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 best practice measures to prevent child abuse.
- (d) All employees and Board Members are expected to be familiar with this Policy and to abide by it.
- (e) This policy also applies to all student teachers, volunteers, visitors and contractors who come into contact with tamariki at our services.

2. Purpose statement

- (a) The Association has an obligation to ensure the wellbeing of tamariki 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 reporting suspected or alleged abuse.
- (c) Our primary role with regards abuse and neglect cases (whether alleged or suspected), is to know how to identify the signs, protect the child(ren) and make a report to the appropriate statutory agency. We are not to investigate such cases unless we do so in support of the roles of the New Zealand Police (the Police) and/or Ministry for Children, Oranga Tamariki (MCOT) and under their direction.
- (d) We support families/whānau to protect their children.
- (e) Our kindergartens provide a safe environment, free from physical, emotional, verbal or sexual abuse.

3. Policy principles

- a) The interest and protection of tamariki is paramount in all actions.
- b) We recognise the rights of family/whānau to participate in the decision-making about their tamariki.
- c) We are committed to ensuring that all Kaiako can 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 Kaiako to work in accordance with this policy, and to work with partner agencies and organisations to ensure our child protection policy is effective and of high quality.

- e) Allegations made against an employee of abuse or neglect will be investigated. The gravity of the allegation will determine if the investigation is conducted by the Association, MCOT or the Police.
- f) For other allegations or concerns the severity, gravity or evidence of any suspected abuse or neglect will assist in determining whether a mandatory report to Police or MCOT is made, or alternatively a referral to a support agency is made.
- g) We are committed to complying with relevant legislative responsibilities.
- h) We are committed to share information in a timely manner and to discuss any concerns about an individual child with appropriate colleagues or the Person in Charge.
- i) We are committed to promote a culture where Kaiako 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 causing 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

Investigation Report (refer to Appendix 1, https://www.education.govt.nz/early-

childhood/running-a-service/incidents/): The template provided is a guide to conducting a full investigation into a concern or complaint of abuse or neglect against an employee. It includes an initial Incident Report, which captures relevant information about the parties and circumstances giving rise to the concern/complaint. A decision about whether to proceed to an investigation would be made by the General Manager or President after an initial Incident Report is received, and having regard to the gravity of the concern or complaint, may be referred to the Police and/or MCOT.

5. Identifying possible abuse or neglect

For further information about identifying child abuse refer to: www.orangatamariki.govt.nz [Appendix 3]. 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.

Information on how to make an effective Report of Concern to MCOT or the Police can be located at https://safeguardingchildren.org.nz/worried-about-a-child/ [refer Appendix 4]

6. Reporting suspected abuse or neglect (mandatory reporting to a statutory agency)

- (a) All suspicions, 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 (Incident Report; Summary of Incident section refer **Appendix 1**)
 - notify MCOT if there is clear evidence or reasonable cause to believe an instance of child abuse has taken place (Phone 0508 326 459) and/or notify the Police
 - · notify General Manager and Education Manager
 - (b) The Person in Charge should refer to and follow the flowchart included as Appendix2 when responding to allegations, observations or reports of suspected abuse or neglect.
 - (c) Where appropriate, the person making the allegation will be given a copy of this Policy.

7. Concerns regarding the wellbeing of children (referrals to support agencies)

- (a) There will be occasions when employees identify vulnerable tamariki whose wellbeing is of concern and for whom mandatory reporting 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 tamariki 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 to support agencies at their discretion.
- (d) If preferred, the Association's Education Manager and/or General Manager are able to make referrals and they are available to provide support and guidance to Kaiako relating to referrals or possible referrals.

8. Allegations or concerns regarding employee(s)

- (a) If an employee is suspected of abuse or neglect of a child or children the General Manager must be informed immediately.
- (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 immediately.
- (c) Considering
 - the gravity of the allegation
 - the risk of harm to children
 - the Association's policies

The General Manager (or President) will take the steps required to:

- record the allegation (use the Investigation Report template attached as a guide,
 Appendix 1, complete the Incident Report section)
- ensure the immediate protection of the child(ren) which includes consideration of:
 - suspending the employee (either with or without pay) in line with the procedures outlined in their Individual or collective terms and conditions of employment OR
 - assigning the employee non-contact work to be conducted off-site OR
 - excluding the employee under Regulation 56 (either with or without pay)
- where appropriate, report to and consult with MCOT agency and/or the Police (notify MOE if referred to either of these agencies)
- determine if the investigation is to be conducted by the Association, MCOT or the Police
- consult with a qualified legal employment advisor & notify NKA Liability insurers
- (d) Depending on who is conducting/leading the investigation the General Manager or President will take the appropriate actions to monitor or see the investigation to its completion having regard to:
 - Guidance received from MCOT or Police
 - The Association's policies and procedures
 - Procedures outlined in Individual or collective terms and conditions of employment
 - Statutory obligations
- (e) The employee about whom the allegation was made will be appropriately supported by the Association to be aware of their rights and obligations, including their right to:
 - Seek legal advice
 - Seek support of a relevant union/representative body
 - Be given an opportunity to respond to the allegation or to any proposal to suspend the employee
- (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) Where an employee is the subject of allegations that are found to be unsubstantiated the Association will provide the necessary support to the employee and if the employee has been suspended without pay, shall end the suspension and reinstate their pay from the date the suspension was applied.

