



TE PAHU SCHOOL

CHILD PROTECTION POLICY

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Statement of Commitment

The most effective way to safeguard children is to have a comprehensive and effective child protection policy. Te Pahu School values children and is committed to the prevention of child abuse and to the protection of children and recognises that keeping children safe is everyone's responsibility. This commitment means that the interests and the welfare of the child are the prime considerations when any decision is made about suspected child abuse.

Section One Introduction

➤ Purpose

- 1.1 The purpose of this policy is to ensure that all people working for, or at, Te Pahu School operate in ways which ensure that children are protected from all forms of harm. This involves being able to recognise and identify signs of abuse, know how to respond appropriately, and understand their role in keeping children safe.

- 1.2 This Child Protection Policy confirms the commitment of Te Pahu School to the protection of children and proceeds to:
 - outline the standards and principles by which all staff will abide
 - define child abuse
 - outline the action to be taken by staff where any form of abuse or neglect is known or suspected
 - establish what action is required when allegations are made against staff
 - outline expectations regarding staff training
 - outline expected behaviour of staff

➤ **Guiding Principles**

- 1.3 This policy is written under the principle that children attending Te Pahu School have a right to feel safe and comfortable in that care, contact and environment.
- 1.4 Te Pahu School asserts that all children have equal rights to protection from abuse, neglect and exploitation regardless of their gender, race, religion, political beliefs, age, physical or mental health, sexual orientation, family and social background, and culture, economic status or criminal background.
- 1.5 The decisions and actions of Te Pahu School in response to any child protection concern will be guided by the principle of *“the welfare and best interests of the child”*.
- 1.6 All services provided by Te Pahu School for the safety and wellbeing of children adhere to the principles of partnership, protection and participation; and the rights and responsibilities accorded by Te Tiriti o Waitangi.
- 1.7 All services provided by Te Pahu School for the safety and wellbeing of children have regard to mana tamaiti (tamariki) – the intrinsic value and inherent dignity derived from a child’s whakapapa and their belonging to a whānau, hapū, and iwi; ensuring the upholding, and protection, of Māori rights and interests, in accordance with the Oranga Tamariki Act 1989.

➤ **Scope**

- 1.8 This policy covers all staff of Te Pahu School
- 1.9 For the purposes of this policy, “staff” includes the Te Pahu School Board of Trustees

➤ **Legislation**

- 1.10 This policy has been written with the United Nations Convention on the Rights of the Child in mind and in accordance with the following legislation:

- Care of Children Act, 2004

- Children’s Act, 2014
- Crimes Act, 1961
- Family Violence Act, 1995
- Education and Training Act 2020
- Employment Relations Act, 2000
- Health and Safety Act 1956
- Health and Safety at Work Act 2015
- Health and Disability Sector Standards Regulations, 2001
- Health Information Privacy Code, 1994
- Human Rights Act, 1993
- Oranga Tamariki Act, 1989
- Privacy Act, 2020

➤ **Review**

- 1.11 This policy will be reviewed annually, and updated regularly, to ensure it is kept up to date with changes that may have been made to legislation, related policies and procedures, and in light of operational experience.
- 1.12 The overall responsibility for the review of this policy rests with the Principal of Te Pahu School.

➤ **Definitions**

- 1.13 For the purposes of this policy the following definitions apply:

“Child/ren” means any person under the age of 18 years.

“Child Abuse” can involve ongoing, repeated or persistent abuse, or may arise from a single incident. Child Abuse may take many forms but it can be categorised into four different types:

- i. Physical Abuse
- ii. Sexual Abuse
- iii. Emotional Abuse
- iv. Neglect

“Designated Person for Child Protection” is a person within the workplace who is responsible for the safeguarding of children. This person is responsible for ensuring that child protection is a key focus within Te Pahu School both at a strategic level and on a day to day basis.

As at the date of this Policy the Primary Designated Person for Child Protection for Te Pahu School is:

Te Pahu School Principal – Meegan Dunn

As at the date of this Policy the Secondary Designated Person for Child Protection for Te Pahu School is:

Te Pahu School Deputy Principal – Luke Willis

“Emotional Abuse” is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effect on the child's self-esteem and emotional development. This can include a pattern of rejecting, degrading, ignoring, isolating, corrupting, exploiting or terrorising a child. It may also include age or developmentally inappropriate expectations being imposed on children and their social competence undermined or eroded over time. A child can also experience emotional abuse by being exposed to a dysfunctional environment which includes seeing or hearing the ill treatment of others, including but not limited to being exposed to domestic violence.

“Family Violence” can take many forms and may include, but is not limited to, actual physical violence (to a person, pet or property), threats of physical violence (to a person, pet or property), psychological, economic or sexual abuse. Children are always affected either emotionally or physically where there is family violence even if they are not personally injured or physically present.

“Neglect” is characterised as the persistent failure to meet a child’s basic physical and/or psychological need. This can occur through direct and deliberate action or by omission or deliberate inaction to care for and/or protect the child. It may also include neglect of a child's basic or emotional needs.

“Oranga Tamariki - Ministry for Children” formally known as Child Youth and Family. Oranga Tamariki is a Government Ministry dedicated to supporting children in New Zealand whose wellbeing is at significant risk of harm now, or in the future.

