



Safeguarding and Child Protection Policy

Developed in partnership with



Safeguarding You
to Safeguard Children

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C.E.O. Approval Brendan Owens, C.E.O.

Board Endorsement Grant Baker, Chair, Board of Directors

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1. The Y's Commitment to a Safeguarding Culture

Every year we employ staff to work with thousands of children, young people and their whānau across Y Central programmes, across the lower North Island. The Y's vision is *'We build strong kids, strong families and strong communities'*. Therefore at the Y, we take our commitment to safeguarding seriously. We have worked hard to reflect safeguarding as a shared responsibility by creating a safeguarding culture.

We wish for all those accessing or representing the Y, to be provided with a positive and safe environment. To the Y, safeguarding the welfare of children and young people, and our staff is more than a requirement. It is our moral, ethical and mission-driven responsibility. It is paramount to our vision and work. It is at the heart of everything we do.

We believe safeguarding is a shared responsibility, and we have exceeded our legislative requirements by demonstrating best practice in creating a safeguarding culture. Safeguarding is embedded in our everyday

2. Policy Scope

- This policy is applicable to all those serving and/or representing the Y.
- Inclusive of whether staff are in direct or non-direct child/young person facing positions. Safeguarding is a shared organisational responsibility and is therefore expected to be upheld and represented by all staff.
- This policy is applicable to all Y provisions, services and environments, including our online or I.C.T. (Information Communication Technology) platforms.
- Where applicable, this policy also applies to our engaged stakeholders.
- Being a community organisation, this policy encompasses all children/young people; those we support and those external to the Y, but to whom we may hold wellbeing concerns.
- This policy applies to all other aspects falling under Y Central's branding and remit.

thinking and practice, and we have a culture that seeks to safeguard everyone:

- Our children and young people via child-safe practice;
- Our staff; and
- The Y.

Being a safer organisation doesn't just happen; it requires considered and invested practice. Practice that recognises safeguarding as being holistic and a continuum that requires ongoing monitoring, evaluation and development. Being a safer organisation remains a priority focus for the Y, and our longstanding partnership with Holistic Safeguarding is just one example of the many steps we take to ensure our safeguarding best practice continues to evolve.

We are proud to share our commitment to safeguarding with you.

The Y defines –

A child or young person -

- As someone aged from 0-18 years (up to their 18th birthday), who is not married or in a civil union.

We further recognise a:

- A young person as being from 14-18 years.
- A young adult as being 18-24 years.

Staff -

- As any person serving on behalf of the Y or under the Y's name and/or branding* in an official capacity, irrelevant of whether they are in a paid, voluntary or contracted position.

*This excludes any persons wearing Y branded merchandise who is not officially representing the Y.

3. Policy Purpose

The purpose of this policy is to:

- Clarify the Y's safeguarding and child protection expectations.
- Support staff in being able to recognise and respond to any safeguarding and/or child protection concerns, including those that may relate to a child's wellbeing and/or an allegation against staff.
- Confirm how the Y will support staff in being able to uphold the noted expectations (e.g. via safeguarding guidance, induction and training, etc.). Should any expectations or ways of working differ to the points noted, these will be captured in other applicable organisational and/or safeguarding policies and procedures.

4. Policy Principles

While not exclusive, some of our overriding principles applicable to this policy include:

- Holding a zero-tolerance for child abuse and neglect.
- To fulfil our moral, legal and mission-driven commitment to safeguarding, reflecting this as a shared responsibility.
- To exceed any legislative child protection requirements by demonstrating safeguarding best practice.
- To demonstrate a consistency of practice that promotes the safety and wellbeing of all people accessing or serving the Y. Taking every measure possible to ensure the Y remains a safe environment, free from adversity and abuse.
- Being inclusive and valuing diversity.
- Being child-focused and centred in our undertakings and practice, including empowering and listening to the child's voice.
- As much as possible, to support any child and/or family facing or experiencing vulnerabilities.
- Protecting any child or young person known to be or at risk of, suffering from abuse and/or neglect (whether internal or external to the Y's environment).
- Demonstrating our commitment to work collaboratively with child protection services when responding to known or suspected abuse and/or neglect concerns.
- To be honest and transparent with others about our concerns and/or decisions, unless doing so may increase any risk to the person concerned and/or others.

5. Legislation

This policy and our safeguarding procedures are informed by International and New Zealand legislation. This includes but is not exclusive to the:

- [Children Act 2014](#)
- [Crimes Amendment Act 2011, Section 195 and 195A](#)
- [Harmful Digital Communication Act 2015](#)
- [Health and Disability Commissioner Act 1994](#)
- [Health and Safety at Work Act 2015](#)
- [Human Rights Act 1993](#)
- [Oranga Tamariki Act 1989](#)
- [Privacy Act 2020](#)
- [Summary Offences Act 1981](#)
- [United Nations Convention on the Rights of the Child 1989 \(UNCRC\)](#)

Further information on legislation can be found in Appendix 3.

Any critical reviews to legislation that holds a significant relevance to this policy may prompt an earlier policy review. Alternatively, any non-critical legislation amendments will be incorporated within the next scheduled policy review.

5.1 Duty of Care

The Y's duty of care includes protecting any person from any unnecessary risk of harm. All possible care must be taken to ensure everybody's wellbeing and safety is met, ensuring the Y promotes best practice and acts without negligence.

The Y recognises the parental duty of care is passed from the parent/guardian to the Y when a child/young person

5.2 Community Welfare

The safeguarding of all accessing, utilising and serving within the Y's provisions is a primary focus of our culture. For child and young person safeguarding, this is particularly underpinned with:

- This Safeguarding and Child Protection Policy and staff training supporting the identification of, responding to and reporting/referring of wellbeing concerns.
- Our Behaviour Management Policy supporting positive and preventive approaches to any behaviour support needs.
- All our children's services reflecting child and human rights.

6. Inclusivity

The Y is truly an inclusive environment, one where everyone has the opportunity to feel welcomed and valued. We are committed to providing opportunities for all to grow, and our staff welcome and value diversity.

In addition to advocating and upholding New Zealand legislation supporting diversity, we are also passionate in recognising, advocating and upholding Child and Human Rights.

- [United Nations Convention on the Rights of the Child 1989 \(UNCRC\)](#)
- [Human Rights Act 1993](#)

is enrolled for a Y activity/programme/service, and that provision is being provided independently from their parent/guardian's supervision.

For any activities requiring parent/guardian and/or nominated adult supervision, the responsibility for parental duty of care, including supervision, remains with the parent/guardian or nominated adult.

The Y upholds community welfare in recognising that via their Y position and/or duties, staff may also become aware of other adults and/or children/young people external to the Y, who's wellbeing is or may be at risk. In these circumstances, as part of our safeguarding culture and community welfare responsibilities, staff are expected to implement our safeguarding procedures.

Inclusivity is maintained within the Y's Safeguarding Code of Conduct which requires safe, respectful and responsible conduct from Y staff.

We also ensure all our service information details our inclusivity expectations, e.g. for young people and other adults. Should any practice or experiences differ from our expectations, we do request a staff member is informed, as this would be a breach of our requirements.

Further information on legislation can be found in Appendix 3

7. Our Safeguarding Culture

7.1 Governance and Leadership

At the Y, we recognise that establishing and embedding a Safeguarding Culture needs to be led by our Governance and Leadership, both in a strategic commitment and in the modelling of our safeguarding expectations.

Our Governance and Leadership commit to demonstrating their commitment to safeguarding via their:

- Own professional practice;

7.2 Safeguarding Committee

The Y has established a Safeguarding Committee that is chaired by our Safeguarding Manager. The Committee:

- Membership includes the Y's designated safeguarding Board member and our leadership across the Y's business units. Certifying a collective approach and understanding of our safeguarding needs and requirements.

7.3 Safeguarding Staff

Another safeguarding structure we have introduced is that of Named/Designated Safeguarding Staff and Support staff. This incorporates staff from Board to Frontline positions.

Further information can be found in Section 9 and Appendix 1

8. Safe Workforce

There is a requirement for all staff and those associated with the Y to understand the important responsibility they have to:

- Protect children, young people and adults from all forms of known or suspected abuse and/or neglect.
- Be alert to incidents of possible abuse and/or neglect occurring outside the scope of our services and environments that may have an impact on the

children/young people to whom we provide a service.

- Create and maintain a safe culture that is understood, endorsed and put into action by all who work for, volunteer or access our programmes, services and facilities. Helping to ensure our environments remain free from adversity and abuse.

Omitting or ignoring any of the Y's safety check and/or safer recruitment due diligence will be reviewed as serious misconduct and may result in disciplinary action, up to and including dismissal.

8.1 Children Act 2014 Safety Checks

In accordance with the Children Act 2014, our safety check processes reflect risk assessment and police screening elements. We also recognise contact with children and young people, as being positions that include in-person contact or contact via I.C.T. resources. We adopt this basis when implementing safety check processes for any person:

- Undertaking unpaid work that is undertaken as part of an educational or vocational training course.
- Employed or engaged by us on a paid basis to work with children/young people, whether that work is in person or via I.C.T. resources.

8.2 Safer Recruitment

However, as part of our safeguarding culture, we seek to demonstrate best practice and therefore, exceed our required practice by implementing safer recruitment processes.

This means, we continue to recognise contact may be in person or via I.C.T. resources, but we also apply safer recruitment processes for:

- All persons employed or engaged by the Y (as paid staff or as a volunteer) irrelevant of whether their position involves working or coming into contact with children/young people; and
- Contractors where their role or part of their role involves contact with children and young people.

Our Safer Recruitment processes also incorporate and expand on safety check processes via:

8.2.1 Risk Assessment Processes

We aim for our safer recruitment risk assessment processes to enable a thorough checking of an applicants' suitability for the role, responsibilities and to be in contact with children, young people and their families. Key processes include:

- All recruitment operating in accordance with all N.Z.G. recruitment and selection policies, procedures and guidelines.
- All safer recruitment elements needing to be undertaken for safer recruitment to be considered complete.
- All offers of employment and/or engagement being subject to a satisfactory police screen and references.
- All position adverts reflecting the Y as a safe organisation and one that adopts safer recruitment processes.
- All positions being based against a Position Description that incorporates safeguarding responsibilities.
- An Application Form (CV's may accompany an application form).
- Interview processes that include safeguarding components.
- Identification verification and verification of the right to work in New Zealand.
- Verification of qualifications, certificates and registrations (if applicable).
- References (minimum of two and include safeguarding questions) and verification of references.

