

Child Protection and Safety

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1 Introduction

1.1 Purpose

The most effective way to safeguard children is to have a comprehensive and effective child protection policy. Ara is committed to supporting and empowering families, and the community, to act to keep children safe. Ara values children and is committed to their protection.

The purpose of this policy is to –

- a Provide a safe environment where children are free from all forms of abuse and are treated with both dignity and respect.
- b Ensure that all persons working for Ara and its affiliates, are able to recognise and identify signs of abuse, know how to respond appropriately, and operate in ways which ensure that children are protected from harm.
- c Ensure that our organisation complies with the Children’s Act 2014 and other relevant legislation.

1.2 Scope and Application

This policy applies to all Ara colleagues. For the avoidance of any doubt, the term “colleague” is defined in the definitions section below and includes volunteers, contractors, external partners or third-party providers who may interact with children through Ara programmes and ākonga. This includes ākonga who are undertaking work integrated learning or unpaid work in a regulated service as part of an educational or vocational training programme.

1.3 Formal Delegations

The Chief Executive delegates responsibility for the oversight of this policy to the Director – People and Culture. This includes any decision to appoint a candidate with a criminal conviction. Further, the administration and implementation of this policy is delegated to the Child Protection Lead in coordination with the Director – People and Culture.

1.4 Definitions

- a **Child/children/young person:** Any person under the age of 18 years.
- b **Child Abuse:** Includes harm (whether physically, emotionally, or sexually), ill-treatment, neglect, or deprivation of needs of any child or young person.
- c **Children’s Worker:** A person who works in or provides a regulated service, and the person’s work –
 - i May or does involve regular or overnight contact with a child or children (other than with children who are co-workers); and
 - ii Takes place without a parent or guardian of the child, or each child, being present

- d **Child Protection Lead:** The person responsible for the safeguarding of children. This person is responsible for ensuring that child protection is a key focus at both a strategic level and on a day-to-day basis
- e **Regular or overnight contact:** A person's work involves regular or overnight contact with children if –
- i The person has contact (other than merely incidental contact) with a child or children –
 - Overnight; or
 - At least once each week; or
 - On at least 4 days each month; and
 - ii That contact is any of the following kinds –
 - Physical contact;
 - Oral communication, whether in person or by telephone;
 - Communication through any electronic medium, including by way of writing or visual images.
- f **Regulated Service:** A regulated service is any service listed in Schedule 1 of the Children's Act 2014 including health, welfare, justice services, and education services.
- g **Safety Checking:** A series of checks including identity verification, reference checks, police vetting, and risk assessment to ensure safe and competent children's workers.
- h **Colleague:** Refers to any person working at, for, with, or on behalf of, Ara, and includes, but is not limited to, staff employed directly by Ara, irrespective of whether they are paid or voluntary, or whether they are working on a full time, part time, casual or temporary basis, as well as any persons contracted or invited to provide services to children in the care of Ara.

Related Ara Procedures • CPP117c Raising Problems or Complaints Procedure • CPP117d Student Complaint Flowchart • CPP208a Staff Complaints about staff flow chart • CPP208b Staff complaints about students flow chart • CPP222a Guidelines bullying harassment and discrimination • CPP222b Examples of Bullying • CPP222c Examples of Harassment • CPP222d Unlawful Discrimination • CPP222e Examples of Victimisation	Related Ara Policies • CPP117 Raising Problems or Complaints • CPP204 Equal Employment Opportunities • CPP208 Resolving Staff Performance or Conduct Issues • CPP211 Code of Professional Practice • CPP213 Recruitment, Selection and Appointment of Colleagues • CPP214 People and Culture Management • CPP219 End of Employment • CPP222 Addressing Bullying, Harassment and Discrimination • Privacy Policy
Related Legislation or Other Documentation • Children's Act 2014 • Care of Children Act 2004 • Oranga Tamariki Act 1989 • Privacy (Information Sharing Agreement for Improving Public Services for At-risk Children) Order 2015 • Criminal Records (Clean Slate) Act 2004 • The Education (Pastoral Care of Tertiary and International Learners) Code of Practice 2021 • Family Violence Act 2018 • Privacy Act 2020 • Health and Safety at Work Act 2015 • Human Rights Act 1993 • UN Convention on the Rights of the Child	Good Practice Guidelines • Ara Child Protection Guideline
References	
Notes	

