



POLICY: **Child Protection**

Rationale & Objectives:

The purpose of this operational policy is to ensure all possible actions are taken to protect children from abuse and neglect.

**Position Statements**

This centre is committed to the prevention of child abuse and neglect and to the protection of all children. The safety and well-being of the child will always be given priority when investigating suspected or alleged abuse and staff and management will respond in accordance with the Children's Act (2014)

We support the roles of the Police and Oranga Tamariki in the investigation of suspected abuse and will report suspected/alleged abuse to these agencies.

**Oranga Tamariki Ph number = 0508 326 459**

We support families to protect their children.

We provide a safe environment, free from physical, emotional, verbal or sexual abuse.

Child abuse and neglect is not acceptable. Children need our protection. Where protection is not adequately provided by the adults responsible for the child, others need to step in to ensure the child receives adequate protection.

Definitions:

**Definition**

**Child abuse:** Includes physical, emotional and sexual abuse as well as neglect which is the direct consequence of a deliberate act or omission by an adult and which has the potential or effect of serious harm to the child.

**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.

**Emotional abuse** is the persistent emotional ill treatment of a child such as to cause severe and adverse effect on the child's emotional development. This can include a pattern of rejecting, degrading, ignoring, isolating, corrupting, exploiting or terrorizing a child. It may also include age or developmentally inappropriate expectations being imposed on children. It also includes the seeing or hearing of the ill treatment of others.

**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 the children in the looking at or production of sexual images, sexual activities and sexual behaviours.

**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 health or development. It may also include neglect of a child's basic or emotional needs. Neglect is the failure to provide for the child's basic needs such as housing, nutrition, adequate supervision, medical and psychological care and education.

## **Procedures:**

### **Dealing with disclosures of abuse**

When a child discloses abuse, it is important that any disclosure is dealt with appropriately, both for the wellbeing of the child and also to ensure your actions do not jeopardise any legal action against the abuser.

- Don't panic
- Remember the safety and wellbeing of the child come 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.
- Be aware that the child may have been threatened.
- Write down what the child says – in their own words
- Make certain you distinguish between what the child has actually said and inferences you may have made.
- Re-direct the child to an activity or play if appropriate to do so.
- Inform your centre manager as soon as possible.
- Use the **Oranga Tāmariki (Ministry for Children) Report of Concern** (appendix Policies and Procedures folder) to record information, sign and date the notes.
- Email response to the **Ministry of Education**

Things **to say** when a child discloses,

- Repeat the last few words in a questioning manner
- 'I believe you'
- 'I will help you'
- 'I am glad that you told me'
- 'You are not to blame'

Things **not** to say

- 'I won't tell anyone'
- 'Why? How? When? Where? Who?'
- 'No not....he/she wouldn't do that'

Things **not** to do

- Do not attempt to deal with the situation yourself
- Do **NOT** formally interview the child
- Never ask leading questions
- Do not make assumptions, offer alternative explanations or diminish the seriousness.
- Do not take any action that might undermine any future investigation or disciplinary procedure.

### **Recording Disclosures and Concerns**

Full and detailed written records are to be kept of every related discussion / act or incident, which involves parent, child, accused or team member from the first instance child abuse is suspected. All information documentation obtained during the process must be kept in a secure location.

- Team members will not extensively question a child who has disclosed abuse, or who is displaying signs of possible abuse. However, it is important that a child is listened to and responded to appropriately.
- Reassure the child that made the disclosure. It was okay to talk. Redirect the child as appropriate to an activity ensuring safety and wellbeing.
- Team members will not take photos, a detailed description can be written on the **Report of Concern disclosure form (see attached form)** Clear visual indication of abuse must be reported with urgency.
- When documenting a child's disclosure, write what they have said word for word as much as possible, recording the day and time of disclosure.
- All suspicions or observed incidents should be reported directly to the Tokihi Leaders or Centre Manager as soon as possible, who will immediately take steps to protect the child or children, report the concern to Oranga Tāmariki – Ministry of Vulnerable Children.

