



MAHI MIHINARE
ANGLICAN ACTION

Child Protection Policy

Anglican Action is committed to the detection and prevention of abuse of children.
November 2015

CHILD PROTECTION POLICY

INTRODUCTION

This policy forms a broad framework to support best practice in the prevention of child abuse or maltreatment, including staff behaviour in response to actual or suspected child abuse and neglect. It applies to all staff members, including volunteers, casual staff, and students on placement. It is intended to protect all children who staff members may encounter, including siblings, the children of adults accessing services and any other children encountered by staff members as they provide services for the people who it is our mission to serve.

Our policy recognises the important role and responsibility of all our staff members in the protection of children by identifying and responding to suspected child abuse or neglect and responding appropriately to concerns about the wellbeing of children.

PURPOSE

The purposes of this Child Protection Policy are:

- a) To inform staff members that in care and protection issues, the welfare and interests of the child or young person must be the first and paramount consideration. Ensuring the wellbeing and safety of children, including the prevention of child abuse or maltreatment is a prime goal for Anglican Action.
- b) To indicate that there are several principles which aim to enhance the welfare and interests of children and young people, in particular –
 - The principle that, wherever possible, a child's or young person's family, whanau, hapu, iwi and family group should participate in the making of decisions affecting that child or young person, and accordingly that, wherever possible, regard should be had to the views of that family, whanau, hapu, iwi and family group.
 - The principle that wherever possible, the relationship between a child or young person and his or her family whanau, hapu, iwi, and family group should be maintained and strengthened.
 - The principle that consideration must always be given to how a decision affecting a child or young person will affect –
 - The welfare of that child or young person; and
 - The stability of that child or young person's family, whanau, hapu, iwi, and family group.
 - The principle that children and young persons must be protected from harm, their rights upheld, and their welfare promoted
 - The principle that intervention into family life should be the minimum necessary to ensure a child's or young person's safety and protection

- The principle that a child or young person should be removed from his or her family, whanau, hapu, iwi, and family group only if there is serious risk of harm to the child or young person.

[Note: these principles are taken from sections 5 and 13 of the Children Young Persons and Their Families Act 1989. They are a selection of principles chosen to fit within the context of our Child Protection Policy. They are not exhaustive, and should not be applied in any given situation as a kind of checklist. The principles in a general sense provide guidance. Further reference may be made to the Act, which is available online at www.legislation.govt.nz]

(c) To provide staff members with information about child protection and the process to be followed if staff members have cause to suspect that a client or other person may have abused a child or young person.

DEFINITIONS

For definitions of physical, sexual and neglect abuse - [see Appendices A, B and C.](#)

PROCEDURES

ROLES AND RESPONSIBILITIES

Management responsibilities

Anglican Action's management team will ensure that the child protection policy and procedures comply with legislative requirements, the principles of te Tiriti o Waitangi, clinical and systems audits, and best practice standards

Safe recruitment of staff

Anglican Action recruitment policy reflects a commitment to child protection by including comprehensive screening procedures. Safety checks for children's workers including police checks as required by the Children Act 2014 will be carried out prior to commencement of employment and will be repeated every three years.

All prospective employees and students on placement who will be involved in work with children will have the following checks completed prior to commencement of employment or placement:

- Full safety check
- Overseas criminal convictions – if an applicant has lived overseas and is an immigrant to New Zealand, he or she will be asked to provide a police certificate at his or her own cost. They will also be asked to provide a statutory declaration concerning the presence or absence of convictions

- Reference checks [minimum of 2] one being a current or prior employer or student supervisor
- Interview with applicant including behavioural scenarios
- Identification: two forms with minimum of one being primary ID. Primary ID includes:
 - (a) Authenticated RealMe
 - (b) Original birth certificate
 - (c) Passport
 - (d) NZ firearms licence
- Secondary ID includes:
 - (a) NZ driver's licence
 - (b) PhotoBank ID
 - (c) IRD card
 - (d) HANZ 18+ card

Anglican Action's prime consideration in choosing staff who work with children is to ensure that they have the skills and attributes which contribute to children's safety and to the enhancement of their welfare and best interests.

