

# Child Protection Policy

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## **Date:**

Policy Effective: 27 June 2016  
Policy – Last Review: October 2018  
Policy - Review: October 2021 (or with change in Legislation)

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## **Approved:**

FairWay Board Meeting: 30 October 2018

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## **Ownership:**

Responsibility: Principal, Dispute Resolution  
Policy Reference: CG-16801



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## Purpose

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The purpose of this Child Protection Policy is to embed a culture of child protection that consistently safeguards and promotes the well-being of children by encouraging early identification and referral of vulnerable children.

FairWay supports the Children's Action Plan implemented under the Vulnerable Children Act 2014 and notes that FairWay supplies children's services as defined by s 15(1) through its Family Dispute Resolution service. FairWay also provides other services to adults living in households with children which may affect significantly any one or more aspect of the well-being of the children.

This policy is based on the Ministry of Justice's (MoJ) and Ministry of Education's commitment to ensuring the wellbeing and safety of children and young persons. It also refers to further information on the Oranga Tamariki website.

### **This policy applies to:**

- All employees of FairWay (who must have an awareness of this policy).
- All staff and contractors who may have contact with children during their duties (who must understand the identification and reporting aspects of this policy).

### **Responsibility:**

- Service Delivery Managers are responsible for ensuring their staff understand and adhere to this policy.
- All Client Directors are responsible for contracted or approved services and are required to assess their service providers to ensure that they understand the requirement to follow this child protection policy.

### **Publication and Policy Review**

- This policy will be published on FairWay's website.
- Under the Vulnerable Children Act 2014 FairWay is required to review this Child Protection Policy every three years. The next review will be in 2021 or with any change in legislation.

## Policy

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This policy sets out how FairWay will protect the interests of children and young people.

### **Key Principles**

- FairWay will make sure that all staff and contractors whose work involves contact with children are able to identify the signs of potential abuse and neglect and respond appropriately.
- FairWay will support staff and contractors to follow this policy and to work with Government agencies and our clients to make sure all child protection policies are consistent and high quality.
- FairWay will handle concerns about suspected abuse and neglect in a way that respects individual privacy.
- All staff and contractors will know they can report suspected child abuse and neglect to Oranga Tamariki or the Police (section 15 of the Oranga Tamariki Act 1989 Children's and Young People's Well-being Act 1989). Staff and contractors will cooperate with Oranga Tamariki or the Police where those agencies are already involved with the child.

## Definitions

The following definitions apply to this policy:

- **The Act** – the Vulnerable Children Act 2014 which was part of a series of comprehensive measures brought in to protect and improve the wellbeing of vulnerable children.
- **Abuse** – the harming (whether physically, emotionally or sexually), ill – treatment, neglect or deprivation of any child.
- **Child / young person** – any child or young person aged under 18 years who is not married or in a civil union.
- **Child protection** – activities carried out to make sure children are safe where there is suspected abuse or neglect or the risk of abuse or neglect.
- **Children’s services** – any of the following:
  - (a) services provided to one or more children
  - (b) services provided to adults in respect of one or more children
  - (c) services – prescribed in regulations made under the Act provided to adults living in households that include one or more children, and that do or may affect significantly any one or more aspects of the wellbeing of those children.
- **Designated person for child protection** – the Senior Manager with responsibility for ensuring FairWay meets its obligations with respect to section 16 of the Vulnerable Children Act 2014.
- **Disclosure** – information about abuse or neglect that is given to a staff member or contractor by a child, parent or caregiver or a third party.
- **Emotional abuse** – any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development. This can include:
  - patterns of isolation, degradation, constant criticism or negative comparison to others, as well as isolating, corrupting, exploiting or terrorising a child.
  - exposure to family/whānau or intimate partner violence.
- **Neglect** – a persistent failure to meet the basic needs of a child. Neglect can be:
  - physical (not providing the necessities of life, like a warm place, food and clothing)
  - emotional (not providing comfort, attention and love)
  - neglectful supervision (leaving children without someone safe looking after them)
  - medical neglect (not taking care of health needs)
  - educational neglect (allowing chronic truancy, not enrolling the child in education or not paying attention to their education needs).
- **New Zealand Police** - the agency responsible for responding to situations where a child is in immediate danger and for working with Oranga Tamariki in child protection work, including investigating cases of abuse or neglect where an offence may have occurred.
- **Oranga Tamariki** – the agency responsible for investigating and responding to suspected abuse and neglect and for providing statutory response to children found to be in need of care and protection.
- **Physical abuse** – any acts that may result in physical harm of a child or young person. It can be, but is not limited to: bruising, cutting, hitting, beating, biting, burning, causing abrasions, strangulation, suffocation, drowning, poisoning and fabricated or induced illness.
- **Sexual abuse** – any acts that involve forcing or enticing a child to take part in sexual activities, whether or not they are aware of what is happening. Sexual abuse can be, but is not limited to:
  - **contact abuse**: touching breasts, genital/anal fondling, masturbation, oral sex, penetrative or non-penetrative contact with the anus or genitals, encouraging the child to perform such acts on the perpetrator or another, involvement of the child in activities for the purposes of pornography or prostitution.
  - **non-contact abuse**: exhibitionism, voyeurism, exposure to pornographic or sexual imagery, inappropriate photography or depictions of sexual or suggestive behaviours or comments.