### **Confidentiality and information sharing**

All matters related to individual cases are confidential to those directly involved and should under no circumstance be discussed with other team members, other parents, children or any other person outside of the centre.

- Team members will not act in a way that is outside their knowledge of capacity.
- All team members involved will be kept informed as far as possible within the limits of confidentiality and the need to protect the best interest of the child. This will be determined by the Centre manager
- Team members may be asked to provide information to Oranga Tāmariki, the Police, Court or Lawyers and Psychologists.
- When any of the above contacts a team member for information that team member must first refer to the centre manager for clearance before providing any information.
- Information will only be given after the centre manager 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. Requests are to be made in writing and can be emailed.
- In the case of Oranga Tāmariki, Social Workers or Council for Child wishing to interview a child while in the care of Lumsden Kindergarten, the team member must consult with the centre manager to be certain that such an interview will be undertaken legally and in the best interests of the child.
- The decision when and who will inform parent(s) and or caregivers will be determined by Oranga Tāmariki and or Police in consultation with Lumsden Kindergarten.
- The Centre Manager will inform the Directors of all information.
- *July 2019: Information Sharing:*

- You must share information with Oranga Tāmariki or Police if they request it under section 66, unless it is legally privileged. Legal privilege means any communication between a professional legal adviser and their clients can't be disclosed without the permission of the client.
- -Prevent or reduce the risk of harm, ill-treatment, abuse, neglect or deprivation for tāmāriki OR
- -Make or contribute to an assessment of the risks or needs of tāmāriki

### **Reporting Abuse**

Ensure notifications are made in privacy, only factual information is disclosed.

- Child Youth and Family Act 1989 Children Young Persons and Their Families allows information otherwise protected under the Privacy Act to be disclosed to Oranga Tāmariki.
- When contacting Oranga Tāmariki and or Police ensure that a contact name and number are taken and recorded.
- Request to send information via email, this will ensure that a response email will be returned.
- When notification made MOE is notified at the same time with the email response from Oranga Tāmariki
- Advice will be sought from Oranga Tāmariki to ascertain if a notification is the correct procedure, for example sexualised behaviour of children.

### **Notification to Parents / Caregivers**

Lumsden Kindergarten recognises that the family's primary role in caring and protecting the child should be valued and maintained. However, the child's safety and wellbeing should have priority and is paramount in all situations.

- Although the parent or caregiver of the child will usually be informed of concerns, there may be times when those with parental responsibility may not be initially informed when,
  1. The parent or custodian is the alleged perpetrator.
  2. It is possible that the child may be intimidated into silence.
  3. There is a strong likelihood that evidence will be destroyed or child withdrawn.
- In regards to (1, 2, and 3) decisions about when and who will inform the parent(s) and or caregiver will be determined by Oranga Tāmariki and or NZ Police in consultation with Lumsden Kindergarten
- At times parents may be notified of inappropriate behaviour occurring between children. This may or may not be notified to Oranga Tāmariki depending on seriousness of situation. We respect the privacy of individuals and will not disclose the names of other children involved.

### **Allegation against a Team Member**

Lumsden Kindergarten will respond to suspicions and allegations of child abuse by a member of staff in a manner best ensures children's immediate and long-term safety and will treat suspicions or allegations against a staff member with the following steps.

- When abuse is suspected, an allegation or disclosure made against a team member, the centre manager will document concerns and as appropriate get dated and signed written statements.
- Allegations will be treated in such a way that the rights of adults and the stress upon the team member are also taken into consideration.

- The suspected team member (or volunteer) will be risk assessed to determine what level of access, if any, that person should have, to other children.
- The centre manager will notify the parent/caregiver/custodian of the effected child as soon as possible.
- Lumsden Kindergarten may after initial investigation deem allegation against a team member to be inconclusive as abuse and therefore not progress the matter further.
- If abuse is suspected or an allegation made the team member will be excluded from working with children as outlined in regulation 56. Lumsden Kindergarten would ensure that no evidence gathered would prejudice the investigation by Police.
- The Ministry of Education and Education Council of New Zealand will be notified of allegations regarding a registered teacher.
- The suspected team member will be advised of their right to seek support/advice from external agencies.
- 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 the abuse may have occurred. The allegation may represent inappropriate behaviour of poor practise by a member of staff that needs to be considered under internal disciplinary procedures.
- Lumsden Kindergarten will offer support to all those involved in any abuse allegations.

