**Kaupapa Here Tiaki Tamaiti /Child Protection Policy**

**1. Purpose**

1. To provide staff with procedures by which to respond appropriately to concerns of abuse and neglect, and to understand their role in keeping children safe and meeting our obligations of the Child Protection Act (2014).

**2. Scope**

2.1 This policy covers all staff of the Nancy Winter Early Childhood Centre who have direct or indirect contact with children. This includes those staff, paid or voluntary, employed directly by the Raetihi Early Childhood Education Trust, as well as those professionals contracted or invited to provide services to children in the care of the Centre. This includes teaching and non-teaching staff.

2.2 This policy covers the Trustees and their responsibilities in the safety and wellbeing of children.

2.3 This policy is intended to protect all children staff may encounter – including siblings, the children of adults accessing services and any other children encountered by staff.

**3. Definitions**

**Child Abuse**

The harming (whether physically, emotionally, sexually) ill treatment, abuse, neglect or deprivation of any child or young person. (Section 2. Children, Young Persons and Their Families Act 1989)

(Note: family ‘adult to adult’ violence and witnessing others being abused falls under this policy).

Child abuse is any form of physical, emotional or sexual maltreatment or lack of care that leads to injury or harm. It commonly occurs within a position of trust or responsibility and is an abuse of power and/or a breach of trust. Abuse can occur regardless of the age, gender, race or socioeconomic status of a tamaiti.

Generally, the abuser is known to the tamariki.

**Vulnerability**

It is noted that all children are considered vulnerable.

Some tamariki are more vulnerable to abuse and neglect due to their particular needs, characteristics or the environment in which they are raised. These are called **Vulnerability Factors** and should be viewed as indicators for an increased risk.

Recognising and responding to vulnerability factors offers the best chance to intervene early to prevent child abuse.

When you are working with tamariki and whānau, you may become aware of situations that indicate the whānau are struggling or not meeting the needs of their tamariki. You may become aware of these indicators as the result of conversations with tamariki or whānau or your insight into their home life.

Early intervention always produces the best outcomes for pēpi, tamariki and whānau.

**Vulnerability factors include:**

* Financial difficulties
* Unemployment
* Housing struggles / overcrowding
* A child with special needs
* Parents with learning disabilities
* Isolated from friends, family and whānau
* Parents separating
* Transient families

and the Toxic Trio: the presence of one or more of the following is a significant risk to tamariki:

* Substance abuse
* Family violence
* Mental illness that is untreated or unmanaged

Always pass your concerns on to your Designated Person for child protection, who should consider sharing the information with Oranga Tamariki, the Police or other services involved with the tamariki.

**4. Principles**

While many of the principles listed below are considered values we encompass in everything we do as an Early Childhood Centre, it is important to capture and reinforce these alongside our more child protection specific principles. These principles apply to every staff member.

Our child protection principles are:

1. Making the safety and wellbeing of children our primary concern, with the child at the centre of all decision-making.
2. Promoting a culture where staff feel confident to constructively challenge poor practice and raise issues of concern without fear of reprisal.
3. Recognition of the culture of the whānau/family, their importance and rights to participate in decision-making about their children unless this would result in an escalation of risk to the child.

Our commitments are:

1. A commitment to work together to produce the best possible outcomes for the child and to work towards continuous improvement in child protection practices, with all policies and initiatives designed to promote a child protection culture.
2. A commitment to support all staff to work in accordance with the policy, to work with partner agencies and community organisations to ensure child protection policies are consistent and of high quality and to always comply with relevant legislative responsibilities.
3. A commitment to share information in a timely way and to discuss any concerns about an individual child with colleagues, the Designated Person for child protection and the Manager.
4. A commitment to open and transparent relationships with clients/service users, including being willing to share concerns about child safety issues with the whānau/family unless this would result in an escalation of risk.

**5. Responsibilities**

**Role of the Designated Person (DP) for Child Protection**

It is essential that the DP has comprehensive professional development of child protection to be able to fulfil this role.