## Identifying and Reporting Child Abuse and Neglect

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### Identifying Potential Abuse or Neglect

Staff and contractors need to be aware of the indicators of potential abuse and neglect. The Oranga Tamariki website has more information on some of the physical and other signs. Each situation is different, and staff and contractors must look at all the available information about a child and their environment before reaching conclusions and deciding what they need to do. For example, behavioural concerns may be the result of life events, such as divorce, accidental injury or the arrival of a new sibling.

### Responding to the Child

If the child is in immediate danger, staff and contractors must call the Police. If the child is not in immediate danger, staff and contractors should talk with their manager and have their concern discussed with the triage panel before deciding what to do. Contractors should talk with their Duty Mediator, their Line Manager (Client Director or Client Manager) and the triage panel before deciding what to do.

### Reporting Child Abuse and Neglect

FairWay expects that staff and contractors will proactively respond to all instances of suspected abuse or neglect. This will be done at the first possible opportunity to best ensure the safety of the child.

The severity of the suspected abuse or neglect is not up to the staff member, contractor or line manager to determine. To fully support our people, FairWay has introduced a triage panel to assess and determine the next actions for any concern of suspected child abuse or neglect. The triage panel consists of the person who has the concern or received a notification, Client Director for the particular service, Hannes Strydom (General Manager, Service Delivery) and Denise Evans (Principal, Dispute Resolution).

In consultation with their Line Manager, staff and contractors should always respond as follows:

- If the child is in immediate danger, staff or contractors should notify the Police.

Line Managers have a responsibility to ensure that the triage panel assess any concerns a staff member or contractor has when advised there is a concern that a child has been, or is likely to be, or suspected of being, abused or neglected. The triage panel has the responsibility to determine the outcome and ensure that all known information about the child, young person and their siblings and family/whānau, is shared in full with the appropriate authority, to determine the most appropriate response (see below on confidentiality and information sharing). The Line Manager must delegate this responsibility during times of absence and ensure that their staff are aware of the delegation.

Where a third party has advised of the abuse, that person should be encouraged to report the information to Oranga Tamariki.

FairWay has support systems in place to provide for support staff and contractors following situations outlined above and the staff member or contractor can discuss this further with their Line Manager.