### **Recruitment and employment (children's worker safety checking)**

Safety checking will be carried out in accordance with the Vulnerable Children's Act 2014. This will include: a police vet; identity verification; references and an interview. A work history will be sought and previous employers will be contacted. If there is any suspicion that an applicant might pose a risk to a child, that applicant will not be employed. Evaluation of the information to assess the risk will be completed and signed and dated by the employer.

Staff Safety Checking and Risk assessments will be undertaken on all team members employed by Lumsden Kindergarten every 3yrs.

### **Professional Development**

The ability of team members to protect children in their care is critical. All team members will be expected to complete basic training covering how to recognise and respond to children affected by child abuse and family violence.

Training will be provided;

- As part of an initial induction, that includes reviewing Lumsden Kindergarten Child Protection Policy.
- Opportunities will be provided to attend child protection training either internally or externally at minimum every 3 years.
- All team members will read and have access to the Child Protection Policy (Educa and Policy Folder)
- The policy is reviewed annually as with all Lumsden Kindergarten policies.

### **Key Contacts**

**Oranga Tāmariki (Ministry for Children)–0508 326459(0508FAMILY)**

**Email: [contact@ot.govt.nz](mailto:contact@ot.govt.nz)**

**Local Police Child Protection Team – 06 8730500**

**MOE – 0800 848326 (0800 TI TEAM)**

*Reference:*

*Children's Act 2014*

*Children (Requirements for Safety Checks of Children's Workers) Regulations 2015*

*An interagency guide to working with Tāmariki Oranga Tāmariki 2017*

*Family Violence Policy*

*Information Sharing to Support Tāmariki Wellbeing Oranga Tāmariki July 2019*

*Appendix:*

*Report of concern – Oranga Tāmariki – Ministry for children*

*Record of concerning Sexual Behaviour*

*Sexual Behaviour Framework (Traffic Light)*

## **CUSTOMARY STAGES OF SEX PLAY IN CHILDREN – A GUIDELINE**

### **A two-year-old**

- Shows interest in the different positions adopted by boys and girls while urinating.
- Masturbates.
- Is interested in the physical differences between the sexes.
- Learns to name body parts.
- May not want anyone to touch his or her buttocks.

### **A three-year-old**

- Talks about the differences between sexes, especially the different positions for urinating.
- Masturbates.
- Girls will attempt to urinate standing up.

### **A four-year-old**

- May be extremely conscious of the navel.
- Under social stress may hold genitals and need to urinate.
- May play the game of 'show'.
- Will be very interested in other people's toilets.
- May call out names related to elimination – 'pooh faced' etc.
- Masturbates.
- May demand privacy for self but is likely to be extremely interested in the toilet behaviour of others.

### **A five-year-old**

- Is likely to be familiar with, but much less interested in, differences between sexes.
- Is involved less in sex play and in the game of 'show'.
- Masturbates.
- Is likely to be more modest and less willing to expose self.
- Is less interested in toilet play and less interested in unfamiliar toilets.

### **A six-year-old**

- Will be markedly aware of and interested in differences between sexes.
- Asks questions about sexual differences.
- Is interested in mutual investigation by both sexes for practical answers to questions about body parts.

