

Napier Kindergarten Association

Child Protection Policy

1. Policy summary

- (a) This policy outlines Napier Kindergarten Association's (**the Association**) commitment to child protection in its Kindergartens.
- (b) It includes our protocols when child abuse is reported to us or suspected by us.
- (c) It also includes practice notes on best practise measures to prevent child abuse.
- (d) All employees and Board Members are expected to be familiar with this Policy and to abide by it.

2. Purpose statement

- (a) The Association has an obligation to ensure the wellbeing of children in our care.
- (b) We are committed to the prevention of child abuse and neglect and to the protection of all children. The safety and wellbeing of the child is our top priority when investigating suspected or alleged abuse.
- (c) We support the roles of the New Zealand Police (the Police) and Ministry for Children, Oranga Tamariki (MCOT) in the investigation of suspected abuse and will report suspected/alleged abuse to these agencies.
- (d) We support families/whānau to protect their children. We provide a safe environment, free from physical, emotional, verbal or sexual abuse.

3. Policy principles

- (a) The interest and protection of the child is paramount in all actions.
- (b) We recognise the rights of family/whānau to participate in the decision-making about their children.
- (c) We have a commitment to ensure that all teachers are able to identify the signs and symptoms of potential abuse and neglect and are able to take appropriate action in response.
- (d) We are committed to supporting all teachers to work in accordance with this policy, to work with partner agencies and organisations to ensure child protection policies are consistent and high quality.
- (e) We are committed to complying with relevant legislative responsibilities.
- (f) We are committed to share information in a timely manner and to discuss any concerns about an individual child with colleagues or the Person in Charge.
- (g) We are committed to promote a culture where teachers feel confident that they can constructively challenge poor practice or raise issues of concern without fear of reprisal.

4. Definitions

Child abuse: Includes physical, emotional and sexual abuse as well as neglect which is the direct consequence of a deliberate act or omission by an adult and which has the potential or effect of serious harm to the child.

Person in Charge: The person with responsibility for the work site at the time the reported or suspected child abuse is observed or raised. Includes but is not restricted to Head Teachers, Relieving Head Teachers.

MCOT: The Ministry for Children, Oranga Tamariki

Identifying possible abuse or neglect

For further information about identifying child abuse refer to:

www.orangatamariki.govt.nz

This resource produced by Oranga Tamariki is for people in social service agencies, schools, healthcare organisations, community and other groups who have close contact with children and families/whānau. It includes useful information about identifying possible child abuse and an assessment framework.

5. Responding to suspected abuse or neglect

- (a) The attached flowchart must be followed when responding to allegations, observations or reports of suspected abuse or neglect. ***It is imperative that no investigation into suspected abuse or neglect is initiated by any Association employee or Board member.***
- (b) All suspicions or observed incidents or reports of incidents must be reported directly to the Person in Charge as soon as possible, who will as soon as possible take steps to:
 - protect the child(ren)
 - record the report
 - notify MCOT if there is clear evidence or reasonable cause to believe an instance of child abuse having taken place (Phone 0508 326 459)

6. Responding to concerns regarding the wellbeing of children

- (a) This Child Protection Policy will also help employees to identify and respond to the needs of the many vulnerable children whose wellbeing is of concern and for whom mandatory referral to a statutory agency is not necessary. We acknowledge that in many cases sound judgement on a case by case basis will need to be exercised as to when and which external agencies are referred to (eg Public Health nurse, Plunket, Budget Advice, Food Bank).
- (b) Throughout New Zealand statutory and non-statutory agencies provide a network of mutually supportive services and it is important for our organisation 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. Employees are advised to discuss suspicions with a senior staff member that they report to.

- (c) A Kindergarten Headteacher is able to make referrals at their discretion.
- (d) The Association's Education Managers and/or General Manager are able to make referrals or provide support and guidance relating to referrals or possible referrals.
- (e) Where appropriate, the person making the allegation will be given a copy of this Policy.