2 Principles

- 2.1 Ara has a duty of care to protect the safety and wellbeing of all children and young people that it provides services to.
- 2.2 Ara asserts that all children have equal rights to protection from abuse, neglect, and exploitation regardless of their gender, race, religion, political beliefs, age, physical or mental health, sexual orientation, family and social background and culture, or economic status.
- 2.3 All decisions and actions of Ara in response to any child protection concern will be guided by the principle of the welfare and best interests of the child.
- 2.4 Ara acknowledges and will adhere to the principles of the United Nations Convention on the Rights of the Child.
- 2.5 All services provided by Ara for the safety and wellbeing of children adhere to the principles of partnership, protection, and participation, and the rights and responsibilities accorded by Te Tiriti o Waitangi.

3 Responsibilities

3.1 Colleagues

- a All colleagues have a part to play in protecting children and young people from harm. It is the primary responsibility of colleagues to be vigilant, have knowledge and awareness of the indicators of neglect and abuse, and to report any concerns or allegations immediately.
- b Each colleague should –
 - i Be aware of, and alert to, potential indicators of neglect or abuse.
 - ii Record a factual account of any concerns they have, or that are brought to their attention
 - iii Appropriately seek advice and support from the Child Protection Lead who will then contact external agencies if appropriate
 - iv Work in co-operation with caregivers unless this compromises the safety of the child.
- c The statutory responsibility to investigate allegations of child abuse rests with Oranga Tamariki and the New Zealand Police. No Ara colleagues, including the Child Protection Lead, are permitted or mandated to investigate allegations of abuse.

3.2 Child Protection Lead

- a The overall responsibility for the implementation and oversight of this policy sits with the Director – People and Culture.
- b The administration and facilitation of this policy is delegated to the Child Protection Lead in coordination with the Director – People and Culture.
- c The role of the Child Protection Lead is to –
 - i Ensure the needs and rights of children come first- the safety and wellbeing of each child is the paramount consideration in all circumstances
 - ii Receive information that suggests a potential or actual risk of harm to a child in contact with Ara, irrespective of whether the alleged abuse is current, past, or likely to occur. The Child Protection Lead will advise and support Colleagues, and where appropriate, will make any referrals to Oranga Tamariki and/or the New Zealand Police
 - iii Ensure clear, confidential, and detailed, records on all child protection cases. These should contain all available information relating to the cause for concern and any subsequent action taken, including when it has been decided not to make a

notification to Oranga Tamariki or the New Zealand Police. These records will be kept separate from the child's records for the purpose of confidentiality

- iv Ensure that all Colleagues are aware of, and have access to, the procedures for reporting child abuse

4 Associated procedures for Ara Corporate Policy on: Child Protection

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4.1 Identifying Abuse

- a Ara Colleagues should be alert and aware of the fact that child abuse can occur in many different settings and forms and may come to light in a variety of different ways. These can include, but are not limited to –
 - i Direct or indirect disclosure by the child or someone known to the child
 - ii Suspicions of abuse by those involved with the child
 - iii Allegations and/or direct observations or signs displayed in the child's physical or emotional behaviour
 - iv Direct witnessing of abuse
- b The signs and indicators of abuse to a child may not be immediately obvious or identifiable. The Appendix 1 of this Policy sets out a non-exhaustive list of signs and indicators to help identify abuse.
- c If a colleague is unsure about what might constitute child abuse, or if they are unsure about whether they ought to report an incident, they should ask for advice and guidance from the Child Protection Lead. If the Child Protection Lead is unavailable, colleagues should ask for advice and guidance from the Director of People and Culture.
- d At any time, colleagues may seek advice from Oranga Tamariki (0508 326 459) or Child Matters (07 838 3370) regarding child protection concerns

4.2 Responding to Child Abuse or Suspected Child Abuse

- a When child abuse is suspected, disclosed, or witnessed, everything should be done to ensure the ongoing safety of the child concerned and any other children or young people who may be at risk. Appendix 2 of this Policy outlines the process flow.
- b In a situation where any colleague believes that a child or young person is in immediate danger, or in a situation where they believe that a third party is not prepared to secure the child's safety by contacting a statutory service, the colleague in consultation with the Child Protection Lead will inform Oranga Tamariki or the Police of their concerns.
- c The child protection procedures set out in this Policy, should be followed regardless of whether the alleged offender is a member of the public, a participant of an Ara initiative, programme, event or activity, a colleague, or ākonga.