* Ensure the needs and rights of children come first i.e. the safety and wellbeing of each child is paramount.
* Maintain a current awareness of the children identified on the Risk Register, and regularly highlight these children to the appropriate staff.
* Maintain a close link with the relevant local agencies to ensure clear and effective communication and be a recognised contact with the Centre for agencies to contact regarding concerns.
* Receive information that suggests potential or actual risk of harm to a child who attends the Centre, irrespective of whether the alleged abuse is current, past or likely to occur. The DP will inform the manager and follow the procedures for responding to suspected child abuse, and advise and support staff.
* Be a source of advice and support for staff who may have child protection concerns.
* Ensure required staff have received child protection professional development, and that it is recorded.
* Ensure practices and procedures within the Centre advance child protection
* Ensure the Child Protection Policy is reviewed regularly, and that staff are well informed.
* Oversee the maintenance and confidentiality of child protection records and documentation. 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 subsequent action taken, including when it has been decided not to make a notification to Oranga Tamariki or the police. These records will be kept separate from students’ records for the purpose of confidentiality.
* Consult with the Manager regarding all child protection concerns

**Role of the Manager**

* Ensure the needs and rights of children come first i.e. the safety and wellbeing of each child is paramount.
* Ensure that all staff are aware of, and have access to, full copies of the procedures for reporting child abuse.
* Ensure the Child Protection Policy is effectively implemented throughout the Centre.
* Ensure that all allegations are managed appropriately. No investigation will occur without appropriate consultation and a decision whether a response from Oranga Tamariki or the police is required.
* Ensure allegations or complaints are appropriately referred to the Teaching Council of Aotearoa New Zealand (**TCANZ**)
* Ensure all staff are recruited and employed in accordance with the guidelines identified in the Employment Policy to identify those people safe to work with children.
* Ensure all staff receive child protection professional development.

**Role of the Staff**

* All staff (including contractors and volunteers) have a responsibility to understand what constitutes appropriate behaviour in relation to children.
* All staff have a responsibility to maintain appropriate standards of behaviour and to report lapses in these standards by others.
* Respond to concerns of child abuse by following the identified procedures.
* Record a factual account of any concerns they have, or that are brought to their attention.
* Appropriately seek advice and support from the Designated Person for Child Protection who will then contact external agencies if appropriate.
* Work in co-operation with parents/caregivers, unless this compromises the safety of the child.
* Staff to complete required child protection professional development as selected by the Designated Person and Leadership Team on a yearly basis.

**Role of the Trust**

* Ensure the needs and rights of children come first i.e. the safety and wellbeing of each child is paramount.
* Support the Manager to ensure that all allegations are managed appropriately. No investigation will occur without appropriate consultation and a decision whether a response from Oranga Tamariki or the police is required.
* Support the Manager to ensure that allegations or complaints are appropriately referred to the Teaching Council of Aotearoa New Zealand (**TCANZ**).
* Inform the Manager immediately should any member of the Trust be aware of a concern for the wellbeing and safety of a child who attends the Centre.
* If an allegation of abuse is made against the Manager, the Chair of Trust will receive the complaint.
* Allegations against staff will be reported to the Manager, who will discuss the issue with the Trust, where a decision will be made regarding whether a notification to Oranga Tamariki is appropriate.
* Ensure adequate financial resources are allocated to provide child protection professional development for staff.
* Ensure all staff are recruited and employed in accordance with the guidelines identified in the Employment Policy to identify those people safe to work with children.

**6. Procedures for ensuring children’s protection within the Centre**

**Staffing**

1. All staff, relievers, students and volunteers will have the seven aspects of safety checking carried out (1. Verification of identity; 2. An interview; 3. Information about work history; 4. Referee information; 5. Information from any relevant professional organisation or registration body; 6. A police vet; 7. A Risk Assessment – refer to Human Resource Management policies for further details).
2. Education (Early Childhood Services) Regulations 2008 state 1:5 teacher-child ratios for children aged 0-2 and 1:6 for children 2 years old and older. Nancy Winter Centre will endeavour to maintain higher teacher-child ratios than those specified in the Regulations. (Adult-to-child ratios schedule are available for reading in the back of our policy book)
3. A minimum of two staff will be on duty whenever children are in the centre, including the start and end of each day.
4. Relievers will be allowed to change or toilet children, attend to children in the bedrooms, and be left alone with groups at the discretion of the Person Responsible.
5. Visiting students will be supervised when changing or toileting children, and will not be left alone with any child or group of children.
6. All staff will be familiar with and understand safe working practice. For example, when and how to touch, comfort or correct children and what is expected of them when they are alone with a child. Safe working practice is outlined in Appendix 2 of this policy, the Centre policies, Operations Manual and in the staff handbook.

