



D7 - Child Protection Policy and Procedure

Outcome statement

The Learning Differences Aotearoa Trust's (LDA Trust) aim is to ensure that all children are protected from harm, have their rights protected and welfare promoted. The Vulnerable Children's Act 2014 requires all child related agencies to work together to improve the well-being of vulnerable children.

Scoping

All staff members (including contractors and volunteers) are expected to be familiar with this procedure, its associated policy and procedures and protocols and abide by them.

Advice will be sought through appropriate agencies in all cases of suspected or alleged abuse.

In line with Section 15 of the [Oranga Tamariki Act 1989](#), any person in our LDA Trust/kura who believes that any child or young person has been or is likely to be harmed (whether physically, emotionally or sexually), ill-treated, abused, neglected or deprived must follow LDA Trust procedures and may also report the matter to a social worker or the local Police.

Child Protection

LDA Trust aims to ensure the safety and security of all children by practicing open and accountable child-centered decision-making. We recognize the importance of involving family/whānau in decision-making about their children, and will involve children in decision-making about themselves in age-appropriate ways. We acknowledge that child protection is everyone's responsibility and we promote our child protection policies/procedures to our community.

“Child” – in the context of our LDA Trust's child protection policies/procedures, means a child or young person aged under 17 48 years (who is not married or in a civil union) – Children's Act 2014.

LDA Trust takes concerns about the safety of children seriously and responds to them quickly. Prevention and early intervention are important, and we support the principle of applying the least intrusive intervention possible to protect vulnerable children.

We share information with appropriate agencies if sharing that information will protect or improve the safety, health, or well-being of a child. By law, we can share information with the police and Oranga Tamariki.

Organisations are subject to the Children's Act 2014, and must have child protection policies/procedures. At LDA Trust the Learning Differences Adviser is the designated person responsible for child protection policies, and is the primary point of contact for concerns about a child, including concerns about abuse or neglect. LDA Trust protection policies/procedures apply to trust employees, contractors and volunteers.

Any external service provider who has their own Child Protection Policy must have this Policy approved by the LDA Trust Board or they will be expected to abide by the LDA Trust Protection Policy and Procedure.

The LDA Trust Child Protection Procedure Includes:

- Concerns about student welfare
- Safety Checks
- Identity Confirmation
- Police Vetting
- Staff Employment Processes
- Definitions and Indicators of Child Abuse/Neglect/Family Violence
- Care and Management of Students
- Responding to a child who discloses information
- Recording and reporting to Oranga Tamariki
- Contact between staff and children on workshops and Trust events
- Out of event contact between staff and students
- Timeout and seclusion

- Separated parents, day to day care and guardianship
- Digital Technology and Cyber Safety
- Sexual Behaviour in Children
- Abuse Disclosure Flow Chart
- Allegation Against Staff Flow Chart
- Other associated policies and procedures
- Further resources, links etc to support this procedure

Concerns about student welfare.

Staff have a professional responsibility to report any concerns about abuse or neglect, or professional misconduct to the Trust's designated child protection person, the Learning Difference LD Adviser.

Notes will be recorded as appropriate under either 'Behaviour Concerns'. The name of the staff member reporting the concerns will also be recorded in these notes.

Decisions around actions beyond recording initial notes will be made collectively to endeavour to address the concerns at the lowest point of intrusion while maintaining the child's health and safety as paramount.

Safety Checks

The Vulnerable children's Act 2014 (VCA) introduced safety checks as one of the measures to help reduce the risk of harm to children. Safety checks must be completed for all people employed or engaged in work that involves regular, overnight contact with children.

Under the VCA there are no requirements to complete safety checks for volunteers, however volunteers often work with children and the Trust requires that a Police Vet is completed for ALL volunteers.

