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## CHILD PROTECTION AT NMIT

<b>Section</b>	Human Resources		
<b>Approval Date</b>	19.07.2016	<b>Approved by</b>	Directorate
<b>Next Review</b>	24.06.2019	<b>Responsibility</b>	Director, People and Organisation Development
<b>This Review</b>	n/a	<b>Key Evaluation Question</b>	6

### PURPOSE

To protect the safety and promote the wellbeing of children/tamariki and young persons/rangatahi aged under 18 years who are receiving services from any staff member of our organisation, or are associated with adults who are receiving services from any staff member of our organisation. This policy ensures that possible abuse or neglect of children/tamariki or young persons/rangatahi is identified and appropriately responded to.

This policy also provides a Safety Checking framework for new and existing staff. The policy provides guidance on how to respond to an allegation made against a worker; how to treat confidential information; and how to share information appropriately.

### SCOPE

#### POLICY SCOPE

This policy applies to all staff and to all management who have recruited or are recruiting staff.

The policy should be used wherever abuse or neglect is suspected or identified, regardless of whether the child is a client of the organisation.

#### POLICY PRINCIPLES

- The rights, welfare and safety of children/tamariki, young persons/rangatahi are our first and paramount consideration.
- Services should contribute to the nurturing and protection of children and advocate for them.
- Services for the care and protection of children are built on a bicultural partnership in accordance with the Treaty of Waitangi.
- Māori children/tamariki, young persons/rangatahi are assessed and managed within a culturally safe environment.
- Wherever possible the family/whānau, hapu and iwi participate in the making of decisions affecting that child/tamariki, young persons/rangatahi.
- All NMIT staff are to recognise and be sensitive to other cultures.
- NMIT staff are competent in identification and management of actual or potential abuse and/or neglect through the organisation's policy and procedural structures.

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## ORGANISATIONAL COMMITMENT TO CHILD PROTECTION

Our Institute Leadership Team will ensure:

- There are organisation-wide policies for the appropriate response to, and management of, child abuse and neglect.
- That the Child Protection at NMIT policy and procedures comply with legislative requirements, the principles of the Treaty of Waitangi, educational audits and best practice standards.
- Organisation-wide procedures exist to provide appropriate and adequate support for, and supervision of, staff involved with the identification or reporting of child abuse and neglect.
- Annual reports include commentary on NMIT's progress of implementation and compliance with the Vulnerable Children's Act.

All NMIT staff have responsibilities for the safe management of identified and suspected child abuse and neglect. Those responsibilities include:

- To be conversant with the Child Protection at NMIT Policy and related policies.
- To understand the statutory referral processes and management of identified or suspected abuse and neglect.
- To seek advice when child abuse is suspected or identified. (This may be from a member of the Directorate.)

The Director, People Organisation and Development will have overall responsibility for:

- Reviewing the Child Protection at NMIT Policy and procedure as required.
- Coordinating NMIT's response to child abuse and neglect.
- Accessing and providing resources required to support the Policy and making these available for staff and clients.
- Developing functional internal and external relationships with key stakeholders (government, local government and community-based organisations).
- Providing support and advice to staff regarding child abuse and neglect.

## DEFINITIONS

<b>Child abuse</b>	The harming (whether physically, emotionally or sexually), ill treatment, abuse, neglect, or serious deprivation of any child/tamariki, young person/rangatahi (Section 14B Children, Young Persons, and Their Families Act 1989). This includes actual, potential and suspected abuse.
<b>Child, Youth and Family</b>	The agency responsible for investigating and responding to suspected abuse and neglect and for providing care and protection to children found to be in need.
<b>Core Worker</b>	Those Workers that are either the only person present; or have primary responsibility for, or authority over, a child/tamariki or young person/rangatahi. Examples of NMIT employees or contractors that fall into this category would include pre-Trades and Trades Academy tutors, Health tutors, Information Centre staff etc.
<b>Core Worker Exemption</b>	Workers who have certain Criminal Convictions are prohibited from providing a service to a child/tamariki or young person/rangatahi unless they hold a Core Worker Exemption. A Core Worker Exemption may be applied for through the Ministry of Social Development and, if granted, allows the Core Worker to provide a service to children/tamariki or young persons/rangatahi.
<b>Criminal Convictions</b>	Relevant Criminal Convictions, including but not limited to, crimes against children including child abuse and sexual offending; and convictions involving violent crime. A Worker in possession of this level of Criminal Conviction may not provide a service to a child/tamariki or young person/rangatahi unless that Worker provides a Core Worker Exemption.
<b>Disclosure</b>	Information given to NMIT by a child/tamariki, young person/rangatahi or third party in relation to abuse or neglect.
<b>Emotional abuse</b>	Any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development, including but not limited to patterns of isolation, degradation, corrupting, exploiting or terrorising, exposure to family or intimate partner violence.
<b>Neglect</b>	The persistent failure to meet a child's basic physical or psychological needs, leading to adverse or impaired physical or emotional functioning or development. This may include: <ol style="list-style-type: none"> <li>1. Physical neglect: not providing the necessities of life like a warm place, food and clothing.</li> <li>2. Emotional neglect: not providing comfort, attention and love.</li> <li>3. Neglectful supervision: leaving children without someone safe looking after them.</li> <li>4. Medical neglect: not taking care of health needs.</li> </ol>