**Professionalism**

7. The Centre has a Designated Person for Child Protection who works closely with the Manager to maintain good working relationships with child protection agencies; support our staff in protecting children from abuse by consulting agencies with specialist knowledge and providing the necessary professional development; keep up-to-date with current practice, policies and procedures, and regulation requirements.

8. We are committed to maintaining and increasing staff awareness to help **prevent, recognise, respond to, report and record abuse.** Child Protection will be a regular part of the agenda for staff meetings and mini workshops – providing professional learning to increase the knowledge of our responsibilities and response and support for vulnerable children.

* the signs and symptoms of child abuse and neglect
* roles and responsibilities around record keeping and reporting
* responsibilities to children
* limitations of their role.

**Whānau**

9. Whānau are encouraged to visit at any time during the day. Parents/caregivers settling children into the Centre are encouraged to observe and take part in our programme until such time as they, and their children, feel secure enough for them to leave.

10. Only people named on the child’s file are able to collect children from the Centre. If a child is to be collected by someone other than those listed, the parents/legal guardian are required to give permission to the teaching team before the child leaves. The person collecting the child must sign the child out on the daily attendance form.

**Environment**

11. Our playground and indoor play areas are designed to ensure children can be readily observed by teachers.

12. Children will not have access to the staff office or staff room unless accompanied by two staff members.

**7. Procedure for responding to suspected child abuse**

**Recognise, Respond, Report and Record**

1. Staff will discuss any suspected abuse with the Designated Person and Manager who will be familiar with the current regulations and protocols.

2. An Action Plan will be established and shared with the Leadership Team.

3. Full detailed written records are to be kept of every related discussion, observation or incident which involves parent, child, the accused, or staff member, from the first instance that abuse is suspected. These records are confidential and will only include factual information, dates and times.

4. **Disclosure** is information given to a staff member by the child, parent or caregiver or third party in relation to abuse or neglect. Any **disclosure** from children, parent/caregivers or third party will be recorded word for word, dated and signed. Where possible, another staff member will sign to signify that they too have witnessed the details recorded (e.g. bruising, burns, marks, comments, discussion, disclosure). These records will be kept in the “Hot File” in a locked filing cabinet, and the Designated Person and Manager informed. Any disclosure will be received with respect and no questioning will be undertaken by staff unless directed by an appropriate agency.

5. If the Designated Person and Manager suspect a child is unsafe, they will report this to the Police or Oranga Tamariki.

6. Oranga Tamariki or Police become the lead agency after referral or reporting. The Designated Person will liaise with lead agencies to ensure we have up-to-date information to minimise the effect on the child.

7. Any person disclosing information in good faith regarding suspected abuse will be assured the protection afforded by law. The Centre shall provide appropriate support for those involved in reporting child abuse. This support may include, but not limited to, counselling, support working throughout the entire procedure, legal advice for staff and support person to attend any meetings involved.

**8. Dealing with allegations made against members of staff regarding inappropriate actions with children / staff accused of child abuse**

1. Anyone who has reason to make a complaint will be made aware of the Nancy Winter Centre complaint process. There is potential that an issue raised as a complaint may also constitute an allegation of abuse. Any such complaint that raises a child protection issue will be referred directly to the Manager.

2. Allegations, suspicions or complaints of abuse against staff, volunteers or representatives of other agencies will be taken seriously and reported to the Manager who will deal with them immediately, sensitively and expediently within the procedures outlined in this policy. Concerns may be raised a number of ways e.g.:

* Directly by staff hearing or observing issues of concern or behaviour of concern
* Direct disclosure by the child
* Indirect disclosure e.g. through art work or through friends
* Complaint from a parent, caregiver or whānau member
* Reports by other colleagues or agencies

3. If the allegation is against the Manager, this must be reported directly to the Chair of the Trust.

4. Allegations against staff will be discussed with the Trust where a decision will be made regarding whether a notification to Oranga Tamariki is appropriate.

It is **NOT** the responsibility of staff, other than the Manager, to investigate allegations of child abuse.

5. In all child protection cases, the Centre will cooperate fully with both Oranga Tamariki and the Police in their investigations and assessments.

6. If the Police decide to undertake a criminal investigation, the member of staff may be suspended, without prejudice, as a precautionary measure. It is important that no internal investigation is undertaken, and no evidence gathered that might prejudice the criminal investigation.