“Physical Abuse” is a non-accidental act that results in physical harm. This includes, but is not limited to, beating, hitting, shaking, burning, drowning, suffocating biting, poisoning or otherwise causing physical harm to a child. Physical abuse also involves the fabrication or inducing of illness.

“Sexual Abuse” is an act or acts that result in the sexual exploitation of a child, whether consensual or not. Sexual abuse can be committed by a relative, a trusted friend, an associate, or someone unknown to the child. Sexual abuse includes situations where the adult seeks to have the child touch them for a sexual purpose, and where they involve the child in pornographic activities or prostitution.

“Staff” refers to any person working at, or on behalf of, Te Pahu School and includes, but is not limited to, teaching and non-teaching staff employed directly by Te Pahu School, irrespective of whether they are paid or voluntary, or whether they are working on a full time, part time, casual, or temporary basis, as well as any persons contracted or invited to provide services to children in the care of Te Pahu School, and the Te Pahu School Board of Trustees. “Staff” also extends to include Te Pahu School parent helpers.

Section Two Roles and Responsibilities of Staff

- 2.1 Te Pahu School recognises that all staff have a full and active part to play in protecting children from harm. It is the primary responsibility of staff to be vigilant, have knowledge and awareness of the indicators of neglect and abuse, whether actual or potential, and to report any concerns, suspicions or allegations immediately. Staff have a responsibility to ensure that any concern, suspicion or allegation raised is taken seriously.
- 2.2 Te Pahu School is responsible for ensuring that all staff understand, and adhere to, this policy and have undertaken the appropriate child protection training.
- 2.3 Each member of staff must:

- be aware of, and alert to, potential indicators of abuse or neglect
- record a factual account of any concerns they have, or that are brought to their attention
- appropriately seek advice and support from the Principal who will then contact external agencies if appropriate
- work in co-operation with the parents and caregivers, unless this compromises the safety of the child.

2.4 The statutory responsibility to investigate allegations of child abuse rests with Oranga Tamariki and the NZ Police. No member of Te Pahu School, including staff, the Board of Trustees, and the Principal, are permitted or mandated to investigate allegations of abuse.

➤ **Role of the Designated Persons for Child Protection**

2.5 The overall responsibility for the implementation of this policy rests with the Principal of Te Pahu School, in consultation with the Deputy Principal.

2.6 As designated persons, the role of the Principal and Deputy Principal is to:

- ensure that child protection is a key focus within Te Pahu School and that appropriate protocols, procedures and training are in place.
- ensure that the needs and rights of children come first - the safety and wellbeing of each child is the paramount consideration in all circumstances.
- Ensure that the Te Pahu School Child Protection Policy is effectively implemented.
- receive information that suggests potential or actual risk of harm to a child who attends Te Pahu School, irrespective of whether the alleged abuse is current, past or likely to occur. The Principal will advise and support staff and, where appropriate, will make any referrals to Oranga Tamariki or the NZ Police
- ensure that all allegations are managed appropriately.
- ensure that there is no internal investigation without appropriate consultation and a decision whether a response from Oranga Tamariki or the Police is required.

- ensure that allegations or complaints are appropriately referred to the Education Council of Aotearoa New Zealand (EDUCANZ).
- ensure, and safeguard, clear, confidential, detailed and dated records on all child protection cases. These must contain all available information relating to the cause for concern and any subsequent action taken, including when it has been decided not to make a notification to Oranga Tamariki or the NZ Police. These records will be kept separate from students records for the purpose of confidentiality.
- maintain a current awareness of the children identified on a risk register, and regularly highlight these children to the appropriate staff.
- ensure that all staff are aware of, and have access to, full copies of the procedures for reporting child abuse.
- establish close links with the relevant local agencies to ensure clear and effective communication and be a recognised contact within Te Pahu School for agencies to contact regarding child protection concerns.
- ensure that all staff are recruited and employed in accordance with the guidelines identified in the Te Pahu School “**Appointments Policy**” and that procedures are in place to identify those people safe to work with children.
- ensure that all staff receive appropriate training ensuring they are skilled, confident, competent, and well supported in meeting their protection responsibilities.
- consult with each other regarding all child protection concerns.

➤ **Role of the Board of Trustees**

2.7 The role of the Board of Trustees is to:

- ensure that the needs and rights of children come first as the safety and wellbeing of each child is the paramount consideration in all circumstances.
- support the Principal and the Deputy Principal to ensure that all allegations are managed appropriately.