Under the VCA the safety check consists of:

Identity confirmation S5 (VCA regulations)	<ul style="list-style-type: none"> • What do they need to ensure that someone is who they say they are?
Information about previous criminal conviction (if any) S6 (VCA regulations)	<ul style="list-style-type: none"> • A Police vet will identify any criminal convictions that would prevent them working in your organisation.
Other information S7 (VCA regulations)	<ul style="list-style-type: none"> • Eg is there anything in their previous work history that identifies any concerns?
Risk Assessment S8 (VCA regulations)	<ul style="list-style-type: none"> • Does the person pose any risk to the safety of children? • What do we need to do to make sure they are safe to work with children?
Periodic safety checks Part 2 (VCA regulations)	<ul style="list-style-type: none"> • How do we ensure ongoing commitment to child safety?

Identity Confirmation

At LDA Trust identity verification consists of:

- One primary form of identification, for example
NZ or overseas passport
NZ full birth certificate that is issued on or after 1 January 1998 with a unique ID number
- A secondary form of official identification, for example
NZ Driver's License
Community Services Card
IRD Number
- One of the forms of identification must include a photo
- You can also use electronic forms of identification for example RealMe

If the name of the person differs from the name on the documentation, they provide eg marriage / divorce, they will need to provide a supporting document that shows evidence of the name change.

Police Vetting

Contractors and volunteers for Growing Stars working with Able Minds are vetted by their employer. We receive annual reassurance statements from the organisation that their employees are police vetted and clear to work at our workshops.

The Trust will police vet all new staff and regular staff every three years.

Staff Employment Processes

When undergoing employing new staff members at LDA Trust the following information needs to be obtained to ensure a comprehensive risk assessment has taken place:

Reference checks are imperative and at least one but preferably 2 referees must be supplied by any candidates. Referees must not be related to the candidate and should include a mix of current and past employers and colleagues. The current employer / immediate past employer must be included as a referee. If they are reluctant to include their current employer, check the reasons why.

Referee contact details must include landlines (business numbers) rather than just personal cell phones as it is easier to verify identity of the referee through business contact numbers.

Definitions and Indicators of Child Abuse/Neglect/Family Violence

These definitions are taken from Safer Organisations Safer Children: Guidelines for child protection policies to build safer organisations.

Type of Abuse	Definition	Potential indicators
Physical abuse	Any acts that may result in the physical harm of a child or young person.	It can be, but is not limited to: bruising, cutting, hitting, beating, biting burning, causing abrasions, strangulation, suffocation, and drowning, poisoning and fabricated or induced illness.
Sexual abuse	Any acts that involve forcing or enticing a child to take part in sexual activities, whether or not they are aware of what is happening.	Sexual abuse can be, but is not limited to: <ul style="list-style-type: none"> Contact abuse: touching breasts, genital/anal fondling, masturbation, oral sex, penetrative or non-penetrative contact with the anus or genitals, encouraging the child to perform such acts on the perpetrator or another, involvement of the child in activities for the purposes of pornography or prostitution. Non-contact abuse: exhibitionism, voyeurism, exposure to pornographic or sexual imagery, inappropriate photography or depictions of sexual or suggestive behaviours or comments.
Emotional abuse	Any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development.	This can include: <ul style="list-style-type: none"> Patterns of isolation, degradation, constant criticism or negative comparison to others. Isolating, corrupting, exploiting or terrorizing a child can also be emotional abuse. Exposure to family/whanau or intimate partner violence.
Neglect	Neglect is the most common form of abuse, and although the effects may not be as obvious as physical abuse, it is just as serious.	Neglect can be: <ul style="list-style-type: none"> Physical (not providing the necessities of life, like a warm place, food and clothing). Emotional (not providing comfort, attention and love). Neglectful supervision (leaving children without someone safe looking after them). Medical neglect (not take care of health needs). Educational neglect (allowing chronic truancy, failure to enrol in education or inattention to education needs).
Family Violence	<p>Family violence is abuse against any person whom that person is, or has been, in a domestic relationship with (NZ Family Violence Clearinghouse).</p> <p>Family violence covers a broad range of controlling behaviours, commonly of a physical, sexual, and/or psychological nature that typically involve fear, intimidation or emotional deprivation.</p> <p>It occurs within a variety of close interpersonal relationships, such as between partners, parents and children, siblings, and in other relationships where significant others are not part of the physical household but are part of the family and/or are</p>	<p>This can include sibling against sibling, child against child, adult against child and violence by an intimate partner against the other partner (NZ Family Violence Clearinghouse; Issues Papers 3 and 4 April 2013)</p> <p>Common forms of violence in families/ whanau include:</p> <ul style="list-style-type: none"> Spouse/partner abuse (violence among adult partners). Child abuse/neglect (abuse/neglect of children by an adult). Elder abuse/neglect (abuse/neglect of older people aged approximately 65 years and over, by a person with whom they have a relationship of trust). Parental abuse (violence perpetrated by a child against their parent); sibling abuse (violence among siblings), (Te Rito – NZ Family Violence Strategy, Ministry of Social Development, 2002).