7. If there is insufficient evidence to pursue a criminal prosecution, then a disciplinary investigation may still be undertaken if there is reasonable cause to suspect that abuse or inappropriate behaviour may have occurred. The allegation may represent poor practice by a staff member which needs to be considered under internal disciplinary procedures.

8. A complaint or allegation against a staff member may require a report to the Teaching Council of Aotearoa New Zealand (**TCANZ**). Further information regarding the thresholds for reports to **TCANZ** is in the Appendix.

9. 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.

10. If after investigation, there was no case to answer, the Manager, or person delegated, will meet with the family and other support agencies to resolve any outstanding issues.

11. The Manager or person delegated will contact appropriate agencies to offer support and counselling for all persons involved, i.e. NZEI.

References

* Child Protection Act (2014)
* Teaching Council of Aotearoa New Zealand
* Oranga Tamariki
* Human Resources Management Policies
* Privacy Policy

Reviewed: July 2022 Next Review: July 2025

**DP** Designated Person for Child Protection

**TCANZ** Teaching Council of Aotearoa New Zealand

**NZEI** New Zealand Educational Institute

Websites

https://www.orangatamariki.govt.nz/working-with-children/childrens-act-requirements/child-protection-policies/

[Safer organisations Safer children](https://www.orangatamariki.govt.nz/assets/Uploads/Working-with-children/Childrens-act-requirements/Safer-Organisations-safer-children.pdf)

Appendix 1

Information summarised from the Child Protection course [training.education.govt.nz](http://training.education.govt.nz)

### Recognise

### Recognising abuse or neglect will involve awareness of signs, symptoms, indicators and behaviours.

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### Something observed by you - such as an injury, smell or decayed teeth.

* Something the child experiences - such as pain or hunger.
* How a child or adult acts.
* “Red flags” eg incidents that leads to concerns about the wellbeing of a child

### Tamariki rarely experience just one category of abuse

If tamariki are experiencing physical abuse, they will without doubt also be experiencing emotional abuse and perhaps neglect and sexual abuse.

Be alert for repeated concerns for a tamaiti. Tamariki who are **“always”** experiencing something may be vulnerable.

**“always smelly” “always tired” “always seems frightened of that relative”**

Be professionally curious. What does “always” mean for this tamaiti?

### 

### Child abuse falls into categories:

* Neglect
* Physical abuse
* Emotional abuse
* Sexual abuse
* Exposure to family violence

**Neglect**

Neglect is the failure to meet the needs of tamariki. This is in contrast to other forms of abuse that are seen as doing something **to** the tamaiti. Neglect is not doing the things a tamaiti needs to stay safe, be healthy and thrive.

Types of neglect include (but are not limited to) Nutritional, Emotional, Educational, Physical, Lack of supervision and guidance, Medical, neglect during pregnancy.

**Physical**

Physical abuse is the intentional use of physical force against tamariki that results in, or has a high likelihood of resulting in, risk to the life, health and wellbeing of the tamaiti.

Physical abuse includes hitting, beating, kicking, shaking, biting, strangling, scalding, burning, poisoning and suffocating. It can also include a parent pretending that the tamaiti is ill.

Most physical abuse against tamariki in the home is inflicted as a form of punishment or as a result of low empathy and frustration.

**Signs of possible physical abuse** (this is not a complete list)

* Unexplained bruising, marks or injuries on any part of the body.
* Multiple bruises, in clusters often on the upper arm or the outside of the thigh. Finger mark bruises could indicate the tamaiti has been gripped tightly. These are of particular concern when presenting on a tamaiti's trunk, as it may indicate the tamaiti has been gripped in order to shake them.
* Injuries to the mouth, such as bruising to both sides of the mouth or cheeks or injuries inside the mouth may be a sign of non-accidental injury through force feeding. This is of particular concern with bottle fed pēpi.
* Marks on pre-mobile pēpi or tamariki who are not yet crawling or walking.
* Human bite marks.
* Scalds with upward splash marks.
* Cigarette burns or multiple burns with a clearly demarcated edge.
* Multiple injuries (for example, bruising fractures) inflicted at different times. It is particularly concerning if parents/carers are unable to explain these injuries and it is not clear whether they took the tamaiti to receive medical treatment at the time of the injury.
* Injuries on both sides of the body. Imagine if you fell over or off your bike. You would land on one side of the body or the other, not both at the same time.
* Failing or delaying taking the tamaiti to an Emergency Department with injuries.
* **Adult Behaviour**
* Overly rough play.
* Story changes or is vague.
* Beliefs and attitude regarding physical punishment and child safety. "Didn't do me any harm."
* Delay in seeking medical help for the tamaiti.
* Makes threats to harm.
* Abuse of animals.
* Lashes out or threatens tamariki in front of others.
* General low empathy.