- ensure that no investigation occurs without appropriate consultation and a decision whether a response from Oranga Tamariki or the Police is required.
- support the Principal to ensure that allegations or complaints are appropriately referred to the Education Council of Aotearoa New Zealand (EDUCANZ).
- inform the Principal immediately should any member of the Board of Trustees be aware of a concern for the wellbeing and safety of a child who attends Te Pahu School

2.8 The Chair of the Board of Trustees will be directly informed of any allegations of abuse made against the Principal.

The Chair of the Board of Trustees for Te Pahu School is:

Elizabeth Overdyck - 021 155 3622

Section Three Child Protection Procedures

- 3.1 The procedures set out in section three of this policy provide staff guidelines to assist in identifying and responding appropriately to concerns of abuse and neglect, whether these concerns are their own or are the concerns of a third party, and to understand their role in keeping children safe
- 3.2 The procedures set out below will help staff with:
- the identification of abuse
 - handling disclosures, whether verbal or behavioural, from a child
 - reporting procedures

➤ **Identification of abuse**

- 3.3 Staff at Te Pahu School are uniquely placed to recognise and respond to concerns for the wellbeing of children. Any member of staff may directly witness child abuse or have allegations, made by a child or an adult, relayed to them. There may also be disclosures of abuse that have occurred prior to attending Te Pahu School. Sustained abuse and neglect of children, wherever it occurs, can have major long term effects on all aspects of children's health, development and well-being and their ability to sustain stable and meaningful relationships in the future.
- 3.4 Staff should be alert and aware of the fact that child abuse can occur in many different settings and forms and may come to light in a variety of different ways. These can include, but are not limited to:
- Direct or indirect disclosure by the child;
 - Direct or indirect disclosure from someone known to the child;
 - Suspicions of abuse by those involved with the child;
 - Allegations and/or direct observations or signs displayed in the child's physical or emotional behaviour;
 - Direct witnessing of abuse.
- 3.5 The signs and indicators of abuse to a child may not be immediately obvious or identifiable. **Appendix One** of this policy sets out a non-exhaustive list of signs and indicators to help identify abuse.
- 3.6 If a member of staff is unsure about what might constitute child abuse, or if they are unsure about whether they ought to report and incident, they should ask for advice and guidance from the Principal. If the Principal is unavailable for advice and guidance, then staff should consult with the Deputy Principal. At any time, staff may seek advice from Oranga Tamariki (0508 326 459) regarding child protection concerns.

➤ **Responding to Child Abuse/Suspected Child Abuse**

- 3.7 Te Pahu School will respond to allegations of child abuse in a manner which ensures the child's safety is the first and paramount consideration.

- 3.8 When child abuse is suspected, disclosed or witnessed, everything must be done to ensure the ongoing safety of the child concerned, along with the ongoing safety of any other child who is in close connection to the alleged offender. In all cases, the child is the primary concern and all other concerns (including the guilt or innocence of the alleged offender) must be secondary. This does not mean that the alleged offender is to be considered guilty without due investigation, but that the child's safety comes first.
- 3.9 In a situation where any staff member believes that a child is in immediate danger, or in a situation where they believe that a third party is not prepared to secure the child's safety by contacting a statutory service, the staff member in consultation with the Principal or the Deputy Principal will inform Oranga Tamariki or the Police of their concerns. Staff will not collude to protect an adult or an organisation. Records of these Reports of Concern will be kept in a specific, secure, Child Protection File.
- 3.10 Te Pahu School staff will not act alone about concerns of abuse but will consult with either the Principal or the Deputy Principal who will be committed to taking action as outlined in the procedures.
- 3.11 All concerns and information will be recorded factually and held confidentially. All documentation relating to concerns and information will be held in the Child Protection File.
- 3.12 Refer to the **"Child Protection Procedure Flowchart"** below.

➤ **Responding to Disclosure of Abuse from a Child**

- 3.13 Disclosure of abuse may come directly from a child. It is important that staff take what the child says seriously, and respond in a calm, caring and sensitive manner. This applies irrespective of the setting, or the staff member's own opinion on what is being said. If there is information disclosed regarding actual or suspected child abuse staff must:

- stay calm
- listen and hear
- give time to the child to say what they want
- reassure them that they were right to tell
- tell the child that they are being taken seriously and that they are not to blame
- explain that they have to pass on what the child has told them as soon as they are aware that the child is making a disclosure
- give an age appropriate explanation to the child of what the child can expect to happen next
- record in writing what was said as soon as possible, using the child's own words where possible.
- Report the concern to the Principal or the Deputy Principal.

Staff must not:

- make the child repeat the story unnecessarily
- promise to keep secrets
- enquire in to the details of the alleged abuse
- ask leading questions

3.14 Under no circumstances should staff attempt to conduct an investigation or deal with concerns of abuse themselves.

➤ **Harmful Behaviour By One Child Towards Another**

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

3.16 Refer also to the Te Pahu School “**Bullying and Behaviour Management Policies**”

➤ **Suicidal Concerns and Self-Harming Behaviour**

3.17 It is important to be aware that children can harm themselves or attempt suicide. When a child identifies thoughts of suicide, or self-harming behaviour, this must be taken seriously and the Principal notified immediately. If an immediate response is required to ensure the child’s safety, contact the NZ Police and the Mental Health Crisis team at Waikato Hospital.

Waikato DHB – CAHT

0800 50 50 50 (operating 24/7)

3.18 Self harm and suicide can be distressing for both the child, and for Te Pahu School staff. It is important that staff consider their own care and seek help and support.

➤ **Reporting Procedures**

3.19 All Te Pahu School staff must report concerns or allegations of child abuse to the Principal at the first possible opportunity to best ensure the safety of the child. If the Principal is unavailable, then consultation should occur with the Deputy Principal. A decision will be made as to whether to notify Oranga Tamariki. If an immediate response is required to ensure the child's safety, staff should contact the NZ Police and Oranga Tamariki directly.