- d Ara colleagues will not act alone about concerns of abuse but will consult with the Child Protection Lead who will be committed to acting as outlined in the procedures.
- e All concerns and information will be recorded factually and held confidentially. All documentation relating to concerns and information will be held in a child protection register which is to be overseen and managed by the Child Protection Lead.

4.3 Responding to Disclosure of Abuse from a Child

- a Disclosure of abuse may come directly from a child. It is important that colleagues take what the child says seriously, and respond in a calm, caring and sensitive manner. This applies irrespective of the setting, or the colleague's opinion on what is being said. If there is information disclosed regarding actual or suspected child abuse, colleagues should –
 - i Stay calm
 - ii Listen and hear
 - iii Give time to the child to say what they want
 - iv Reassure them that they were right to tell
 - v Tell the child that they are being taken seriously and they are not to blame
 - vi Explain that they must pass on what the child has told them as soon as they are aware that the child is making a disclosure
 - vii Give an age-appropriate explanation to the child of what the child can expect to happen next
 - viii Record in writing what was said as soon as possible, using the child's own words where possible
 - ix Report the concern to the Child Protection Lead
- b Colleagues should not –
 - i Make the child repeat the story unnecessarily
 - ii Promise to keep secrets
 - iii Enquire into the details of the alleged abuse
 - iv Ask leading questions
 - v Attempt to investigate or deal with concerns of abuse themselves
 - vi Enter any discussion with the parent(s) or caregiver(s) about the child's disclosure if doing so is likely to place the child at risk of harm

4.4 Allegations against Ara Colleagues or Ākonga

- a Allegations, suspicions or complaints of abuse against colleagues or ākonga should always be taken seriously and reported directly to a Child Protection Lead. If the allegation is against the Child Protection Lead, then this should be reported to the Director of People and Culture.
- b Consultation should occur with Oranga Tamariki or the Police to determine if a Report of Concern should be made.
- c Where there are suspicions of abuse by a colleague or ākonga, both the colleague's/ākonga's and the child's rights are to be upheld, and the following principles adhered to –
 - i The safety of the child is of paramount concern
 - ii The colleague should be advised to seek legal advice
 - iii Ara will cooperate fully with Oranga Tamariki and the New Zealand Police in their investigations and assessments

- iv The applicable individual or collective employment agreement and relevant employment law, including Resolving Staff Performance or Conduct Issues Policy, Raising Problems or Complaints Policy for Students and Student Rights and Responsibilities Policy
- d A person tendering his or her resignation, withdrawing from study, or ceasing to provide their services to Ara should not prevent an allegation of abuse against a child being followed up in accordance with these procedures.
- e The fact that an alleged offender has not been prosecuted or been found guilty does not necessarily mean that they are appropriate to continue to work with children. A risk assessment should be carried out before allowing the person to return to their studies, duties, or any alternative duties, in any capacity.

4.5 Reporting Child Abuse

- a All Ara colleagues should report concerns or allegations of child abuse to the Child Protection Lead at the first possible opportunity. A decision will be made as to whether to notify Oranga Tamariki. If an immediate response is required to ensure the child's safety, colleagues should contact the New Zealand Police and/or Oranga Tamariki directly.
- b All concerns or allegations of sexual abuse should be reported to Oranga Tamariki or the New Zealand Police. This reporting shall be conducted by the Child Protection Lead. The Director – People & Culture will be informed of any notifications made under this policy as soon as reasonably practicable.
- c Effective documentation, including referrals and notifications, should include –
 - i A record of the facts, including observations with times and dates
 - ii What was said and by whom, using the person's words
 - iii What action has been taken, by whom and when
- d All decisions, including if the concern does not require notifying Oranga Tamariki or the Police, should be recorded in writing and kept securely in the child protection register with the reasons clearly identified and explained.