Type of Abuse	Definition	Potential indicators
	fulfilling the function of family. (Te Rito – the NZ Family Violence Prevention Strategy)	
Intimate partner violence	Intimate partner violence is a subset of family violence.	The NZ Family Violence Clearinghouse states that intimate partner violence includes physical violence, sexual violence, psychological / emotional abuse, economic abuse, intimidation, harassment, damage to property and threats of physical or sexual abuse towards an intimate partner (NZ Family Violence Clearinghouse; Issues Papers 3 & 4 April 2013).

Care and Management of Students

LDA Trust promotes a culture of care and protection of children, and expects a high degree of professionalism from staff working with children.

LDA Trust treat all students with care, courtesy, and use appropriate language. They create a positive and safe learning environment, promoting positive student behaviour. Unacceptable behaviour, including bullying, is dealt with through the LDA Trusts behaviour management procedure and PB4L processes.

Staff

Staff must be receptive and sensitive to children so that students feel listened to and believed. Staff members are trained to consider overall wellbeing and risk of harm to the child, which includes recognising the definitions and symptoms of neglect, and physical, sexual, and emotional abuse of children. It is normal for staff to feel uncertain. The important thing is that they can recognise when something is wrong, especially if they notice a pattern, or several signs that make them concerned. Staff should feel empowered to act on suspected abuse and neglect, even when the patterns of symptoms are subtle, which avoiding adhering to stereotypes and making assumptions.

If the concern involves a staff member and child, see also the Complaints and Protected Disclosure procedures.

Children

Children should know what to do and who to talk to if they are being harmed, feel uncomfortable, or want to disclose abuse.

The Children's Act 2014, defines child abuse as the harming (whether physically, emotionally or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person.

Unless the information was disclosed or supplied in bad faith, the person making the disclosure cannot be prosecuted.

Acting on concerns:

- If a concern about a child doesn't amount to a suspicion of abuse or neglect, the LDA Trust may choose to involve, and work with, community social service providers to identify and address the needs of the child.
- If a concern does amount to a suspicion of abuse or neglect see below.

Responding to a child

Staff who have a concern about a child need to know how to respond. If this concern is about possible abuse or neglect, they need to know how to contact the statutory agencies (Oranga Tamariki or the Police) to make a referral.

- If you believe a child is being abused, act immediately to ensure their safety.
- Inform the designated person and agree on an appropriate course of action, in a timely manner.
- Listen to the child and reassure them, but do not make any promises or commitments that cannot be kept.
- Ensure that any information or disclosures made by the child are written down.
- Ensure the child is supported and that there is a responsible adult at the organisation who is available to the child through the investigation, and afterwards.
- Ask open-ended questions. **Do not formally interview the child.** Only obtain necessary and relevant facts. Record word-for-word what the child says. Include the date, time, and who was present, in any written notes.

Responding to a child when the child discloses abuse:	
(i) Listen to the child	Disclosures by children are often subtle and need to be handled with particular care, including an awareness of the child's cultural identity and how that affects interpretation of their behaviour and language.
(ii) Reassure the child	Let the child know that they: <ul style="list-style-type: none"> • Are not in trouble • Have done the right thing
(iii) Ask open-ended prompts – eg "What happened next?"	<ul style="list-style-type: none"> • Do not interview the child (in other words, do not ask questions beyond open prompts for the child to continue). • Do not make promises that can't be kept, eg "I will keep you safe now".
(iv) If the child is visibly distressed	Provide appropriate reassurance and re-engage in appropriate activities under supervision until they are able to participate in ordinary activities.
(v) If the child is not in immediate danger.	Re-involve the child in ordinary activities and explain what you are going to do next.
(vi) If the child is in immediate danger.	Contact the Police immediately.
(vii) As soon as possible formally record the disclosure.	Record: <ul style="list-style-type: none"> • Word for word, what the child said. • The date, time and who was present.