**How to record and notify Oranga Tamariki of suspected child abuse or neglect:**

<b>What process to follow</b>	<b>Example,</b>	<b>Key considerations</b>
Immediate recording of concern or notification	Formally record: <ul style="list-style-type: none"> <li>Anything said and by who.</li> <li>The date, time, location and the names of any parties relevant.</li> <li>Factual concerns or observations that have led to the suspicion of abuse or neglect.</li> <li>The action taken by FairWay.</li> <li>Any other information that may be relevant.</li> </ul>	Relevant information can inform future actions.
Decision-making	Discuss any concern with the triage panel who will consider the facts and decide next actions. The triage team is Denise Evans (Principal, Dispute Resolution), Hannes Strydom (General Manager, Service Delivery), Client Director for the service and the staff member who has the concern.	No decision should be made in isolation
Notifying authorities	Notify Oranga Tamariki if there is a belief or concern that a child has been or is likely to be abused or neglected.  A phone call to the National Contact Centre (see below) is the preferred initial contact with Oranga Tamariki as this enables both parties to discuss the nature of the concerns and appropriate response options.  Phone: 0508 Family (0505 326 459) Lines are open 24/7  Email: Oranga Tamariki at <a href="mailto:contact@ot.govt.nz">contact@ot.govt.nz</a>	Oranga Tamariki will: <ol style="list-style-type: none"> <li>I. Make the decision to inform the parents or caregivers in consultation with our organisation.</li> <li>II. Advise what, if any, immediate action may be appropriate, including referring the concern to the Police.</li> </ol>
Following the advice of Oranga Tamariki	Oranga Tamariki's advice will include what, if any, immediate action may be appropriate, including referring the concern to the Police.	Oranga Tamariki is responsible for looking into the situation to find out what may be happening, whether we need to work with the family or to put them in touch with people in their community who can help.
Storing relevant information	Securely store: <ul style="list-style-type: none"> <li>The record of concern.</li> <li>A record of any relevant discussions (including copies of correspondence, where appropriate).</li> <li>A record of advice received.</li> <li>The action FairWay took, including rationale.</li> </ul> This concern with any earlier concerns, if the notification is based on an accumulation of concerns (rather than a specific incident).	Records assist in identifying patterns.

## Other Policy Statements

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### Regulatory Requirements

The Vulnerable Children Act 2014 requires FairWay to:

- Adopt, make available, and regularly review a child protection policy, if FairWay provides or becomes a provider of children's services.
- Make sure that contractors and service providers funded by FairWay to provide children's services adopt and regularly review a child protection policy.
- Report annually on whether and to what extent FairWay has adopted and implemented a child protection policy, and whether contracts and funding arrangements have complied with requirements regarding child protection policies.

FairWay's core business does not currently include providing children's services. However, children and young people may be involved in Family Dispute Resolution, and therefore potentially have contact with FairWay staff or contractors.

Young people may also come into contact with FairWay staff or contractors in relation to the International Student Dispute Resolution Scheme (Ministry of Education). For these reasons FairWay considers it appropriate to adopt a child protection policy that covers all of our services.

### Training

All Managers will ensure staff and contractors are trained appropriately:

- As part of their induction, new staff and contractors are made aware of the policy and child protection.
- All existing staff and contractors will attend training on the principles and processes in this policy in 2018.
- Staff or contractors who may have contact with children as part of their job must understand how to identify and report child abuse and neglect. These staff or contractors will be trained when they start their role and then at least every three years.

### Confidentiality and Information Sharing

FairWay will seek advice from Oranga Tamariki and/or Police before identifying information about an allegation is shared with anyone, other than the Line Manager or designated person. Staff or contractors should be aware that:

Under sections 15 and 16 of the Oranga Tamariki Act 1989, 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 Oranga Tamariki or the Police and, provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.

In terms of the Privacy Act 1993, when collecting personal information about individuals, it is important to be aware to the requirements of the privacy principles – ie the need to collect the information directly from the individual concerned and when doing so, to be transparent about: the purposes for collecting the information and how it will be used; who can see the information; where it is held; what is compulsory/voluntary information; and that people have the right to request access to and correction of their information.

Staff or contractors may, however, disclose information under the Privacy Act/Health Information Privacy Code where one of the stated exceptions applies – including where there is a serious threat to individual health and safety (see privacy principle 11/Code rule 11).

The Office of the Privacy Commissioner has commented that “serious” depends on: how soon the threatened event might take place, how likely it is to occur, and how bad the consequences of the threat eventuating would be.

The Privacy Commissioner is clear that information about the health/safety of a child or young person can always be disclosed to a police officer or social worker.

