

# Policy

Part A: Child Protection/Vulnerable Children (Facilitators and Staff)

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## Child Protection/Vulnerable Children Policy

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# Section 1: Policy Overview

## Overview

The Government has introduced a suite of legislative, policy and service delivery initiatives to improve how we identify and respond to the needs of vulnerable children.

Under the provisions of Part 2 of the Vulnerable Children Act 2014, Momentum Learning is required to have a Child Protection Policy (CPP) to set out our commitment to building a culture of child protection and to provide information on how staff are expected to respond when they have concerns about the safety and well-being of children.

This CPP is for Momentum Learning staff. For the purposes of this CPP 'Momentum staff' is defined as all permanent, fixed term, part-time, contracted and volunteer staff employed/engaged.

## Purpose

Momentum Learning is committed to child protection and its responsibilities under the Vulnerable Children Act 2014.

As an organisation, we are well placed to contribute to the protection of all children. We have a responsibility to ensure that our staff can identify the signs of possible abuse or neglect and are able to take appropriate action, in a safe environment.

Momentum Learning's CPP provides an organisation-wide policy for responding to suspected abuse or neglect of a child. It provides information on resources to help identify possible signs of abuse or neglect and sets out what we do if we do suspect abuse or neglect.

The purpose of this CPP is to imbed a culture of child protection that consistently safeguards and promotes the well-being of children.

## Scope

Momentum Learning's Child Protection Policy applies to all staff employed, contracted to, or people volunteering with, Momentum Learning.

Staff employed, contracted to, or people volunteering with, Momentum Learning have varying levels of contact with children, depending on their role. Staff may have:

- I. Regular, unsupervised access to children
- II. Contact with children where other adults are present
- III. Little or no contact with children

While some staff may have limited or no direct contact with children, they may interact with schools and kura, ECE services, other child related services, families, whānau and the wider education and or social sector community in their role. As a consequence of this interaction, staff may be in a position to identify actual, or be suspicious of, abuse or neglect.

In addition, staff with limited or no contact with children may be in a position to identify systemic opportunities and weaknesses in the protection of children, and/or to promote a culture where the child, and child protection, is at the centre of all procedures, processes and decision-making.

## Responsibilities

Momentum Learning Director is responsible for ensuring their staff understand and adhere to this policy. They are expected to ensure that their staff have undertaken the appropriate training associated with this policy.

Momentum Learning Director responsible for contract or approved services that specifically involve children are required to assess their service providers and ensure that they understand the requirement for and have in place a child protection policy.

Momentum Learning's designated person for child protection is responsible for ensuring the Momentum Learning meets its obligations under section 16 of the Vulnerable Children Act.

## Publication and review

Part 2 of the Vulnerable Children Act requires that child protection policies (CPP) be adopted and reported on as soon as practicable. This policy must:

- Contain, at a minimum, provisions on the identification and reporting of child abuse and neglect
- Be published on the Momentum Learning's website
- Be reviewed every three years
- We must report on its implementation in our Annual Report.

# Section 2

## Key Principles

### Principles of Child Protection

While many of the principles listed below are considered values we encompass in everything we do as a Momentum Learning, it is important to capture and reinforce these alongside our more child protection specific principles. These principles apply to every staff member.

Our child protection principles are:

- I. Making the safety and wellbeing of children our primary concern, with the child at the centre of all decision-making when responding to suspected abuse or neglect
- II. Promoting a culture where staff feel confident to constructively challenge poor practice and raise issues of concern
- III. Recognition of the culture of the family/whānau, its importance and the rights of family/whānau to participate in decision-making about their children unless this would result in an escalation of risk to the child
- IV. All staff know they can report suspected child abuse and neglect to Child, Youth and Family (CYF) or the Police.