Recording and notifying Oranga Tamariki of suspected child abuse or neglect:		
What process to follow	For example	Key considerations
(i) Recording	Formally record: <ul style="list-style-type: none"> • Anything said by the child • The date, time, location and the names of any staff that may be relevant. • The Factual concerns or observations that have led to the suspicion of abuse or neglect (eg any physical, behavioural or developmental concerns). • The action taken by the LDA Trust. • Any other information that may be relevant. 	Relevant information can inform any future actions.
(ii) Decision-making	Discuss any concern with the LD Adviser or the designated person for child protection.	No decisions should be made in isolation.
(iii) Notifying authorities.	<p>Notify Oranga Tamariki promptly if there is a belief that a child has been, or is likely to be abused or neglected.</p> <p>A phone call to the National Contact Centre is the preferred initial contact with Oranga Tamariki as this enables both parties to discuss the nature of the concerns and appropriate response options.</p> <p>Phone: 0508 326 459 Email:</p>	<p>Oranga Tamariki will:</p> <ol style="list-style-type: none"> 1) Make the decision to inform the parents or caregivers in consultation with the LDA Trust. 2) Advise what, if any immediate action may be appropriate, including referring the concern to Police.
(iv) Following the advice of Child, Youth and Family	Oranga Tamariki advice will include what, if any, immediate action may be appropriate, including referring the concern to the Police.	Oranga Tamariki is responsible for looking into the situation to find out what may be happening, whether we need to work with the family or to put them in touch with people in their community who can help.
(v) Storing relevant information.	Securely store: <ul style="list-style-type: none"> • The record of concern. • A record of any related discussions (including copies of correspondence, where 	Records assist in identifying patterns.

Recording and notifying Oranga Tamariki of suspected child abuse or neglect:		
What process to follow	For example	Key considerations
	<p>appropriate.</p> <ul style="list-style-type: none"> • A record of any advice received. • The action your organization took, including any rationale. • This concern with any earlier concerns, if the notification is based on an accumulation of concerns (rather than a specific incident). 	

Reporting concerns:

As above, inform the LD Adviser and agree on an appropriate course of action, in a timely manner.

Any person can make a direct referral to the Police or Oranga Tamariki if they believe a child is being abused.

- Make a referral to Oranga Tamariki
 - Urgent referral – call Phone: 0508 326 459 or call the Police
 - For a non-urgent referral, follow the process on the Children's Teams section of the website.
- After making the referral, get support for yourself from appropriate persons, if needed.
- Deciding when and who will inform the parent(s) and/or caregivers should be determined by Oranga Tamariki and Police in consultation with the LDA Trust
- Advise the Board

Storing Information

- Securely store records documenting concerns, conversations, advice received, actions taken (including rationale) and any warnings issues. Keep this concern with any other concerns as records help identify patterns.

Contact between staff and children at workshops/events;

- When staff are interacting with a child one to one, they ensure wherever practicable that the space is not closed off from other people and where practicable, the staff member is a responsible distance from the child eg: sitting opposite
- Staff take particular care with students who express themselves freely and seek close physical contact. When this is a problem, it is always discussed with the child's parents.
- Staff are aware that children with special needs may have particular requirements with regards to safety and supervision.
- Staff avoid physical contact with students that could be considered intimate, sexual, threatening, or violent. (Always consider who is the contact for? Is it the child who has initiated and requested this contact? Is it to ensure the safety of the child? Etc)
- If a staff member is attacked by a child, they remove themselves from the situation and protect themselves and any other child without causing injury to the child involved. See the Physical Restraint Policy regarding expectations for this.

