**GCK Policy**

**“Child Protection”**

**Objectives**

For GCK to ensure it is providing and maintaining a safe environment for all children and to provide strategies for staff and/or families/whānau to be involved in issues, if they arise.

**Policy Summary**

This policy outlines our commitment to child protection. It includes our protocols when child abuse, or neglect, is reported to us or suspected by us. It also includes practice notes on measures to be taken to prevent child abuse. All staff are expected to be familiar with this policy and to abide by it.

**Purpose Statement**

We have an obligation to ensure the wellbeing of children in our care and are committed to the prevention of child abuse, and neglect, and to the protection of all children. The safety and wellbeing of the child is our top priority, when investigating suspected or alleged abuse.

We support the roles of the New Zealand Police (the Police) and Ministry for Children, Oranga Tamariki (MCOT) (formerly Child, Youth and Family or CYF), in the investigation of suspected abuse and will report suspected/alleged abuse to these agencies.

We support families/whānau to protect their children.

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

**Definitions**

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| ***Child Abuse*** is defined by Oranga Tamariki as “any child or young person that has been, or is likely to be, harmed (whether physically, emotionally, or sexually), ill-treated, abused, neglected or deprived”.Child Abuse can be:* Physical Abuse
* Emotional Abuse
* Verbal Abuse
* Sexual Abuse
* Neglect.

***Child Neglect*** *“*is a pattern of behaviour which occurs over a period of time and results in impaired functioning or development of a child. It is the failure to provide for a child’s basic needs*.*Neglect may be:* Physical - failure to provide necessary basic needs of food, shelter or warmth
* Medical - failure to seek, obtain or follow through with medical care for the child
* Abandonment - leaving a child young person in any situation without arranging necessary care for them and with no intention of returning
* Neglectful supervision – failure to provide developmentally appropriate or legally required supervision
* Refusal to assume parental responsibility - unwillingness or inability to provide appropriate care for a child.”
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*From Child Matters website:* [*www.childmatters.org.nz*](http://www.childmatters.org.nz)

[*https://www.childmatters.org.nz/insights/what-is-child-abuse/what-is-child-abuse/*](https://www.childmatters.org.nz/insights/what-is-child-abuse/what-is-child-abuse/)

**Policy Principles**

* The interest and protection of the child is paramount in all actions.
* We recognise the rights of families/whānau to participate in the decision-making about their children.
* We have a commitment to ensure that all staff are able to identify the signs and symptoms of potential abuse and neglect, and are able to take appropriate action in response.
* We are committed to supporting all staff to work in accordance with this policy, to work with partner agencies and organisations to ensure child protection policies are consistent and high quality.
* We will always comply with relevant legislative responsibilities.
* We are committed to share information in a timely way and to discuss any concerns about an individual child with colleagues or the Person in Charge (or Service Provider Contact Person – SPCP).
* We are committed to promote a culture where staff feel confident they can constructively challenge poor practice or raise issues of concern without fear of reprisal.

For information about identifying child abuse visit the MCOT website ([www.orangatamariki.govt.nz](http://www.cyf.govt.nz)) and search for a publication called “Working With Others.”

This resource is for people in social service agencies, schools and healthcare organisations, community and other groups who have close contact with children and families/whānau. It includes useful information about identifying possible child abuse and an assessment framework. Copies are also available in the office.

**Procedures & Strategies**

The Child Protection Policy includes 12 procedures. These are:

1. GCK goals
2. Core principle
3. Staff training, supervision and support
4. Preventing the possibility of child abuse in the centre
5. Limits on touching and professional behaviour
6. Responding to suspected or disclosed child abuse
7. Allegations or concerns about staff
8. What a parent should do if abuse in the centre is suspected
9. Parental advisory and training services
10. Recording of information
11. Confidentiality and information sharing
12. Reviews and evaluations of this policy

**Purpose:**

To provide a child protection policy concerning child abuse, defined as: the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect (physical, emotional, medical, educational, supervisory, or deprivation) of any child or young person, as a direct consequence of a deliberate act or omission by an adult, and which has the potential or effect of serious harm to the child.

A supporting document to help identify possible abuse or neglect is Child, Youth and Family *“Signs of abuse and neglect”* chart – [click here](https://www.ecc.org.nz/Folder?Action=View%20File&Folder_id=107&File=Signs%20of%20Abuse%20and%20Neglect.pdf).