Our commitments are:

- I. A commitment to work together to produce the best possible outcomes for the child and to work towards continuous improvement in child protection practices, and all policies and initiatives are designed to promote (be inclusive of) a child protection culture
- II. A commitment to develop and maintain links with iwi, Pasifika and other cultural and community groups and to ensure that important cultural concepts (e.g. whakamanawa, whakapapa, te reo Māori, tikanga, kaitiakitanga, wairuatanga) are integrated, as appropriate, into practice
- III. A commitment to open and transparent relationships with clients/service users, including being willing to share concerns about child safety issues with the family/whānau unless this would result in an escalation of risk
- IV. An organisational commitment to support all staff to work in accordance with the policy, to work with partner agencies and community organisations to ensure child protection policies are consistent and of high quality and to always comply with relevant legislative responsibilities
- V. A commitment to share information in a timely way and to discuss any concerns about an individual child with colleagues, the manager/supervisor or the designated person for child protection
- VI. A commitment to meet all existing statutory and contractual obligations, including matters relating to employment

## Definitions

The following definitions apply to this policy:

**Abuse** – the harming (whether physically, emotionally or sexually), ill-treatment, neglect or deprivation of any child

**Neglect** – the persistent failure to meet a child's basic physical or psychological needs, leading to adverse or impaired physical or emotional functioning or development

**Child** – any child or young person aged under 17 years, and who is not married or in a civil union

**Child protection** – activities carried out to ensure that children are safe in cases where there is suspected abuse or neglect or the risk of abuse or neglect

**Designated person for child protection** – the Director or designated person responsible for providing advice and support to staff where they have a concern about an individual child or who want advice about the child protection policy

**Disclosure** – information given to a staff member by the child, parent or caregiver or third party in relation to abuse or neglect

**Child, Youth and Family** – the agency responsible for investigating and responding to suspected abuse and neglect and for providing a statutory response to children found to be in need of care and protection

**New Zealand Police** – the agency responsible for responding to situations where a child is in immediate danger and for working with Child, Youth and Family in child protection work, including investigating cases of abuse or neglect where an offence may have occurred

**Children's services** – any organisation that provides services to children or to adults where contact with children may be part of the service. These organisations should have child protection policies. Organisations that provide services to adults who may be caring for or parenting children should also consider developing a policy, e.g., adult mental health and addiction services

**Safer recruitment** – following good practice processes for pre-employment checking which help manage the risk of unsuitable persons entering the children's workforce

**Standard safety checking** – the process of safer recruitment that will be mandatory for organisations covered by the Vulnerable Children Act 2014

**Workforce restriction** – a restriction on the employment or engagement of people with certain specified convictions under the Vulnerable Children Act 2014

**Children's workforce/children's workers** – people who work with children, or who have regular contact with children, as part of their roles

**Physical abuse** – any acts that may result in the physical harm of a child or young person. It can be, but is not limited to: bruising, cutting, hitting, beating, biting, burning, causing abrasions, strangulation, suffocation, drowning, poisoning and fabricated or induced illness.

**Sexual abuse** – any acts that involve forcing or enticing a child 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:

**Contact abuse:** touching breasts, genital/anal fondling, masturbation, oral sex, penetrative or non-penetrative contact with the anus or genitals, encouraging the child to perform such acts on the perpetrator or another, involvement of the child in activities for the purposes of pornography or prostitution

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

**Emotional abuse** – any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development. This can include:

- Patterns of isolation, degradation, constant criticism or negative comparison to others. Isolating, corrupting, exploiting or terrorising a child can also be emotional abuse.
- Exposure to family/whānau or intimate partner violence.

**Neglect** – neglect is the most common form of abuse, and although the effects may not be as obvious as physical abuse, it is just as serious. Neglect can be:

- Physical (not providing the necessities of life, like a warm place, food and clothing).
- Emotional (not providing comfort, attention and love).
- Neglectful supervision (leaving children without someone safe looking after them).
- Medical neglect (not taking care of health needs).

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

## Identifying and reporting child abuse and neglect

### Potential indicators

Indicators are signs or symptoms that, when found either on their own or in various combinations, point to possible abuse, family violence or neglect. In many cases, indicators are found in combinations or clusters.

Indicators do not necessarily prove or mean that a child has been harmed. They are clues that alert us that abuse may have occurred and that a child may require help or protection. Sometimes indicators can result from life events which do not involve abuse, e.g. accidental injury.