3.20 All concerns or allegations of sexual abuse must be reported to Oranga Tamariki and the NZ Police.

3.21 When reporting an incident staff should:

- Inform the Principal as soon as possible (or the Deputy Principal, or Oranga Tamariki and/or the NZ Police in their absence)

- Record in writing all conversations and actions taken and keep these records securely in a specified Child Protection File

3.22 Effective documentation, including referrals and notifications, must include:

- A record of facts, including observations, with times and dates
- What was said and by whom, using the person's words
- What action has been taken, by whom and when

3.23 All decisions, including if the concern does not require notifying Oranga Tamariki or the Police, must be recorded in writing and kept securely in a Child Protection File with the reasons clearly identified and explained.

➤ **Keeping the Child's Family Informed and Involved**

3.24 Wherever possible, a child's family and whānau should participate in the decisions affecting that child and the relationship between the child and their family and whānau should be maintained and strengthened.

3.25 Although the parent or caregiver of the child will usually be informed of concerns, there may be times when those with parental responsibility may not be initially informed. This may happen when:

- the parent or caregiver is the alleged offender
- it is possible that the child may be intimidated into silence
- there is a strong likelihood that evidence will be destroyed
- the child does not want their parent or caregiver involved and they are of an age when they are competent to make that decision. Any decision not to inform the child's family or whānau based solely on the child's wish should be made with careful consideration and in consultation with the Principal and Deputy Principal.

3.26 Where Te Pahu School does engage with family and whānau members in circumstances where abuse is suspected, witnessed or disclosed, they must inform them of this policy and the procedures contained therein. In these circumstances Te Pahu School must ensure that, wherever possible, they work in partnership with the family and whānau and support them throughout the process. Te Pahu School staff must be aware of the need for sensitivity during what is likely to be a distressing time for the entire family and whānau unit

➤ **Confidentiality and Information Sharing**

3.27 The safety of a child is paramount. At times a child is unable to speak for, or protect, themselves. Therefore Te Pahu School has a greater responsibility to know when and how to share appropriate information with external agencies to protect the safety and wellbeing of children.

3.28 Under the Privacy Act 2020, the giving of information to protect a child is not a breach of confidentiality. Principle 11 of the Privacy Act, 2020, states that the sharing of personal information is allowed if "disclosure of the information is necessary to prevent or lessen a serious threat". Wherever possible the family and whānau should be kept informed of what information has been shared and to which agency, and for what purpose.

3.29 The Oranga Tamariki Act 1989 places the wellbeing and best interests of a child or young person as the first and paramount consideration when it comes to the sharing of information. This principle takes precedence over any duty of confidentiality that is owed to the child or their family and whānau, or any person with whom the child is in a domestic relationship with.

3.30 Under section 66 of the Oranga Tamariki Act, Te Pahu school can be mandatorily required to provide information that relates to a child's health, safety and wellbeing, when requested by:

- the Chief Executive of Oranga Tamariki
- a care and protection co-ordinator, or
- a constable.

3.31 Under section 66C of the Oranga Tamariki Act, Te Pahu School may share information about a child with a child welfare and protection agency or independent child welfare person for one of the following purposes:

- Prevent or reduce the risk of harm, ill-treatment, abuse, neglect or deprivation to a child;
- Make or contribute to an assessment of the risks or needs of a child;
- Make, contribute to or monitor any support plan for a child that is managed by Oranga Tamariki;
- Prepare, implement or review any prevention plan or strategy made by Oranga Tamariki;
- Arrange, provide or review services facilitated by Oranga Tamariki for a child or for their family or whānau;
- Carry out any function in relation to a family group conference for a child in care or anything else related to the care or protection of a child.

3.32 Under the Oranga Tamariki Act 1989, if Te Pahu School staff raise a legitimate concern in good faith about suspected child abuse, which proves to be unfounded on investigation, no civil, criminal or disciplinary proceedings may be brought against that staff member.

3.33 **Appendix Five** of this policy provides an overview of the information sharing provisions of the Oranga Tamariki Act.

3.34 Should Te Pahu School be contacted with a request for information or access to interview a child then the following procedure will be followed:

- Confirm the identity and credentials of the person requesting the information
- Notify the Principal
- Identify the specific information required and the purpose of the request
- Check that Te Pahu School holds the information requested

- The Principal is to identify a way forward and provide permission to share information
- Depending on the reason for the request, and risk to the child as judged on a case by case basis, inform the family or whānau that information has been requested, by whom and seek their permission. If this is a child protection issue, permission from the family or whānau is not required.
- Document all steps in the process. Ensure that all documentation is placed on the child's Child Protection File.

3.35 Advice should be sought from Oranga Tamariki and/or the Police before any information about an allegation that identifies an individual is shared with anyone other than the Principal or Deputy Principal.