	<p>5. Educational neglect: allowing chronic truancy, failure to enroll in education or inattention to education needs.</p>
<b>New Zealand Police</b>	<p>The agency responsible for responding to situations where a child is in imminent 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.</p>
<b>Non-Core Workers</b>	<p>Those Workers who have regular, but limited, contact with a child/tamariki or young person/rangatahi. Examples of NMIT employees or contractors that fall into this category would include teaching staff who do not ordinarily have under 18s in their class, but from time to time may.</p>
<b>Physical abuse</b>	<p>Any acts that may result in physical harm of a child or young person including but not limited to bruising, cutting, hitting, beating, biting, burning, causing abrasions, strangulations, suffocation, drowning, poisoning and fabricated or induced illness.</p>
<b>Safety Checking</b>	<p>NMIT is required to undertake a Safety Check of its Workers. Safety Checking includes:</p> <ul style="list-style-type: none"> <li>• Verifying the candidate’s identity;</li> <li>• Obtaining a police vetting report;</li> <li>• Checking the candidate’s details with their professional registration body or licensing authority;</li> <li>• Reference checking;</li> <li>• Reviewing the candidate’s work history;</li> <li>• Interviewing the candidate;</li> </ul> <p>Undertaking an overall risk assessment of the candidate based upon the information obtained and in accordance with the risk matrix annexed to this policy.</p>
<b>Sexual abuse</b>	<p>Any acts that involve forcing or enticing a child to take part in sexual activities, including child sexual exploitation, whether or not they are aware of what is happening, including encouraging the child to perform those acts on the perpetrator or another, as well as involving the child in pornographic or prostitution activities.</p>
<b>Worker</b>	<p>Nelson Marlborough Institute of Technology employees or contractors who are providing a service to a child/tamariki or young person/rangatahi.</p>

### IDENTIFYING POSSIBLE ABUSE OR NEGLECT

Information on identifying possible abuse or neglect is detailed in 'Working together to keep children and young people safe. An Interagency Guide' (Child, Youth and Family, 2011, (Working Together)). This document should be read in conjunction with this Policy and can be found on the NMIT intranet.

In brief, NMIT staff need to be aware of the indicators of potential abuse and neglect. These indicators are noted in the above guide and include:

- Physical signs;
- Behavioural concerns;
- Developmental delays;
- The child talking about things that indicate abuse (sometimes called an allegation or disclosure);
- Physical neglect;
- Medical neglect;
- Neglectful supervision; and
- Abandonment.

Every situation is different and it is important to consider all available information about the child and their environment before reaching conclusions. For example, behavioural concerns may be the result of life events such as divorce, accidental injury or the arrival of a new sibling etc.

### RESPONDING TO SUSPECTED ABUSE OR NEGLECT

In all cases where a member of staff has a concern about a child/tamariki or young person/rangatahi being or likely to be abused or neglected (refer to Definitions) by an adult or another child/tamariki or young person/rangatahi, they will report this to their manager/supervisor and notify the Director of People and Organisation Development, or his/her delegate, who will coordinate the formulation of a plan to address the care and protection concerns.

A referral to Child, Youth and Family may be made at any time.

It is mandatory for all concerns to be reported or referred to the Director, People and Organisation Development, within a time period which allows for effective consultation and advice to be given.