Does the story behind the injury fit what you are seeing and hearing from the tamaiti or adult?

If you have any concerns that bruising or injury is the result of abuse, follow your Child Protection Policy and Procedures, and contact Oranga Tamariki.

The tamaiti MUST be assessed by a specialist paediatrician. This will be arranged by Oranga Tamariki and the Police.

**Emotional Abuse**

Emotional abuse can involve:

* Rejection.
* Ignoring or silent treatment.
* Neglectful care.
* Inappropriate expectations imposed on tamariki for their age and development.
* Overprotection. Limitation of normal social interaction and learning.
* Exposure to the ill-treatment of another person or animal.
* Tamariki experiencing any form of abuse will suffer emotional abuse as a result.
* Bullying.
* Frightening tamariki.
* A relationship based on fear, power and control.
* Rejection.

Emotional abuse results in tamariki frequently feeling frightened or in danger. It can become “normal”, and their stress hormones are then always high (please note this is not a comprehensive or exhaustive list and must be viewed in context).

**Signs of possible Emotional Abuse**

* Self-soothing behaviour.
* A tamaiti who looks and acts worried regularly.
* Play developmentally delayed.
* Developmental delays including emotional development.
* Regression of development stage.
* Nightmares.
* Onset of bedwetting.
* Knowledge of and worry about adult issues.
* Fear of making mistakes or getting into trouble.
* Fear of a particular adult.
* Tamariki who withdraw or become clingy.
* Negative statements about self.
* Extreme shyness or passivity.
* Tamariki who are under pressure to perform well academically, musically or in sport.
* Demanding adults’ attention even with adults they do not know.
* Not mixing well with other tamariki.
* Highly aggressive or cruel to others.
* Sudden underachievement or lack of concentration.
* Sleep or speech disorders.

**Adult Behaviour**

* Rejection of the tamaiti.
* Put-downs and humiliation.
* Critical of a tamaiti’s efforts or ability.
* Unrealistic expectations of behaviour or ability for developmental age.
* Severe or harsh interactions with the tamaiti.
* Lack of emotional responsiveness.
* Shows little or no understanding of how the tamaiti may feel (low empathy).
* Harsh parenting style.

**Sexual Abuse may involve**

* Physical contact including assault by penetration (rape or oral sex).
* Non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing.
* Non-contact activities such as involving the tamaiti looking at, or in the production of sexual images.
* Watching sexual activities.
* Encouraging tamariki to behave in sexual ways.
* Grooming tamariki in preparation for abuse.
* Forcing or enticing tamariki to take part in sexual acts.
* Exposure to pornography or sexual activities.
* Voyeurism – secretly watching or filming.

Please note this is not a comprehensive or exhaustive list and must be viewed in context.

**Signs of possible sexual abuse**

This list is made up of indicators and must be viewed in the context of concerns you have:

* Acting out in an inappropriate sexual way with toys or objects.
* Knowledge of sex beyond their developmental age.
* Secrets.
* Nightmares or sleeping problems.
* Becoming withdrawn, clingy or secretive.
* Sudden unexplained personality changes, mood swings and seeming insecure.
* Regressing to younger behaviours. For example, bedwetting.
* New adult words for body parts and no obvious source.
* Unexplained soreness, bleeding or bruising around genitals or mouth.
* Not wanting to be alone with a person.

**Adult Behaviour**

* Refusing to allow the tamaiti sufficient privacy.
* Insisting on physical affection such as kissing, hugging or wrestling even when the tamaiti does not want it.
* Insisting and creating time alone with the tamaiti.
* Spending most of their spare time with tamariki and having little interest in spending time with people their own age.
* Regularly offering to babysit tamariki for free or take tamariki for sleepovers or outings alone.
* Behaving in a way that is concerning but happens so often that people accept it as normal.
* Treating a particular tamaiti as a favourite.

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## What to do if you suspect sexual abuse

Suspected sexual abuse of tamariki must always be reported to the Police and Oranga Tamariki without delay. They will care for the tamaiti in partnership with doctors and nurses who specialise in child sexual abuse.

