abuse

It is important that you as the adult remain calm and confident when a child tells you what has been happening to him or her. Every child is different in how, when and where they will tell an adult about abusive experiences so it will most likely happen when you are least expecting it! Your facial expressions and your tone of voice are as important as what you actually say to the child.

Stay calm, listen, <u>reassure</u> the child and at times you may need to <u>clarify</u> what the child has said so that you can take the appropriate action. If a child see's that you are upset or not able to cope with what he or she is telling you he or she may not continue to tell you what has been happening or take back (i.e. retract) the original statements they have made.

DO

- Listen, allow the child to tell as much as they want without interrupting (remember listening is not questioning)
- Respond reassuringly to the child (see below section)
- If you do ask a question avoid asking leading questions, ask only open questions that seek clarification so that you can decide what action you need to take (see below section)
- Most importantly "BELIEVE WHAT THEY SAY"
- Document what the child said and the responses that you made and any clarifying questions asked (word for word and remember to put the date, time, place and who was present)

DON'T

- Question in a way that introduces words, phrases, people's names or concepts
- Indicate that you disbelieve the child
- Try to correct, confront, change, challenge or influence what they say
- Respond by saying "You should have told me sooner" or "Why did you let him/her do that?"

Disclosures that indicate an abusive experience

Those working with children know not to "question the child" if a disclosure of abuse is made. This is correct - questions should not be asked if the child makes what could be considered a "clear disclosure" of abuse e.g. "Mum punched me in the head and made my nose bleed", or "Uncle got into my bed and put his hand in my bum". These types of disclosures require (1) a reassuring response by an adult and (2) the adult to take immediate action by contacting CYF and/or Police.

Training of Staff

<u>All Staff</u> should receive basic awareness training in child protection. This training should provide a context of child protection within New Zealand, with an overview of understanding how to recognise indicators that a child may be vulnerable to abuse. This training should be provided in a multi-agency forum encouraging staff to meet and recognise other agencies and service providers in their community. It is recommended that all staff update their training every three years as a minimum.

A recommended training for all staff would be the free seminar *Working Together to Keep Children and Young People Safe* delivered by Child Youth and Family.

<u>Frontline Staff</u> should receive basic awareness training in child protection. This training should provide a comprehensive outline of the indicators that identify children who are vulnerable to abuse. This training should also explore the procedures for responding to concerns and the responsibilities of statutory agencies to respond to concerns. This training should also provide an overview of the legislation relating to child protection. It is recommended that frontline staff update their training every three years as a minimum.

A recommended training for frontline staff would be the one day workshop *Identifying and Responding to Vulnerability and Abuse of Children and Young People* delivered by Child Matters.

<u>Frontline Staff</u> who work closely and regularly with children should focus on developing their understanding of vulnerability, risk and abuse of children. This training may provide more specific information on areas such as child development, cultural practices or child protection to generate a deeper level of understanding in how to recognise and respond appropriately to concerns. It is recommended that frontline staff who work regularly with children update their training every two years as a minimum.

Recommended training for frontline staff who work closely and regularly with staff might be:

- Early Years Last Forever or Unravelling the Teenage Brain delivered by Brainwave Trust
- Protecting Children with Disabilities delivered by Child Matters
- Understanding Emotional Abuse and Neglect delivered by Child Matters
- Maori in the 21st Century with Sir Mason Durie delivered by Compass

NASC Manager and Designated Person for Child Protection should receive child protection that provides them with the knowledge and understanding that enables them to provide advice and guidance to staff regarding child protection concerns, and to influence the organisational practices. This training should provide a deeper level of understanding of vulnerability, risk and abuse. It should also explore long term effects of abuse, how to respond to children who disclose, and the process of how child abuse is responded to. This training should be undertaken in a multi-agency setting that enables the development of networks and relationships with other agencies in the community. It is recommended that the NASC Manager and Designated Person for Child Protection update their training with a one day specialist workshop every two years as a minimum.

Recommended training for the NASC Manager and Designated Person for Child Protection would be the NZQA accredited five day *Child Protection Studies Programme* delivered by Child Matters. Further training can be accessed through the yearlong NZQA accredited Diploma delivered by Child Matters.

Allegations against members of staff

{NASC Service} has a duty of care to the children it provide services to. A failure to report a significant concern about a child is a breach of that child's human rights.

Anyone who has reason to make a complaint will be made aware of the {NASC Service} complaint process. There is potential that an issue raised as a complaint may also constitute an allegation of abuse. Any such complaint that raises a child protection issue will be referred directly to the General Manager or Chief Executive Officer.

It must be remembered that making a disclosure or a complaint against someone in a position of power and authority is always difficult. The person making the disclosure may reconsider and express a wish to retract their allegation. At the outset it must be clearly communicated with the child or adult that their concern is being taken seriously and will be responded to in accordance with this policy.

In all child protection cases {NASC Service} will co-operate fully with both Child Youth and Family and the Police in their investigations and assessments.

If the Police decide to undertake a criminal investigation then the member of staff may be suspended, 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 there is insufficient evidence to pursue a criminal prosecution, then a 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.

Human Resources or the NASC Manager will be responsible for advice on any action to be taken in response to allegations against {NASC Service} staff that relate to employment process.

All staff have a responsibility to understand what constitutes appropriate behaviour in relation to children and young people. All staff have a responsibility to maintain appropriate standards of behaviour and to report lapses in these standards by others. Any concerns or reasonable suspicions of abuse should be reported to their manager, in the first instance.

Safe Working Practices

A relationship between an adult and a child or young person cannot be a relationship between equals. There is a potential for exploitation and harm of vulnerable young people. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

Adults should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. Adults who work with children must therefore act in a way that is considered to be safe practice.

Communication between children and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phone, text messaging, emails, digital cameras, videos, web-cams, websites, social networking and blogs. Adults should not share any personal information with a child or young person. They should not request, or respond to, any personal information from the child or young person other than that which might be appropriate as part of their professional role. Adults should ensure that all communications are transparent and open to scrutiny.

Any sexual activity between an adult and a child or young person will be regarded as a criminal offence and will always be a matter for disciplinary action.

When physical contact is made with a child this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. Adults should use their professional judgement at all times, observe and take note of the child's reaction or feelings and use a level of contact and/or form of communication which is acceptable to the child for the minimum amount of time necessary.

All staff are expected to behave in manners consistent with the {NASC Service} Code of Conduct.

Resources and References

Legislation to consider:

- Children, Young Persons and Their Families Act, 1989
- Crimes Act, 1961
- Domestic Violence Act, 1995
- Health Act, 1956
- Health and Disability Sector Standards Regulations, 2001
- Privacy Act, 1993
- Health Information Privacy Code, 1994
- Vulnerable Children's Act, 2014
- Care of Children Act, 2004
- Employment Relations Act, 2000

Further information can be found at:

- www.childmatters.org.nz
- www.cyf.govt.nz
- www.childrensactionplan.govt.nz
- www.compass.ac.nz
- www.brainwavetrust.co.nz