Staff responsibilities

All Anglican Action employees have responsibility for the safe management of identified and suspected child abuse and neglect.

Code of Conduct

All adults who work with children have a responsibility to safeguard and advocate for their welfare. While no guidance or Code of Conduct can provide a complete checklist of what is or what is not appropriate behaviour for adults in all circumstances, there may be occasions and circumstances in which adults have to make decisions or take action in the best interests of the child or young person which could contravene this guidance or where no guidance exists. Individuals are expected to make judgments about their behaviour in order to secure the best possible outcomes for children in their charge. Such judgments should always be recorded and shared with a member of the management team and with the parent or caregiver. In undertaking these actions, individuals will be seen to be acting responsibly and reasonably.

CONFIDENTIALITY AND INFORMATION SHARING

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

- Anglican Action recognises that all staff must act within the legal requirements of the Privacy Act, Children, Young Persons and Their Families Act, and Children Act 2014. There are provisions within each of these Acts for sharing information

needed to protect children and enable other people to carry out their legitimate functions.

- Staff members may be asked to provide information to Oranga Tamariki, the Police, lawyers or to psychologists. If information is requested from any of these agencies:
- The staff member must refer to his or her team leader or the agency's legal advisor before providing any information
- Unless the situation is urgent, before any information is requested, there must be a written request for the information setting out the nature of the information required
- If the situation is urgent, information may be given on the basis of a telephone call, provided the caller is properly identified and specifies the reasons for the request. The team leader must authorise the release of information via a telephone call
- Staff members may not provide information to the news media without obtaining clearance from the Missioner

A child's records must be as factual as possible, and all notes must be evidence-based. This means, for example, that until evidence is obtained that a child is subject to custody and guardianship of Oranga Tamariki, no note concerning custody and guardianship should be placed in the file. Everything must be verified and recorded factually.

Reporting

All staff members who identify child protection concerns should follow the following protocol for reporting child abuse and neglect

PRINCIPLES TO SUPPORT CHILD PROTECTION POLICY

1. Child abuse consists of physical, mental and sexual abuse, and neglect, deprivation and harm, and all these may occur together. In-depth assessment of such abuse needs skill and understanding of cultural factors, age and developmental factors and the family/whanau dynamics involved in abuse. Not all staff members will, or should, have this knowledge but they are expected to know how to refer 'at risk situations' to an appropriate staff member or agency.

The Police and the Child Youth and Family Service are the agencies responsible for the assessment of at risk situations following receipt of a notification.

2. Any staff member involved in a situation in which they believe abuse may be occurring must consult as soon as possible with the Missioner. In order to keep children safe, anyone who suspects child abuse should not act alone.
3. Where there is a relationship of trust and understanding with statutory agencies, people are more likely to report suspected abuse and enable professional investigation to occur.

4. We will maintain a good working relationship with Oranga Tamariki and with the Police, and be familiar with child protection law which serves to protect children from abuse. To further this aim, we will consult with Oranga Tamariki and other agencies which have specialist knowledge to help us protect children from abuse.

PROCEDURE FOR NOTIFICATION TO CYFS

1. If a staff member has reason to suspect that a client or other person has harmed or abused a child physically, sexually or emotionally, the staff member must report this to the Missioner. Following the report, the Missioner will consult with the staff member, social work staff, and the agency's legal adviser, to decide whether a notification should be made to Oranga Tamariki. If as a result of this consultation it has been decided that there is reason to believe that a child or young person is abused or is at risk of abuse, a written notification must be made to either Oranga Tamariki or the police as soon as is practicable but no later than 24 hours following the consultation.

The reason for reporting the child/young person should be identified under Section 14(1) (a) to (i) of the Oranga Tamariki Act - See Appendix D. More than one section can be used. The notification should set out the reasons for the notification and details of any observed harm or injuries to the child.

