



# Child Protection

## Key points I need to know:

- Hōhepa Hawke's Bay has zero tolerance for any form of abuse; and all staff have a duty of care to prevent harm happening to people we support.
- We are committed to a safe and nurturing environment for each child/tamaiti and young person/rangatahi.
- Everyone must know how to respond to abuse or neglect.
- All workers are safety checked.

## Purpose

To protect the safety and promote the wellbeing of children and young persons (aged 17 years and under) who are receiving services from any staff member of Hōhepa Hawkes Bay.

## Scope

This policy applies to all staff, including contractors and volunteers, and any person(s) living on Hōhepa property (e.g. family members of employees). This policy ensures that Hōhepa Hawkes Bay:

- Demonstrates continual improvement in child protection practice.
- Maintains a good working relationship with child protection agencies.
- Supports staff to protect children from abuse by consulting with experts with specialist knowledge.
- Provides the necessary training options.

Hōhepa commits to explore opportunities to work with other providers, including from other sectors, to develop a network of child protection practice in our community.

## Aims

- To respond to any information that may indicate abuse.
- To work with relevant agencies.
- To inform and work with families.
- To protect the privacy of children during any investigation.
- To protect the privacy of any staff and family/whānau during investigation lest suspicions be unfounded.

## Policy

1. Any suspicion or indicative information will be reported to the New Zealand Police. Any person has the right to do so directly to Police/Oranga Tamariki, but staff are encouraged to first discuss concerns, in confidence, with their manager, who should refer the matter to a Senior Manager – ideally Director of Services or General Manager.

Action to immediately ensure safety of the child will be instigated.

2. Staff should not interview or question a child – if statements or behaviour of the child cause concern (or other physical signs) the staff member should bring the matter to the attention of their line manager (Team Leader, House Manager, Teacher) or directly to the Service Manager, School Principal or Director of Services.
3. The General Manager will be promptly informed when a Senior Leadership Team Manager has been informed. The General Manager will ensure the relevant

agencies are informed, and inform the Regional Board chair that a matter has been referred to the Police.

4. Hōhepa will work under advice and guidance of the Police Child Protection Team, particularly in regard to:
  - Informing family/whānau.
  - Investigative Process to be followed, including working with other professional agencies.
5. All staff will receive relevant Child Protection training, with refresher training at 2-yearly intervals.
6. Hōhepa will not negotiate settlement agreements to move a staff member from Hōhepa, accused or under investigation regarding suspected abuse.
7. Hōhepa will conduct the workforce 'safety checks' as outlined in the 'Requirements for Safety Checks of Children's Workers' legislation.

## Definitions

- **Child** – any child or young person aged 17 years and under, and who is not married or in a civil union.
- **Child protection** – activities carried out to ensure that children are safe in cases where there is suspected abuse or neglect or are at risk of abuse or neglect.
- **Disclosure** – information given to a staff member by a child, parent or caregiver or a third party in relation to abuse or neglect.
- **Oranga Tamariki** – the agency responsible for investigating and responding to suspected abuse and neglect and for providing care and protection to children found to be in need.
- **New Zealand Police** (Child Protection Team) – the agency responsible for responding to situations where a child is in immediate danger and for working with Oranga Tamariki in child protection work and investigating cases of abuse or neglect where an offence may have occurred.
- **Child abuse** – refers to the harming (whether physically, emotionally or sexually), ill treatment, abuse, neglect, or serious deprivation of any child/tamaiti, young person/rangatahi. This includes actual, potential and suspected abuse.
  - Physical abuse – any acts that may result in physical harm of a child or young person.
  - Sexual abuse – any acts that involve forcing or enticing a child to take part in sexual activities, including child sexual exploitation, whether or not they are aware of what is happening.
  - Emotional abuse – any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development.
  - Neglect – the persistent failure to meet a child's basic physical or psychological needs, leading to adverse or impaired physical or emotional functioning or development.

## Summary

Ensuring the wellbeing and safety of children, including prevention of child abuse or maltreatment, is a paramount goal of Hōhepa Hawkes Bay. This policy / procedure provides guidance to staff on how to identify and respond to concerns about the wellbeing of a child, including possible abuse or neglect.

See below for the process for responding to a concern about a child.