- Takes part in mild sex play.
- Masturbates.
- Plays the game of 'show'.
- May play hospital and take rectal temperatures.
- Giggles and makes remarks involving words dealing with elimination functions

#### Procedures:

#### **Management will:**

- always prioritise the safety and well-being of the child.
- maintain confidentiality. Failure of team members to comply with this policy will be regarded as serious misconduct.
- respect the rights of those involved during any investigation.
- maintain and increase team and parental awareness of how to prevent, recognise and respond to abuse, including learning about appropriate touching.
- immediately investigate and fully and objectively record in writing, any reports of incidents, allegations or suspicions of child abuse. The centre manager will, where appropriate, seek the assistance of the Ministry of Education, Oranga Tamariki, Police and/or other professional agencies in order to conduct a full investigation.
- report child abuse to the Police or Oranga Tamariki (see *ECC Process for Reporting Child Abuse*). The Ministry of Education will also be notified.
- inform parents after discussing the best way to do this with Police or Oranga Tamariki advisors.
- suspend a team member under suspicion until a full investigation can be completed.
- carry out police vetting checks in accordance with the Children's Act 2014 on members of staff before appointing them. (Please refer to our written flow chart for safety of kaiako before they have access to children.)
- give no persons, other than those employed over the age of 17 years, tasks that involve nappy changing, toileting or responsibility for the supervision of children.
- ensure that team members and other adults visiting or working in the centre are well supported and visible in the activities they perform with children. While the centre respects the privacy of our children, team members and visitors, visibility will be given priority to ensure the safety of all concerned.
- respond appropriately to a child who initiates physical contact in seeking affection, reassurance or comfort. It is not appropriate to force any form of unwanted affection/touching on a child. Touching should not be initiated to gratify adult needs.
- Physical contact during the changing or cleansing of children must be for the purpose of that task only and not be more than is necessary for the job.
- ensure no child is taken from the centre by any team member or adult without the permission of a parent, except in the case of an emergency where clearance has been obtained from either the manager or the owner.
- maintain appropriate records.

- ensure the centre's procedures protect members of staff from unjustified allegations of abuse.
- ensure the centre has resources for children and adults on child abuse.

#### **Team members will:**

- always prioritise the safety and well-being of the child.
- familiarise themselves with this centre policy.
- immediately notify the centre manager if they observe signs of child abuse or anyone reports to them any suspicions of child abuse of children at the centre, or a pattern of neglect or concerns are identified.
- maintain confidentiality.
- failure of team members to comply with this policy will be regarded as serious misconduct.
- respond appropriately to a child who initiates physical contact in seeking affection, reassurance or comfort. It is not appropriate to force any form of unwanted affection/touching on a child. Touching should not be initiated to gratify adult needs.
- physical contact during the changing or cleansing of children must be for the purpose of that task only and not be more than is necessary for the job.
- never take a child from the centre without the permission of a parent, except in the case of an emergency where clearance has been obtained from either the centre manager.
- use anatomical (correct) names for body parts such as penis, vagina and bottom.

#### **How to prevent abuse at Lumsden Kindergarten**

- No closed doors on children's toilets.
- Toilet/baby change door to be open at all times when children are in the room.
- Sleeping room to have glass windows.
- Office door to be kept open if a child is present.
- No child is to be in the garden shed.
- No child is to accompany a solitary staff member on any trip outside of Lumsden.
- Trips to any private home or building are only to be undertaken with more than one staff member and/or adult present.

**Oranga Tamariki Ph number = 0508 326 459**

#### **Visitors to Lumsden**



The Centre Manager, Tokihi team leaders are responsible for ensuring that visitors to Lumsden Kindergarten know what adult behaviour is deemed appropriate.

- **Inappropriate touching** for visitors is hugs, kisses, tickling, stroking, sitting a child on knee, carrying children, changing children's clothes.
- **Appropriate touching** is holding hands (e.g. taking children inside), helping children in or out of a swing, physical removal from potentially dangerous situations. Visitors and trainees never toilet or change nappies.