**Family Violence**

Definitions of childhood exposure to family violence vary but usually include seeing, hearing, getting caught up in or experiencing the results of physical or sexual assaults between their caregivers. Importantly, tamariki do not have to see the

violence occurring to be harmed by it. Awareness of violence, living in the atmosphere afterwards or potential violence that might occur at any moment significantly contributes to harm.

**Respond**

**Follow our Child Protection Policy**

Everyone, from managers to kaiako and volunteers, must be confident and competent when faced with child protection concerns to the level expected of their role. Key to all of this is a workable and robust child protection policy and easy to follow procedures.

An organisation’s child protection policy and procedures apply to every member of staff, every tamaiti and in every situation. Historical cases of institutional abuse demonstrate that those who want to harm tamariki can manipulate the situation until it seems the rules don’t apply to them.

Everyone should understand the importance of protecting tamariki from abuse and neglect and feel confident, competent, safe and supported to do so.

**Think “What if I’m right?”**

**not “What if I’m wrong?**”

**Sharing Information - carried out by our Designated Person or Manager**

The aim of sharing information early is to prevent abuse and take steps to improve the child's wellbeing.

The legislation that supports us to share information early includes:

Oranga Tamariki Act 1989

Family Violence Act 2018

The Privacy Act 2020

The Oranga Tamariki Act ensures people and organisations can share information about concerns for a tamaiti or whānau early. The Act overwrites the Privacy Act by allowing you to share information about tamariki or whānau.

Examples of ways in which information can be shared with another service or agency include:

* A phone call.
* An email.
* Arranging a meeting/hui with other regulated services working with the tamaiti or whānau.

As long as requesting information or sharing of information is about wellbeing or safety of tamariki and the service/agency is on the list of [regulated services](https://www.legislation.govt.nz/act/public/2014/0040/latest/DLM6006325.html) you can:

* Provide or request information from another service/agency to gather pieces of the jigsaw that can help you understand the risks or needs of the tamaiti.
* Share a piece of the jigsaw to help another service/agency understand the risks or needs of the tamaiti.

**You can call Oranga Tamariki for advice. Always.**

* Plan your call.
* Ask to speak to a social worker.
* Document their full name, date and time of the call for your records.
* Explain your concerns and ask for guidance.
* Record any advice you are given and any actions you take as a result.

**When you contact another agency to share information you could say:**

* *"I have some information about XXXX that may be useful for you to be aware of."*
* *"I am sharing this information as per Section 66c of The Oranga Tamariki Act as I believe by sharing this information it will give you a better understanding of the tamaiti or whanau’s situation."*

**Family Violence Act 2018**

If you are working with a situation involving family violence, the Family Violence Act states you must consider sharing information to keep the victim safe. It includes sharing information to protect a tamaiti living in a violent environment.

**The Privacy Act 2020**

Do not be afraid of The Privacy Act when you have concerns about the welfare and safety of tamariki. The Oranga Tamariki Act ensures people and organisations can share information about concerns for a tamaiti or whānau early. The Act overwrites the Privacy Act by allowing you to share information about tamariki or whānau.

Information sharing is an essential aspect of protecting at-risk or vulnerable tamariki. Reviews from serious cases often record that a failure to share information has been a critical factor in tamariki remaining in dangerous situations or ultimately their death.

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### Sharing information with the next early learning service or school

Moving early learning providers or transferring school is sometimes used by abusive parents or carers as a way of hiding the abuse that is taking place. Child protection information must be shared as soon as possible to the tamaiti’s new school. Inform parents of your intention if it is safe to do so. However, **parental consent is not required to transfer this information as it will be used to prevent harm to a tamaiti**. Where parents object, the facts should be recorded and the reasons to transfer should be noted.

**Working with Whānau in a culturally responsive way**

Culturally responsive pedagogy involves kaiako adapting and transforming their practice as a result of a deep engagement with and understanding of the culture of tamariki and whānau.

When working with whānau from different cultures, it is important that you seek to understand their practices, perspectives and beliefs. Developing sensitive, long-term relationships and connections help you learn about whānau. That said, protecting tamariki from abuse or neglect shouldn’t be avoided, or let go because of the culture a whānau is from or their cultural norms.

Communication works best where it is understood that everyone brings with them knowledge, ways of knowing, and experiences of value to share.