The interests of the child will be the paramount consideration when any action is taken in response to suspected abuse or neglect. Hōhepa Hawkes Bay commits to support the statutory agencies (Oranga Tamariki and the New Zealand Police ('the Police')) to investigate abuse and will report suspected cases and concerns to these agencies as per the process in this policy.

Our designated Person for Child Protection, the Director of Services, will be responsible for the maintenance and annual review of this policy, in addition to carrying out the responsibilities outlined in this policy. Staff will not assume responsibility beyond the level of their experience and training. Hōhepa Hawkes Bay commits to ensure staff have access to the training they need.

A digital copy of this policy can be found on our website: [www.hohepahawkesbay.com](http://www.hohepahawkesbay.com)  
The policy is consistent with Oranga Tamariki and Police guidelines. It will be regularly reviewed and updated, including when new guidance is issued.

### **Guidelines - responding to suspected abuse or neglect**

In all cases where a member of staff has a concern about a child/tamaiti/young person/rangatahi being or likely to be abused or neglected (refer to Definitions) by an adult or another child/tamaiti or young person/rangatahi, they will report this to their manager/supervisor and make referrals/notify Director of Services/Child Protection Coordinator or any Senior Manager to assist in the formulation of a plan to address the care and protection concerns. [Also refer to the Hōhepa Abuse Policy/Procedure].

A referral to Oranga Tamariki may be made at any time.

It is mandatory for all concerns to be reported/referred to the Director of Services/Child Protection Coordinator within a time period which allows for effective consultation/advice to be given.

Throughout New Zealand statutory and non-statutory agencies provide a network of mutually supportive services and it is important for Hōhepa to work with these to respond to the needs of vulnerable children and families/whānau in a manner proportionate to the level of need and risk.

*\*NB Contact details for agencies and services in our community are provided as an [appendix](#) to this policy.*

### **Responding to a child when the child discloses abuse:**

#### **1. Listen to the child**

Disclosures by children are often subtle and need to be handled with particular care, including an awareness of the child's cultural identity and disability, and how that affects interpretation of their behaviour and language.

#### **2. Reassure the child**

Let the child know that they:

- Are not in trouble.
- Have done the right thing.

If the child is visibly distressed, provide appropriate reassurance and re-engage in appropriate activities under supervision until they are able to participate in ordinary activities.

If the child is not in immediate danger: re-involve the child in ordinary activities and explain what you are going to do next.

If the child is in immediate danger: contact the Police immediately.

### **3. Do not interview the child (in other words, do not ask questions beyond open prompts).**

For all the above steps:

As soon as possible formally record the disclosure. Record:

- Word for word, what the child said.
- Any prompts that were made.
- The date, time and who was present.

As soon as possible the concern must be reported to Director of Services/Child Protection Coordinator.

It is the responsibility of the Director of Services/Child Protection Coordinator to notify Oranga Tamariki and where appropriate the family/whānau of suspected child abuse or neglect and inform General Manager.

This notification should include:

- Anything said by the child. Word for word, what the child said.
- The date, time, location and the names of any staff that may be relevant and who was present
- The factual concerns or observations that have led to the suspicion of abuse or neglect (e.g., any physical, behavioural or developmental concerns).
- The action taken by Hōhepa.
- Any other information that may be relevant.
- Relevant information can inform any future actions.

#### ***Notifying authorities***

The Director of Services/Child Protection Coordinator will notify the authorities within the timeframes indicated in the Oranga Tamariki Shared Care Service Specification, after consulting with General Manager. A phone call to the National Contact Centre is the preferred initial contact with Oranga Tamariki (see below – [Appendix](#)) as this enables both parties to discuss the nature of the concerns and appropriate response options.

Oranga Tamariki will advise what, if any, immediate action may be appropriate, including referring the concern to the Police.

Oranga Tamariki is responsible for looking into the situation and to guide the process forward assuring the safety and wellbeing of the child/tamaiti concerned.

#### ***Storing relevant information***

Securely store:

- The record of the concern.
- A record of any related discussions (including copies of correspondence, where appropriate).
- A record of any advice received.
- The action taken by Hōhepa, including any rationale.
- This concern with any earlier concerns, if the notification is based on an accumulation of concerns (rather than a specific incident).