8.2.2 Police Screening

We value support structures, such as police screening. However, we also recognise any background check is only as suitable as the day it was completed.

Therefore, in addition to police screening upon appointment, we also aim to renew our staff police checks bi-annually and at no stage exceed the legal requirement of every 3 years.

- Police screening is to be completed prior to any employment or engagement commencing.
- Police checks conducted under the Children Act 2014, are exempt from the Criminal Records (Clean Slate) Act 2004).
- All applicants must inform those managing their recruitment, at the time of recruitment, of any criminal conviction(s) or charge(s) that are pending and/or any past convictions.
- Upon employment and/or at any time during employment and/or engagement, the applicant must inform their Manager or the next most senior person directly, of any criminal conviction(s) or charge(s) that are pending and/or any past convictions not previously disclosed.
- All offers of employment and/or engagement are made subject to a satisfactory police screen and other safer recruitment elements, e.g. references, etc.

8.2.3 Renewed Police Screening

In addition to police screening upon appointment, we will also renew our staff police checks. We aim for all our staff renewed police screening checks to be:

- Completed bi-annually (every 2 years) from their appointment date or last police check, exceeding our Children Act 2014 requirements.
- Additionally, we can at any time conduct a police check on a workforce member due to the nature of the Y's business, the individual's role or responsibilities and/or changes in their position that require a revised police check.
- At no stage will renewal periods exceed Children Act 2014 requirement of every 3 years from the last police check.
- Upon or at any time during their employment and/or engagement, the applicant must inform their Line Manager or H.R. directly, of any criminal conviction(s) or charge(s) that are pending or any past convictions not previously disclosed.
- The investigations of third parties, such as the Police, may not be automatically relied upon in such circumstances and the Y may conduct its own investigation.

Omitting or ignoring any of our safer recruitment due diligence requirements will be reviewed as serious misconduct and may result in disciplinary action, up to and including dismissal.

8.2.4 Negative Results

- If a police record check is unsatisfactory or reveals information that has failed to be declared during any stage of recruitment, the matter will be discussed with the applicant, and a determination made as to the most appropriate response.
- In certain circumstances, if the police check is unsatisfactory or if the applicant has provided fraudulent information or failed to declare relevant information, an offer of employment or engagement may not be made or may be rescinded.
- Where a police screening check result does hold an offence(s), but that offence(s) *does not meet* with the Children Act 2014 Schedule 2 Specified Offences (which requires Ministry exemption), the Y will take into consideration the below factors when making decisions regarding workforce suitability:
 - The applicant's openness and honesty throughout the recruitment process.
 - Any police screening advice, guidance and/or recommendations (if applicable).
 - The seriousness of the offence.
 - The age of the individual at the time.
 - Offence timeframes.
 - Any mitigating circumstances and/or influencing societal conditions relating to the offending and/or timeframe.
 - The probability of risk relating to the same or similar behaviour reoccurring.
 - The individual's commitment to rehabilitation and changing their perspectives and behaviour in question.
- If a staff member has an unsatisfactory police check renewal or if they have provided fraudulent information or failed to declare relevant information, their employment and/or engagement could be terminated immediately

8.3 No Settlement Agreements

The Y is committed to not using 'settlement agreements' where these are contrary to our culture of safeguarding.

Should a staff member resign or cease to provide their services to us, this will not prevent any staff concern and/or allegation that has been received against them from being investigated in accordance with our safeguarding policies and procedures.

It is important for all involved that every effort is made to reach a conclusion in all cases of staff concerns and/or allegations bearing on the safety or welfare of children and/or young people, particularly when the person concerned may have continued access to children and/or young people outside of the Y.

9. Safeguarding Roles and Responsibilities

Whether staff are in direct or non-direct child/young person facing positions, at the Y, we regard safeguarding as a shared responsibility. This means responsibilities are across everyone representing the Y. Every person has a moral, ethical and organisational obligation to uphold their safeguarding responsibilities and to take any concerns about the welfare of children and/or the suitability of staff in our organisation seriously.

9.1 Safeguarding Responsibilities

All Y position descriptions reflect safeguarding responsibilities applicable to that position's role and level of responsibility. These position responsibilities are held to the same regard as all other Y position responsibilities.

All staff are expected to

- Recognise safeguarding as a shared responsibility.
- Ensure all child/youth engagement is within a safe and inclusive environment (including online environments) respecting and promoting diversity.
- Staff are to demonstrate respect and inclusivity across all areas of diversity
- Adhere to our safeguarding policies, procedures and code of conduct, including our mandatory requirements surrounding – Safer Recruitment, Safeguarding Induction and Training and the reporting of any safeguarding concerns.
- Model their Position of Trust, ensuring their conduct is as expected and reflective of being a positive role model for our youth.
- Be alert to recognising any possible indicators of vulnerability, abuse and/or neglect.
- Complete all required safeguarding learning and development within any applicable timeframes.
- Be an advocate for the Y's safeguarding culture.

9.2 Safeguarding Staff

As part of our safeguarding culture, the Y has specific safeguarding roles and responsibilities. These staff serve the Y and our members as Named/Designated safeguarding staff. All staff holding specific safeguarding responsibilities receive additional safeguarding and child

protection training to support them with their role and specialist safeguarding responsibilities.

Full responsibilities are noted within the Safeguarding Staff Position Descriptions. However, key roles and responsibilities include:

9.2.1 Designated Safeguarding Board Representative

- The Designated Board Member leads on certifying Board safeguarding compliance and organisational safeguarding support and monitoring where applicable.
- Leads the Board in recognising safeguarding as an organisational undertaking requiring Board oversight and support.
- Drives Board endorsement of significant Safeguarding Policies and/or Procedures.
- Supports all Board Members undertaking safeguarding awareness training assisting them in their:
 - Safeguarding awareness and understanding; and
 - Provision of support for any safeguarding concerns escalated to Board awareness.

9.2.2 Safeguarding Manager

The Y's Safeguarding Manager helps to oversee and drive the Y's internal safeguarding and child protection requirements, including those identified under legislation and known best practice.

- They are the designated person for supporting anybody with or leading the management of a safeguarding and/or child protection concern.
- Upon contacting the Y's Safeguarding Manager, an initial response will be received within a maximum of 3 working days of the initial contact being made.



9.2.3 Safeguarding Champions

The Y has a pool of Safeguarding Champions representing the Y’s various working levels and business units. Safeguarding Champion roles are undertaken in addition to main Y positions and responsibilities. Safeguarding Champions:

- Have undertaken further training supporting them being able to offer safeguarding advice and guidance.
- Are staff, who any person (customer or staff) can go to if they have a safeguarding worry or concern.
- May lead on and/or assist with managing any safeguarding concerns.
- Lead and drive safeguarding compliance within their work remits and/or environments.

Further information on our Safeguarding Staff can be found in Appendix 1.

9.3 Safeguarding Induction and Training

9.3.1 Induction: The Y ensure all new personnel receive an induction within their first month, and safeguarding is part of this overall Y induction.

Our safeguarding induction ensures all staff are familiar with:

- How to access electronic and hard copies of our Safeguarding and Child Protection Policy and Safeguarding Code of Conduct.
 - The Y’s definitions of a child and a young person.
- Our commitment to community welfare.
- What the Y recognises as categories of abuse and possible physical and/or behavioural indicators.
- Key requirements relating to identifying and reporting any safeguarding concerns, including those that may relate to allegations against staff.
- The Y operating a mandatory internal reporting process.
- Who to report concerns to and what to do if the concern relates to that person, including our safeguarding staff structures.
- Their right to refer child abuse and/or neglect concerns directly to Oranga Tamariki or the Police.

9.3.2 Training: We know that without effective safeguarding and child protection training helping staff develop the necessary safeguarding knowledge and skills, everything remains theoretical.

- Safeguarding is part of our training strategy.
- All staff receive mandatory safeguarding and child protection training.
- Training must be completed within all identified completion timeframes.
- Safeguarding training is applicable to the staff member’s role and responsibilities.
- Those with specialist safeguarding responsibilities may be required to access a variety of learning opportunities.
- Upon receipt of their safeguarding certificate, personnel files will be updated, reflecting a safeguarding learning log and refresher training timeframes.
- All staff are to undertake annual safeguarding refresher training.
- We have alternative safeguarding training strategies for:
 - Workforce personnel under 16 years of age.
 - Workforce personnel with any additional learning needs, e.g. language barriers, disabilities, etc.
 - Any staff who are finding attending safeguarding training challenging due to personal experiences.

9.3.3 – Emotional Welfare

The Y is sensitive and supportive towards any member finding completing safeguarding training challenging, due to personal experience. While being supportive and offering alternative learning methods, in being child-focused, the Y does remain mindful to the organisation's and staff member's responsibilities towards the children/young people in their care.

Although rare, should it transpire that despite the Y's support and alternative learning methods, mandatory training remains outstanding; the Y may be required to review the staff member's competence, given safeguarding is a position requirement, and they and the Y holds an overriding professional responsibility towards the children/young people in our care.

10. Safe Practice

We are passionate about making certain all our children and young people get to enjoy the Y safely.

Equally, we are as passionate about making certain the staff supporting our children and young people, are able to do so in a manner that promotes safe practice, minimising any opportunities for their suitability to be

working and/or engaging with children/young people to be questioned.

The below requirements are in place to ensure everyone's safety and wellbeing as well as promote conduct that is designed to be in the best interests of all. We take our expected conduct and any breaches of these seriously.

10.1 Position of Trust

When someone is regarded as part of our workforce, particularly when engaging with children/young people, this reflects the organisation trusts them and has endorsed them as having a certain level of authority. These components reflect what is known as a 'Position of Trust'. **All staff are considered as being in a Position of Trust.**

As well as any natural relationship power dynamics between adults and children, or between peers, when being in a Position of Trust (e.g. staff, young leaders, etc.), the person holding this position, has or is perceived as having, power, influence and authority over a child/young person, due to the nature of their role and/or association to our organisation.