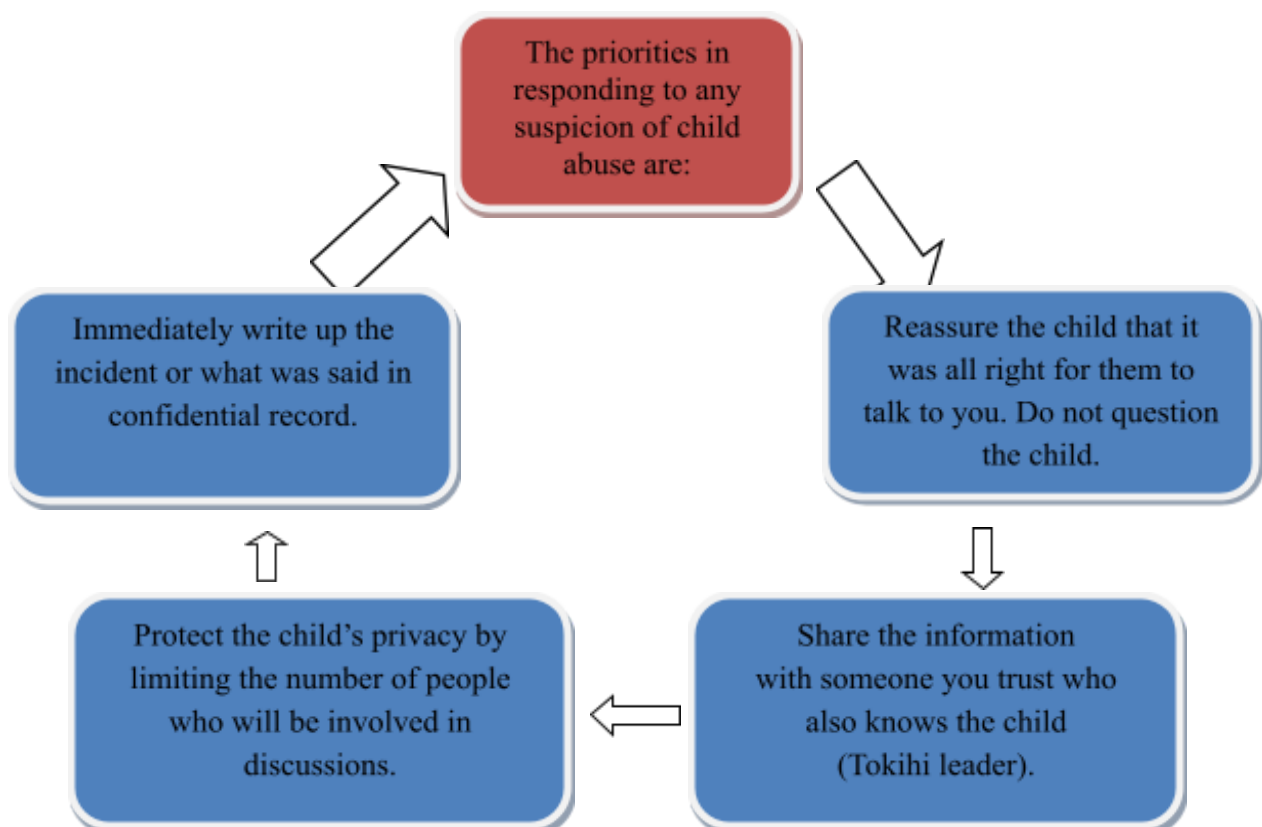
### Child protection resource

A child protection folder will be kept on the premises which will contain child protection related information.