Out of LDA Trust contact between staff and students.

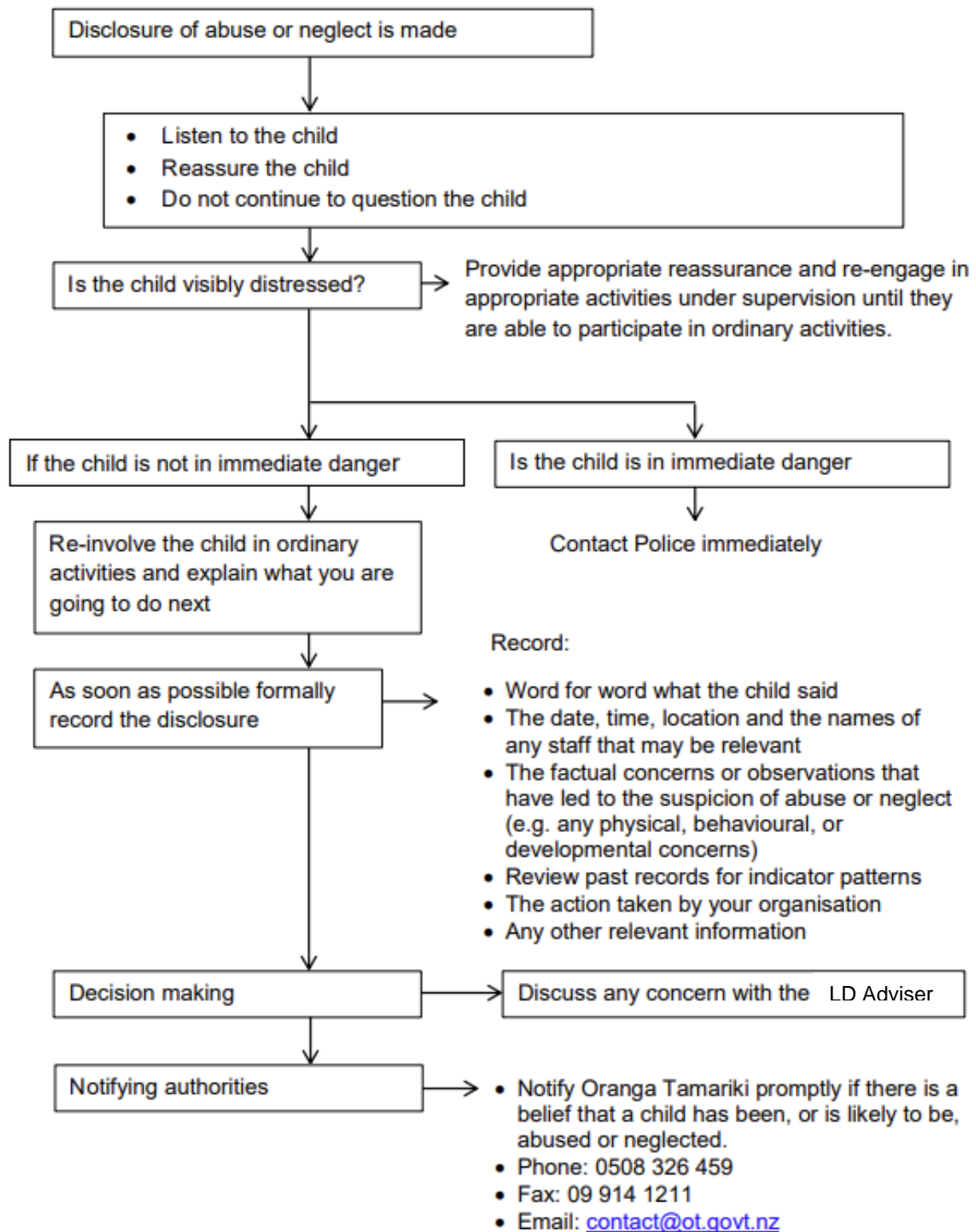
- Staff are vigilant, safe and appropriate in situations of out of LDA Trust contact with students, including through social media, texting, and emails. Staff do not accept social media friend requests of any kind from children at the workshop.