Cultural relationships require trust, respect, time and commitment. Once developed, strong relationships and connections can then be used where necessary to enable kaiako to have open discussions with whānau if there are concerns about the wellbeing of their tamariki.

The Ministry of Education’s resource He Māpana te Tamaiti: Supporting Social and Emotional Competence in Early Learning has a section on pages 12-13 focusing on culturally responsive practice in early learning services.

**Do I inform whānau?**

You should consult with whānau about sharing their information if it is safe, practical and appropriate to do so and take whānau’s views into account. However, you do not need their consent.

If it is unsafe to consult with whānau or could increase the risk to the tamaiti, do not consult. Document in your recording system the reasons why you chose not to inform whānau. You can always consult with Oranga Tamariki about informing whānau.

**Responding to Disclosures**

Disclosures are information given to a staff member by the child, parent or caregiver or third party in relation to abuse or neglect.

Knowing how to respond if a tamaiti discloses that they are experiencing abuse and neglect is crucial if you work or volunteer with tamariki. Disclosures or hints that a tamaiti may be at risk now or in the future can come when you are not expecting it, on a busy day or just as an activity is finishing.

An important point to note is your role is not to interview the tamaiti. Only Oranga Tamariki or the Police can do this. Using **TED**, as discussed in the video ([www.safeguardingchildren.org.nz](http://www.safeguardingchildren.org.nz)) is a way to safely gather information that can be passed on without interviewing the tamaiti.

**T**ell me about it. **E**xplain what happened. **D**escribe what happened.

You don’t need to use all three. These are starters to gather information without interviewing.

Pass the information on to the Designated Person. Follow up that the information is passed on.

**Report to Oranga Tamariki, Police, Teaching Council**

Oranga Tamariki and the Police are the agencies that can investigate child abuse and neglect. If you are concerned a tamaiti is being abused, you must report it your Designated Person who will report it to Oranga Tamariki or the Police. In house investigations by an early learning service must not occur as they can delay getting help for the tamaiti or jeopardise a criminal investigation. Your role is to gather information and pass it on to Oranga Tamariki or the Police.

A Report of Concern is the term used by Oranga Tamariki and the Police for the information you share with them.

Oranga Tamariki has a dedicated phone line and email address for early learning services and schools. 0508 332 774 [edassist@ot.govt.nz](mailto:edassist@ot.govt.nz)

### Information to include in a report of concern

Accurately capturing and communicating your concerns for a tamaiti’s wellbeing and safety is crucial and an important skill to practice in staff training. It requires planning and time to do it well so that your concerns and risk to the tamaiti jump out to the Oranga Tamariki social workers or the Police. Whenever you are submitting a Report of Concern, no matter if it’s via phone, email, or letter, please plan it well to ensure the information you want to share and the reason for your concern is captured.

We have listed the information that makes it easier for Oranga Tamariki or the Police to identify the child or concerning adult and for them to understand your concerns. [Click here](https://safeguardingchildren.org.nz/wp-content/uploads/2020/09/Report-of-Concern.pdf) to download and view this list, Making an Effective Report of Concern.

This [link](https://www.orangatamariki.govt.nz/about-us/how-we-work/how-we-keep-children-safe/report-of-concern/) explains what happens when you make a report of concern.

**Reporting to Teaching Council**

Refer to Appendix 2

**Informing whānau**

Best practice is to raise vulnerability concerns with whānau and caregivers early. This approach is aimed at preventing child abuse from occurring. By travelling a journey with the whānau honestly and openly, it allows them to engage and get the help they need to meet the needs of the tamaiti at a community level. If despite this approach you reach a line in the sand when you need to submit a Report of Concern, it will come as no surprise to the whānau and give you the best chance of remaining engaged with them.

Dishonesty and covert actions can result in a bad reaction by many whānau and caregivers and result in them never engaging again or withdrawing the tamaiti from your early learning service so that no one has eyes on the tamaiti.

Experience has shown that whānau can respond badly to people deciding not to inform them of their concerns and intentions. The loss of trust and feeling of betrayal can be more detrimental to the relationship you have with the whānau and caregivers than them knowing that you think the care of the tamaiti is suboptimal or harmful.

If fear of informing whānau or caregivers about your concerns is preventing you from sharing information about a tamaiti, you must refer to your child protection policy and procedures and seek guidance from your Designated Person, Oranga Tamariki or the Police.

