



## CHILD PROTECTION POLICY

### Summary:

- 1) Creative Arts Napier / Nga Ringatoi Auaha O Ahuriri ( CAN) does not act as a child education/care or support service as such, but at times may provide the environment for activities like exhibitions or art courses that may involve children.
- 2) Ensuring the wellbeing and safety of children, including prevention of child abuse or maltreatment, is therefore a paramount goal of the organisation, if and when children are present in our facility. This policy provides guidance to staff and volunteers on how to identify and respond to concerns about the wellbeing of a child, including possible abuse or neglect. The process for responding to a concern about a child is on page 5 of this policy. The interests of the child will be the paramount consideration when any action is taken in response to suspected abuse or neglect. Creative Arts Napier (CAN) commits to support the statutory agencies (Oranga Tamariki—Ministry for Children and the New Zealand Police (the Police)) to investigate abuse and will report suspected cases and concerns to these agencies as per the process in this policy. The CAN Board will designate a ‘Person for Child Protection’, who will be responsible for the maintenance and annual review of this policy, in addition to supporting the General Manager & Staff who are carrying out the responsibilities outlined in this policy. Staff will not assume responsibility beyond the level of their experience and training. Creative Arts Napier commits to ensure staff have access to the training they need. A digital copy of the policy can be found on our website <https://www.thecan.co.nz> The policy is due to be updated on 1 August 2023. The policy is consistent with Oranga Tamariki—Ministry for Children and Police guidelines and will be updated when new guidance is issued.

**PURPOSE, SCOPE AND PRINCIPLES:** Our child protection policy supports our staff to respond appropriately to potential child protection concerns, including suspected abuse or neglect. It is our organisation’s commitment to protect children from abuse and to recognise the important roles all of our staff have in protecting children. This policy provides a broad framework and expectations to protect children, including (but not limited to) staff behaviours in response to actual or suspected child abuse and neglect. It applies to all staff and volunteers in part-time or temporary roles and all contractors. It is intended to protect all children that staff may encounter within the CAN environment. In addition to guiding staff to make referrals of suspected child abuse and neglect to the statutory agencies – i.e., Oranga Tamariki—Ministry for Children and the Police – this policy will also help our staff to identify and respond to the needs of vulnerable children whose wellbeing is of concern. We recognise that it is important for our CAN to work with and respond to the needs of vulnerable children and families/whānau in a manner proportionate to the level of need and risk. Contact details for agencies and services in our community are provided on page 5 of this policy. To ensure that this organisation demonstrates continual improvement in child protection practice, we will work to maintain a good working relationship with child protection agencies and support our staff to protect children from abuse by consulting with

experts with specialist knowledge and providing the necessary training options for staff and volunteers.

This policy applies to all staff, including contractors and volunteers.

**Definitions:**

Child – any child or young person aged under 17 years and who is not married or in a civil union.

- Child protection – activities carried out to ensure that children are safe in cases where there is suspected abuse or neglect or 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—Ministry for Children – the agency responsible for investigating and responding to suspected abuse and neglect and for providing care and protection to children/tamariki.
- New Zealand Police – the agency responsible for responding to situations where a child is in immediate danger and for working with Oranga Tamariki—Ministry for Children in child protection work and investigating cases of abuse or neglect where an offence may have occurred.
- 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.
  - a) Sexual abuse – any acts that involve forcing or enticing a child to take part in sexual activities, whether or not they are aware of what is happening. Sexual abuse can be, but is not limited to: Contact abuse e.g. touching breasts, genital/anal fondling, masturbation, oral sex, penetrative or nonpenetrative 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.
  - b) 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 may result in adverse or impaired psychological, social, intellectual and emotional functioning or development. This can include: Patterns of isolation, degradation, constant criticism or negative comparison to others. Isolating, corrupting, exploiting or terrorising a child can also be emotional abuse, exposure to family/whānau 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: a) Physical (not providing the necessities of life like a warm place, food and clothing).
  - b) Emotional (not providing comfort, attention and love).
  - c) Neglectful supervision (leaving children without someone safe looking after them).
  - d) Medical neglect (not taking care of health needs).
  - e) Educational neglect (allowing chronic truancy, failure to enrol in education or inattention to education needs).

**TRAINING:** Creative Arts Napier are committed to maintaining and increasing staff awareness of how to prevent, recognise and respond to abuse through appropriate training. As part of their induction, new staff are made aware of this policy on child protection and on guidelines of Identifying child abuse and neglect. Our approach to identifying abuse or neglect is guided by the following principles:

- We understand that every situation is different and it's important to consider all available information about the child and their environment before reaching conclusions. For example, behavioural concerns may be the result of life events, such as divorce, accidental injury, the arrival of a new sibling etc.
- We understand when we are concerned a child is showing signs of potential abuse or neglect we should talk to someone, either a colleague, manager/supervisor or the Designated Person for Child Protection – no staff or volunteer should act alone.
- While there are different definitions of abuse, the important thing is for us to consider overall wellbeing and the risk of harm to the child. It is not so important to be able to categorise the type of abuse or neglect.
- It is normal for employees or volunteers to feel uncertain, however, the important thing is that we should be able to recognise when something is wrong, especially if we notice a pattern forming or several signs that make us concerned. Although CAN staff and volunteers may not have a direct responsibility for supervising children and young people we list signs of potential abuse:
  - Physical signs (e.g., unexplained injuries, burns, fractures, unusual or excessive itching, genital injuries, sexually transmitted diseases). [POSSIBLE]
  - Developmental delays (e.g., small for their age, cognitive delays, falling behind in school, poor speech and social skills). [NOT LIKELY]
  - Emotional abuse/neglect (e.g., sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm). [POSSIBLE]
  - Behavioural concerns (e.g., age-inappropriate sexual interest or play, fear of a certain person or place, eating disorders/substance abuse, disengagement/neediness, aggression). [POSSIBLE]
- The child talking about things that indicate abuse (sometimes called an allegation or disclosure). [POSSIBLE]