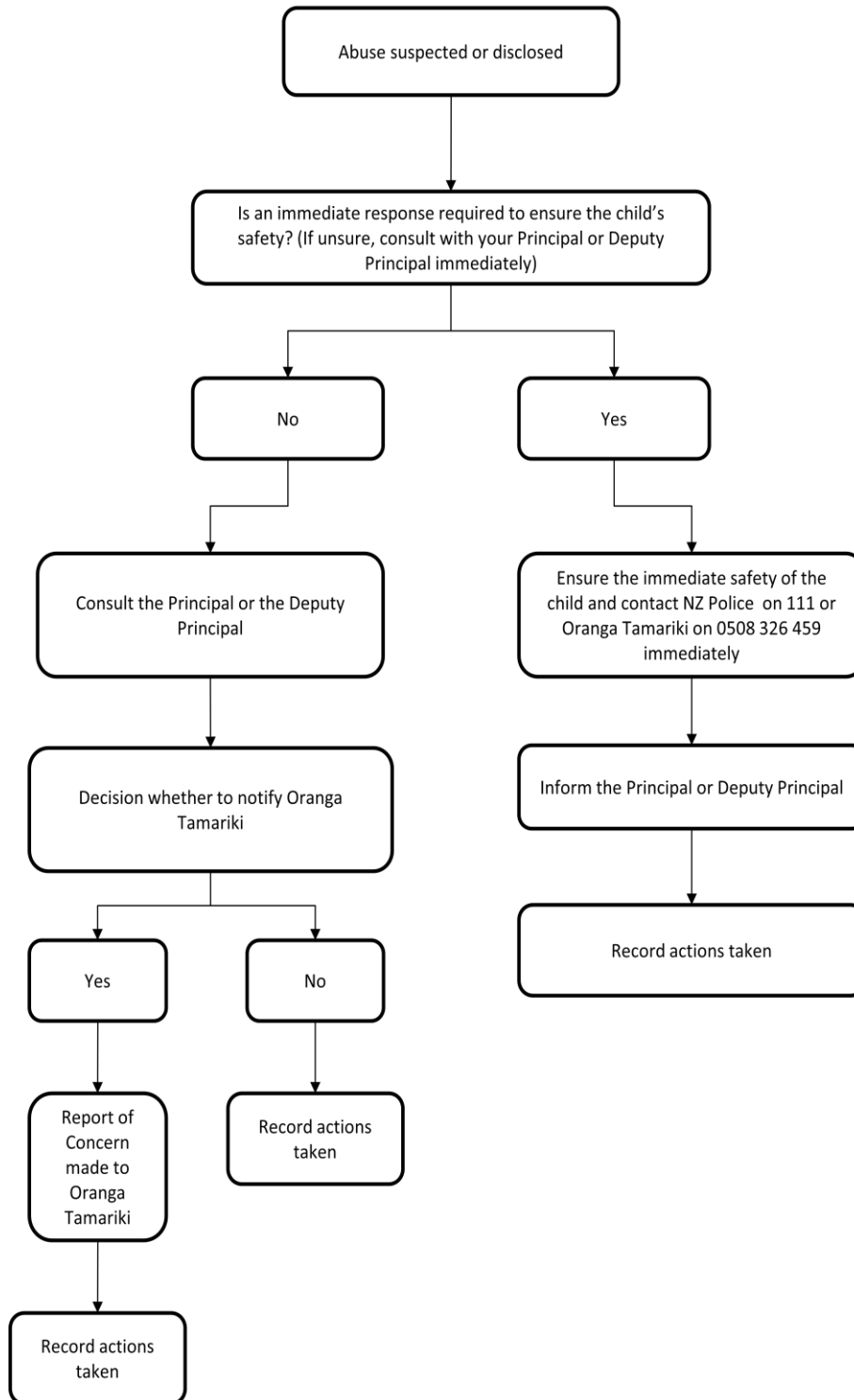
➤ **Relationships with Statutory and Specialist Agencies**

3.30 Te Pahu School will maintain good working relationships with agencies that have the statutory powers and skills to intervene in cases of child abuse. This includes maintaining a good working relationship with Oranga Tamariki and with the NZ Police, and be familiar with the laws that serve to protect children from abuse. Te Pahu School will consult with Oranga Tamariki, Police, and with other appropriate agencies that have specialist knowledge to help protect children from abuse.

3.31 Te Pahu School believes that in order to keep children safe, people who suspect or uncover abuse should not be tempted to deal with cases by themselves, but to report and seek help as necessary. When there is a relationship of trust and understanding with the statutory agencies, people are more likely to report and enable professional investigation to ensue.

3.32 Te Pahu School will maintain relationships with NGOs and organisations that provide services to children, families and whānau throughout the country.

Child Protection Procedures Flowchart:



Section Four

Safe Recruitment and Training of Staff

➤ **Employment**

4.1 Te Pahu School is committed to applying rigorous employment and selection processes which emphasise the importance of child protection, and which ensure that every member of staff is safe and suitable to be associated with Te Pahu School, regardless of whether this position is paid or voluntary, permanent, part time or casual.

4.2 Before making any appointment, Te Pahu School will complete a robust safety checking process to ascertain the candidate's suitability and safety to work for, or at, Te Pahu School. This process includes, but is not limited to:

- i. Identity verification check
- ii. Employment verification check
- iii. Reference check
- iv. Professional membership check
- v. New Zealand Police vetting check
- vi. Risk assessment
- vii. Interview with the applicant

4.3 Further information regarding safety checking and the recruitment of staff is found in the Te Pahu School "**Appointments Procedure**" and the "**Referee and Background Check Procedure**".