### Additional Resources

References to resources on identifying possible abuse or neglect are given below.

- Oranga Tamariki information <https://www.orangatamariki.govt.nz/working-with-children/vulnerable-children-act-requirements/>
- Child Matters is a registered charitable trust that provides guidance, advice, education and support to protect children. <http://www.childmatters.org.nz/24/learn-about-child-abuse>
- The Ministry of Health has also made guidance available in the health sector. <http://www.health.govt.nz/our-work/preventative-health-wellness/family-violence/family-violenceguidelines> and <https://www.health.govt.nz/system/files/documents/pages/child-abuse-neglect-policy.pdf>
- Murphy, C. et al (2013) Understanding connections and relationships: Child maltreatment, intimate partner violence and parenting. NZ Family Violence Clearing House. Issues Paper 3. April.

## Reporting and responding to suspected abuse or neglect

If a staff member has a concern about a child's safety or wellbeing they will, in all instances, report this to Momentum Learning Director. This will be done at the first possible opportunity to best ensure the safety of the child.

The severity of the suspected abuse or neglect is not up to the staff member or Director to determine. The Director has the ultimate responsibility to ensure appropriate authorities are notified.

In consultation with the Director, staff should always respond if they suspect abuse or neglect of a child, regardless of who may be involved, as follows:

- I. Contact the Police immediately if a child is in immediate danger. The primary response must be to ensure the safety of the child.
- II. Contact Oranga Tamariki National Contact Centre to discuss appropriate steps where:
  - a) A child has disclosed abuse or neglect (see table below)
  - b) Abuse or neglect of a child has been disclosed by the person responsible
  - c) A staff member has observed abuse or neglect, or suspects abuse or neglect on the basis of their own observations
  - d) A third party has told a staff member of known child abuse or neglect, or of their suspicions of possible child abuse or neglect
- iii. Contact local family/whānau social service providers (such as Whānau Ora or Strengthening Families) where the concern is more of a general, wellbeing related concern and not specifically about abuse or neglect. The services available in each community will vary and may include a range of government and non-government providers who will be able to help the child and their family/whānau. Momentum Learning will have a readily accessible and up to date list of contact details of local social service providers.

Before contacting Oranga Tamariki in relation to i above, or other organisations in relation to ii above:

All staff have a responsibility to discuss any child protection or wellbeing concerns with the Director.

The Director has a responsibility to ensure that the appropriate authority is notified when a staff member informs them that a child has been, or is likely to be, or is suspected of being, abused or neglected. This extends to ensuring that all known information about the child, young person, and their siblings and family/whānau, is shared in full with the appropriate authority, to determine the most appropriate response (see section below on confidentiality and information sharing). Local Ministry of Education Directors must also be informed. It is therefore essential that managers/supervisors delegate this responsibility during times of absence and that their staff are aware of the delegation.

Where a third party has advised of the abuse, that person should be encouraged to report the information to Oranga Tamariki. In the spirit of full ownership and collective responsibility for child protection, where a third party has been advised of the abuse, that person should be encouraged to report the information to Oranga Tamariki. The staff member should ensure that this is done by following up with Oranga Tamariki.

## Responding to a child when the child discloses abuse

Listen to the child	Disclosures by children are often subtle and need to be handled with care, including an awareness of the child's cultural identity and how that affects interpretation of their behaviour and language.
Reassure the child	Let the child know that they are not in trouble and have done the right thing. While reassuring the child it is important that you do not agree 'not to tell anyone'.
Ask open ended prompts, e.g. "What happened next?"	Do not interview the child (do not ask questions beyond open prompts for the child to continue).
If the child is visibly distressed	Provide appropriate reassurance and engage in appropriate activities under supervision until they are able to participate in ordinary activities.
If the child is not in immediate danger	Re-involve the child in ordinary activities and explain what you are going to do next.
As soon as possible formally record the disclosure	Record: <ul style="list-style-type: none"><li>• Word for word, what the child said.</li><li>• The date, time and who was present.</li></ul>