We are aware of the signs of potential neglect [POSSIBLE]:

- Physical signs (e.g., looking rough and uncared for, dirty, without appropriate clothing).
- Emotional abuse/neglect (e.g., sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm).
- Behavioural concerns (e.g., disengagement/ neediness, eating disorders/substance abuse, aggression).
- Medical neglect (e.g., skin disorders or other untreated medical issues). Every situation is different and staff/volunteers will consider all available information about the child and their environment before reaching conclusions. For example, behavioural concerns may be the result of life events, such as divorce, accidental injury, the arrival of a new sibling etc.

Creative Arts Napier/ Nga Ringatoi Auaha O Ahuriri will always act on the recommendations of statutory agencies, including Oranga Tamariki—Ministry for Children and the Police. We

will only inform families/whānau about suspected or actual abuse after we have discussed this with these agencies. When we respond to suspected child abuse or any concerning behaviour we write down our observations, impressions and communications in a confidential register, which will be kept separate from our other records and access will be strictly controlled.

Staff involved in cases of suspected child abuse are entitled to have support. We will maintain knowledge of such individuals, agencies and organisations in the community that provide support. Confidentiality and information sharing We will seek advice from Oranga Tamariki—Ministry for Children and/or the Police before identifying information about an allegation is shared with anyone, other than the service manager or designated person. Staff should be aware that:

- Under sections 15 and 16 of the **Oranga Tamariki Act 1989** or **Children’s and Young People’s Well-being Act 1989** any person who believes that a child has been or is likely to be, harmed physically, emotionally or sexually or illtreated, abused, neglected or deprived may report the matter to Oranga Tamariki—Ministry for Children or the Police and provided the report is made in **good faith**, no civil, criminal or disciplinary proceedings may be brought against them.
- When collecting personal information about individuals, it is important to be aware of the requirements of the privacy principles – i.e., the need to collect the information directly from the individual concerned and when doing so to be transparent about: the purposes for collecting the information and how it will be used; who can see the information; where it is held; what is compulsory/voluntary information; and that people have a right to request access to and correction of their information.
- Staff may, however, disclose information under the Privacy Act/Health Information Privacy Code where there is good reason to do so – such as where there is a serious risk to individual health and safety (see privacy principle Code rule 11).

### **Principle 11 – Disclosure of personal information**

Principle 11 states that an organisation may only disclose personal information in limited circumstances.

For instance, an organisation may disclose personal information when:

- disclosure is one of the purposes for which the organisation got the information
  - disclosure is necessary to avoid endangering someone’s health or safety
  - disclosure is necessary to uphold or enforce the law.
- 
- **Child safe practice guidelines:** If staff or volunteers of CAN are in direct supervisory role they should avoid situations where they may be alone with children. Wherever possible an open door policy for all spaces should be used (excludes toilets). Staff should be aware of where all children are at all times. Visitors should be monitored at all times by staff and volunteers and outside instructors should be monitored by staff. If activities require one to one physical contact parents and caregivers should be advised. Where a child or young person requires assistance, e.g., if they are intellectually or physically disabled, if possible involve the parents/caregivers and outside agencies (in education such as the Ministry of Education’s Special Education group) to assist. If this assistance is not available, ensure that the staff members are aware of the appropriate procedures when giving assistance. Staff should avoid being alone when transporting a child or young person, unless an emergency

requires it. Except in an emergency, children and young people are not to be taken from our organisation's premises, or from the programme we provide, without written parental consent.

- If Disclosure of abuse or neglect is made
  - Listen to the child.
  - Reassure the child.
  - Ask open-ended prompts – e.g., “What happened next?” 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. If the child is not in immediate danger Re-involve the child in ordinary activities and explain what you are going to do next.

If the child is in immediate danger. Contact the Police immediately.

As soon as possible formally record the disclosure.

**Phone: 0508 Family (0508 326 459) Fax: 09 914 1211 email: [contact@ot.govt.nz](mailto:contact@ot.govt.nz)**

**Record:**

- Word for word, what the child said.
- 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 (e.g., any physical, behavioural or developmental concerns).
- The action taken by our organisation.
- Any other information that may be relevant.
- If there is disclosure/allegation of child abuse by a staff member the Management team must be notified.
- To ensure the child is kept safe, management 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 contract and relevant employment law.
- CAN commits not to use ‘settlement agreements’, where these are contrary to a culture of child protection. Some settlement agreements allow a member of staff to agree to resign provided that no disciplinary action is taken, and a future reference is agreed. Where the conduct at issue concerned the safety or wellbeing of a child, use of such agreements is contrary to a culture of child protection.
- Management to consult with Child, Youth & Family or the Police.
- Management to contemplate removal of employee from the programme environment, subject to the employment contract.
- **Employee will be advised of their right to seek support/advice from union or other appropriate representatives.**
- Management to maintain close liaison with Oranga Tamariki—Ministry for Children or the Police