There is potential for this power or position of influence, to be misused, to persuade and encourage or intimidate a child/young person into certain negative behaviours or

activities. Due to the potential for misuse of this position, it is vital all staff uphold all safeguarding expectations and act as a positive role model. This helps to safeguard children/young people, and safeguard staff from possible allegations.

Due to the imbalance of power and risks of exploitation, the Y regards any person using their Position of Trust, to instigate and/or engage in a sexual relationship and/or conduct with someone under 18 years of age, as a serious breach of this Position of Trust. This is inclusive of and irrelevant to whether the young person is of a legal consent age.

All staff will be provided with a copy of the Y's Safeguarding Code of Conduct Policy to ensure they have the awareness needed to promote and implement safe practice.

Conduct in breach of our Position of Trust may be subject to disciplinary action up to and including dismissal.

Any breaches of the law will be referred to New Zealand Police.

10.2 Safeguarding Code of Conduct

Staff should be familiar with our Safeguarding Code of Conduct Policy and always maintain our conduct requirements and appropriate professional boundaries.

Staff are to avoid any engagement and/or behaviour that could be open to misinterpretation and report and record any such incident, should it occur. Should a breach of our policies or code occur, our Policy Breach Protocol should be followed.

At the Y, we aim to ensure our Safeguarding Code of Conduct is openly visible and communicated widely, so all accessing our programmes, activities and/or facilities understand what is expected of Y personnel. Our Safeguarding Code of Conduct signage displayed within all staff and childcare service environments with clear visibility for children/young people, their families and Y stakeholders.

The Safeguarding Code of Conduct is mandatory for all Y Staff. It encompasses conduct requirements on physical and verbal conduct across all environments (including online and via I.C.T. resources). In addition to signage, our Safeguarding Code of Conduct is also promoted and communicated to staff through a range of channels including but not exclusive to:

- Our Safeguarding Policies and Procedures.
- Safeguarding Induction and Training.
- Our Website, Intranet, and workplace environment signage.

Upon completion of their Safeguarding Induction and Training, Y staff are asked to sign their commitment to the Y's Safeguarding Culture, including our Safeguarding and Child Protection Policy and Safeguarding Code of Conduct.

Conduct in breach of our Safeguarding and Child Protection Policy and/or Safeguarding Code of Conduct may be subject to disciplinary action up to and including dismissal. Any breaches of the law will be reported to New Zealand Police.

Our Safeguarding Code of Conduct is part of our Safeguarding and Child Protection Policy, and interpretations should be in conjunction with this policy. Our Safeguarding Code of Conduct reflects and promotes legal requirements, sector standards; safeguarding best practice, and upholds the Y's values, policies and procedures, supporting all involved.

We appreciate some exceptions to requirements may be applicable (e.g. due to nature of the position, setting, activity, etc.). In these circumstances, the Y undertakes additional safeguarding measures including but not exclusive to:

- Adapted practice being clearly reflecting in all service and parent information, including terms and conditions.
- Seeking parental/guardian consent to identified practice (e.g. potential 1 staff member to 1 child or 1 staff to a child group).
- Certifying children/young people are aware of expected practice and what to do should they have any concerns.
- Increased monitoring of times/places where isolated staff are working with children/young people.
- Increased child/young person service monitoring/evaluation structures.

When an exceptional circumstance or an emergency prevents code requirements from being followed, staff should always operate in the best interests of the child/young person whilst being mindful to their practice as much as possible. If possible, Management advice should be sought in advance. If not, Management should be notified as soon as possible, along with the breach being recorded in accordance with the Y's Policy Breach Protocol.

10.3 Policy Breaches

Our Safeguarding Code of Conduct must be applied consistently. All breaches must be attended to in line with our Policy Breach Protocol.

- All Safeguarding policy breaches are to be recorded and reported as per the Y’s Policy Breach Protocol.
- The Y expects staff to have high standards of ethical and professional behaviour at all times.

- Where an employee’s on or off duty conduct, negatively influences their ability to carry out normal duties or is detrimental to the best interests or reputation of the Y (this could include inappropriate or adverse commentary online), such actions will be treated as breaches of the Y’s Safeguarding and Child Protection Policy and Safeguarding Code of Conduct and may be subject to disciplinary action.

Conduct in breach of the Y’s Safeguarding and Child Protection Policy and/or Safeguarding Code of Conduct may be subject to disciplinary action up to and including dismissal. Any breaches of the law will be reported to New Zealand Police and/or other applicable welfare services.

11. Recognising Safeguarding and Child Protection Concerns

11.1 Vulnerability

By virtue of being ‘dependent’, all children/young people are vulnerable. However, some children/young people can face increased vulnerability to possible wellbeing concerns than others. This can be for a variety of reasons, ranging from their intrinsic increased vulnerability to potential organisational child protection failings.

Many of our young facing increased vulnerability access the Y. Therefore, we expect our staff to be aware of their potential increased vulnerability. While not exclusive, those recognised as having potential for increased vulnerability include:

- Children from Māori and/or Pasifika communities.
- Children under 5 (particularly under 1s).
- Children with additional needs/disabilities.
- Children being impacted by gang activity.
- Children from out of home care.
- Young parents (under 18 years).
- Those experiencing cumulative harm.
- Children living in households affected by family violence, parental substance use and/or undiagnosed/untreated parental mental illness

The Y is committed to supporting children and families in developing resilience. We hope to support children and their families during vulnerable times, assisting in the reduction and removal of any risks.

11.2 Child Protection Concerns

At the Y, we recognise that safeguarding and abuse concerns may relate to –

- A child or young person’s wellbeing and/or
- An allegation against a staff member.

Section 2, Oranga Tamariki Act 1989 defines child abuse as: *“child abuse means the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person”.*

As with child protection services, the Y recognises the following as categories of abuse:

Neglect	Emotional Abuse
Physical Abuse	Sexual Abuse

Should a concern relate to any of the below, these would be considered a safeguarding concern/allegation against staff and not a complaint.

- A child/young person or staff member is in a vulnerable position.
- A person’s conduct towards a child/young person is or is potentially of concern.
- Staff conduct is against our Code of Conduct.
- An allegation has been made against a staff member

Safeguarding concerns should be reported as identified within this policy (13. Reporting Concerns).

11.3 Neglect

Neglect

Neglect is the persistent failure or deliberate denial of providing a child with the basic necessities of life. Neglect is the failure to provide and/or meet a child’s basic physical (sufficient food, clothing, a safe home), medical (including dental), supervisory (leaving a child home alone or in unsafe care), emotional (lack of emotion or attention) and/or educational needs (failure to enrol or chronic non-attendance at school). Neglect may also occur during pregnancy as a result of maternal substance abuse.

Neglect can be a one-off incident but mostly represents a pattern of persistently failing to act or meet a child’s needs, all to the extent that the child’s health and development is, or is likely to be, significantly harmed.

Physical Indicators may include:

- Persistently showing noteworthy levels of being uncared for, extremely dirty, wearing inappropriate clothing, e.g. for weather, activities, etc.
- Non-organic failure to thrive, e.g. underweight, small for their age.
- Persistent nappy rash or skin disorders.
- Non-medical related reasons for indicators such as frequent hunger, malnutrition or obesity.
- Having poor hygiene, constantly dirty or smelly and no understanding of basic hygiene.
- Unattended health and/or dental problem, including a lack of proper medical or dental attention.
- Poor speech or other developmental delays.

Behavioural Indicators may include:

- Stealing/hoarding (particularly food or clothing).
- Unsupervised for long periods, spending lots of time outside of the home, e.g. streets, neighbours, school or other activities beyond usual hours.
- Experiences of abandonment by parents/guardians.
- Falling behind in education work and/or attendance.
- A reluctance to attend a particular activity, club, etc.
- Indiscriminate attachment to adults, affection seeking, or a severe lack of attachment to the parent(s)/guardian(s).
- Tired or falling asleep at inappropriate times.
- Abuse of alcohol or drugs.
- Aggressive, destructive and/or offending behaviour.
- Poor peer relationships, having few friends.
- Poor social skills or other developmental delays.
- Poor emotional response/lack of expression or enthusiasm, low self-esteem, dull, unsmiling.
- Anxiety about being left.
- Running away

11.4 Emotional Abuse

Emotional Abuse

Emotional abuse is where behaviour towards a child, has a damaging impact on the child’s psychological, physical, social, intellectual and/or emotional functioning or development. Often the result of the child being exposed to persistent negative experiences and treatment that causes a severe and long-lasting impact on their wellbeing and development.

Emotional abuse includes persistently failing to give a child the love, affection or attention they need for healthy emotional, psychological and social development. Conveying to the child they are worthless, unloved, inadequate, or any other form of degrading, isolating and/or rejecting the child. Overprotection that significantly limits a child’s exploration, learning and participation in normal social interaction, is another form of emotional abuse. As is age or developmentally inappropriate expectations being imposed on and/or expected of a child that is beyond their capability. Exposing children to seeing and/or hearing the ill-treatment of another may also constitute emotional harm.

Emotional abuse is associated with all categories of abuse. However, it may also be the only form of abuse suffered by a child.

Physical Indicators may include:

- Frequent physical complaints, e.g. real or imagined such as headaches, nausea, vomiting and abdominal pains.
- Delays in physical development.
- Sleep problems like bedwetting or soiling with no medical cause, nightmares, poor sleeping patterns, being tired, lethargic, falling asleep at inappropriate times.
- Talking about hurting themselves or ending their lives (suicide threats, attempts, self-harm).
- Eating disorders.
- Sudden speech disorders.
- Stunted growth, failure to thrive (non-organic).

Behavioural Indicators may include:

- Excessive lack of self-esteem or confidence.
- Overly compliant and apologetic, including an excessive fear of making mistakes.
- Difficulty developing normal relationships, including poor peer relationships.
- Lacks trust in other people demonstrating fear, of a parent/ guardian or another adult.
- Reluctance to attend an activity at a particular club or organisation.
- Staying at school or other activities outside hours and not wanting to go home.
- Inability to cope with praise, unable to express views when asked, unable to cope in social settings.
- Slow development or regression.
- Aggressive behaviour (active or passive).
- Very ‘clingy’, possessive, attention-seeking, sometimes obsessive or risk-taking behaviour.
- Depression, habitually frightened, anxious and/or nervous.
- Habit disorders – hair twisting, sucking, biting, rocking, etc.
- Indiscriminate with affection.
- Stealing (particularly food) or destroying property.
- Abuse of alcohol or drugs.