Separated Parents

The Trust will maintain open communication through its usual means with both parents as per usual practice for anything relevant to the child.

**ANYONE CAN MAKE A REPORT OF CONCERN TO ORANGA TAMARIKI AT ANY TIME
IF THEY HAVE CONCERN FOR THE WELLBEING OF A CHILD**

ABUSE DISCLOSURE FLOW CHART

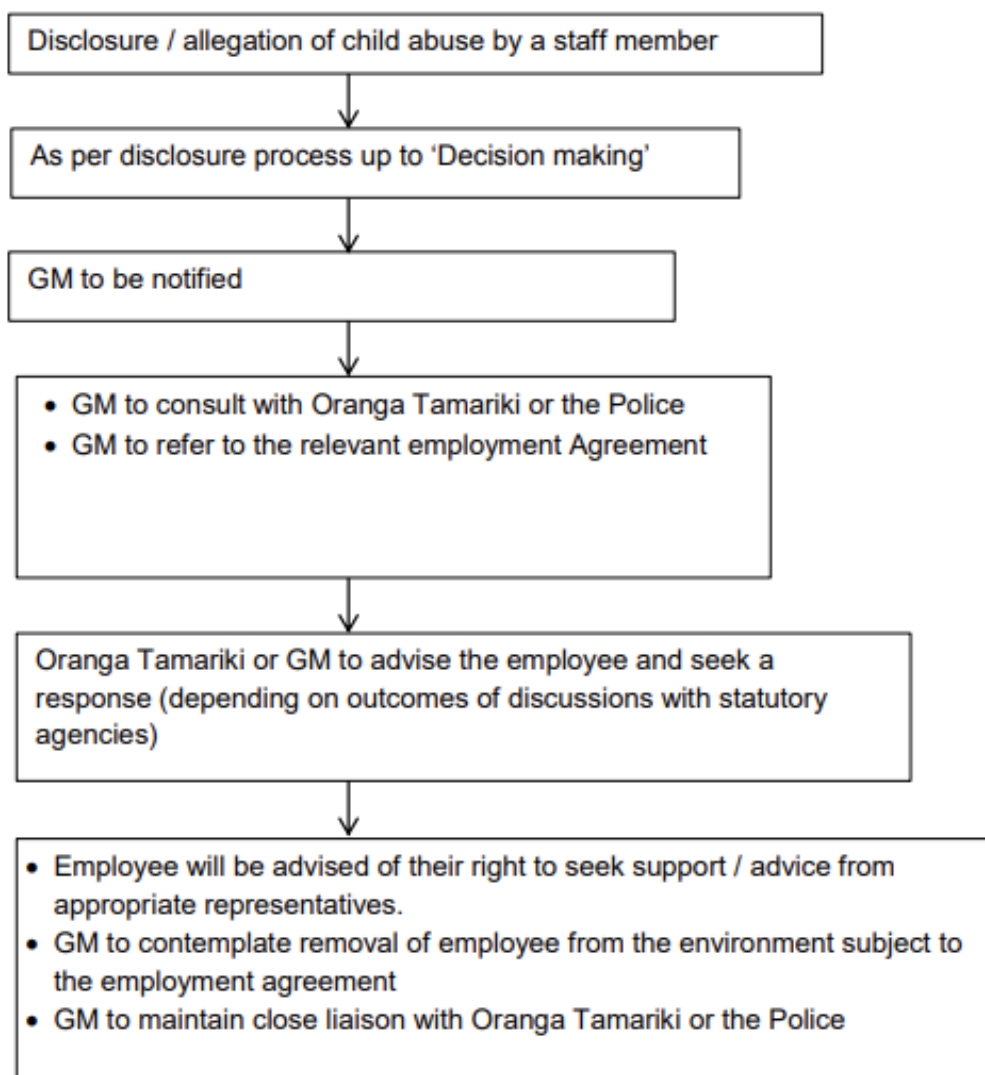


**The Board of Trustees will also be informed as appropriate.
Support will be provided for the staff member who received the disclosure.**

WHEN AN ALLEGATION IS MADE AGAINST A MEMBER OF STAFF OR VOLUNTEER

All matters involving allegations against staff need to be escalated to the GM.