Staff who receive disclosures by children and/or who are involved in the management of related processes may access NMIT's Employee Assistance Programme. Our organisation recognises that in some 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 our organisation to work with these to respond to the needs of vulnerable children and families/ whānau in a manner proportionate to the level of need and risk.

Contact details for agencies and services in our community are provided as an appendix to this policy.

## RESPONDING TO A CHILD WHEN THE CHILD DISCLOSES ABUSE

<b>Listen to the child</b>	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.
<b>Reassure the child</b>	Let the child know that they: <ol style="list-style-type: none"> <li>1. Are not in trouble.</li> <li>2. Have done the right thing.</li> </ol>
<b>Ask open-ended prompts e.g. "What happened next?"</b>	Do not interview the child (in other words, do not ask questions beyond open prompts). Do not make promises that cannot be kept (e.g. "I will keep you safe now.")
<b>If the child is visibly distressed</b>	Provide appropriate reassurance and re-engage in appropriate activities under supervision until they are able to participate in ordinary activities.
<b>If the child is not in immediate danger</b>	Re-involve the child in ordinary activities and explain what you are going to do next.
<b>If the child is in immediate danger</b>	Contact the Police immediately.
<b>As soon as possible formally record the disclosure</b>	Record: <ol style="list-style-type: none"> <li>1. Word for word, what the child said.</li> <li>2. The date, time and who was present.</li> </ol>

## PROCESS TO FOLLOW

<b>What process to follow</b>	<b>Actions</b>	<b>Key Considerations</b>
<b>Recording</b>	Formally record: <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 suspicions of abuse or neglect (e.g. any physical, behavioural or developmental concerns).</li> <li>• The action taken by NMIT.</li> <li>• Any other information that may be relevant.</li> </ul>	Relevant information can inform any future actions.
<b>Decision-making</b>	Discuss any concern with the manager/supervisor or the Director, People and Organisation Development.	No decisions should be made in isolation.

<b>Notifying authorities</b>	<p>Notify Child, Youth and Family promptly if there is a belief that a child has been, or is likely to be, abused or neglected.</p> <p>A phone call to the National Contact Centre is the preferred initial contact with Child, Youth and Family (see below for contact details) as this enables both parties to discuss the nature of the concerns and appropriate response options.</p> <p><b>Phone: 0508 Family (0508 326 459)</b></p> <p><b>Fax: 09 914 1211</b></p> <p><b>Email: cyfcallcentre@cyf.govt.nz</b></p>	<p>Child Youth and Family will make the decision to inform the parents or caregivers, in consultation with NMIT.</p> <p>Advise what, if any, immediate action may be appropriate, including referring the concern to the Police.</p>
<b>Following the Advice of Child, Youth and Family</b>	<p>Child, Youth and Family advice will include what, if any, immediate action may be appropriate, including referring the concern to the Police.</p>	<p>Child, Youth and Family is responsible for looking into the situation to find out what may be happening, whether NMIT needs to work with the family/ whānau or put them in touch with people in their community who can help.</p>
<b>Storing relevant information</b>	<p>Securely store:</p> <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 NMIT 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>	<p>Records assist in identifying patterns.</p>

## ALLEGATIONS OR CONCERNS ABOUT STAFF

All matters involving allegations against NMIT staff need to be escalated to a member of the Directorate. The member of the Directorate will discuss the matter with the Director, People and Organisation Development, who will facilitate an investigative process.

To ensure the child is kept safe, a member of the Directorate or his/her delegate may take steps to remove the team member against whom an allegation has been made from the environment, subject to the requirements of the applicable individual or collective employment contract and relevant employment law, including NMIT's disciplinary processes.

The Directorate member or his/her delegate will consult with Child, Youth and Family and/or the Police before taking any further actions.

Our organisation commits 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 concerns the safety or wellbeing of a child, use of such agreements is contrary to a culture of child protection.

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## CONFIDENTIALITY AND INFORMATION SHARING

All observations, after an investigation has been notified, shall be kept in writing but the file will be “sealed” for reasons relating to confidentiality.

The Privacy Act 1993 and 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 CYPF 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 Child, Youth and Family or the Police and, provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.

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## SAFETY CHECKING AS PART OF RECRUITMENT AND EMPLOYMENT PROCESS

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.

Safety Checking includes:

- Verifying the candidate’s identity;
- Obtaining a police vetting report;
- Checking the candidate’s details with their professional registration body or licensing authority;
- Reference checking;
- Reviewing the candidate’s work history;
- Interviewing the candidate; and
- Undertaking an overall risk assessment of the candidate based upon the information obtained and in accordance with the risk matrix annexed to this policy.