#### ***Allegations or concerns about staff***

All matters involving allegations against staff must be reported to the Line Manager, in the first instance and need to be escalated to the HR Manager.

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

Management will consult with Oranga Tamariki and/or the Police before taking any further actions.

Hōhepa commits not to use 'settlement agreements', where these are contrary to a culture of child protection. Some settlement agreements allow a member of staff to agree to resign provided that no disciplinary action is taken, and a future reference is agreed. Where the conduct at issue concern the safety or wellbeing of a child, use of such agreements is contrary to a culture of child protection.

### ***Confidentiality and information sharing***

All observations, after an investigation has been notified, shall be kept in writing but the file will be sealed for confidential reasons.

The Privacy Act 2020 and the Oranga Tamariki Act 1989 allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated. Note that under sections 15 and 16 of the Oranga Tamariki Act, any person who believes that a child has been, or is likely to be harmed physically, emotionally or sexually or ill-treated, abused, neglected or deprived may report the matter to Oranga Tamariki or the Police and, provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.

### **Responsibilities and actions**

Hōhepa is committed to child protection.

The **Hōhepa leadership team** will ensure that:

- There are organisation-wide policies for the appropriate response to, and management of, child abuse and neglect.
- The Hōhepa Child protection policy and procedures comply with legislative requirements, the principles of the Treaty of Waitangi and best practice standards.
- Organisation-wide procedures exist to provide appropriate, adequate support for, and supervision of, staff affected by child abuse and neglect.
- Families are informed as soon as is appropriate about concerns for their child.

**All Hōhepa employees** have responsibility for the safe management of identified and suspected child abuse and neglect. These responsibilities include:

- To be conversant with Hōhepa's Child Protection Policy and related policies.
- To understand the statutory referral processes and management of identified or suspected abuse and neglect.
- To attend initial training, refresher training and regular updates appropriate to their area of work.
- To seek advice when child abuse is suspected or identified.

Hōhepa has a **Child Protection Coordinator/Director of Services** whose responsibilities include:

- Review the Child Protection Policy and procedure as required.
- Coordinate a system-wide response to child abuse and neglect.
- Develop a training plan and ensure initial refresher and advanced training of staff is available cyclically.
- Ensure documentation tools are in place and accessible to staff for the recording of care and protection concerns.
- Ensure regular audits of child protection practice occur.
- Develop functional internal and external relationships with key stakeholders (government, local government and community-based organisations).
- Provide support and advice to staff regarding child abuse and neglect.
- Ensure families are kept informed in instance of any issue related to their child's well-being.

## References

- Legislation, standards and best practice [Children's Act 2014](#)  
[Care of Children Act 2004](#)  
[Oranga Tamariki Act 1989](#)  
[Victims' Rights Act 2002](#)  
[Children's \(Requirements for Safety Checks of Children's Workers\) Regulations 2015](#)  
[Education \(Hostels\) Regulations 2005](#)  
[Working together to support tamariki, rangatahi and their family/whānau](#) (Oranga Tamariki, 2021)  
[Privacy Act 2020](#)  
[United Nations Convention on the Rights of the Child 1989](#)  
[Family Violence Act 2018](#)
- Policies & Procedures [Abuse and Neglect Incidents – people we support](#)  
[Open Disclosure](#)

## Further information

### ***Principles***

Our child protection policy supports our staff to respond appropriately to potential child protection concerns, including suspected abuse or neglect. It is Hōhepa's commitment to protect children from abuse and to recognise the important roles all of our staff have in protecting children.

This policy provides a broad framework and expectations to protect children, including (but not limited to) staff actions in response to actual or suspected child abuse and neglect. It applies to all staff, including volunteers and part-time or temporary roles and contractors. It is intended to protect all children that staff may encounter, including siblings, the children of adults offering services and any other children encountered by staff as they provide their service.

In addition to guiding staff to make referrals of suspected child abuse and neglect to the statutory agencies – i.e., Oranga Tamariki and the Police – this policy will also help our staff to identify and respond to the needs of the many vulnerable children whose wellbeing is of concern.

- In any instance of reported suspected abuse, to work with Child Protection Team to determine timing and content of information made available to family/whānau.
- Ensure confidentiality of information in interest of child / young person.