**Procedure:**

1. **GCK Goals:**

This Kindergarten is committed to protecting children against child abuse by developing staff expertise in:

* Ensuring the safety of our children first and foremost.
* Ensuring that all complaints are taken seriously and dealt with effectively.
* Ensuring that in the case of a complaint against a staff member, appropriate procedures are taken to protect the rights of that staff member.
* Providing clear guidance for management and personnel in respect of allegations received concerning children at the Kindergarten.
* Complying fully with any current legislation to ensure the safety of children and staff.
* Implementing a process which requires a full, accurate and prompt sharing of information (as permitted within the law).
1. **Core Principle**

The interest and protection of the child is paramount in all actions. If any person (parent or staff) has reasonable cause to suspect child abuse, his/her first obligation is to ensure that the child is safe from immediate harm. Immediately after, he/she will advise the Head Teacher and the service provider contact person (SPCP) without delay, who will immediately take steps to protect the child(ren), record the report and report the concern to Oranga Tamariki.

In addition to guiding staff to make referrals of suspected child abuse and neglect to the statutory agencies (ie: MCOT and the Police), this child protection policy will also help staff to identify and respond to the needs of any vulnerable children whose well-being is of concern.

In many of these cases the involvement of statutory agencies would be inappropriate and potentially harmful to families/whānau. Throughout New Zealand statutory and non-statutory agencies provide a network of mutually supportive services and it is important for GCK to work with these to respond to need in an appropriate manner.

Staff members will discuss any suspicions with a senior staff member.

Where appropriate, the person making the allegation will be given a copy of this policy.

All matters related to individual cases are confidential to those directly involved and should, under no circumstances, be discussed with other staff, committee members, other parents, children, or any other person inside or outside of the Kindergarten. Failure of staff to comply with this policy can result in dismissal.

From the first instance child abuse is suspected, full and detailed written records are to be maintained of every related discussion, act, and/or incident that involves parent, child, accused, and/or staff member.

To download the “Child Abuse Reporting Process” flowchart [click here](https://www.ecc.org.nz/Folder?Action=View%20File&Folder_id=107&File=Reporting%20Process%20for%20Child%20Abuse.pdf).

1. **Staff training, supervision and support**

All staff job descriptions and/or performance expectations include a requirement to read and understand this policy and to accept responsibility for its implementation. This policy will be read by all new staff as part of their initial induction programme. If asked, all staff must be able to locate a copy of this policy.

The SPCP and staff may be asked to obtain training, resources, and/or advice that will enable them to carry out their role in terms of this policy, particularly that which covers:

* Understanding child abuse and indicators of child abuse.
* Reducing the risk of child abuse in the Kindergarten.
* Understanding and complying with legal obligations in regard to child abuse.
* Working with outside agencies such as Oranga Tamariki on child abuse issues.
* Planning of environment, programme, and supervision to minimise risk.
* Providing staff training and advice on child abuse policies.
* Dealing with child/parents.

This policy will be part of the initial staff induction programme.

1. **Preventing Child Abuse in the Kindergarten**
2. Design: The centre has been designed to ensure that the risk of adults being left unobserved by others with a child or small group is minimised.
3. Supervision: All children are to be within sight of the staff member responsible for them at all times and where practical, all staff can be observed by other staff members. This shall apply both indoors and outdoors.
	* 1. Toilets: Where necessary and appropriate, a staff member should supervise children in the toilet/bathroom area. All parts of the toilet/bathroom area where children can go are able to be readily observed by staff supervising. The staff supervising children shall, as far as practicable, be able to be observed by one other staff member. Doors to the toileting area shall be left open. Staff shall, where possible, supervise no less than two children at a time in the toileting area.
		2. Outings: An appropriate ratio of adults to children for all trips, as determined in the trip notification, will occur. Supervision rules shall apply to outside visits. Any impromptu excursions will comply with the early childhood regulations ratios. No child may be taken from the Kindergarten by any staff member or adult (except in emergencies) without permission of the parent and without the specific knowledge of the Head Teacher. Outside visits are to be recorded in the Kindergarten diary (who, duration, and purpose) and will not be with less than two adults in attendance. Unless otherwise agreed with the children's parents, there should always be at least two staff in attendance on any outing. Trip notices and permission slips shall be kept for future reference, for a period of twelve months.
4. Recruitment and employment - application screening:
* Safety checking will be carried out in accordance with the Vulnerable Children Act 2014, including a police vet (as required and before a staff member begins employment) and identity verification. We conduct safety checks of all staff in accordance with Ministry of Education, Licensing Criteria (GMA7A) and Children’s Act 2014 requirements. (as per the centre Safety Check Procedure)
	+ 1. The Kindergarten will include on staff application forms a declaration by the applicant that they have not been convicted or accused of crimes against children. Permission will be sought to check all previous employers. All recent employment positions are required to be disclosed and will be checked. Previous employers may be specifically asked whether they had any cause to suspect the applicant’s involvement in child abuse.
		2. Trainees with little or no previous employment record in an early childhood centre will be asked to supply character references from responsible persons as to their suitability to supervise and work with young children.
		3. All selected applicants will be interviewed according to a carefully planned structure. All successful applicants and staff will be subject to a police vetting check, as required by the New Zealand Teaching Council. Employment will only begin after we have police check results.