4.6 Keeping the Child's Family and Whānau Informed

- a Although family/whānau and caregivers would usually be informed of any concerns for the safety and wellbeing of a child, there may be times when those with parental or guardianship responsibilities may not be initially informed. This may happen in circumstances when –
 - i A member of the family/whānau, or the child's caregiver is the alleged offender
 - ii It is possible that the child may be intimidated into silence
 - iii There is a strong likelihood that evidence will be destroyed
 - iv The child does not want their parent or caregiver involved and they are of an age, and mental capacity, when they are competent to make that decision
 - v Any decision not to inform the child's family whānau/caregiver based solely on the child's wishes should be made with careful consideration and in consultation with the Child Protection Lead and an Oranga Tamariki Duty Social Worker
- b Oranga Tamariki or NZ Police are responsible for informing the child's parent(s), caregiver(s) of suspected abuse.

4.7 Confidentiality and Information Sharing

- a Ara has a responsibility to know when and how to share appropriate information with external agencies to protect the safety and wellbeing of children.

- b The Oranga Tamariki Act 1989 and the Family Violence Act 2018 place the wellbeing and best interests of a child as the first and paramount consideration when it comes to the sharing of information. This principle takes precedence over any duty of confidentiality that is owed to the child or their family or whānau, or any person with whom the child is in a domestic relationship with.
- c Principle 11 of the Privacy Act 2020 states that the sharing of personal information is allowed if “disclosure of the information is necessary to prevent or lessen a serious threat”.
- d All colleagues are required to adhere to the Privacy Act 2020 and the Information Sharing Provisions under the Oranga Tamariki Act 1989 and the Family Violence Act 2018.
- e Under the Oranga Tamariki Act 1989, and the Family Violence Act 2018, if colleagues raise a legitimate concern in good faith about suspected child abuse, which proves to be unfounded on investigation, no civil, criminal or disciplinary proceedings may be brought against that colleague or organisation.

4.8 Harmful Behaviour by One Child Towards Another

- a It is important to be aware that children can harm other children. These behaviours are outside of that may be considered the normal range, and can extend to bullying, violence or sexual assault. Therefore, when a child alleges inappropriate harmful behaviour by another child then the child protection procedures outlined in this Policy must be considered for both children.

4.9 Child Protection Training

- a Ara will ensure all staff and ākonga are informed about this policy, the signs of child abuse and the appropriate steps for reporting any concerns.
- b Ara will provide information, education and training to ensure Children’s Workers understand their responsibilities. All Children’s Workers and Child Protection Leads must complete and maintain current Child Protection training

4.10 Reporting Lines

- a Child protection concerns should initially be raised to the Child Protection Lead.

4.11 Safe Recruitment

- a Ara is committed to applying rigorous employment and selection processes which emphasise the importance of child protection, and which ensure every colleague is safe and suitable to be associated with Ara, regardless of whether this position is paid, or voluntary, permanent, part-time, casual or independent contractor.
- b Colleagues must declare all criminal convictions unless they are covered by the Criminal Records (Clean Slate) Act 2004 including any charges or convictions during employment or study at Ara.
- c Before making any appointment, Ara will complete a robust background checking process to ascertain the candidate’s suitability and safety to work for, with, or at Ara. Ara will identify all Children’s Worker roles and ensure robust recruitment and safety checking processes in accordance with the Children’s Act 2014 and Children’s (Requirement for Safety Checks of Children’s Worker Regulations 2015).
- d Background checks for non-children’s work roles may include –
 - i Identity verification check
 - ii Ministry of Justice criminal convictions history check
 - iii Interview(s) with the applicant
 - iv Reference check(s)