Further information can be found on the Office of the Privacy Commissioner’s website at:

<https://www.privacy.org.nz/privacy-for-agencies/sharing-information-about-vulnerable-children/>

## Appendix 1:

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The relevant provisions in the Act are set out below:

### Definition of Children's Services

#### 15 Interpretation

1 In this Part, unless the context otherwise requires

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**children's services** mean services that are any of the following:

- a) services provided to one or more children;
- b) services to adults in respect of one or more children;
- c) services provided to adults living in households that include one or more children, and that—
  - i. do or may affect significantly any one or more aspects of the well-being of those children; and
  - ii. are for the time being prescribed under subsection (2):
- d) services provided in respect of children that are for the time being prescribed under subsection (3)

### *Although not a State Services Agency – FairWay is required to note the following:* Requirement for Child Protection Policies

#### 16 Prescribed State services to adopt, report on, and require child protection policies

The Chief Executive of a prescribed State service must ensure that the service, —

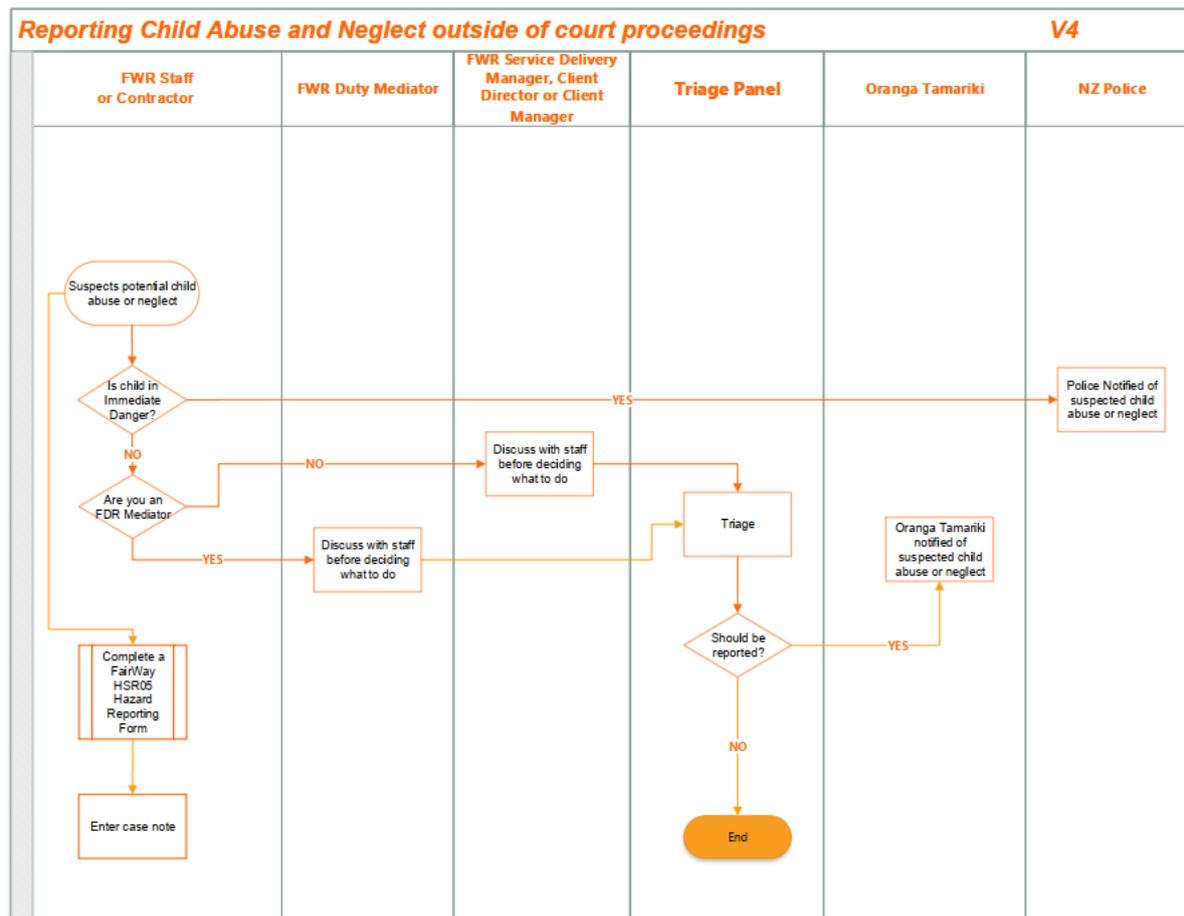
- a) if, after the commencement (under section 2(1)) of this section, the service is or becomes a provider of children's services, —
  - i. adopts, as soon as is practicable, a child protection policy; and
  - ii. ensures that a copy of the policy is available on an Internet site maintained by or on behalf of the service; and
  - iii. reviews the policy within 3 years of the date of its first adoption, or of its most recent review, under this section; and
- b) ensures that every contract, or funding arrangement, that after that commencement the chief executive or the service (in either case, acting on the Crown's behalf, or independently) enters into with an independent person requires the person as soon as is practicable to adopt (and to review in accordance with paragraph (a)(iii)) a child protection policy if, in the opinion of the chief executive of the State service,—
  - i. (i) the person is or becomes a provider of children's services; and
  - ii. (ii) some or all of the contract or arrangement is about providing children's services; and
- c) (c) reports in its annual report (under section 43 of the Public Finance Act 1989 or another enactment) on whether, or on the extent to which,—
  - i. its operations have implemented any policy it is required to adopt under paragraph (a)(i); and
  - ii. its contracts and funding arrangements have complied with paragraph (b).