## Recording and notifying Child, Youth and Family of suspected child abuse or neglect:

What process to follow	For example	Key considerations
Recording	<p>Formally record:</p> <ul style="list-style-type: none"> <li>• Anything said by the child.</li> <li>• The date, time, location and the names of any staff that may be relevant.</li> <li>• The factual concerns or observations that have led to the suspicion of abuse or neglect (e.g., any physical, behavioural or developmental concerns).</li> <li>• The action taken by your organisation.</li> <li>• Any other information that may be relevant</li> </ul>	Relevant information can inform any future actions.
Decision-making	Discuss any concern with the Director or the designated person for child protection	No decisions should be made in isolation
Notifying authorities	<p>Notify Oranga tamariki promptly if there is a belief that a child has been, or is likely to be abused or neglected. A phone call to the National Contact Centre is the preferred initial contact with oranga Tamariki (see below) as this enables both parties to discuss the nature of the concerns and appropriate response options.</p> <p><b>Phone: 0508 326 459</b> Lines open 24/7, or email <a href="mailto:contact@ot.govt.nz">contact@ot.govt.nz</a></p>	<p>Child, Youth and Family will:</p> <ol style="list-style-type: none"> <li>Make the decision to inform the parents or caregivers, in consultation with Momentum Learning.</li> <li>Advise what, if any, immediate action may be appropriate, including referring the concern to the Police</li> </ol>
Following the advice of Child, Youth and Family	Oranga Tamariki advice will include what, if any, immediate action may be appropriate, including referring the concern to the Police	Oranga Tamariki is responsible for looking into the situation to find out what may be happening, whether our organisation needs to work with the family/whānau or put them in touch with people in their community who can help

Storing relevant information	Securely store: <ul style="list-style-type: none"> <li>• The record of the concern.</li> <li>• A record of any related discussions (including copies of correspondence, where appropriate).</li> <li>• A record of any advice received</li> <li>• The action your organisation took, including any rationale.</li> <li>• This concern with any earlier concerns, if the notification is based on an accumulation of concerns (rather than a specific incident).</li> </ul>	Records assist in identifying patterns
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## **Allegations or concerns about Momentum Learning staff specifically**

Schedule 1 to the Memorandum of Understanding between Child, Youth and Family, the Police, the Education Council of Aotearoa New Zealand, and the Ministry of Education (2012) is concerned with managing abuse allegations involving an adult working in or associated with an education setting.

Schedule 1 requires that any allegation of abuse involving an adult working in or associated with an education setting requires an interagency approach from the time that the allegation is first received. A collaborative interagency approach will ensure that the right national and local people are involved, that the right actions are taken by the appropriate agency within agreed timeframes, and that a joint communications strategy will be developed.

Importantly, as an employer, Momentum Learning has a dual responsibility to the child and the employee. The decision to follow up on an allegation of suspected abuse or neglect against an employee should be made in consultation with Oranga Tamariki, the Police, and if relevant the Education Council of Aotearoa New Zealand, to ensure that any actions taken do not undermine any investigations being conducted, or to be conducted, by the external agencies.

The same general approaches used for responding to allegations or concerns about non-staff member should be used where a staff member is concerned that another staff member's behaviour towards a child. Addressing the needs of the child and the child's immediate safety remains the first priority.

## **Other policy statements**

### **Confidentiality and Information Sharing**

The Privacy Act 1993 and the Oranga Tamariki Act 1989 (formally Children's and Young People's Well-being Act 1989) allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated.

Generally, advice should be sought from Oranga tamariki and/or the Police before information about an allegation that may identify an individual is shared with anyone, other than the Director, designated person for child protection.

Under sections 15 and 16 of the Oranga Tamariki Act 1989, any person who believes that a child has been, or is likely to be, harmed physically, emotionally or sexually, or ill-treated, abused, neglected or deprived may report the matter to Oranga tamariki or the Police and, provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.

## Additional Resources

The Office of the Privacy Commissioner has published a set of guidelines *Sharing personal information of families and vulnerable children*, which includes a range of helpful advice about confidentiality and information sharing:

<https://privacy.org.nz/assets/InteractiveEscalationLadder/PRCM1001-escalationLadder-hiRes.pdf>

Finally, the 12 Privacy Principles are outlined in the Privacy Act 1993.