11.5 Physical Abuse

Physical Abuse	
<p>Physical abuse is when a child is injured or has been placed at serious risk of being injured or suffering significant harm as a result of a physically aggressive act(s). Injuries may result from a single incident or combine with other circumstances and may be deliberately inflicted or the unintentional result of behaviour, e.g. shaking an infant, physical discipline.</p> <p>Physically abusive behaviour includes (but is not limited to) hitting, punching, shaking, throwing, slapping, shoving, kicking, biting, burning or scalding, drowning and suffocating. Faking or deliberately inducing an illness within a child may also be a form of physical abuse, and this would include giving children harmful substances such as drugs, alcohol or poisons.</p>	
Physical Indicators may include:	Behavioural Indicators may include:
<ul style="list-style-type: none"> ▪ Head injuries. ▪ Unexplained bruises, welts, scratches, cuts and abrasions (specifically regular, multiple, clustered and/or historic). ▪ Injuries in areas that are soft tissue, hidden and/or unusual places, e.g. face, back or tummy, buttocks, backs of legs, inner thighs, soles of feet, etc. ▪ Unexplained fractures, sprains, dislocations and broken bones. Particularly to the head, face, hip or shoulder dislocations. Especially in young babies or immobile children. ▪ Burn or scald marks (including cigarette burns, stove ring, iron, rope). ▪ Injuries with particular patterns, e.g. bite marks, belt mark; fingertip bruising (e.g. being forcefully held). ▪ Strangulation or suffocation marks. ▪ Ingestion of alcohol and drugs. ▪ Poisoning. 	<ul style="list-style-type: none"> ▪ Disclosing that physical harm has or may have occurred. ▪ Unlikely explanations for injuries. ▪ Explanations not making sense, changing or differing and/ or not fitting with presented injuries. ▪ Refusal to discuss/access medical help and/or delayed access to treatment. ▪ No explanation, or child, or parent can't recall how the injuries occurred. ▪ Reluctance to have parent/guardian contacted. ▪ Mistrust of adults/demonstrating fear of particular adults/ caregivers/peers. ▪ Fear of going home and/or to a particular location, including running away. ▪ Being bullied and/or bullying others, and/or displaying controlling behaviour towards others. ▪ Patterns of illness/claims of illness surrounding contact with a particular person. ▪ Withdrawn, depression, moods or acting out behaviours. ▪ Aggressive behaviour, disruptive nature or severe temper outburst. ▪ Anxious, nervous, restlessness, jittery, flinching when approached or touched. ▪ Expressing little or no emotion when hurt. ▪ Being fearful when other children cry or shout. ▪ Being excessively friendly to strangers, relationship difficulties. ▪ Being passive and compliant. ▪ Reluctance to undress and/or inappropriately dressed, e.g. wearing long-sleeved clothe/remaining covered on hot days.
<p>It is important to remember we can all hurt ourselves accidentally, and sometimes injuries may match some of the points noted above.</p> <p><i>However, what can help to identify non-accidental injuries is often the context surrounding the injury:</i></p> <ul style="list-style-type: none"> ▪ Does the injury fit with the explanation given? ▪ Is the injury plausible to the child's age and/or developmental level? ▪ Is there a variance in explanations between those around the child and/or between them and the child? ▪ Are the injuries in unusual places (e.g. soft tissue areas, hidden areas, on both sides) or do they have any particular patterns? ▪ Does there appear to be a delay in seeking assistance? ▪ Are the injuries appearing to be untreated? 	

11.6 Sexual Abuse

Sexual Abuse

Sexual abuse is any action where any person (adult or peer (other children)) uses any perceived or actual power, authority or position they may have over a child for sexual purposes. This includes whether or not the child is aware of what is happening.

Sexual abuse does not always involve physical contact (penetrative or non-penetrative acts), exposure to inappropriate sexual situations or comments can also be forms of sexual abuse, whether touching is involved or not. Engaging children to behave sexually, or participate in and/or look at sexually explicit material, images or activity (including over the internet) is also sexual abuse, as is grooming a child for abuse.

Physical Indicators may include:

- Bruising, lacerations, bite marks including injuries to areas such as breasts, buttocks, thighs and genitalia.
- Unusual or excessive itching, redness, swelling or bleeding in the genital area.
- Frequent complaints of headaches and/or stomach pains.
- Discomfort when walking or sitting down.
- Signs of being sexually active, S.T.I., pregnancy, stained or bloody underclothing (particularly if under 16 years).
- Compulsive eating or dieting.
- Nightmares/other sleep problems without explanation.
- Chronic urinary tract infections or difficulty/pain when urinating or blood in urine or stools.
- Self-injury (cutting, burning).
- Suicide attempts.
- Depression, anxiety, persistent crying, etc.

Behavioural Indicators may include:

- New words for body parts.
- Resists removing clothes at appropriate times or wearing inappropriate clothing, e.g. keeping their body covered in hot weather.
- Trying to feel clean through obsessive washing.
- Sexually explicit or age-inappropriate play, interest, drawings, stories, talking about sex.
- Persistent and/or age-inappropriate sexual activity
- Asks other children to behave sexually or play sexual games.
- Exposure to or involvement in child sexual abuse material (photos/videos, etc.).
- Sexual promiscuity or exploitation.
- Fear of intimacy or closeness.
- Purposefully making themselves unattractive.
- Running away from home.
- Fear of a particular person, gender, attending a particular activity, club/organisations, place, etc.
- Significant difficulty in relating to adults and/or peers.
- Significant change in status or quality of relationships with friends and/or parents.
- Problems with school-work or unexplained changes in behaviour or school results.
- Sudden mood swings: rage, fear, insecurity or withdrawal.
- Challenging and aggressive behaviour.
- Drug or alcohol abuse.
- Risk-taking behaviour, such as starting fires.
- Cruelty to animals

11.7 Additional Categories

At the Y, we also recognise the below as additional categories of abuse. These are explored in more depth in our safeguarding training, including possible indicators.

- Exploitation
- Bullying and Cyber-bullying
- Family Violence
- Cumulative Harm

11.8 Grooming

Grooming is a term used to describe what happens when an abuser builds up a relationship with a child or young person with a view to abusing them at some stage. There is no set pattern to the grooming of children. For some abusers there may be a lengthy period of time before the abuse begins. Other abusers may draw-in a child/young person and abuse them relatively quickly. Some abusers don't groom children but abuse them without forming a relationship at all.

The child/young person may be given special attention and what starts as an apparently normal display of affection, such as cuddling, can develop into sexual touching or masturbation and then into more serious sexual behaviour.

Grooming can take place in any setting where a relationship is formed, such as leisure, music, sports and religious activities. It may also take place in virtual settings, e.g. via the internet (social media, etc.) interactive electronic devices, e.g. games, phones, etc. In the main grooming covers 6 stages.

1. Targeting the victim.
2. Gaining the victims trust.
3. Filling a need.
4. Isolating the child/young person.
5. Sexualising the relationship.
6. Maintaining control.

Source: Adapted from YMCA Brisbane: Safeguarding Children and Young People Policy February 2014

11.8.2 Information Communication Technology

There is a need for staff to be aware of the risks young people may be subjected to as a result of technology. In addition to being a means of perpetrating abuse towards others, technology can also be exploited as a means of grooming young people for exploitation and/or abuse.

While not exclusive, other forms of concerns may relate to:

- Cyber-bullying
 - Defamatory comments – intended to harm the individual and/or their reputation.
- Trolling – can include physical threats, stalking and/or sexual harassment.
- Sextortion – using intimate images to blackmail the victim.
- Impersonation/Fake Accounts.
- Identity abuse –
 - Doxing – personal details being shared or publicised online, resulting in offensive comments and/or unwanted calls or visits from strangers.
 - Image – use of image has been morphed into another photo (e.g. person's body), usually sexually explicit material, as well as sharing or threatening to share intimate images.
- Processes to help protect children from exposure to inappropriate materials (e.g. explicitly sexual or violent in nature) can include:
 - Web Content filtering.
 - I.C.T. and Cyber Safety Policies and Procedures.
 - Organisation-based processes to ensure magazines and other materials used by children are checked for inappropriate images.

Source: Adapted from Licensing Criteria for Early Childhood Education & Care Services 2008 and Early Childhood Education Curriculum Framework, HS32, May 2016

12. Responding to Safeguarding and Child Protection Concerns

12.1 Disclosures of Abuse and/or Neglect

A disclosure is when a person talks about something relating to vulnerability, abuse and/or neglect. There are 3 main types of disclosure:

Direct Disclosure:	Indirect Disclosure:	Third-Party Disclosure:
<p>When a person tells you directly, they are being abused or neglected. They might begin with one example and see how you react before sharing their whole story.</p>	<p>This is when a person doesn't tell you directly, but consciously or subconsciously communicates their experience indirectly. For example, via behaviours, emotions, art, writing, appearance, enquiries or discussions, and/or via other possible indicators of abuse and/or neglect.</p>	<p>This is when someone (e.g. parent/guardian, friend, another professional, another parent) shares a concern about another person.</p> <p>Sometimes (more commonly when coming from a child) disclosures can be initially portrayed as a third party, although later transpire to be an <i>indirect disclosure</i>, e.g. "my friend's parent is hurting them" when it is actually them/their situation.</p>

12.2 Handling A Disclosure

The moment information is shared that indicates a safeguarding concern or possible abuse and/or neglect, this becomes a disclosure. Upon receiving/identifying a disclosure, staff's primary role is to **LISTEN** and allow the disclosure to continue for as long as the person disclosing feels comfortable.

All 'normal' conversation methods such as asking questions, interrupting, offering an opinion/solution, etc. are to be avoided. Whilst unintended, using these practices could result in increasing the risk of harm to the person disclosing and/or jeopardise any possible criminal investigations (if applicable).

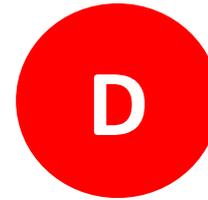
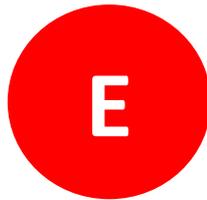
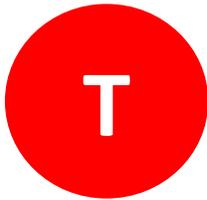
Staff are not to investigate or inappropriately question a person making a disclosure.