2. It is preferable that any notification to Oranga Tamariki or the Police is made with the informed consent of the parent(s)/caregivers, however:
 - If consent is withheld the parents should be informed that the notification will nevertheless be made, and they should be told that this action is covered by Section 15 of the Oranga Tamariki Act 1989. Parents should be informed as to why this step is being taken, and advised to seek legal advice. Staff members should note that unless the notification is malicious or made in bad faith, section 16 of the Oranga Tamariki Act will protect staff member making the report from civil or criminal liability, or disciplinary proceedings. [Sections 15 and 16 appear in Appendix D to this policy]
 - Contact with the parents/caregiver should at all times be conducted in such a way that there is the least possibility of alienation of the parents from the child protection process. Staff members should remind parents /caregiver of the need to protect the child or young person and that the staff member has a professional role in working with children or young people
 - If it is considered that informing the parents will place the child at further or immediate risk, or seriously hinder a child abuse investigation (eg. if a child has disclosed sexual abuse) and the alerting of the alleged perpetrator will preclude effective evidence gathering, it may be necessary to make a notification without informing the parents. This step is unusual and must only be taken in extreme circumstances and after full consultation with the Missioner. In the absence of the Missioner, consultation must occur with the agency's legal adviser.

Where a staff member makes a notification of alleged abuse to Oranga Tamariki, the staff member is protected from civil or criminal liability by virtue of section 16 of the Oranga Tamariki Act 1989, unless the staff member has acted in bad faith in making the notification.

A staff member should not report child abuse without first consulting with his or her team leader, or the Missioner. The process of consultation must occur as it is inadvisable for a staff member to act on his or her own in making a report. If the situation is critical and immediate steps must be taken to report to Oranga Tamariki, a staff member must still involve the team leader and/or Missioner in discussion prior to the report being made.

For individual staff members who experience personal trauma as a result of reporting child abuse, Anglican Action will part-fund two private counselling sessions for counselling by counsellors approved by NZAC. Staff members will be encouraged to seek further counselling or other support for themselves if required.

Nature and content of notification made to Oranga Tamariki

A notification should contain the following information:

- The date of the incident which is the subject of the notification
- Name and contact details of person making the notification
- Name and address of the child who is the subject of the notification
- Name and address of the person responsible for the child's day-to-day care
- Specific information indicating neglect or the nature of suspected abuse
- Identity of the person or persons suspected of responsibility for the abuse or neglect
- Identity of other children and adults in the household
- Any other relevant information

NOTE: When a concern about a child does not amount to suspicion of abuse or neglect, it could be harmful to the wellbeing of a child and his or her family/whanau to make a notification to Oranga Tamariki. Instead Anglican Action should work to partner with social service providers in the community to identify an address the needs of the child.

Procedure where a staff member is suspected of child abuse

- Should the abuse allegation relate to another staff member or colleague in any other agency, that situation **MUST** be reported to the Missioner and recorded in a full written statement which is attached to the appropriate file.
- Both the staff member and the alleged abuser will be offered support persons. The alleged abuser, if a member of staff, may be suspended with pay from duties whilst an investigation is carried out. This is a precautionary measure to enable an objective assessment of the situation to be made. It should not be assumed that suspension, if it occurs, is in any way prejudicial to the staff member concerned.

- All allegations of child abuse against a staff member shall be reported to Oranga Tamariki for a statutory social worker to investigate. The Missioner will be responsible for reporting to Oranga Tamariki. It is the role of the Oranga Tamariki social worker to decide whether child abuse has occurred. This is necessary to prevent potential for professional conflict of interest within Anglican Action. It also ensures that Anglican Action is accountable to clients who utilise services provided by the agency
- If as a result of the Oranga Tamariki investigation, the allegation of abuse is not substantiated, the Missioner may consider reinstatement of the staff member. If the abuse is substantiated the Missioner may decide to continue suspension of the staff member pending any prosecution or proceedings in the Family Court under the Oranga Tamariki Act. If the staff member admits that abuse has occurred, the Missioner may then decide whether to reinstate the staff member after arranging professional supervision and appropriate support for the staff member. In cases of serious abuse, the Missioner may have grounds to dismiss the staff member, in view of the work undertaken by the agency as a Child and Family Support Service.

STEPS TO FOLLOW IN RECORDING REPORTS OF SUSPECTED CHILD ABUSE/NEGLECT

It is important that concerns about child abuse/neglect be properly recorded so that they are not distorted when passed from staff member and Missioner or from Anglican Action to specialist agency. On some occasions, initial reports may be used to help form affidavits submitted in court, so it is important that we have the facts as correct as possible. On some occasions, Oranga Tamariki may ask the agency to provide reports for the purposes of proceedings in the Family Court. It is important that our documentation is accurate.