<http://www.legislation.govt.nz/act/public/1993/0028/latest/whole.html#DLM296639>

## Recruitment and Employment (safety checking)

Our recruitment policy reflects a commitment to child protection by including comprehensive screening procedures. Safety checks will be carried out, as required by the Vulnerable Children Act 2014.

## Professional Development and Support

Momentum Learning is committed to ensuring that it builds the capability and provides the appropriate resources and support, to all staff. The underlying principle is that staff will have the necessary skills consistent with the scope of their work/role. All Momentum Learning staff will be required to undertake an [online course](#) as part of their training. Fees will be shared equally between Momentum Learning and the staff member.

The appropriate level of additional training, resources and support required will vary depending on:

- the amount of contact the staff member has with children
- the opportunity that the staff member may have to identify suspected child abuse and neglect
- whether the staff member is likely to be expected to provide support to others who suspect child abuse or neglect.

## Policy Review

Under the Vulnerable Children Act 2014 Momentum Learning is required to review this CPP every three years. Momentum Learning will undertake a review of this CPP Policy one year after implementation and then on a three yearly basis after that.

The review will be undertaken by 2019 and will cover an assessment of the implementation and operation of the Child Protection Policy over its first year, including:

- the views of staff about the accessibility, relevance and usefulness of the policy
- whether any serious incidents have occurred, and how effective the policy was at responding to them
- to what extent the policy needs updating to reflect lessons learnt.

Momentum Learning is required to report on the implementation and ongoing operation of its CPP in its Annual Report.

# Appendix 1

The relevant provisions in the Vulnerable Children Act 2014 are set out below.

## Definition of children's services

### Interpretation

1. In this Part, unless the context otherwise requires:

... children's services means services that are any of the following:

- a. services provided to 1 or more children;
- b. services to adults in respect of 1 or more children;
- c. services provided to adults living in households that include 1 or more children, and that—
  - i. do or may affect significantly any 1 or more aspects of the well-being of those children; and
  - ii. are for the time being prescribed under subsection (2);
- d. services provided in respect of children that are for the time being prescribed under subsection (3)

## Requirement for child protection policies

### Prescribed State services to adopt, report on, and require child protection policies

The chief executive of a prescribed State service must ensure that the service,—

- a. if, after the commencement (under section 2(1)) of this section, the service is or becomes a provider of children's services,—
  - i. adopts, as soon as is practicable, a child protection policy; and
  - ii. ensures that a copy of the policy is available on an Internet site maintained by or on behalf of the service; and
  - iii. reviews the policy within 3 years of the date of its first adoption, or of its most recent review, under this section; and
- b. ensures that every contract, or funding arrangement, that after that commencement the chief executive or the service (in either case, acting on the Crown's behalf, or independently) enters into with an independent person requires the person as soon as is practicable to adopt (and to review in accordance with paragraph (a)(iii)) a child protection policy if, in the opinion of the chief executive of the State service,—
  - i. the person is or becomes a provider of children's services; and
  - ii. some or all of the contract or arrangement is about providing children's services; and
- c. reports in its annual report (under section 43 of the Public Finance Act 1989 or another enactment) on whether, or on the extent to which, -
  - i. its operations have implemented any policy it is required to adopt under paragraph (a)(i); and
  - ii. its contracts and funding arrangements have complied with paragraph (b).