Throughout New Zealand statutory and non- statutory agencies provide a network of mutually supportive services, and it is important for Hōhepa to work with these to respond to the needs of vulnerable children and families/whānau in a manner proportionate to the level of need and risk. Contact details for agencies and services in our community are provided as an appendix to this policy.

### ***Identifying possible abuse or neglect***

Information on identifying possible abuse or neglect is detailed in [Working together to support tamariki, rangatahi and their family/whānau](#) (Oranga Tamariki, 2021). This document should be read in conjunction with this policy.

Hōhepa's approach to identifying abuse or neglect is guided by the following principles:

- We understand that every situation is different and it is important to consider all available information about the child and their environment before reaching conclusions.
- We understand when we are concerned a child is showing signs of potential abuse or neglect we should talk to someone, such as a colleague, manager/supervisor or the Director of Services/Child Protection Coordinator– we should not act alone.
- While there are different definitions of abuse, the important thing is for us to consider overall wellbeing and the risk of harm to the child. It is not so important to be able to categorise the type of abuse or neglect.
- It is normal for us to feel uncertain, however, the important thing is that we should be able to recognise when something is wrong, especially if we notice a pattern forming or several signs that make us concerned.
- Confidential treatment of information is paramount, for the child, staff who may potentially be investigated and for the child's family/whānau.

### **We recognise the signs of potential abuse:**

- *Physical signs* (e.g., unexplained injuries, burns, fractures, unusual or excessive itching, genital injuries, and sexually transmitted diseases).
- *Behavioural concerns* (e.g., age- inappropriate sexual interest or play, fear of a certain person or place, eating disorders/substance abuse, disengagement/neediness, aggression).
- *Developmental delays* (e.g., small for their age, cognitive delays, falling behind in school, poor speech and social skills).
- *Emotional abuse/neglect* (e.g., sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, withdrawn, sadness/loneliness and evidence of self-harm).
- The child *talking* about things that indicate abuse (sometimes called an allegation or disclosure).

### **We are aware of the signs of potential neglect:**

- *Physical signs* (e.g., looking rough and uncared for, dirty, without appropriate clothing, underweight).
- *Developmental delays* (e.g., small for their age, cognitive delays, falling behind in school, poor speech and social skills).
- *Behavioural concerns* (e.g., disengagement/ neediness, eating disorders/substance abuse, aggression).
- *Neglectful supervision* (e.g., out and about unsupervised, left alone, no safe home to return to).
- *Medical neglect* (e.g., persistent nappy rash or skin disorders or other untreated medical issues).
- *Emotional abuse/neglect* (e.g., sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm).
- Exposure to *harmful online material*.

Every situation is different and staff will consider all available information about the child and their environment before reaching conclusions. Hōhepa will always act on the recommendations of statutory agencies, including Oranga Tamariki and the Police.

Staff involved in cases of suspected child abuse are entitled to have support. We will maintain knowledge of such individuals, agencies and organisations in the community that provide support.

### **Recruitment and employment (safety checking)**

Our recruitment policy reflects a commitment to child protection by including comprehensive screening procedures. Safety checks will be carried out, as detailed in [Children's \(Requirements for Safety Checks of Children's Workers\) Regulations 2015](#).

## **Training, supervision and support**

Management will support initial child protection training for all service delivery staff.

All staff with service delivery responsibilities are required to undertake child abuse and neglect intervention training. The training will consist of:

- Initial training, introducing this policy and the responsibilities placed on staff.
- Refresher training every 2 years.
- Advanced training for designated staff.