7. Allegations or concerns about employee(s)

- (a) When an employee is suspected of abuse or neglect of a child or children the Association's General Manager must be informed as soon as possible.
- (b) If the General Manager is the employee to whom the allegation relates or the General Manager is unavailable, the President of the Board must be informed.
- (c) The General Manager (or President) will take the steps required to:
 - record the allegation
 - ensure the immediate protection of the child(ren)
 - consult with MCOT agency and/or the Police
 - consult with a qualified legal employment advisor
- (d) The General Manager (or President) will take the appropriate actions to investigate the allegation having regard to:
 - The Association's policies and procedures
 - Individual or collective terms and conditions of employment
 - Statutory obligations
- (e) The employee about whom the allegation is made has the right to:
 - Seek legal advice
 - Seek support of a relevant union/representative body
 - Be given an opportunity to respond to the allegation
- (f) Allegations of child abuse or neglect against an employee if found to be substantiated would fall within the Association's definition of Serious Misconduct.
- (g) When an allegation of child abuse or neglect against an employee is made consideration may be given to suspending the employee from duties during an investigation, either on pay or not, taking into account:
 - the gravity of the allegation
 - the risk of harm to children
 - the Association's policies
 - the employees terms and conditions of employment
 - relevant statutes
- (h) We are committed to meeting our Mandatory Reporting obligation to the NZ Teachers Council.
- (i) Where an employee is the subject of allegations that are found to be unsubstantiated the Association will provide the necessary support to the employee.

8. Confidentiality and information sharing

- (a) The Privacy Act 1993 and the Oranga Tamariki Act 1989 allow information to be reported to keep children safe when abuse is suspected. 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 MCOT or the Police and, provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.
- (b) All requests from any agency for information about a child or their whānau must be directed to the General Manager before responding to the request.

9. Pre-employment, employment and Board Member checking

- (a) Pre-employment checking and employment rechecking will be carried out in accordance with the Children's Act 2014. This will include but is not limited to:
 - i. a Police Vetting check and/or Ministry of Justice Criminal Records check;
 - ii. identity verification;
 - iii. reference checks;
 - iv. an interview;
 - v. risk assessment.
- (b) The Association reserves the right to not employ, appoint or engage any person without satisfactory completion of a Police Vetting Check and/or a Criminal Records check.
- (c) The Association will not employ any person with a case pending or a conviction for sexual crimes or crimes involving the harm of children.
- (d) Prospective Board Members must agree to undergo a Police Check or Ministry of Justice Criminal Records Check at time of nomination in accordance with the Association's policies.

10. Periodic rechecking of employees and Board members

- (a) The Association will undertake periodic rechecking of employees and Board Members as follows:
 - Current non-teaching employees and Board Members, 3 yearly checks
 - Future non-teaching employees and Board Members appointed every 3 years from the date of their pre-employment or pre-nomination check.
 - Teachers are required to register and to renew their practicing certificate every 3 years. As part of the registration and certificate renewal process the NZ Teachers Council undertakes a Police check. Registration and current practicing certificates will therefore be accepted as evidence the appropriate Police checks have been completed.
- (b) Where periodic rechecking identifies that a current employee or Board Member might pose a risk to a child(ren), there will be a fair and reasonable process to assess and determine if that person can remain in their position, subject to:

- The Association's relevant policies, procedures and Constitution
- The employee's employment (KTCA or Individual Employment Agreement)
- Statutory obligations

11. Volunteers, Emergency Relievers and Contractors

- (a) All reasonable steps will be taken to screen volunteers, emergency relievers and contractors that may come in to contact with children at any of our worksites. Where full screening is not practicable the following steps will be undertaken:
- Check the identity of the volunteer, emergency reliever or contractor (photo identification)
 - Referee check the volunteer, emergency reliever or contractor
 - Retain a record as evidence the above checks were undertaken
 - Limit emergency employment to less than 5 consecutive days
- (b) To minimise risk of harm to children we will take steps to ensure all volunteers, emergency relievers and contractors who come into contact with children:
- Are supervised at all times during contact with children by an approved employee who has already been vetted
 - Are advised of appropriate behaviours around children
 - Are aware we have policies in place regarding the protection of children

12. Training, supervision and support

- (a) Training, resources and/or advice will be available to ensure that teachers can carry out their roles in terms of this policy, particularly:
- Understanding child abuse and indicators of child abuse.
 - How to reduce the risk of child abuse.
 - Understanding and complying with legal obligations in regard to child abuse.
 - Working with outside agencies on child abuse issues.
 - Planning of environment and supervision to minimise risk.
 - Dealing with child/parents/family/whānau.
- (b) This policy will be part of the initial employee induction programme.

Related documentation and review

This policy will be reviewed at least every three years.

Policy dated; June 2019

Review date; June 2022

References:

- Children's Act 2014

- 2012 Children's Action Plan
- Employment Relations Act 2000
- Privacy Act 1993
- The Human Rights Act 1993
- Oranga Tamariki Act 1989
- NKA Policies (Concerns & Complaints, Staffing Committee, Appointment of Kindergarten Teachers Policy)
- Any NKA Guidelines and Procedures located on the Staff area of our website
- Kindergarten Teachers Collective Agreement