To ensure the child is kept safe, the GM may take steps to remove the staff member against whom an allegation has been made from the environment, subject to the requirements of the applicable individual or collective employment agreement and relevant employment law.



SETTLEMENT AGREEMENTS WILL NOT BE USED

We commit not to use 'settlement agreements' where these are contrary to the culture of child protection. Some settlement agreements allow a member of staff to agree to resign provided that no disciplinary action is taken, and a future reference is agreed.

Note:
GM refers to the Learning Differences Adviser

ADDITIONAL INFORMATION

Glossary

Term	Definition
Child	Any child or young person aged under 14 years and who is not married or in a civil union.
Young Person	A boy or girl of or over the age of 14 years but under 17 years.
Child protection	Activities carried out to ensure that children are safe in cases where there is suspected abuse or neglect or are at risk of abuse or neglect.
Designated person for child protection	The manager/supervisor or designated person responsible for providing advice and support to staff where they have a concern about an individual child or who want advice about child protection policy.
Disclosure	Information given to a staff member by a child, parent or caregiver or a third party in relation to abuse or neglect.
Oranga Tamariki	The agency responsible for investigating and responding to suspected abuse and neglect and for providing care and protection to children found to be in need.
New Zealand Police	The agency responsible for responding to situations where a child is in immediate danger and for working with Child, Youth and Family in child protection work and investigating cases of abuse or neglect where an offence may have occurred.
Sexual abuse	Any acts that involve forcing or enticing a child to take part in sexual activities, whether or not they are aware of what is happening. (A more detailed explanation of abuse follows Definitions section).
Physical abuse	Any acts that may result in physical harm of a child or young person. It can be, but is not limited to: bruising, cutting, hitting, beating, biting, burning, causing abrasions, strangulation, suffocation, drowning, poisoning and fabricated or induced illness.
Vulnerable Children	Children who are at significant risk of harm to their wellbeing, now and into the future, as a consequence of the environment in which they are being raised, and in some cases, due to their own complex needs.
Environmental Factors	Factors that influence child vulnerability including not having their basic emotional, physical, social, developmental and/or cultural needs met at home or in their wider community.

Supporting Policies and Procedures

- Bullying Prevention and Response Policy
- Behaviour Management Procedure
- Student / Parent / LDA Trust ICT Agreement
- Protected Disclosure Policy
- Physical Restraint
- LDA Trust Traumatic Incident Response Procedure
- Privacy of Information Procedure
- Staff Appointments Procedure
- Police Vetting Policy and Procedure
- Managing challenging behaviour and physical restraint policy and procedures
- Allegations against staff

Contacts

IF YOU BELIEVE A CHILD IS IN IMMEDIATE DANGER CALL:	
POLICE	111
WORRIED A CHILD OR YOUNG PERSON YOU KNOW COULD BE AT RISK OF HARM FROM ABUSE OR NEGLECT?	
ORANGA TAMARIKI MINISTRY FOR VULNERABLE CHILDREN https://www.mvcot.govt.nz/	0508 FAMILY (0508 326 459)
	<i>If you're a LDA Trust:</i> 0508 EDASSIST (0508 332 774)
VULNERABLE CHILDRENS HUB	0800 FOR OUR KIDS (0800 367 687)

Legislative compliance

[Children's Act 2014](#)

[Oranga Tamariki Act 1989](#)

Further Information

[Oranga Tamariki Ministry for Children](#) – further information and sample child protection templates

[Ministry Of Education Vulnerable Children's Act 2014](#) – A Practical guide for Early Childhood Education Services, Ngā Kōhanga Reo, Playgroups, LDA Trusts and Kura

[How can I tell?](#) Recognising abuse

NZSTA website www.nzsta.org.nz

Ministry of Education Website www.education.govt.nz

Effectiveness Review

This policy will be reviewed Annually in accordance with the Board's programme of self-review

Ratified 17 August 2023

Signed *Lisa Tou, Chair*

Review Date 17 August 2024