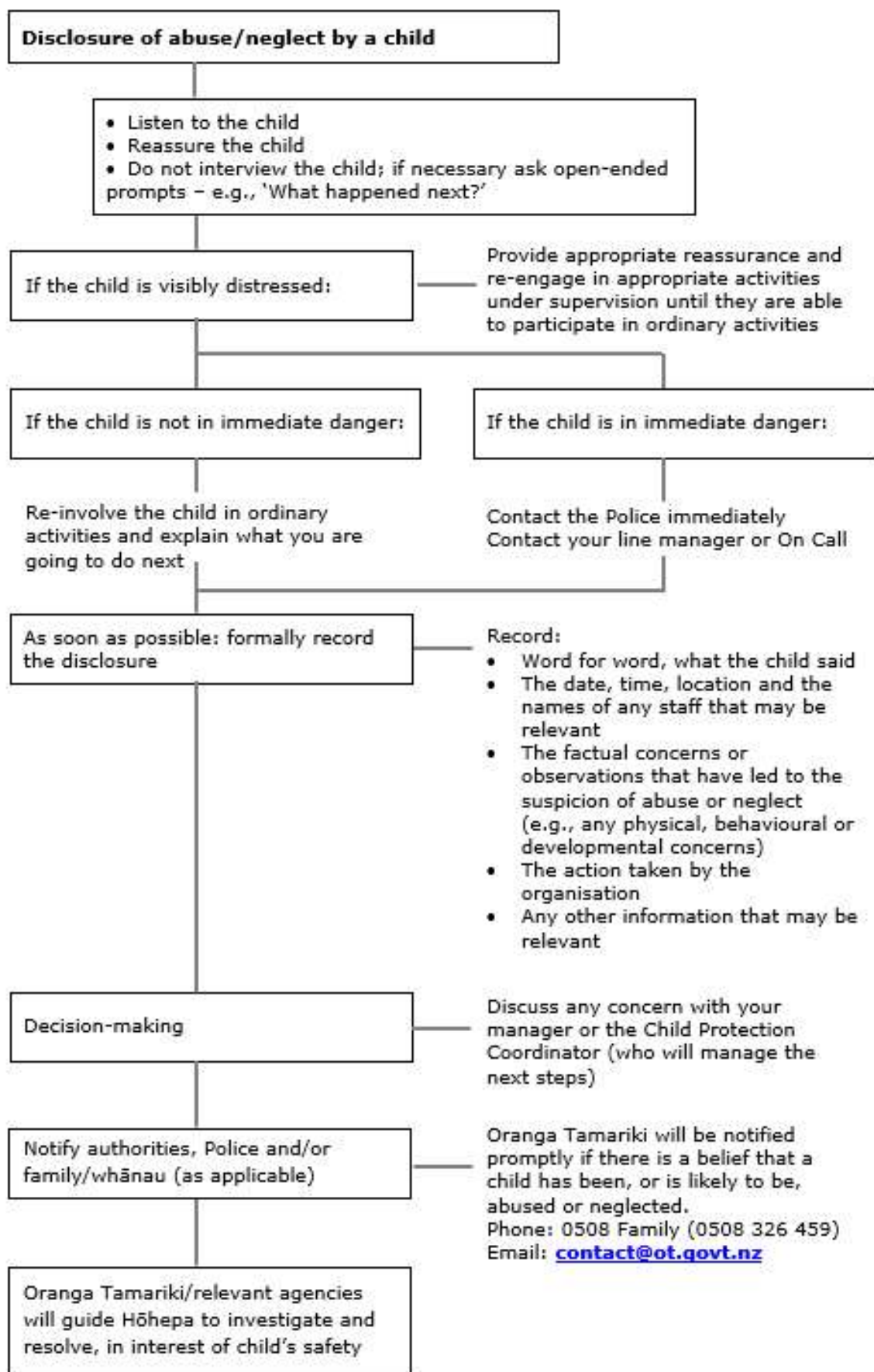
## **Requirements of the Education (Hostels) Regulations**