The below guidance adopts best practice and should support staff in responding to any disclosures.

DO	DON'T
<ul style="list-style-type: none"> ✓ Believe the person and take what they say seriously. ✓ Be accessible. ✓ Listen carefully. ✓ Reassure the person, e.g. <i>they are right to tell someone; it's not their fault.</i> ✓ Thank them for telling you. ✓ Tell them you will try to get help. If necessary, explain this may involve telling another staff member. ✓ Consult immediately with a Safeguarding Staff member. ✓ Make a careful record as soon as possible, of what was said in a Safeguarding Incident Form. 	<ul style="list-style-type: none"> ✗ Do not say anything critical, e.g. <i>'why didn't you tell me sooner.'</i> ✗ Do not jump to conclusions, especially about the abuser. It may be someone still trusted, liked and/or loved by the person. ✗ Do not investigate any concerns suspected or raised, or ask leading questions, e.g. <i>did this happen at home?</i> ✗ Do not make promises or tell them you will keep anything a secret. ✗ Do not stop them when they are speaking freely (just listen) and do not feel the need to fill any silences. ✗ Do not let anyone who may be involved in the abuse know the child/person has said anything to you. If the abuser is unknown, we are to assume this may involve the child's parents or guardians.

T.E.D. – Tell, Explain, Describe

T.E.D. is a helpful structure to use when trying to gain more information without risking asking leading questions.



TELL –
Tell me what happened?

EXPLAIN –
Can you explain where this happens?

DESCRIBE –
Can you describe how you felt about that?

Helpful Responses

“I’m glad you were able to tell me/someone”.

“I will help you as best as I can”.

“This is so important; I need to speak to someone to get advice on how we can help you”.

13. Reporting Concerns

In creating a safeguarding culture, the Y seeks to reflect as much as possible the prevention of concerns from arising. The goal of prevention is not only to prevent risk and/or unsafe practice but also to prevent any concerns that have arisen from continuing and/or escalating.

Safeguarding as a shared responsibility and the Y holds a responsibility to help support children/young people, their families and/or any of our workforce who may be experiencing vulnerability, as well as help to protect any person who may be suffering from and/or at risk of suffering from adversity and/or abuse.

13.1 Mandatory Reporting

The Y operates an internal mandatory reporting process. This means that if staff have any safeguarding or child protection concerns, they have a mandatory responsibility to share these concerns with a Safeguarding Staff member. This includes, but is not exclusive to, whether concerns are in the context of:

- Peer-to-peer interactions;
- The child or young person’s family/home environment;
- In places/organisations outside of the family or the Y;
- Via the course of their engagement and/or involvement with the Y;
- Allegations against Y staff; or
- Allegations against any other professional.

Concerns must be shared immediately. In exceptional circumstances, where this is not possible, concerns must be shared no later than before the staff person’s shift or session of work within the Y ends. Safeguarding Staff will then decide on the most appropriate response for the concern reported. All reports should be confirmed and captured on a Safeguarding Incident Form.

However:

- Any person, at any time, unsatisfied with decisions/actions taken and/or who believes a child/young person to be at risk of suspected and/or known abuse or neglect, may contact Oranga Tamariki or Police directly.
- Any staff, at any stage believing reporting processes to be unsuitable and/or have a significant block for whatever reason in using these identified processes may follow the Y’s Whistleblowing Policy as an alternative form of reporting concerns.

Any breach of safeguarding policies, procedures, and ways of working may be subject to disciplinary action up to and including dismissal.

13.2 Child/Young person, Parent/Guardian or Others Reporting Safeguarding Concerns

The Y encourages parents/guardians to report any concerns relating to the safety or wellbeing of their own or other children or young people in a Y facility.

Children and young people are also encouraged to report any concerns relating to their own safety or that of other child(ren) or young people in a Y facility.

13.3 Reporting Concerns and/or Allegations Against Staff

Our Safeguarding guidance is all designed to support best and safe practice. They reflect the expected engagement and conduct required of our staff. Concerns and/or allegations against staff become applicable when disclosures and/or indicators relate to:

13.4 Right to Refer Directly to Oranga Tamariki or the Police

We would encourage the sharing of any safeguarding concerns with the Y in the first instance. However, all persons, have the legal right to report any child abuse/neglect concerns directly to Oranga Tamariki and/or the Police. We would welcome being notified of all reports made to external services relating to a child/children in our care and/or our staff.

13.5 Confidentiality

- Staff are to remember when concerns relate to a person's safety or wellbeing, this information can be shared with or without parental consent, and doing so is not a breach of our Privacy Laws.
- All staff should seek guidance from the Y's Safeguarding Staff and/or their Manager before sharing any safeguarding or child protection concerns with a child's parent/guardian. Sharing information with a child's parent/guardian when it is unsafe or inappropriate to do so, may expose the child and/or others to further risks of harm. It may also impact on any potential child protection service case investigation.
- In responding to and managing any safeguarding concerns, information is to be treated in confidence.
- Details are only to be shared on a 'need to know' basis, with those who can help with the management of the concern and are identified within the responding framework detailed within this policy.
- Concerns and/or allegations against staff are to be kept strictly confidential to those in the reporting framework. Sharing information with the person concerned and/or others may place the staff member concerned at risk of further vulnerability. It can also negatively influence any case investigations and potential safeguarding solutions.

13.6 Sharing Information

All non-child abuse concerns will require parental consent for the sharing of information.

Unless it is unsafe or inappropriate to do so, we will aim to be open and honest with young people (when age/developmental level appropriate) and parents/guardians about any concerns we may have or have become aware of. This could be purely sharing that we are concerned and under our safeguarding and child protection policies and procedures, we are required to share these concerns internally and/or externally.

This can be done by:

1. Speaking to our staff in person.
2. Contacting the Y's Safeguarding Manager on 027 414 9496 or safeguarding@ycentral.org.nz

Upon contacting the Y's Safeguarding Manager, an initial response will be received within 3 working days of the initial contact being made.

- Staff being in a vulnerable position.
- Staff conduct is or is potentially of concern or against our Code of Conduct.
- An allegation has been made against staff.

We are required to share any relevant child abuse concerns with appropriate services with or without parental consent.

If consent is refused, this in itself may escalate the level of concerns. In these circumstances, we would have to inform parents/guardians that due to concerns being welfare related, staff are still required to refer their concerns and, where possible, we will keep them informed throughout the process.

13.6.1 Sharing Information

When it is appropriate to share information with parents/guardians, the Y will seek to:

- Do so as soon as possible.
- Be open and honest about why and what we are concerned about.
- Explain whether the concerns hold:
 - A level of only requiring the Y's support.
 - A potential for sharing with others. If so, who, what information may be shared and how.
 - Explaining and reassuring, this process is about seeking support, and the Y will support them throughout.
 - Seek their consent to share information.

13.6.2 Not Sharing Information

It would be **unsafe or inappropriate to share concerns with parents/guardians or the young person directly:**

- When doing so may increase the risk of harm to the person concerned, staff or others.
- When it is unclear who is/has caused any suspected abuse.
- When doing so may impact on any possible child protection investigation.
- When specialist child protection services have advised us not to share concerns at that stage.

Worried About a Child/Young Person?

- Stay Calm.
- Ensure the child’s and/or any other person’s immediate safety.
- Listen to, believe and reassure the person they did the right thing in telling someone.
- If appropriate, use open ended prompts (Tell/Explain/Describe) to help gain more information.
- Explain to the person that you are going to try and help and will need to tell a colleague, so together you can try to get the help needed.

Person Reporting

NO IMMEDIATE RISK:

- Inform a Safeguarding Staff member, or your Manager if they are unavailable.
- In the absence of either party inform the next most senior person.
- Confidentiality – keep information to only those assisting/or who need to know.

SAFEGUARDING INCIDENT FORM

- ASAP Record concerns and actions on a Safeguarding Incident Form.

IMMEDIATE DANGER:

- Contact Police immediately on **111**
- Follow police advice.
- Inform Safeguarding Staff or your Manager ASAP.
- In the absence of either party, inform the next most senior person.
- Confidentiality – keep information to only those assisting/who need to know.

SAFEGUARDING INCIDENT FORM

- ASAP Record concerns and actions on a Safeguarding Incident Form.

Person Responding

SAFEGUARDING STAFF

Safeguarding Staff will work together with the staff member reporting to:

- Identify if concerns meet child protection needs.
- If so, contact Oranga Tamariki on 0508 326 459 to either seek advice and guidance or refer the concern.
- If required, seek clarity from Oranga Tamariki (or Police) on when and who will inform the child’s parent(s).
- Retain any action taken notes with the Safeguarding Incident Form, in a secure confidential location.
- Monitor and review the case.

If shared with Oranga Tamariki Safeguarding Staff/Management will follow up:

- If concerns remain, or additional concerns present; and/or
- No response has been received within advised timescales.

While we advocate being informed of any concerns relating to children in our care or our staff, any person believing a child to be at risk of abuse and/or neglect has the legal right to make a referral directly to Oranga Tamariki (0508 326 459) or the Police (111). Should this action be taken, we do politely request we are informed as soon as possible.

13.8 Responding to Staff Concerns and/or Allegations

Any information questioning the suitability of our staff or their ability to work safely with children and young people is taken seriously.

Any information of this nature will be investigated, no matter if the concern is current, historic, known or suspected, direct or via a third party.

This may include us working together with child protection services (Oranga Tamariki, Police) for support and/or case management.

What Constitutes an Allegation?

An allegation generally relates to 3 key areas:

- Staff have behaved in a way that has harmed or may have harmed a child/young person.
- Staff have possibly committed a criminal offence in relation to a child/young person.
- Staff have behaved towards a child/young person in a manner that indicates they are unsuitable to work with children.

13.8.1 Key Requirements in Responding to Concerns Relating To Staff

- The reporting staff member must complete a Safeguarding Incident Form as soon as possible.
- **Staff are to ensure confidentiality is maintained.** The person reporting and the person responding to the report, are required not to discuss the concern with:
 - The person(s) to whom the concern/allegation relates;
 - Other staff; or other
 - Parents/Guardians/persons external to the Y.