○ **Police Vetting**

4.4 Police vetting of all staff will be carried out a minimum of once every three (3) years. All new offers of employment and employment agreements, regardless of whether these are for paid or voluntary, permanent, part time or casual positions, will remain conditional on receiving satisfactory results from Police vetting. It is noted that for registered teachers, Police vetting is carried out as part of the teacher registration process.

- 4.5 Until such time as the Police vetting process has been completed and the results have been received, all newly appointed Te Pahu School staff working with children will be supervised in their role and will not be permitted to work alone or carry out any alternative duties.
- 4.6 The Police vetting requirement extends to all staff, including, but not limited to, contractors, volunteers, and parent helpers attending overnight school camps.

➤ **Child Protection Training of Staff**

- 4.7 All Te Pahu School staff will be required to be familiar with, and adhere to, the Te Pahu School Child Protection Policy.
- 4.8 Te Pahu School will ensure that all staff will be given appropriate training, covering basic awareness of child protection in order to protect children and to recognise and respond when children are at risk.
- 4.9 Te Pahu School staff training on child protection will include an overview of signs and indicators of abuse, as well as the procedure for responding to actual or suspected abuse. This training will include:
- Roles and responsibility of staff regarding child protection
 - Recognising and responding to the signs and indicators of actual or suspected abuse
 - Ensuring staff receive a copy this Policy, can understand it, and can follow the procedures for reporting a concern
- 4.10 All new staff will receive child protection training, and will be given a copy of this policy, as part of the induction process.
- 4.11 All other staff, including the Principal in their capacity as the Designated Person for Child Protection, will receive updated child protection training a minimum of every three years.

Section Five

Safe Working Practices

All staff are expected to behave in a manner consistent with the Te Pahu School “Safe Practices”

- 5.1 A relationship between an adult and a child cannot be a relationship between equals. When staff find themselves in a position of trust with vulnerable children there is a potential for exploitation and harm of vulnerable young people. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.
- 5.2 Staff should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. Staff who work with children must act in a way that is considered to be safe practice. This includes, but is not limited to:
- Avoiding situations where they are alone with a child;
 - Ensuring that they are visible to others when with a child;
 - Using an open door policy where possible;
 - Avoiding circumstances where their behaviour (both verbal and physical) may be misinterpreted as hostile, suggestive, inappropriate, offensive, or neglectful;
 - Not transporting a child, other than their own, alone at any time other than in an emergency situation;
 - Not removing any child from Te Pahu School without prior written consent from the child’s parent or guardian – except in an emergency situation;
 - Monitoring visitors to Te Pahu School at all times;
 - Not taking, or displaying, images of children unless they have consent to do so from the child’s parents or caregivers, and the child them if appropriate.

➤ **Physical Contact**

- 5.3 It is imperative that in all dealings with children, a balance is struck between the rights of the child and the need for intervention. When physical contact is made with a child this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity and background. Staff should always use their professional judgement, observe and take note of the child's reaction or feelings and use a level of contact and/or form of communication which is acceptable to the child for the minimum amount of time necessary.
- 5.4 Where physical restraint is required for the safety of the child, or for the safety of another, further information is found in the Te Pahu School “**Behaviour Management and Physical Restraint Policies**”.
- 5.5 Any sexual activity between staff and a child will be regarded as a criminal offence, will be reported to the NZ Police, and will be a matter for disciplinary action.

➤ **Communication**

- 5.6 Communication between children and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phone, text messaging, emails, digital cameras, videos, web-cams, websites, social networking and blogs. Staff should not share any personal information with a child. They should not request, or respond to, any personal information from the child other than that which might be appropriate as part of their professional role. Staff should ensure that all communications are transparent and open to scrutiny.

Section Six Dealing with Allegations Against Members of Staff

Any internal disciplinary investigation should be conducted separately from Section Six of this policy. Any internal disciplinary action should not contradict Section Six of this policy

- 6.1 Te Pahu School has a duty of care to the children it is entrusted with. A failure to report a significant concern about a child is a breach of that child's human rights.

- 6.2 Concerns may be raised regarding Te Pahu School staff. These may be as a result of behaviour within the workplace, or of behaviour within their home environment.

- 6.3 All staff have a responsibility to understand what constitutes appropriate behaviour in relation to children and to maintain this behaviour.

- 6.4 Allegations, suspicions or complaints of abuse against staff will be taken seriously and reported directly to the Principal who, along with the Te Pahu School Board of Trustees, will deal with them immediately, sensitively and expediently within the procedures outlined in this policy.

- 6.5 If the allegation is against the Principal then this must be reported directly to the Chair of the Board of Trustees, who will deal with the allegation in consultation with the rest of the Board of Trustees.

- 6.6 Any concern of abuse of a child will follow the Child Protection Procedures outlined in this policy under **Section Three**. In the event of an allegation of abuse by a staff member a report of concern will be made to the Police and Oranga Tamariki. It is **NOT** the responsibility of staff to investigate allegations of child abuse.