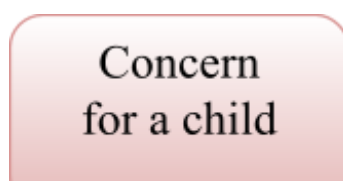
### Protected disclosure

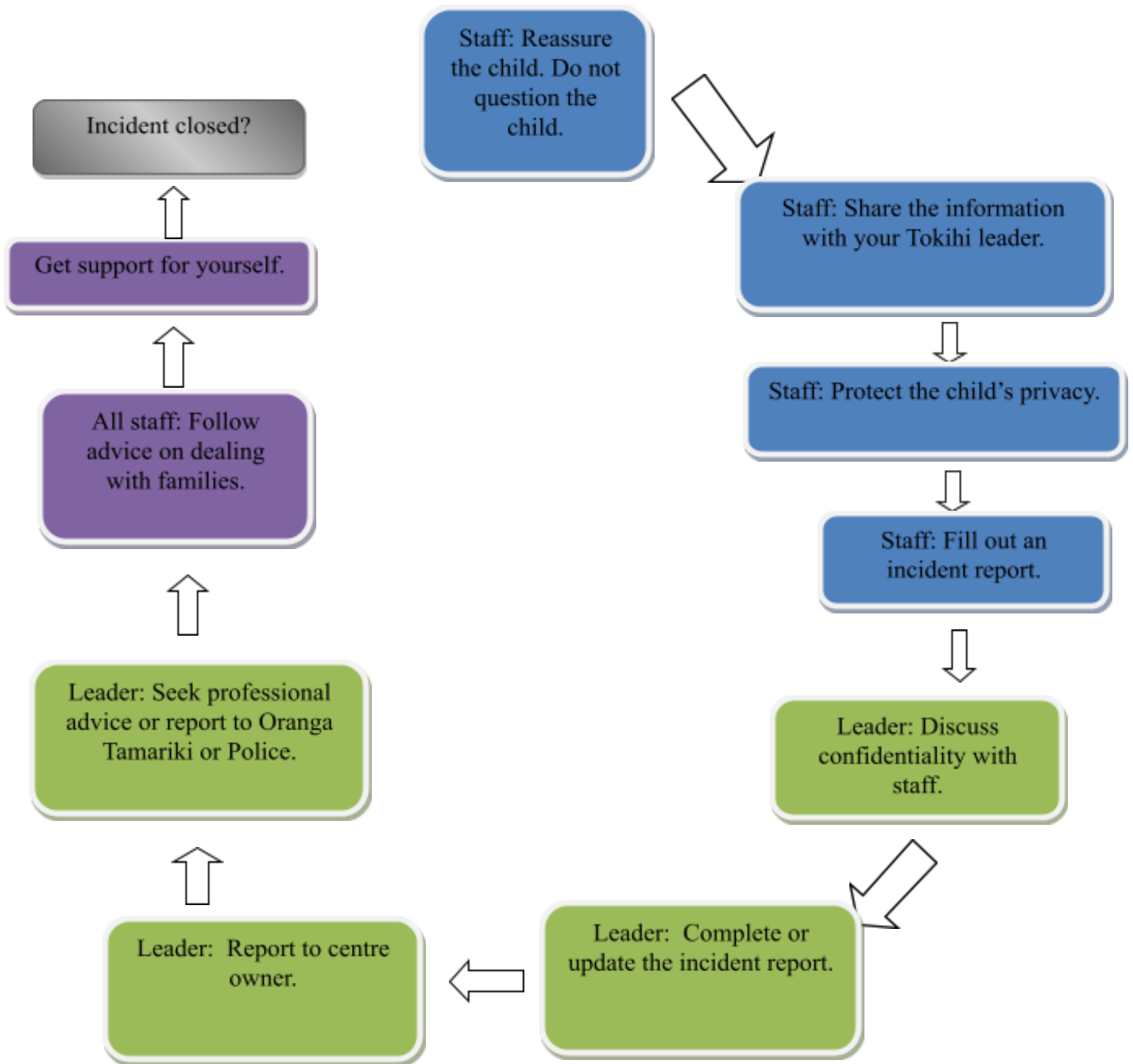
When a team member or associate brings a case of child abuse to the attention of the center or the authorities, our centre will not disclose the name of the person without their permission unless it is to Oranga Tamariki or the Police and is necessary to do so in the interests of the child.

### Immediate response to suspicion of child abuse



### Reporting process flow chart





Incident reports will be kept in a locked filing cabinet on the premises.

**Record of Incident or Allegation**

Name/s of child/ren: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

What happened or what was alleged? (Be clear, use anatomical words):

How did the teacher manage the behaviour/situation?

How did the child/ren respond?

What action was taken?

Staff involved:

Note taker: \_\_\_\_\_

Regulation: Education (Early Childhood Services) Regulations 2008: 46; Licensing Criteria HS31-34

**Regulation 56** and GMA 7A

Philosophy: 'respecting each other'

Policy Developed: June 2017

Reviewed: June 2018, July 2019, August 2020, May 2021, Dec 2022