

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.

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.

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).

Vulnerability

Vulnerable children are children who are at significant risk of harm to their wellbeing now and into the future as a consequence of the environment in which they are being raised and, in some cases, due to their own complex needs. Environmental factors that influence child vulnerability include not having their base emotional, physical, social, developmental and/or cultural needs met at home or in their wider community. (The White Paper for Vulnerable Children Volume 1. October 2012)

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:

- i. Making the safety and wellbeing of children our primary concern, with the child at the centre of all decision-making.
- ii. Promoting a culture where staff feel confident to constructively challenge poor practice and raise issues of concern.

iii. 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:

- i. 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.
- ii. 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.
- iii. 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.
- iv. 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 the Ministry for Children, Oranga Tamariki (**MCOT**) 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 **MCOT** 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 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.

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 **MCOT** 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 **MCOT** 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 be police vetted as stated in the centre's 'Police vetting policy'.
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 Head Teacher.
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 as outlined in the Appendix, the Centre Policies 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 and respond to abuse. The Vulnerable Child 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.

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

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 Head Teacher.
3. Full detailed written records are to be kept of every related discussion, observation or incident which involves parent, child, 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. Any disclosure from children 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 **MCOT**.
6. **MCOT** 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 (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 **MCOT** 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 co-operate fully with both **MCOT** 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 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.

Appendix

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](#) 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:

(a) using unjustified or unreasonable physical force on a child or young person or encouraging another person to do so:

(b) emotional abuse that causes harm or is likely to cause harm to a child or young person:

(c) neglecting a child or young person:

(d) failing to protect a child or young person due to negligence or misconduct, not including accidental harm:

(e) 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,—

(i) engaging in an inappropriate relationship with the child or young person:

(ii) engaging in, directing, or encouraging behaviour or communication of a sexual nature with, or towards, the child or young person:

(f) 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:

(g) acting dishonestly in relation to the teacher's professional role, or committing theft or fraud:

(h) being impaired by alcohol, a drug, or another substance while responsible for the care or welfare of a learner or a group of learners:

(i) 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:

(j) 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:

(k) 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—

(a) a single act; or

(b) 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](#) of the Education Council Amendment Rules 2018 (LI 2018/59).

Rule 9(1): amended, on 29 September 2018, by [section 12](#) of the Education (Teaching Council of Aotearoa New Zealand) Amendment Act 2018 (2018 No 35).