Keeping of Records

- a) Any Anglican Action staff member who observes any unusual marks (*i.e. unusual bruises, burns, welts, broken bones, limps, favouring of limbs etc*) on a child, shall record the nature of these marks and position of such marks on the child's body in the Critical Incident Register. They shall also record the time and date of such injuries, and what they know of the origin of the injuries. This should be done whether abuse is suspected or not.
- b) Any Anglican Action staff member who observes children acting out behaviours or verbal comments which may indicate abuse or neglect of children shall record what they have observed in the Critical Incident Register.
- c) Any Anglican Action staff member who observes injuries, behaviours or verbal comments which may indicate abuse or neglect of children shall record what they have observed in the Critical Incident Register.
- d) The Anglican Action staff member shall record any relevant comments and explanations made by the child, mother, or child's siblings, regarding the nature of injuries or behaviour of concern in the Critical Incident Register.

- e) All reports are to be recorded as soon as possible after a disclosure is made or suspected harm is observed.
- f) All staff members must attempt to record events objectively (avoiding personal opinions or value judgments), and as close as possible to the exact words used by the child in making a disclosure.

For example:

***“Dad put the jug cord around my neck and pulled it and I couldn’t breathe”
rather than:***

“Johnny said his father tried to strangle him with the jug cord”.

and:

***“Johnny hit another child on the back of the head with an open hand”
rather than:***

“Johnny is aggressive with the other children and is always causing trouble in the playroom”.

- g) Staff members must not question the child further about any disclosures made or behaviours of concern acted out. The staff member must, however, (gently but firmly) discourage any children’s behaviours which are destructive to the child, anyone around the child, or to any property.
- h) All information will be recorded in writing and drawings made of the injuries on the Body Form. A copy of the Body Form is held in the Critical Incidents Register. This information to be dated and held in the clients files. As an alternative to drawings, injuries may be photographed, provided the photograph can be clearly marked with the date and time of the photograph.
- i) All such records will be forwarded in person to the Missioner **on the same day as the incident was observed**. The Missioner will act on the information within 12 hours of receiving it
- j) It is the responsibility of all Anglican Action staff members who have access to the files to ensure that the confidentiality of the records is maintained.
- k) From time to time, it may be necessary to give the information on these files to a Oranga Tamariki social worker or Sexual Abuse Team (SAT) detective in order to assist them in carrying out as thorough an investigation as possible. Where this is deemed necessary for the safety of the child, the Missioner and staff member involved shall prepare a report outlining Anglican Action’s concerns for the child.
- (l) If caregivers are willing to report abuse/neglect to Oranga Tamariki, Anglican Action will obtain signed permission for the disclosure of information from the child’s caregiver.

POLICY CONCERNING CAREGIVER CLIENTS OF THE AGENCY

With regard to all caregiver clients Anglican Action staff members shall:

- i) Encourage and model positive, democratic and assertive parenting (according to staff members' knowledge and skills) to all caregivers who utilise Anglican Action.
- ii) Actively discourage caregivers from hitting or physically punishing their children in any way. Staff members shall encourage caregivers to use alternative forms of discipline which promote the self-esteem of both parent and child.
- iii) Actively discourage caregivers from emotionally abusing their children. Staff members shall encourage caregivers to be honest, consistent and affectionate with their children. Staff members will encourage caregivers to communicate clearly with and listen to their children. Where a staff member observes a caregiver reacting negatively to children, the staff member may offer support in the form of arranging time-out, offering a listening ear, encouragement, or redirection to an outside agency.
- iv) Encourage caregivers to take realistic precautions to protect children from anyone who may threaten the children (eg. taking out protection orders, designing a safety plan, assisting with supervised access).
- v) Actively encourage caregivers to take seriously any disclosures of sexual abuse by their children and to follow up appropriate support services as necessary. All disclosures of physical and sexual abuse of children should be reported to the Missioner.
- vi) Encourage caregivers to take care of themselves so that they are physically, emotionally and spiritually able to provide adequate care for their children.