Doing so may place the child, young person and/or the staff member at further risk of harm, and/or jeopardise any investigations.
- Should the concern be against the staff member identified to receive the report of concern, then the report should be made to the next most senior person, e.g. their Line Manager.
- Staff are **not to assess the validity of such allegations or concerns**, but to respond to all reports of concerns and/or allegations as required. The validity of an allegation will be investigated and assessed in accordance with:
 - The Y's legislative requirements.
 - The Y's role and responsibilities as detailed within this policy.
 - Statutory child protection services (where applicable).
- Staff are to **disregard factors such as the authority or the position of the person(s) involved and any pre-existing views** about the character, or otherwise, of any person involved or under investigation.

In accordance with statutory requirements and the Y's policies and procedures as applicable, **our Safeguarding Staff will coordinate and/or conduct investigations** relating to all staff safeguarding concerns and/or allegations.

Worried About a Staff Member?

- Stay Calm.
- If applicable, ensure the child's and/or any other person's immediate safety.
- Listen to and take the concern/allegations seriously.
- If appropriate, use open ended prompts (Tell/Explain/Describe) to help gain more information.
- Explain to the person that you are going to try and help and will need to tell a colleague, so together you can try to get the help needed.

Person Reporting

NO IMMEDIATE RISK:

Inform a Safeguarding Staff member or your Manager.

If the concern relates to either of these people or they are unavailable, inform the next most senior person.

Confidentiality – only share information with the person to whom you are reporting.

SAFEGUARDING INCIDENT FORM

ASAP Record concerns and actions on a Safeguarding Incident Form.

IMMEDIATE DANGER:

- Contact Police immediately on **111**
- Follow police advice.
- Inform a Safeguarding Staff Member or your Manager ASAP.
- If the concern relates to either of these people or they are unavailable, inform the next most senior person.
- Confidentiality – only share information with the person to whom you are reporting.

SAFEGUARDING INCIDENT FORM

- ASAP Record concerns and actions on a Safeguarding Incident Form.

Person Responding

SAFEGUARDING STAFF/YOUR MANAGER

Safeguarding Staff/Management will work together with staff member reporting to:

- Identify if concerns meet child protection needs.
- If so, contact Oranga Tamariki or Police to either seek advice and guidance, or refer the concern.
- If required, seek clarity from Oranga Tamariki (or Police) on when and who will inform child's parent(s).
- If not child protection, take forward internal processes, putting in place any interim safeguards if required.
- Retain action taken notes with the Safeguarding Incident Form in a secure confidential location.
- Monitor and review the case.

While we advocate being informed of any concerns relating to children in our care or our staff, any person believing a child to be at risk of abuse and/or neglect has the legal right to make a referral directly to Oranga Tamariki (0508 326 459) or the Police (111). Should this action be taken, we do politely request we are informed as soon as possible.

13.10 Managing Concerns and/or Allegations Against A Staff Member

The Y takes seriously any information questioning the ability or suitability of our staff working with children and young people. Any information of this nature will be investigated, no matter if concerns are current, historic, known or suspected, direct or via a third party.

This may include the Y working together with - child protection services (Oranga Tamariki, Police); Government Ministries; specialist non-statutory child protection

agencies, e.g. other Y's, our Partner Agencies, e.g. Schools, Councils, Holistic Safeguarding, etc.

Being a safeguarding matter, the Y will always operate on the side of caution. This by no means should be interpreted as representing the Y's perspective, as the Y will remain neutral until the investigation is complete and the outcome established.

All safeguarding actions taken are done so in the interests of protecting *all* of those involved and in the interests of maintaining a fair investigation. No action should be interpreted as anything other than a precautionary safeguarding measure while the matter is under investigation.

- a. The Y will use its best endeavours to ensure our initial response to all concerns/allegations against staff is preferably within 48hrs but no greater than 3 working days from the concern/allegation being received.
- b. Any concerns/allegations that breach New Zealand laws or that require specialist support and investigation will be referred directly to the Police and/or Oranga Tamariki.

In these circumstances, if the Y is aware of the staff member serving as an employee, volunteer or in any other capacity, for another child facing organisation; this information will be shared with the Child Protection Services. They can then determine if and how any information is taken forward and/or conveyed to any other organisation(s) if applicable.

- c. Concerns not meeting statutory service thresholds (child abuse) will be investigated via our internal processes. This would relate to all concerns that reflect a worry but do not necessarily indicate risks of known or suspected abuse or neglect. However, should any indicators of known or suspected abuse or neglect subsequently present, then the Y will escalate these concerns to child protection services for their support, advice and guidance.
- d. Where applicable the Y Safeguarding Staff will work together with all those personnel aware of the allegation to ensure that:
 - o The allegation is not met with any assumptions and remains open to a fair and proper investigation process.
 - o For everyone's wellbeing and to help maintain a fair investigation, it is important information is kept strictly confidential.
- e. In the interests of safeguarding all those involved, it can be common practice when responding to safeguarding concerns/allegations, for the initial meeting with the staff member(s) concerned to be held without the staff member receiving advanced notice.

Advance notice of the initial meeting with the staff member concerned will only occur when the Y is confident that doing so poses no risk to any involved persons and/or the investigation.

Advanced notice will not be provided, when it is unclear whether, or it is known that, providing advanced notice, becomes a potential or apparent risk, or increases any risks, to those involved and/or the investigation (e.g. allows an opportunity for potential witnesses, victims to be contacted, influenced and/or possible evidence removed).

- e. The meeting may be held off-site from the staff member's main place of work. If for any reason, this is not possible, the meeting will be coordinated in a manner to help maintain confidentiality.
- f. The Y will use its best endeavours to ensure this initial meeting is held, preferably within 3 working days but no greater than 5 working days, from the concern/allegation being received.

- g. Upon being informed of the concern and/or allegation, the staff member concerned will be:
- Informed of the investigation process and their right to have legal or other representation throughout this process.
 - Advised of any immediate safeguards being implemented and/or requested (if applicable).
 - Where appropriate, requested to return any Y resources, e.g. laptops, mobile phones, etc. until the matter is resolved.
- h. To safeguard the child/young person, other children/young people **and** the staff member concerned from any further vulnerability, the Y may adopt any of the following immediate safeguards for an identified timeframe or until the matter is resolved:
- Additional supervision of the staff member concerned.
 - Redeploying the staff member concerned with alternative non-child/family facing duties.
 - Suspension of the staff member concerned from duty
- i. Any information that may be viewed as posing a risk to any of those involved, the investigation and/or the Y, will remain confidential, unless and until it is appropriate to be shared and/or appropriate safeguards have been established.
- j. Where required to support an investigation, and with consent from the staff member concerned, the Y may contact external services for historical information. This mainly relates to but is not exclusive to, third party and/or historical allegations. All services contacted for information will be informed of confidentiality requirements.
- Where consent is withheld, the Y may be required to escalate concerns to statutory services that do hold the necessary investigative powers.
- k. Should internal investigations start to reflect an escalation in the case threshold or require specialist support, we will at those stages refer concerns to Police and/or Oranga Tamariki.
- l. Where applicable, the Y C.E.O. may also need to make our Board and possible relevant external bodies aware of any serious staff allegations/investigations (e.g. Partner Agencies, other Y's, etc.).
- m. All meetings will be minuted, and where applicable, these may be shared with meeting representatives.
- n. As much as possible, the Y will assist in supporting all persons impacted by the concerns and/or allegation:
- the child/young person and/or their family;
 - the staff member concerned, and
 - any other personnel impacted by the allegations.
- o. Upon completion of the investigation, the staff member will receive written confirmation of the investigation outcome.
- p. All safeguarding concern records relating to Y Staff will be held with the Safeguarding Manager, unless there is a requirement to forward these onto H.R. for H.R. processes, including potential disciplinary actions up to and including dismissal.

13.11 Deliberately False Allegations Against a Staff Member(s)

In the event a safeguarding concern(s) and/or allegation(s) is shown to have been deliberately false, the Y would view this as a serious matter that may result in:

- Disciplinary action up to and including dismissal.
- The Y engaging the Police to identify appropriate action against the person responsible.

14. Support For Those Involved

14.1 The Child and their Family	14.2 Other Personnel
<p>All safeguarding concerns requiring parental consent will reflect a working partnership with the child and their family as much as possible.</p> <p>For child protection concerns being managed in conjunction with statutory services, the sharing of information and support structures for the child/young person and their parent/carer will be managed under guidance from these specialist services. Where possible and appropriate, they Y will aim to ensure the parent(s)/guardian of any child/young person, who is the subject of or subject to any concerns, is kept informed on the case progress.</p>	<p>Should a case identify support needs for any other families or staff, the Y will where possible, arrange to provide appropriate support, including that which may be provided via internal and external structures.</p>
14.3 The Staff Member Concerned	
<ul style="list-style-type: none"> ▪ The Y will ensure staff are offered support throughout this process and, if required, are safeguarded from possible further vulnerability while the case is investigated. We may adopt any of the following immediate safeguards until the matter is resolved: <ul style="list-style-type: none"> ○ Additional supervision of the staff member concerned. ○ Redeploying the staff member concerned with alternative non-child/family facing duties. ○ Suspension of the staff member concerned from duty. ▪ The Y will ensure any staff member who is the subject of a safeguarding concern and/or allegation is, as appropriate, kept informed of the concerns raised and the investigation progress as much as possible. ▪ The Y can also arrange for the staff member concerned to seek support via the Employee Assistance Programme. ▪ Depending on the circumstances, including the duration of any investigation, any safeguarding requirements that involves the staff member needing to be absent from work pending the completion of an investigation, the Y may exercise its discretion for some or all of the period of absence to be unpaid. ▪ If absence, is applicable, the Y will make arrangements to ensure the staff member is kept informed of all role, responsibility and workplace developments during their absence. ▪ All processes will be in accordance with statutory responsibilities and the Y’s employment policies and procedures. ▪ All safeguarding actions taken are done so in the interests of protecting all of those involved and in the interests of maintaining a fair investigation. No action should be interpreted as anything other than a precautionary safeguarding measure while a concern/allegation is under investigation. 	