- v Any other verification, check or information gathering risk assessment that is deemed appropriate (for example, overseas criminal conviction history check)
- e Safety checks for Children's Worker roles will include –
 - i Identity verification check
 - ii NZ Police vetting
 - iii Reference checks
 - iv Interview(s) with the applicant
 - v Professional membership check (if applicable)
 - vi Qualifications sighting (originals or verified)
 - vii Chronological summary of work history for preceding 5 years (CV).
 - viii Any other verification, check or information gathering that is deemed appropriate (for example, overseas criminal conviction history check)
 - ix Risk assessment
- f Background checks, safety checks and risk assessments will be carried out by –
 - i People & Culture in relation to colleagues
 - ii The relevant academic department or division in relation to ākonga
- g Safety checks of all Ara children's workers will be carried out at a minimum of once every three years, or at any other time determined by the Director of People and Culture if necessary to uphold this Policy's purpose.
- h People & Culture will maintain records of colleague risk assessments, safety checks, background checks and advise departments when rechecking may be required.
- i Academic divisions and departments will include safety check requirements in programme and paper regulations and ensure safety checks and rechecks are conducted.
- j Research supervisors will report planned child contact in their projects to their Portfolio Manager and the Human Ethics Committee during ethical approval and arrange any required safety checks.
- k If a risk is identified, outcomes of the risk assessment or background check may include non-engagement, duty restrictions, or disciplinary action.
- l Ara will not employ or engage or continue to employ or engage a person to whom section 28 (1) of the Children's Act 2014 applies, as a children's worker. Children's workers with convictions may apply for a core worker exemption under section 35 of the Children's Act 2014. Exemption does not guarantee employment. Final appointment decisions rest with the Director of People and Culture.
- m If Ara believes a children's worker has been convicted of a Schedule 2 specified offence and does not hold an exemption, it will suspend them from children's duties for at least 5 working days. After this suspension, Ara will terminate the worker's employment or engagement if there are reasonable grounds to believe no exemption exists. No compensation is owed upon termination, regardless of any contract, and such termination is deemed justifiable under Part 9 of the Employment Relations Act 2000.

Appendix 1 – Indicators of Abuse

The indicators for child abuse and neglect fall into three general categories –

Physical indicators

Injuries to a child that occur in a pattern or occur frequently. These injuries range from bruises to broken bones to burns or unusual lacerations and are often unexplained or inconsistent with the explanation given.

Behavioural indicators

The child's actions, attitudes, and emotions can indicate the possibility of abuse or neglect. Behavioural indicators alone are much less reliable than physical indicators, as a child's behaviour may be the result of a variety of other problems or conditions. When observing changes in behaviour, look for the frequency and pattern of the new behaviour, as well as a child's age and stage of development. For example, it is normal for younger children to be wary of adults, as they may have been taught not to talk to strangers. Look for a combination of physical and behavioural indicators.

Caregiver indicators

Caregivers who abuse, neglect, or exploit children are either unable or unwilling to provide care and protection in an appropriate way. Those who are unable to provide care and protection may be physically unable due to their own medical or health condition. They may be overly stressed, tired, or working under the influence of drugs or alcohol which limits their abilities. Caregivers who are unwilling to provide children with the appropriate level of care and protection are more aware that what they are doing is wrong but continue to act in that way. These caregivers may not view the child as someone who has feelings and emotions and often have the need to control others or have displaced aggression towards weaker persons.

The indicators alone do not prove child abuse or neglect. Likewise, the absence of indicators does not exclude the possibility that abuse is occurring. If you have any concerns about the wellbeing of a child or young persons, seek advice from the Child Protection Lead, or from Oranga Tamariki.

Emotional Abuse Indicators

Physical indicators

- Bed wetting or bed soiling with no medical cause
- Frequent psychosomatic complaints (e.g., headaches, nausea, abdominal pains)
- Non-organic failure to thrive
- Pale, emaciated
- Prolonged vomiting and/or diarrhoea
- Malnutrition
- Dressed differently to other children in the family

Behavioural indicators

- Severe developmental lags with obvious physical cause
- Depression, anxiety, withdrawal, or aggression
- Self-destructive behaviour. This can include self-harm, suicide, alcohol, and drug abuse
- Overly compliant
- Extreme attention seeking behaviours or extreme inhibition
- Running away from home, avoiding attending at school
- Nightmares, poor sleeping patterns
- Anti-social behaviours
- Lack of self esteem
- Obsessive behaviours
- Eating disorders

Caregiver indicators

- Labels the child as inferior or publicly humiliates the child (e.g., name calling)
- Treats the child differently from siblings or peers in ways that suggest dislike for the child
- Actively refuses to help the child
- Constantly threatens the child with physical harm or death
- Locks the child in a closet or room for extended periods of time
- Teaches or reinforces criminal behaviour
- Withholds physical and verbal affection
- Keeps the child at home in role of servant or surrogate parent
- Has unrealistic expectations of child
- Involves child in adult issues such as separation or disputes over child's care
- Exposes child to situations of arguing and violence in the home