- 6.7 When there are suspicions of abuse by a staff member, both staff and children's rights are to be attended to. This means that the safety of the child is of first concern, and that the staff member must have access to legal and professional advice, in accordance with the Employment Relations Act.
- 6.8 In all child protection cases, Te Pahu School will co-operate fully with both Oranga Tamariki and the Police in their investigations and assessments.
- 6.9 If the Police decide to undertake a criminal investigation then the member of staff may be suspended. It is important that no internal investigation is undertaken, and no evidence gathered that might prejudice an official Police or Oranga Tamariki investigation.
- 6.10 If there is insufficient evidence to pursue a criminal prosecution, then an internal disciplinary investigation may still be undertaken subject to internal disciplinary procedures.
- 6.11 A complaint or allegation against a member of staff may require a report to Education Council of Aotearoa New Zealand (EDUCANZ). Further information regarding the thresholds for reports to EDUCANZ can be found in **Appendix Two**.
- 6.12 A person tendering his or her resignation, or ceasing to provide their services, will not prevent an allegation of abuse against a child being followed up in accordance with these procedures.

Appendix One

Indicators of Abuse

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

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

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

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

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

➤ **Emotional Abuse Indicators**

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

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

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

➤ **Neglect Indicators**

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

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

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

➤ **Physical Abuse Indicators**

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

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

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

➤ **Sexual Abuse Indicators**

- Physical Indicators:
 - Unusual or excessive itching or pain in the genital or anal area
 - Torn, stained or bloody underclothing
 - Bruises, lacerations, redness, swelling or bleeding in genital, vaginal or anal area
 - Blood in urine or stools

- Sexually transmitted infections
 - Pregnancy
 - Discomfort in sitting or fidgeting as unable to sit comfortably
- Behavioural Indicators:
 - Age-inappropriate sexual play or language
 - Bizarre, sophisticated or unusual sexual knowledge
 - Refuses to go home, or to a specific person's home, for no apparent reason
 - Fear of a certain person
 - Depression, anxiety, withdrawal or aggression
 - Self-destructive behaviour. This can include self-harm, suicide, alcohol and drug abuse
 - Overly compliant
 - Extreme attention seeking behaviours or extreme inhibition
 - Dresses inappropriately to hide bruising or injuries
 - Eating disorders
 - Compulsive behaviours
 - Caregiver Indicators:
 - May be unusually over-protective of the child
 - Accuses the child of being sexually provocative
 - Misuses alcohol or drugs
 - Invades the child's privacy (e.g. during dressing, in the bathroom)
 - May favour the victim over other children

➤ **Family Violence Indicators**

- Indicators in the Child:
 - Physical injuries consistent with the indicators of Physical Abuse
 - Absenteeism from school
 - Bullying or aggressive behaviour
 - Complaints of headaches or stomach aches with no apparent medical reason
 - Talking or describing violent behaviours

- Indicators in the Victim:
 - Physical Injuries including: bruising to chest and abdomen, injuries during pregnancy
 - Depression and/or anxiety
 - Inconsistent explanations for injuries
 - Fearful
 - Submissive

- Indicators in the Offender:
 - Isolates and controls partner and children
 - Threatens, criticises, intimidates, uses aggressive and physical abuse towards partner and children
 - Minimises and denies own behaviour, or blames victim for the perpetrators own behaviour

Appendix Two
Education Council of Aotearoa New Zealand
Criteria for Reporting Serious Misconduct
(Teaching Council Rules 2016)

If a school believes a teacher could be guilty of serious misconduct, they have a legal obligation to report this to the Education Council. This is a mandatory report. The criteria for reporting serious misconduct are contained in the Education Council Rules 2016, in Rule 9, which is set out below:

Rule 9: Criteria for Reporting Serious Misconduct:

1. For the purposes of section 394 of the Education Act 1989, which imposes the general requirement that employers have to report serious misconduct, an employer of a teacher must immediately report to the Education Council if it has reason to believe that the teacher has engaged in any of the following kinds of serious misconduct:
 - (a) physical abuse of a child or young person (which includes physical abuse carried out under the direction, or with the connivance, of the teacher):
 - (b) sexual abuse of a child or young person (which includes sexual abuse carried out under the direction, or with the connivance, of the teacher):
 - (c) psychological abuse of a child or young person, which may include (but is not limited to) physical abuse of another person, or damage to property, inflicted in front of a child or young person, threats of physical or sexual abuse, and harassment:
 - (d) an inappropriate relationship with a person under the age of 16 years:
 - (e) an inappropriate relationship with a student with whom the teacher is, or was when the relationship commenced, in contact as a result of his or her position as a teacher:
 - (f) neglect or ill-treatment of a child or young person in the teacher's care:

(g) neglect or ill-treatment of an animal in the teacher's care:

(h) theft or fraud:

(i) manufacture of, cultivation of, supply of, dealing in, or use of controlled drugs:

(j) permitting, or acquiescing in, the manufacture of, cultivation of, supply of, dealing in, or use of controlled drugs by a child or young person:

(k) viewing, accessing, or possessing pornographic material while at a school or early childhood education service or engaged in the business of a school or early childhood education service:

(l) viewing, accessing, or possessing pornographic material that depicts children or young persons or that depicts animals engaged in sexual acts with humans:

(m) breaching the standards or rules of the school or early childhood education service concerning the use of alcohol at the school or while engaged in the business of the school or early childhood education service:

(n) any other act or omission that could be the subject of a prosecution for an offence punishable by imprisonment for a term of 3 months or more:

(o) any act or omission that brings, or is likely to bring, discredit to the teaching profession.