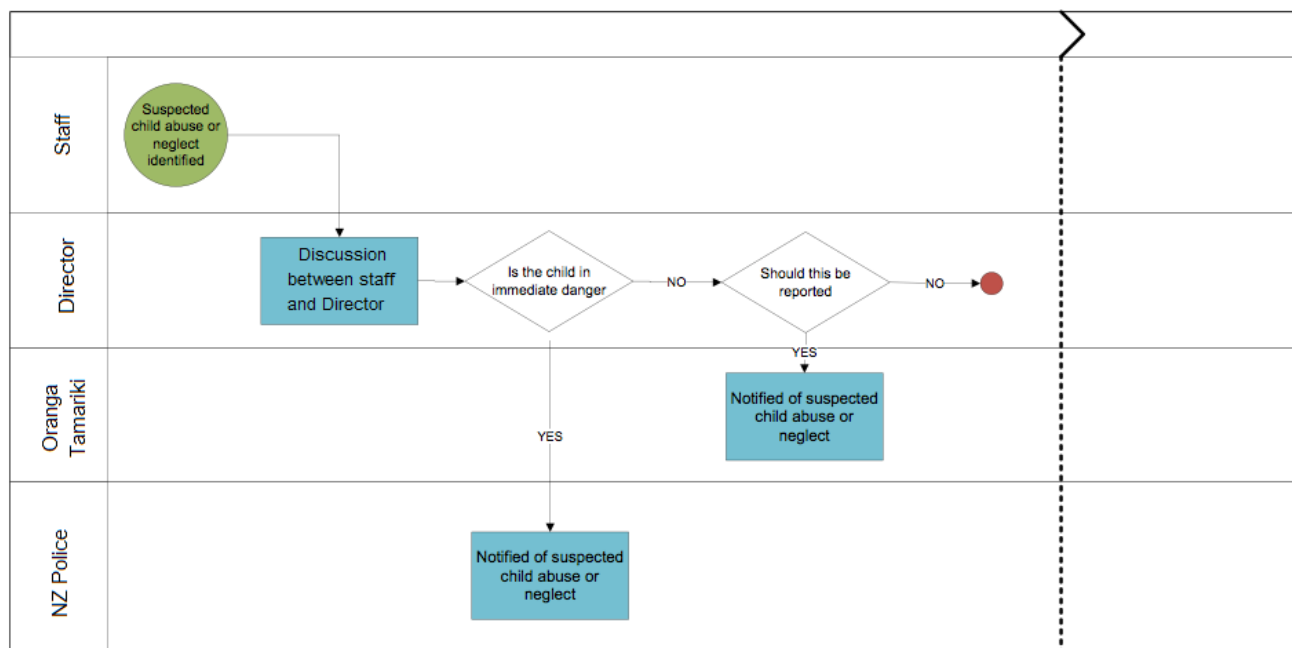
## Appendix 2

### Roles and responsibilities in relation to the Child Protection Policy

Role	Responsibilities
Momentum Learning Director meeting its obligations under the Vulnerable Children Act	<ul style="list-style-type: none"> <li>• Is the designated person for child protection within the Ministry</li> <li>• Must satisfy him/ herself that Momentum Learning is meeting its obligations under section 16 of the Vulnerable Children Act including:</li> <li>• The implementation of the child protection policy (responsibility for components of the policy are distributed through Momentum Learning as noted below)</li> <li>• The child protection policy is reviewed, updated and published</li> <li>• Annual reporting requirement is met</li> <li>• Provides support and advice to staff in relation to application and interpretation of the policy</li> <li>• Approves and promotes the policy</li> <li>• Develop and update training and awareness material to implement this policy</li> </ul> <p>Ensures staff:</p> <ul style="list-style-type: none"> <li>• Understand and adhere to this policy</li> <li>• Are aware of the principles and processes in this policy</li> <li>• That have contact with children as part of their job, understand how to identify and report child abuse and neglect (trained on induction and every three years)</li> <li>• If responsible for contracted or approved services, assess and ensure service providers understand the requirement for, and have in place, a child protection policy</li> <li>• Escalates concerns to designated person for child protection about the application or interpretation of the policy</li> </ul>
All Momentum Learning staff, contractors and volunteers	<ul style="list-style-type: none"> <li>• Understand and adhere to this policy</li> <li>• Be aware of the principles and processes in this policy</li> <li>• If they have contact with children as part of their job or manage staff who have contact with children, understand how to identify and report child abuse and neglect (trained on induction and every three years).</li> </ul>
Momentum Learning Administration	Collates information in relation to Annual report in relation to the implementation of this policy

## Notification process workflow

### Reporting Alleged Abuse – the suspected or alleged abuse is not by a staff member



### Reporting Alleged Abuse – the alleged or suspected abuse is by a Momentum Learning Staff Member