If there is any suspicion that an applicant might pose a risk to a child, that applicant will not be employed.

1. Visitor supervision and limits:
2. Parents, families and visiting early childhood colleagues are generally welcome to be in the Kindergarten at all times, and parents are welcome to participate in centre activities.
3. Visitors, other than parents, families, and other early childhood colleagues, are not encouraged unless on official business. All unrecognised visitors to the Kindergarten shall be questioned by the nearest senior staff member (“Can I help you?”) to ascertain their business. Visitors without good reason to be on the premises will be asked to leave.
4. The Head Teacher and all staff shall ensure visitor and contractors on official business in the Kindergarten shall not be left unsupervised and that they sign the visitor’s book.
5. No persons other than employed staff shall be given tasks which involve nappy-changing, toileting, or responsibility for supervision of children. Parents and other visitors may only be given tasks under direct supervision of a staff member. (See guidelines for Relievers, ESW’s and Volunteers).
6. **Limits on Touching and Professional Behaviour**

Whilst it is appropriate to respond to a child who initiates physical contact in seeking affection, or who needs reassurance or comfort, it is not appropriate to force any form of unwanted affection or touching on a child. Touching should not be initiated to gratify adult needs.

Physical contact of children during changing or cleansing must be only for the purposes of that task and not more than is necessary for that task.

Any person who perpetrates or colludes with any sexual act on or with a child will be **instantly dismissed.**

1. **Responding to Suspected or Disclosed Child Abuse**

Where child abuse is either suspected or disclosed, the first priority is ensuring the child’s safety from immediate harm. If a child is in danger, call 111. Staff members shall immediately notify the Head Teacher and the Head teacher will notify the SPCP upon any suspicions of child abuse. No staff member will take any action alone in these matters and any action taken, or discussion incurred, should only be after consultation with the Head Teacher and the SPCP. Where appropriate, the person making the allegation will be given a copy of this policy.

When reporting suspected child abuse/neglect, staff responsibilities include:

1. Immediately securing the child’s safety.
2. Informing the Head Teacher and the Head teacher will inform the SPCP.
3. Listening to the child and reassuring him/her that he/she did the right thing in disclosing.
4. Writing down what the child said (staff will not formally interview the child).
5. Obtaining only the necessary relevant facts.
6. Recording the context and events surrounding the concern.
7. Recording comments from other staff present when the suspected abuse or disclosure occurred.
8. Refraining from taking photos, as this could interfere with a police investigation and be seen as a breach of privacy.
9. Re-involving the child in usual activities if he/she is not in immediate danger and is not upset.
10. Getting support for him/herself from appropriate resources.
* **Process of Responding to a child when the child discloses abuse:**

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| 1. Listen to the child
 | Disclosures by children are often subtle and need to be handled with particular care, including an awareness of the child’s cultural identity and how that affects interpretation of their behaviour and language. |
| 1. Reassure the child
 | Let the child know that they: • Are not in trouble. • Have done the right thing. |
| 1. Ask open-ended prompts – e.g., “What happened next?”
 | Do not interview the child (in other words, do not ask questions beyond open prompts for the child to continue). Do not make promises that can’t be kept, e.g., “I will keep you safe now”. |
| 1. If the child is visibly distressed
 | Provide appropriate reassurance and re-engage in appropriate activities under supervision until they are able to participate in ordinary activities. |
| 1. If the child is not in immediate danger
 | Re-involve the child in ordinary activities and explain what you are going to do next. |
| 1. If the child is in immediate danger
 | Contact the Police immediately |
| 1. As soon as possible formally record the disclosure
 | Record: • Word for word, what the child said. • The date, time and who was present. |

From the first instance of suspected child abuse, full and detailed written records are to be kept of every related discussion, act, or incident that involves parent, child, accused, and/or staff member. Staff should not assume responsibility for action or advice beyond the level of their own expertise. Senior staff should be able to explain common indicators exhibited by a child who has been subject to abuse.

When advised about an incident or allegation, the SPCP shall ensure the child’s immediate safety. Where there is reasonable grounds to suspect that a child has been, or is subject to abuse (but not in immediate danger) the SPCP will arrange for the child to be observed and a confidential record initiated. The SPCP will document in writing both the allegation, as well as a diary version of the process including any physical/behavioural observations and anything said by the child (including date, time, and who was present).

Where there is some doubt that an instance of child abuse has taken place, the SPCP may determine that an independent mediator, such as ECC or ECD, be relied on to ensure that the policy has been followed and an investigation has been conducted fairly and fully.