Neglect Indicators

Physical indicators

- Dressed inappropriately for the season or the weather
- Often extremely dirty and unwashed
- Regularly attends school without lunch
- Severe nappy rash or other persistent skin disorders
- Inadequately supervised or left unattended frequently or for long periods
- May be left in the care of an inappropriate adult
- Does not receive adequate medical or dental care
- Malnourished - this can be both underweight and overweight
- Lacks adequate shelter
- Non-organic failure to thrive

Behavioural indicators

- Severe developmental lags without an obvious physical cause
- Lack of attachment to caregivers
- Indiscriminate attachment to other adults
- Poor school attendance and performance
- Demanding of affection and attention
- Engages in risk taking behaviour such as drug and alcohol abuse
- May steal food
- Poor social skills
- No understanding of basic hygiene

Caregiver indicators

- Puts own need ahead of child's
- Fails to provide child's basic needs
- Demonstrates little or no interest in child's life – does not attend school activities, social events
- Leaves the child alone or inappropriately supervised
- Drug and alcohol use
- Depression

Physical Abuse Indicators

Physical indicators

- Bruises, welts, cuts, and abrasions
- Burns - small circular burns, immersion burns, rope burns etc
- Fractures and dislocations - skull, facial bones, spinal fractures etc
- Multiple fractures at different stages of healing
- Fractures in very young children

Behavioural indicators

- Inconsistent or vague explanations regarding injuries
- Wary of adults or a particular person
- Vacant stare or frozen watchfulness
- Cringing or flinching if touches unexpectedly
- May be extremely compliant and eager to please
- Dresses inappropriately to hide bruising or injuries
- Runs away from home or is afraid to go home
- May regress (e.g., bedwetting)
- May indicate general sadness
- Could have vision or hearing delay
- Is violent to other children or animals

Caregiver indicators

- Inconsistent or vague explanations regarding injuries
- May appear unconcerned about child's wellbeing
- May state the child is prone to injuries or lies about how they occur
- Delays in seeking medical attention
- May take the child to multiple medical appointments and seek medical treatment without an obvious need

Sexual Abuse Indicators

Physical indicators

- Unusual or excessive itching or pain in the genital or anal area
- Torn, stained or bloody underclothing
- Bruises, lacerations, redness, swelling or bleeding in genital, vaginal or anal area
- Blood in urine or stools
- Sexually transmitted infections
- Pregnancy
- Discomfort in sitting or fidgeting as unable to sit comfortably

Behavioural indicators

- Age-inappropriate sexual play or language
- Bizarre, sophisticated, or unusual sexual knowledge
- Refuses to go home, or to a specific person's home, for no apparent reason
- Fear of a certain person
- Depression, anxiety, withdrawal, or aggression
- Self-destructive behaviour. This can include self-harm, suicide, alcohol, and drug abuse
- Overly compliant
- Extreme attention seeking behaviours or extreme inhibition
- Dresses inappropriately to hide bruising or injuries
- Eating disorders
- Compulsive behaviours

Caregiver indicators

- May be unusually over-protective of the child
- Accuses the child of being sexually provocative
- Misuses alcohol or drugs
- Invades the child's privacy (e.g., during dressing, in the bathroom)
- May favour the victim over other children

Family Violence Indicators

Indicators in the child

- Physical injuries consistent with the indicators of physical abuse
- Absenteeism from school
- Bullying or aggressive behaviour
- Complaints of headaches or stomach aches with no apparent medical reason
- Talking or describing violent behaviours

Indicators in the victim

- Physical injuries including bruising to chest and abdomen, injuries during pregnancy
- Depression and/or anxiety
- Inconsistent explanations for injuries
- Fearful
- Submissive

Indicators in the offender

- Isolates and controls partner and children
- Threatens, criticises, intimidates, uses aggressive and physical abuse towards partner and children
- Minimises and denies own behaviour, or blames victim for the perpetrator's own behaviour

Appendix 2 – Flowchart for responding