2. Physical, sexual, or psychological abuse is reportable whether it occurs as—

(a) a single act; or

(b) a number of acts forming part of a pattern of behaviour, even if some or all of those acts, viewed in isolation, are minor or trivial.

Appendix Three Child Protection Overview Responding to Abuse:

Abuse is "... the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person"

Section 2, Oranga Tamariki Act 1989

Child abuse can involve ongoing, repeated or persistent abuse, or it may arise from a single incident. Child Abuse may take many forms but it can be categorised into four different types:

- Physical Abuse
- Sexual Abuse
- Emotional Abuse
- Neglect

Child abuse can occur in many different settings and forms and may come to light in a variety of different ways. These can include, but are not limited to:

- Direct or indirect disclosure by the child or someone known to the child;
- Suspicions of abuse by those involved with the child;
- Allegations and/or direct observations or signs displayed in the child's physical or emotional behaviour;
- Direct witnessing of abuse.

When disclosures of abuse come directly from a child, it is important that you take what the child says seriously. This applies irrespective of the setting, or your own opinion on what is being said. When a child tells you what has been happening to them, or when you witness or suspect child abuse, it is important that you, as the adult, remain **calm** and **confident**.

RESPOND: Respond to the person (adult or child) – Believe what they tell you and/or what you see.

SAFETY: Ensure the safety of the child. Always take action in the short term to ensure the immediate safety of the child. This will mean contacting the NZ Police (**111**) and Oranga Tamariki (**0508 326 459**) if you think there is an immediate risk to the child.

RECORD: Record immediately all initial statements, observations and concerns to avoid misinterpretations or confusion at a later date.

CONSULT: Do not make decisions alone. Consult with your Child Protection Policy and your Principal. If the Principal is unavailable, consultation is to occur with the Deputy Principal. Oranga Tamariki is always available to give advice.

REPORT: Decide to act on your concerns. If you have told the person you believe is responsible for taking action and they do not act, take further action yourself.

SUPPORT: Seek support for yourself. Responding to a child protection issue can be stressful.

Think “what if I’m right?” ... Not “what if I’m wrong?”

Appendix Four Contact List

The Principal Of Te Pahu School Is Your Primary Designated Person For Child Protection:

Meegan Dunn - 021 220 8461

The Deputy Principal Of Te Pahu School Is Your Secondary Designated Person For Child Protection:

Luke Willis – 027 664 8319

Te Pahu School
07 825 9849

Ministry for Children - Oranga Tamariki
0508 326 0459

New Zealand Police
111

Child Matters
07 838 3370

Appendix Five Information Sharing Overview Oranga Tamariki Act 1989:

The four most important things to know about the information sharing provisions of the Oranga Tamariki Act are:

SAFETY COMES FIRST: In all instances personal information can be shared by Te Pahu School with child welfare and protection agencies or independent child protection persons if there are concerns about a child's safety and wellbeing. The wellbeing and best interests of a child are to be the first and paramount consideration.

INFORMATION SHARING: Te Pahu School can share information if it fits within the provisions of the Act (s66C). There is only a mandatory sharing requirement when a request is made by the Chief Executive of Oranga Tamariki or the NZ Police.

PROTECTION WHEN SHARING: If information is shared in good faith, meaning that you are making every effort to do the right thing, and if that sharing complies with the information sharing provisions, you are protected from civil, criminal or disciplinary proceedings. (NOTE: Keeping good records about information sharing is important to help demonstrate you shared in good faith.)

PRIVACY: The principles of the Privacy Act must be followed by Te Pahu School when collecting, storing, using or disclosing personal information. When there is conflict between the Oranga Tamariki Act and the Privacy Act, the Oranga Tamariki Act prevails.

WHEN IT COMES TO INFORMATION SHARING THE WELLBEING AND BEST INTERESTS OF THE CHILD ARE TO BE THE FIRST AND PARAMOUNT CONSIDERATIONS

Appendix Six

Care and Protection Risk Assessment

← NO - Is the child or young person in immediate danger - YES →

← NO - Is the abuse physical/sexual/psychological – YES →

← NO - Is the abuse ongoing - YES →

← NO - Is the child or young person under 18 – YES →

← NO - Does the abuse happen at home - YES →

← YES - Do other adults know what has happened and have they taken action - NO →

← YES - Is the child or young person seeing a counsellor/involved with Oranga
Tamariki/community support worker - NO →

← e.g. NOT ISOLATED - What area is the child or young person in – eg. ISOLATED →

← YES - Does the child or young person have a safe house they can go to (friend etc) – NO →

← NO - Are there other children or young people in an abusive situation as well – YES →

← NO - Does the child or young person want us to act - YES →

Decreased Risk /Less likely to intervene

Increased Risk /More likely to intervene

Never deal with child protection cases alone. ALWAYS consult with your Designated Person for Child Protection or contact Oranga Tamariki for advice.