If it is clear from information or investigation that there is clear evidence or reasonable cause to believe of an instance of child abuse having occurred, the SPCP will notify MCOT and/or the Police. The SPCP is responsible for managing the referral process, including notifying the Oranga Tamariki Contact Centre (phone: 0508 326 459, e-mail: (contact@ot.govt.nz) or the Police if there is clear evidence or reasonable cause to believe an instance of child abuse has occurred. The SPCP shall provide the following information when notifying MCOT and/or the Police:

1. His/her name and contact details.
2. Name of child/children (also known nicknames).
3. Date of birth (if known).
4. Ethnicity (if known)
5. Name of caregivers, parents, and other family members, as well as current living situation.
6. Current legal custodians.
7. Reasons why it is believed that the child is at risk.
8. Other significant background information.
9. Any concerns for their physical safety in making this notification.

The SPCP is advised to follow the advice of MCOT and/or the police, avoid further risks to the child, and ensure that there is no contact between the child and the person whom the allegation is against while the child is attending the centre.

If it is clear from the evidence that parent(s) are not involved as parties to the alleged abuse, the Head Teacher and SPCP may, if appropriate, advise them in a suitable, professional and sensitive manner that an investigation has been initiated. The necessary steps will be taken to ensure that they have support, information, suitable referrals, and support services.

1. **Allegations or concerns about staff**

The SPCP will first ensure the immediate safety of the child concerned. Initial report of any incident must be written down in full as soon as possible. Where appropriate, the SPCP will discuss the incident as soon as practical with the staff member and other possible witnesses.

The staff member will not be allowed to speak to the parent/child at this stage.

The staff member's version of the incident will be examined before any decision is made and that staff member will be informed of their right to seek legal advice and provide them with an opportunity to respond

Where the investigation takes more than one day, the staff member may be asked to carry out alternative duties or suspended until a full investigation can be completed. Appropriate support will be accessed for the staff member.

Where there is substantive evidence that an instance of child abuse may have taken place, the SPCP needs to do the following:

1. Contact and maintain a close liaison with MCOT. The SPCP will consider the advice of MCOT as to whether the Police will be advised, unless it is clear that a criminal offence has taken place, in which case the SPCP will advise the police directly.
2. Consider whether it is appropriate for the staff member to remain on the Kindergarten’s premises or to be suspended while the investigation occurs. This should be done in consultation with the police and the SPCP.
3. Recommend staff seek support from the union or other representatives.
4. Ensure records are kept of any comments or events relating to the complaint(s) and/or allegations and follow-up action is taken and documented.
5. The parent of the child (or children) affected will be advised, as determined by MCOT and/or police in consultation with the SPCP.

While the protection of the child shall be paramount, and the obligation of the SPCP shall be a full and fair investigation, the impact of this situation on staff members should not be forgotten or taken lightly. Care will be taken to ensure that the presumption of innocence of those accused or implicated will be maintained until investigations are complete. Counselling time off will be offered to staff that have been accused wrongly.

It is vital to follow ordinary disciplinary policies, guided by the employment contract/collective employment contract and relevant statutory obligations.

We commit not to use “settlement agreements”, where these are contrary to a culture of child protection. Some settlement agreements allow a member of staff to agree to resign provided that no disciplinary action is taken, and a future reference is agreed. Where the conduct at issue concerned the safety or wellbeing of a child, use of such agreements is contrary to a culture of child protection.

1. **What a Parent should do if Abuse in the Kindergarten is Suspected**

All suspicions, observed incidents, or reports of incidents, should be reported directly to the Head Teacher and SPCP as soon as possible. The Head Teacher and SPCP will immediately take steps to protect the child, record the report, and iniate an investigation.

The parent who has made the allegation or report must not discuss this with other staff, the person(s) involved in the alleged abuse, other parents, or persons outside the Kindergarten until after a full and fair investigation has taken place.

The parent of the child (or children) affected will be advised as soon as possible after investigations are reasonably complete.

1. **Parental Advisory and Training Services**

A full copy of this policy shall be made available to parents in the parent handbook. In addition, the full policy will be appended to the parent notice board. Advice, as appropriate, will be provided via the parent newsletters.

1. **Recording of Information**

All observations, after an investigation has been notified, shall be kept in writing in a confidential manner.

1. **Confidentiality and information sharing**

The Privacy Act 1993 and the Oranga Tamariki Act, formerly the Children, Young Persons and their Families Act 1989, allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated. Note that under sections 15 and 16 of the Oranga Tamariki Act, any person who believes that a child has been, or is likely to be, harmed physically, emotionally or sexually, or ill-treated, abused, neglected or deprived may report the matter to MCOT or the Police and, provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.

1. **Review and evaluation**

This policy will be reviewed by the Trust Board and all staff members at least every three years, or after any incident or occasion in which significant elements of this policy have been implemented.

**Linked to Licensing Criteria: HS 31**