15. Referring Concerns

Any welfare concerns identified and/or presented will be explored against their own individual merit, and the Y’s responses will be in accordance with any consent, information sharing and/or referral needs that are applicable. This includes referring concerns to and/or

escalating concerns to Oranga Tamariki and/or Police where applicable.

Depending on the significance of the concerns, Safeguarding Staff may undertake responses aligned to any of the following intervention levels:



15.1 Early Help - The goal of early intervention is to help reduce the prevalence and severity of vulnerabilities that have already presented. It is basically aiming to prevent any vulnerabilities taking hold and/or becoming ingrained, escalating and/or from being repeated. With consent from the family, the Y can explore support options as:

- Tailoring and being flexible with our service as much as possible.
- Working together with families to help access the support they may need (e.g. signposting to and/or supporting families with referrals to specific community services).

15.2 Community Support – Sometimes support from more than one service may be needed, in these circumstances with consent from the family, the Y can seek to help the family access the multi-agency support needed. Multi-agency community-led support does vary between locations, but the below are some of the more common options:

- Family Services Directory <http://www.familyservices.govt.nz/directory/>
- Oranga Tamariki Children’s Teams <https://www.orangatamariki.govt.nz/support-for-families/childrens-teams/>
- Strengthening Families <http://www.strengtheningfamilies.govt.nz/>
- Work and Income <https://www.workandincome.govt.nz>
- Working for Families <https://www.workandincome.govt.nz/products/a-z-benefits/working-for-families.html>

15.3 Child Protection Services – any concerns that indicate known or suspected abuse or neglect will be referred to specialist child protection services. We may escalate lower level (e.g. early intervention/community support) concerns to child protection services when:

- The Parent/Guardian fails to acknowledge and/or engage with the Y in regards to the identified concerns, particularly when external support needs have been identified, and concerns for the child remain.
- Current support measures are failing to address concerns and concerns are continuing to impact on the child, other children or are escalating.
- The necessary support and/or multi-agency community structures is not available.
- If the family disengages from Y support and concerns, remain for the child/young person.

Oranga Tamariki	Police
<p>Oranga Tamariki is New Zealand’s child protection service, responsible for investigating and managing concerns relating to suspected or known abuse or neglect.</p> <p>Referrals are made via the Contact Centre (0508 326 459) or email at contact@mvcot.govt.nz Lines are open 24/7. After 5pm and on weekends, social workers are only available for emergency situations. However, calls are encouraged as all case needs will be assessed.</p> <p>When seeking advice and guidance from Oranga Tamariki, we may do this by sharing our concerns but with-holding any identifying information. However, if upon hearing our concerns, Oranga Tamariki advises that concerns need to be referred, we are then required to share the applicable identifying information.</p>	<p>Police are the other child protection service. They have Child Protection Units, a division specifically designated to investigate child abuse/neglect cases.</p> <p>They work closely with Oranga Tamariki to support the child’s welfare, although their specific responsibilities relate to those cases where criminal charges and/or prosecutions may be applicable.</p> <ul style="list-style-type: none"> ▪ 111 for emergencies ▪ 105 for non-emergencies – ask for the child protection unit.

Online Safeguarding Concerns_- For online concerns, Netsafe can also offer support services. Netsafe is an independent, non-profit organisation focused on online safety. They provide online safety education, advice and support. Netsafe’s free and confidential helpline is set up to help with online bullying, abuse and harassment. Open from 8am-8pm Monday to Friday and 9am-5pm on weekends and public holidays. [Netsafe](https://www.netsafe.org.nz) – 0508 NETSAFE (0508 638 723) or email queries@netsafe.org.nz



15.4 Ministry and Potential Partner Agency Notifications -

Where the Y identifies and/or is presented with a serious case concern that has been referred to and/or is being managed by child protection services; the Y may be under:

- Ministry service standards requiring notification (this would also be applicable for any serious injury or illness or incident involving a child/young person).
- An obligation to inform partner agencies where there are shared service provision contracts.

15.5 Child Protection Service’s Responses to the Y

When referring concerns to Oranga Tamariki, the Y safeguarding staff will seek to be provided with –

- Clarity on how the concerns will be taken forward and what will happen next.
- Clarity on how the Y will receive feedback on relevant information and/or the case progression (within case remits).
- If outstanding, clarity on how the child’s family be informed and by when. If this responsibility lies with the Y, staff will also seek clarity on what can and cannot be shared.
- If the response does not meet the Y’s expectations, staff should formally state the response being sought.

16. Escalating Concerns

Safeguarding Staff will ensure that any concerns meeting the below are escalated for:

C.E.O. Awareness	C.E.O. Involvement and Board Awareness
<ul style="list-style-type: none"> ▪ There is potential for concerns having occurred and/or escalated due to Y practice errors. ▪ There are significant errors in practice from partner agencies (e.g. Oranga Tamariki/ Police) that may impact on the case, the Y and/or the Y’s reputation. ▪ Case requires H.R. disciplinary actions. ▪ Case requires being shared with partner agencies, e.g. N.Z. Ministries; Other Y’s, contract Partner Agencies, etc. ▪ There <i>may be</i> a risk of media interest in the case and/or the case has similarities to previous Y cases covered by N.Z. and/or international media. 	<ul style="list-style-type: none"> ▪ Concerns relate to Senior Management. ▪ Case relates to Y Staff and requires working under the advice, guidance and/or instruction of Child Protection Services, e.g. Police, Oranga Tamariki. ▪ Concerns <i>have</i> occurred and/or escalated due to Y practice errors. ▪ Case requires being reported to partner agencies, e.g. N.Z. Ministries; other Y’s, contract Partner Agencies, etc. ▪ The case has a relevance to the national and/or international Y brand and reputation. ▪ There <i>is</i> media interest in the case and/or the case has similarities to previous Y cases covered by N.Z. and/or international media.

17. Recording Concerns

- All safeguarding concerns are to be recording on a Safeguarding Incident Form as soon as possible.
- Completion may be electronic or in hard copy.
- Completed forms should be forward to the Safeguarding Staff or Manager to whom the safeguarding concern has been reported.
- Incident forms may be shared after reporting your concern, but they must be forwarded to the person handling the report within 48hrs of the incident occurring.
- When relating to a disclosure workforce members are encouraged to record **word for word** anything stated by the child/person disclosing, as well as what they have said, and any actions taken.
- Physical indicators should be recorded on a Safeguarding Incident Form Body Map.
- All information will be kept securely and in accordance with New Zealand’s legislated data requirements.



Records should:

- **Be specific** – what is the exact nature of the concern, which category of abuse does it suggest?
- **Reflect the evidence** – what was seen, heard, who said what, when, how?
- **Be precise** – with responses displayed, actions taken, by who, when.
- **Be factual** – records should be factual to what has happened, been said or is supported by evidence, they should avoid containing any opinions. If included, records should clearly reflect these points as an opinion.

18. Whistleblowing

Whistleblowing is a term used to describe the reporting of concerns within an organisation, outside of mainstream reporting frameworks.

Concerns and/or the behaviours creating concerns, may not always relate to safeguarding but should for any reason a staff member feel blocked or that they are being 'silenced' from exposing any concerning practice; whistleblowing procedures offer an alternative reporting platform.

Whistleblowing helps to create exposure to concerns while being a channel that offers staff/the person reporting, increased levels of anonymity and/or security in reporting. Whistleblowing procedures are in the main

designed to support exposure of significant concerns (e.g. fraud, corruption, institutional abuse and/or neglect, etc.) that may be occurring within the organisation, the organisation's hierarchy, across the organisation's staff or services, or in any other manner.

However, should someone hold concerns that may not be as significant in threshold yet still create worry about the Y's practice and/or the welfare of children/young people, their families, Y staff and/or the Y; our Whistleblowing Policy is another form of support to encourage the reporting of any potential organisational and/or welfare concerns.

19. Policy Monitoring and Review

- The Y will review this policy annually.
- Some circumstances may trigger an early review; this includes but is not limited to legislative changes, organisational changes, any organisational learnings and any other matters deemed appropriate by the Safeguarding Committee to instigate an earlier review.
- We will utilise any applicable workforce and customer communication, along with any induction, training data, case learnings, etc. to inform our safeguarding policy and procedure reviews.

20. Other Applicable Policies and Procedures

Early Childhood Education Curriculum Framework 2016

Level 3 Social Sector Accreditation Standards

Licensing Criteria for Early Childhood Education & Care Services 2008

M.D.S. Social Sector Accreditation Standards - Level 2

M.D.S. Social Sector Accreditation Standards - Level 3, Version 4

M.D.S. Specialist Accreditation Standard: Outdoor Pursuits and Camp Programmes for Children and Young People

M.S.D. Specialist Accreditation Standard: Out of School Care and Recreation (OSCAR) Programmes

Y Employee Policies and Procedures

Y Behaviour Management Policy

Y Policy Breach Protocol

Y Whistleblowing Policy

Appendix 1 – The Y’s Safeguarding Staff

This section of the policy was last updated – October 2021

Name	Position	Contact details
Amy Moreland	Safeguarding advisor	Amy.moreland@ycentral.nz 0274149496
Stephen Palmer	Safeguarding Champion- Recreation	Stephen.palmer@ycentral.nz 0277658818
Natasha Guildford	Safeguarding Champion/Committee member-Youth	Natasha.guilford@ycentral.nz 0276442020
Lisa Te Moananui	Safeguarding Champion-Masterton	lisa.temoananui@ycentral.nz 06 5267338
Gayelene Patchett	Safeguarding Champion-ECE	Gaylene.patchett@ycentral.nz 06 3496117
Stacey Anthony	Safeguarding Champion-Y Kids	Stacey.anthony@ycentral.nz 0223854193
Eduardo Castro	Safeguarding Champion-Accommodation	Eduardo.castro@ycentral.nz 0274149494
Robyn Waldrom	Safeguarding Champion-Outdoors	youtdoors@ycentral.nz 0278895938

Appendix 2 – Safeguarding Code of Conduct

Appointment, Induction and Training

- Staff are only to commence active duties once all elements of safer recruitment are complete and deemed satisfactory.
- All staff are to complete their safeguarding induction within their first month (preference is for their first week).
- All staff are to complete all safeguarding training applicable to their role within their first three months.