POLICY CONCERNING CHILDREN WHOSE PARENTS/CAREGIVERS ARE CLIENTS OF ANGLICAN ACTION

With regard to **children**, all staff members shall:

- Treat children professionally and with respect.
- Discourage children from engaging in violent play.
- Discourage all verbal, emotional, physical abuse between children, and/or adults.
- Model assertive, caring, interactional behaviour between people.
- Endeavour to observe the behaviour of children coming into Anglican Action, and note any visible markings on them.
- Report any behaviour indicative of abuse, or body markings observed on children to the Missioner. Staff members will report their concerns within twelve hours of when they first noticed the abuse, or body markings
- Support children who make disclosures about physical and sexual abuse by:
 - saying you are glad that they told.

- saying you are sorry that this has happened to them.
- stating that this abuse was not their fault.
- not questioning them about details of the abuse
- Staff members must not interview a child following a disclosure of abuse. This must be left to professionally trained interviewers, employed by Oranga Tamariki and based at 'Manuwai' in Clarence Street, Hamilton.

Important note about a recent change to the law

In response to recent cases involving death or serious injury to children in cases in which close family members have not taken steps to protect a child, the Crimes Act 1961 was amended in 2012 so that Section 195A of the Act now provides that anyone over the age of 18 years and who is aware of child abuse occurring in the household in which they live, or residence or institution in which they live or work must take reasonable steps to protect that child from death, serious harm, or sexual assault. This means that serious abuse must be reported.

The maximum penalty for not taking reasonable steps to protect a child from death, serious harm or sexual assault is 10 years in prison.

The law change means that staff members who are aware of serious child abuse occurring, for example, in the Kids FIRST Whanau residence, must report this to Oranga Tamariki, after consultation with the Missioner.

A copy of Section 195A is set out below:

Crimes Act 1961

Section 195A - Failure to protect child or vulnerable adult

- (1) Everyone is liable to imprisonment for a term not exceeding 10 years who, being a person described in subsection (2) has frequent contact with a child or vulnerable adult (the victim) and –
 - (a) knows that the victim is at risk of death, grievous bodily harm, or sexual assault as the result of –
 - (i) an unlawful act by another person; or
 - (ii) an omission by another person to discharge or perform a legal duty if, in the circumstances, that omission is a major departure from the standard of care expected of a reasonable person to whom that legal duty applies; and
 - (b) fails to take reasonable steps to protect the victim from that risk
- (2) The persons are –
 - (a) A member of the same household as the victim

- (b) A person who is a staff member of any hospital, institution or residence where the victim resides
- (3) A person may not be charged with an offence under this section if he or she was under the age of 18 at the time of the act or omission
- (4) For the purposes of this section –
 - (a) A person is to be regarded as a member of a particular household even if he or she does not live in that household, if that person is so closely connected with the household that it is reasonable, in the circumstances, to regard him or her as a member of the household:
 - (b) Where the victim lives in different households at different times, **the same household** refers to the household in which the victim was living at the time of the act or omission giving rise to the risk of death, grievous bodily harm, or sexual assault.
- (5) In determining whether a person is so closely connected with a particular household as to be regarded as a member of that household, regard must be had to the frequency and duration of visits to the household and whether the person has a familial relationship with the victim and any other matters that may be relevant in the circumstances.”

Review of child protection policy

The content of this policy is based on information provided by Oranga Tamariki, Child Matters, and information provided as part of the implementation of the Children’s Action Plan. It has been prepared in accordance with provisions of the Children Young Persons and Their Families Act 1989, and the Children Act 2014. As such it represents a vital aspect of Anglican Action’s overall policy.

The Child Protection Policy is something that all staff members should read and understand. The policy itself needs to be flexible enough to respond to changes arising from development of theory and practice in child protection, while at the same time fulfilling its function in providing staff members with comprehensive guidance as to what is expected and required of our agency in fulfilling our child protection role.

The policy will be regularly reviewed on an annual basis. Staff members are welcome to provide feedback concerning the policy and to contribute ideas and suggestions to be included at the time of review.