You don’t have to tell whānau or caregivers in person. It could be a phone call, an email or letter when you are back in your workplace. If you feel at all concerned that sharing this information could result in a tamaiti being punished, abused or taken away by the whānau or caregivers, then do not inform them. Document why you decided not to inform whānau in the referral form and your notes.

**Record**

It is essential that your early learning service records and stores child protection concerns. If concerns and actions are not recorded, there is no evidence that any action was taken. It is vital for the tamariki, and early learning service that a high standard of child protection documentation is maintained.

Adults who experienced abuse in childhood may seek historical information which results in investigation of redress (remedy or compensation). It is therefore important that all records you hold relating to child abuse or concerns for child welfare are stored securely for historical purposes.

* + - Read back to previous documentation to identify patterns and repeated concerns. Repeated incidents and concerns are called cumulative harm. Cumulative harm is the outcome of multiple episodes of abuse or neglect experienced by a child.
    - Record as soon as possible.
    - Record all details and communications of suspected child abuse or neglect. Include the outcomes of each case and advice sought from:
    - Your Designated Person
    - Oranga Tamariki or the Police
    - Record your observations and concerns including the use of a body map.
    - Retain a copy of any referrals or Report of Concern and outcomes.
    - Record your efforts to share information including emails and unsuccessful attempts.
    - Record facts not opinions.
    - Record to justify decisions made. For example, the reason why you decided not to inform whānau or caregiver about a report of concern you are submitting.
    - Record so that other staff members can understand your concerns, actions taken and outcomes.
    - Record to identify patterns of concerns which may indicate child abuse.

[Making an effective REPORT OF CONCERN](https://safeguardingchildren.org.nz/wp-content/uploads/2020/09/Report-of-Concern.pdf)

**ink "What if I'm right?"**

Appendix 2

Employers' reporting

The criteria for reporting serious misconduct are contained in the Teaching Council Rules 2016, in Rule 9, which is set out below:

**Criteria for reporting serious misconduct**

**9 Criteria for reporting serious misconduct**

1. A teacher’s employer must immediately report to the Teaching Council in accordance with [section 394](http://www.legislation.govt.nz/regulation/public/2016/0122/latest/link.aspx?id=DLM6526332" \l "DLM6526332) of the Act if the employer has reason to believe that the teacher has committed a serious breach of the Code of Professional Responsibility, including (but not limited to) 1 or more of the following:
   1. using unjustified or unreasonable physical force on a child or young person or encouraging another person to do so:
   2. emotional abuse that causes harm or is likely to cause harm to a child or young person:
   3. neglecting a child or young person:
   4. failing to protect a child or young person due to negligence or misconduct, not including accidental harm:
   5. breaching professional boundaries in respect of a child or young person with whom the teacher is or was in contact as a result of the teacher’s position as a teacher; for example,—
      1. engaging in an inappropriate relationship with the child or young person:
      2. engaging in, directing, or encouraging behaviour or communication of a sexual nature with, or towards, the child or young person:
   6. viewing, accessing, creating, sharing, or possessing pornographic material while at a school or an early childhood education service, or while engaging in business relating to a school or an early childhood education service:
   7. acting dishonestly in relation to the teacher’s professional role, or committing theft or fraud:
   8. being impaired by alcohol, a drug, or another substance while responsible for the care or welfare of a learner or a group of learners:
   9. permitting or acquiescing in the manufacture, cultivation, supply, offer for supply, administering, or dealing of a controlled drug or psychoactive substance by a child or young person:
   10. an act or omission that may be the subject of a prosecution for an offence punishable by imprisonment for a term of 3 months or more:
   11. an act or omission that brings, or is likely to bring, the teaching profession into disrepute.

2. Misconduct described in any of paragraphs (a) to (e) and (k) of subclause (1) may be—

* 1. a single act; or
  2. a number of acts forming part of a pattern of behaviour, even if some of the acts when viewed in isolation are minor or trivial.

Rule 9: replaced, on 19 May 2018, by [rule 6](http://www.legislation.govt.nz/regulation/public/2016/0122/latest/link.aspx?id=LMS22512) of the Education Council Amendment Rules 2018 (LI 2018/59).

Rule 9(1): amended, on 29 September 2018, by [section 12](http://www.legislation.govt.nz/regulation/public/2016/0122/latest/link.aspx?id=LMS9418) of the Education (Teaching Council of Aotearoa New Zealand) Amendment Act 2018 (2018 No 35).