Our Staff D.O.	Our Staff DO NOT
<ul style="list-style-type: none"> ✓ See safeguarding as a shared workforce responsibility. ✓ Maintain a Duty of Care, ensuring all environments and provisions meet our safeguarding requirements. ✓ Work within all applicable service staff to children ratios. ✓ Work within the line of sight and sound of others. Any services exempt from this are detailed with the Y’s service information. ✓ Ensure for activities requiring the Y’s supervision, that all children are registered and signed in/out. ✓ Only release children/young people to authorised adults and may verify I.D. upon collection. ✓ Ensure all visitors sign-in/out and are not left alone with children/young people. ✓ Ensure children are not alone when using personal facilities, e.g. peer pairings, etc. ✓ Uphold their Position of Trust by being professional and positive role models for our children and young people. ✓ Only use positive, encouraging and age-appropriate 	<ul style="list-style-type: none"> ✗ Use any form of physical discipline or communication that ignores, permits or enables physical abuse. ✗ Initiate or perform any physical contact that is unnecessary to the child’s needs or activity, or that is not consented to and/or relates to a task the child can do on their own. ✗ Show any form of preference, favouritism or bias towards a child and young person ✗ Engage with any person in a manner that may be deemed as shameful, oppressive, humiliating, belittling or degrading. ✗ Initiate or engage in any discussions or behaviours in the presence of, or with a child/young person, that has a sexual association or is any form open to perceptions of grooming. ✗ Use their Y position or relationship with the child/young person as a means to instigate any out-of-hours contact with the child/young person or their family. ✗ Communicate directly with children/young people via phones, emails or social media, unless part of an approved

<p>language when supporting and/or in the vicinity of children/young people.</p> <ul style="list-style-type: none"> ✓ Uphold child’s rights, including their right to safety and to be free from harm and abuse. Abiding by the Y’s mandatory internal safeguarding reporting processes. ✓ Promote inclusivity across diversity, ensuring everyone can participate, belong and is treated with respect. ✓ When customer-facing the Y’s uniform as per our Uniform Policy. ✓ Use the Y’s platforms and I.C.T. resources for customer communication (e.g. emails, social media pages, etc.). Ensuring all youth communication language and tone is age/developmental level appropriate. ✓ Ensure any I.C.T. or online resources being accessed by or within the vicinity of young people, are in accordance with the Y’s safeguarding requirements. ✓ Complete all required police screening renewal checks. 	<p>Y way of working (reflected within our service information) and parental consent has been provided.</p> <ul style="list-style-type: none"> ✗ Work 1:1 with a child/young person, unless this has been reflected within Y service information and parental consent has been received. ✗ Do not do any of the following without having organisational and parental consent: <ul style="list-style-type: none"> ○ Take any imagery of a child/young person. ○ Transport a child/young person. ○ Take child/young person outside of the service location, e.g., to an event, on an excursion, etc. ✗ Work under the influence of or in possession of drugs or alcohol. ✗ Work or volunteer for the Y if any additional hours or secondary employment will or has had on their capability and competence to perform their duties.
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Any breach of our Safeguarding Code of Conduct is taken seriously and may be subject to disciplinary action, up to and including dismissal.

Appendix 3 – Legislation Guidance

[te Tiriti o Waitangi/the Treaty of Waitangi](#)

Te Tiriti/the Treaty is New Zealand's founding document. Signed in 1840, it is an enduring, living document, its principles recognised in legislation and interpreted by the courts. It is part of the fabric of New Zealand society. It is the foundation of a bicultural partnership between Māori and Taiwi (non-Māori New Zealanders) in Aotearoa. The Treaty is articulated in law through an evolving set of principles.

[Children Act 2014](#)

In accordance with the Children Act 2014:

- Our Safeguarding and Child Protection Policy is as a minimum available on our intranet.
- We operate to required workforce safety checks and where possible implement best practice. These checks include risk assessment and police screening (initial and refresher checks) elements.
- This policy and all police checks are revised within a maximum every 3 years.
- Staff are supported in expectations to recognise and respond to abuse concerns.

In accordance with the Children Act 2014, we also note ‘contact’ as encompassing:

- Physical contact;
- Oral communication (in person or by phone);
- Communication through any electronic medium, including by way of writing or visual images.



[Crimes Amendment Act 2011](#)

Section 195 and 195A – Failure to protect a child or vulnerable adult - Under section 195 and 195A of this Act, a child is defined as a person under the age of 18 years. Everyone is liable to imprisonment for a term not exceeding 10 years who, being a person described in subsection (2), has frequent contact with a child or vulnerable adult (the **victim**) and “*knows that the victim is at risk of death, grievous bodily harm, or sexual assault ...fails to take reasonable steps to protect the victim*”.

2)The persons are—

“(a)a member of the same household as the victim; or

“(b)a person who is a staff member of any hospital, institution, or residence where the victim resides.”

[Education \(Early Childhood Services\) Regulations 2008](#)

The regulations set standards and expectations for curriculum development, teacher qualifications, centre size and ratios, health and safety practices, facilities and premises, and governance, management and administration requirements. The regulatory framework for E.C.E. consists of:

- i. the Education Act 1989
- ii. the Education (Early Childhood Services) Regulations 2008 and the Education (Playgroups) Regulations 2008
- iii. Licensing criteria for E.C.E. services, kōhanga reo and playgroups.

[Family Violence Act 2018](#)

The Family Violence Act 2018 repeals and replaces the Domestic Violence Act 1995 and the Family Violence (Amendments) Act 2018 which amends the Bail Act 2000, Crimes Act 1961, Sentencing Act 2002, Evidence Act 2006, Criminal Procedure Act 2011 and Care of Children Act 2004.

- Updates the definition of family violence to better reflect controlling behaviour.
- It enables the family violence sector to have a more consistent response to victims and those who inflict family violence.
- Provides a set of principles to guide decision making and support a consistent, appropriate and timely response for all.
- Names 10 government agencies and a range of social service practitioners as Family Violence Agencies.
- Clarifies that a carer can also be in a close personal relationship with the person they care for.
- Increases the maximum duration of Police Safety Orders and increases support for bound people.
- Removes legal barriers to information sharing between agencies to increase victims’ safety.

The Family Violence (Amendments) Act 2018

The Family Violence (Amendments) Act 2018 makes changes to a number of Acts to improve responses to family violence in both the criminal and civil law. The Act:

- Ensures that the safety of victims, including children, is the priority when courts make decisions on bail.
- Amends the Care of Children Act to better protect children and victims in parenting arrangements.
- Creates the new family violence offence of strangulation or suffocation.
- Makes it an offence to force someone into marriage or a civil union in New Zealand or overseas.
- Makes it a specific offence to assault a family member.

Source: <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/reducing-family-and-sexual-violence/a-new-family-violence-act/>

Harmful Digital Communication Act 2015

The Harmful Digital Communications Act (HDCA) has 10 communication principles, which say digital communication should not:

1. Disclose sensitive personal facts about a person
2. Be threatening, intimidating or menacing
3. Be grossly offensive
4. Be obscene or indecent
5. Be used to harass a person
6. Make a false allegation
7. Break confidences
8. Incite or encourage anyone to send a deliberately harmful message
9. Incite or encourage a person to harm themselves or commit suicide
10. Denigrate a person's colour, race, ethnic or national origins, religion, gender, sexual orientation or disability.

Digital communications are any form of electronic message, including texts, emails, photos and recordings

Health and Disability Commissioner Act 1994

The purpose of this Act is to protect the rights of health and disability customers and provide them with fair and efficient complaint resolution when those rights have been breached. The Code of Rights gives 10 rights...

1. To be treated with respect.
2. To be treated fairly without pressure or discrimination.
3. The right to dignity and independence.
4. To receive a quality service and to be treated with care and skill.
5. To be given information that can be understood in a way that helps them communicate with the person providing the service.
6. To be given the information needed to know about their health or disability; the service being provided and the names and roles of the workers; as well as information about any tests and procedures they need and any test results. In New Zealand, people are encouraged to ask questions and to ask for more information to help them understand what is going on.
7. To make their own decision about their care, and to change their mind.
8. To have a support person with them.

9. To have all these rights apply if they are asked to take part in a research study or teaching session for training workers.
10. To have the right to complain and have their complaint taken seriously.

[Health and Safety at Work Act 2015](#)

Our duty of care means we have the primary responsibility for the health and safety of our staff and any others who may be influenced by our work. Our duty of care includes protecting any person from any unnecessary risks of harm. All possible care must be taken to ensure everybody’s wellbeing and safety is met, ensuring we act without negligence.

[Human Rights Act 1993](#)

The Human Rights Act governs the work of the New Zealand Human Rights Commission. The Human Rights Act outlaws discrimination on the basis of:

- Sex (including pregnancy and childbirth)
- Marital status
- Religious belief
- Ethical belief
- Colour
- Race
- Ethnic or national origins
- Disability
- Age
- Political opinion
- Employment Status
- Family Status
- Sexual orientation

[Oranga Tamariki Act 1989](#)

[Section 2, Oranga Tamariki Act 1989](#) defines child abuse as: “...the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect or deprivation of any child or young person”.

[Privacy Act 2020](#)

[Information Privacy Principle 11 - Limits on disclosure of personal information:](#)
 An agency that holds personal information shall not disclose the information to a person or body or agency unless the agency believes, on reasonable grounds...,
 (f) that the disclosure of the information is necessary to prevent or lessen a serious threat to –
 (i) Public health or public safety; or
 (ii) The life or health of the individual concerned or another individual.

[Summary Offences Act 1981](#)

[Section 10B – Leaving a child without reasonable supervision and care](#)
 We recognise our legal supervision requirements when holding parental duty of care for a child under the age of 14 years include ensuring that child is supervised and supervision is reasonable in regard to capabilities, time and circumstances.

[United Nations Convention on the Rights of the Child 1989 \(UNCRC\)](#)

The UNCRC is a human rights treaty that is a legally-binding international agreement setting out the rights of every child. Ratified in New Zealand on 6 April 1993, N.Z. Government agreed that the best interests of the child must come first where decisions, laws or services involve children. Every child has basic fundamental rights which include the right to:

- Life, survival and development.
- Protection from violence, abuse or neglect.
- An education that enables children to fulfil their potential.
- Express their opinions and be listened to.