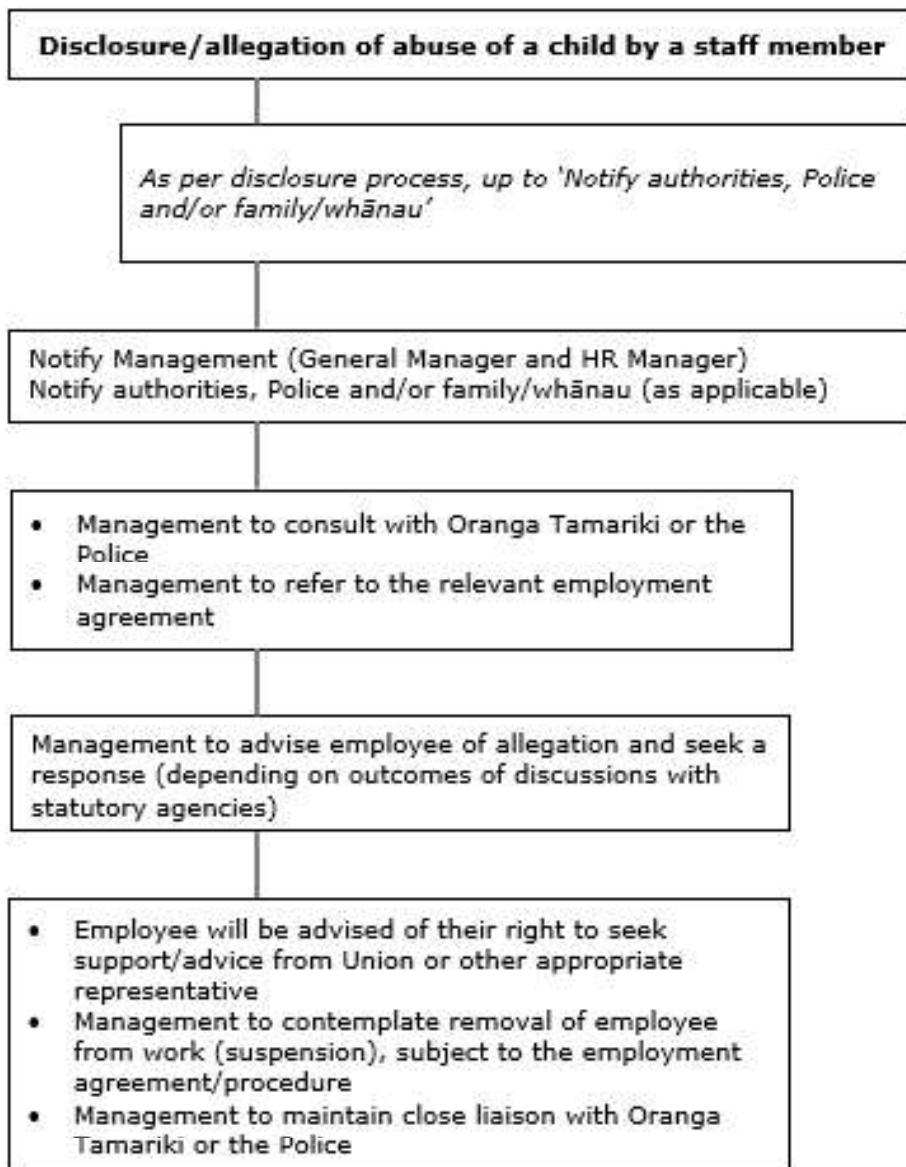
*(As Hōhepa provides residential service for school students, their homes are considered to be 'hostels' and the above regulations apply).*

Section 58 of the Regulations states:

- (1) This regulation applies to the owner of a hostel who believes on reasonable grounds that a person (whether a member of the hostel's staff or boarder or not)—
  - (a) has harmed (whether physically, emotionally, or sexually) or ill-treated a boarder; or
  - (b) has, in directing or guiding a boarder, subjected him or her to discrimination (including favouritism or antipathy), solitary confinement, physical restraint contrary to hostel policy, or deprivation of food, drink, warmth, shelter, privacy, or protection; or
  - (c) has otherwise abused, harassed, or seriously neglected a boarder.
- (2) The owner must ensure that the person does not, so far as practicable, come into contact with the boarder concerned, and must, so far as practicable, require the person to stay off the hostel premises if the owner regards a requirement of that kind as necessary to ensure no boarder is ill-treated.
- (3) The owner must, within 24 hours of forming the belief in subclause (1),—
  - (a) give written notice of the matter to at least 1 of the persons or bodies in subclause (4), as well as to any other of them the owner considers appropriate; and
  - (b) advise the authority when, and to whom, the notice required by paragraph (a) was given; and
  - (c) give the authority a copy of that notice.
- (4) The persons or bodies referred to in subclause (3)(a) are the parents of the boarder concerned, the department responsible for administering the Oranga Tamariki Act 1989, and the New Zealand Police.

**Appendix: Summary Flowcharts and Contact Details**





Contact Details

(As mentioned under 'Principles' – contact details of relevant services/agencies)

For help and information anyone can contact **0508 FAMILY /0508 326 459**

*(for practical purposes all concerns should be directed to the Director of Services and/or the Tamariki Service Manager or the General Manager)*

<https://www.orangatamariki.govt.nz/>

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