## Appendix 2:

### Roles and Responsibilities in relation to the Child Protection Policy

Role	Responsibilities
<b>Chief Executive</b> – responsibility for FairWay meeting its obligations under the Vulnerable Children Act.	<ul style="list-style-type: none"> <li>• Must satisfy him/herself that FairWay is meeting its obligations under section 16 of the Vulnerable Children Act including: <ul style="list-style-type: none"> <li>– The implementation of the Child Protection Policy (responsibility for components of the policy are distributed through FairWay as noted below).</li> <li>– The Child Protection Policy is reviewed, updated and published.</li> <li>– Contracted children’s services (as defined in the Vulnerable Children Act) are required to have in place child protection policies.</li> <li>– Annual reporting requirements are met.</li> </ul> </li> <li>• Provides support and advice to Managers in relation to application and interpretation of the policy.</li> <li>• Seeks approval from the Board and promotes the policy.</li> </ul>
<b>Denise Evans Principal Dispute Resolution</b>	<ul style="list-style-type: none"> <li>• Is ultimately the designated person for child protection within FairWay.</li> </ul>
<b>Triage Panel – staff member or contractor who has the concern, Client director for the service, GM Service Delivery, and Denise Evans, Principal, Dispute Resolution</b>	<ul style="list-style-type: none"> <li>• Ultimately responsible to decide on the what the actions are to be undertaken with each individual concern.</li> </ul>
<b>GM Service Delivery, Client Directors, Client Managers, Service Delivery Managers</b>	<ul style="list-style-type: none"> <li>• Ensure staff: <ul style="list-style-type: none"> <li>- understand and adhere to this policy.</li> <li>- are aware of the principles and processes in this policy.</li> <li>- that have contact with children as part of their job, understand how to identify and report child abuse and neglect (trained on induction and at least every three years).</li> </ul> </li> <li>• Escalates concerns to designated person for child protection about the application or interpretation of the policy.</li> </ul>
<b>Client Directors and Client Managers</b>	<ul style="list-style-type: none"> <li>• Responsible for contracted or approved services, assess and ensure service providers are following this policy.</li> </ul>
<b>All FairWay Staff</b>	<ul style="list-style-type: none"> <li>• Understand and adhere to this policy.</li> <li>• Be aware of the principles and processes in this policy.</li> <li>• If they have contact with children as part of their job or manage staff who have contact with children, understand how to identify and report child abuse and neglect (trained on induction and every three years).</li> </ul>
<b>People &amp; Culture</b>	<ul style="list-style-type: none"> <li>• Develop and update training and awareness material to implement this policy.</li> </ul>

### Notification Process Workflow



Date Approved:	Date Implemented:	Version:	Owner	Author:
27 June 2016	27 June 2016	Final	FDR Scheme Director	Kristine Brown
30 October 2018	30 October 2018	Review	Principal	Kristine Brown/Jeanie Robinson