NMIT will ensure all its new Core and Non-Core Workers undergo a Safety Check. Any worker deemed a “High Risk”, in accordance with the risk matrix annexed to this policy, will not be employed.

By 1 July 2016 NMIT will have undertaken a Safety Check of all existing Core Workers.

By 1 July 2018 NMIT will have undertaken a Safety Check of all existing Non-Core Workers.

Where an existing Core Worker is found to have certain Criminal Convictions without holding a Core Worker Exemption, NMIT must:

- Suspend the Worker from all duties that require them to act as a Core Worker.
- Advise the union (where applicable) of the circumstances of the suspension.
- Pay the Worker as if they have been suspended for serious misconduct.
- Specify the length of the suspension, which may not be less than five working days. The length of the suspension will be at NMIT’s discretion, taking into account the length of time the Worker may need to seek a Core Worker Exemption or establish that they do not have certain Criminal Convictions.
- Advise the Worker of the reason and the grounds for the suspension.
- Advise the Worker that they may respond to the reasons and the grounds.
- Advise the Worker that, depending on the outcome of the investigation, their employment may be terminated.

NMIT will ensure Safety Checking is re-done for all Core Workers at least every three years.

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## TRAINING SUPERVISION AND SUPPORT

The Institute Leadership Team will ensure communication of NMIT’s Child Protection policy to NMIT staff.



## REFERENCES

### INTERNAL

- Staff Appointments policy

### EXTERNAL

- [‘Working together to keep children and young people safe. An Interagency Guide’](#) (Child, Youth and Family, 2011, (Working Together)).
- Vulnerable Children Act 2014
- Care of Children Act 2004
- Privacy Act 1993
- The United Nations Convention on the Rights of the Child (UNCROC)
- Children, Young Persons, and Their Families Act 1989
- Domestic Violence Act 1995
- Victims’ Rights Act 2002

## APPENDICES

Appendix 1: Contact details for agencies and services in our community.

Appendix 2: Risk matrix

## APPENDIX 1: CONTACT DETAILS FOR AGENCIES AND SERVICES IN OUR COMMUNITY

### CHILD YOUTH AND FAMILY

Phone: 0508 Family (0508 326 459)

Fax: 09 914 1211

Email: [cyfcallcentre@cyf.govt.nz](mailto:cyfcallcentre@cyf.govt.nz)

### NELSON CENTRAL POLICE

Address: St John St, Nelson

Phone: 03 546 3840

## APPENDIX 2: RISK MATRIX

### RISK MATRIX

**CONSEQUENCE:** The degree of harm (physical, sexual, emotional or other) NMIT's children or young people might experience if the candidate was employed.

<b>Insignificant conviction</b>	No harm if the candidate had, for example, a 20-year-old excess breath alcohol or theft.
<b>Moderate conviction</b>	Physical or emotional harm if the candidate had, for example, an assault or an aggravated robbery.
<b>Severe conviction</b>	Violent or sexual harm (physical or otherwise) if the candidate had, for example, a sexual violation or an offence against children conviction.

**LIKELIHOOD:** Whether the candidate would likely harm (physically, sexually, emotionally or other) NMIT's students if the candidate was employed by NMIT.

<b>Unlikely</b>	Little or no opportunity for harm on the basis of little or no contact with vulnerable students.
<b>Likely</b>	Potential opportunity for harm on the basis of some or occasional contact with vulnerable students.
<b>Highly likely</b>	High opportunity for harm on the basis of high contact with vulnerable students.

Risk Assessment Matrix				
	LIKELIHOOD	UNLIKELY	LIKELY	HIGHLY LIKELY
CONSEQUENCE	SEVERE	Medium	High	High
	MODERATE	Low	Medium	High
	INSIGNIFICANT	Low	Medium	Medium

### RISK RATING DEFINITIONS

**High:** Candidate should not be employed.

**Medium:** Candidate may be employed but controls must be included in their employment terms to reduce and/or eliminate risk. Such controls to be determined at the discretion of the interview panel together with the line manager of the candidate.

**Low:** Candidate may be employed; controls may be included in their employment terms to eliminate any risk. Such controls to be determined at the discretion of the interview panel together with the line manager of the candidate.