(h) We are committed to meeting our Mandatory Reporting obligation to the NZ Teachers Council if an allegation against an employee is clearly, or on the balance of probabilities, found to be substantiated.

9. Confidentiality and information sharing

- (a) The Privacy Act 2020 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.

10. 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 will not employ, appoint or engage any person who has access to kindergarten children without satisfactory completion of a Police Vetting 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) The Association will exclude any person who poses a risk of harm to children through their actions, physical or mental health.
- (e) 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. The check to be carried out as soon as practicable after election or co-option to the Board.

11. Periodic rechecking of employees and Board members

- (a) The Association will undertake periodic rechecking of employees and Board Members as follows:
 - All employees (including Kaiako) and Board Members, 3 yearly checks will be undertaken which include a check of current identification held, Police Vetting Check and a 7-part Risk Assessment
 - Kaiako 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 Vetting check. Registration and current practicing certificates will therefore be accepted as evidence the appropriate Police Vetting checks have been completed, however all other aspects of the Periodic check must be completed.

- (b) Where an employee cannot produce the required identity documentation or practicing certification within the required timeframe, they will be excluded from attending any kindergarten service until the documentation is supplied (with or without pay to be determined by the Association)
- (c) Where periodic rechecking identifies that an 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

12. Volunteers, Emergency Relievers, Student Teachers and Contractors

- (a) All reasonable steps will be taken to screen volunteers, emergency relievers, student teachers 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 to be sighted)
 - 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) Student teachers are vetted by their training providers to confirm with the Association in writing that they have undertaken the appropriate safety checking for their students and that the safety check they have undertaken is to the standard set out in the Children's Act 2014
- (c) To minimise risk of harm to children we will take steps to ensure all volunteers, emergency relievers, student teachers and contractors who come into contact with children:
 - Will be within in line of sight at all times during contact with children by an approved employee who has already been vetted
 - · Are advised of appropriate behaviours around tamariki
 - Are aware we have policies in place regarding the protection of tamariki

13. Training, supervision and support

- (a) Training, resources and/or advice will be available to ensure that Kaiako 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.
- Are aware we have policies in place regarding the protection of tamariki
- (b) This policy will be part of the initial employee induction programme.

14. Other Child Protection Measures and Toileting and Care Routines in place

- (a) This Child Protection Policy will be on display in the kindergarten
- (b) Safety and identity checking procedures are in place for employees, student teachers, Board members, volunteers and contractors as outlined in this policy
- (c) Planning of the environment to enable good observational sightlines facilitates supervision
- (d) A record will be kept of all visitors to the kindergarten during session with access to children, (parents, relievers, volunteers, contractors, students on placement, extended whānau members). This could be recorded on the daily sign in attendance record, a Visitors log or whatever method works best for the kindergarten. The visitor can be signed in by another person.
- (e) Whilst in the care of kindergarten, including outside of session hours, tamariki shall have a minimum of two adults present at all times and ideally within sight of each other
- (f) Kaiako shall ensure that the curriculum in their kindergarten provides opportunities for tamariki to gain an understanding about personal safety and positive self-esteem
- (g) Kaiako shall ensure tamariki are collected from kindergarten by an appropriately authorised person
- (h) Kaiako will be aware of any issues regarding custody or safety of tamariki, securely retain a copy of court-related custody and protection orders and ensure they are adhered to without compromising safety (refer Collection of Children Policy)
- (i) Relievers (aside from Contracted Relievers and relievers with well established relationships with the kindergarten's children), visitors, caregivers and volunteers (such as parent helpers) and students on placement:
 - will be within line of sight at all times during contact with children by an approved employee who has a current safety check and risk assessment completed
 - o are advised of appropriate behaviours around tamariki
 - o are aware we have policies in place regarding the protection of tamariki
 - shall not assist tamariki (other than their own) with toileting or changing clothing (only
 in an emergency may qualified Casual Relieving Kaiako assist with toileting or
 changing of tamariki's clothing)
- (j) The changing of clothing or assisting with toileting shall be carried out in a manner that ensures tamariki's dignity is maintained while also ensuring visibility to other Kaiako

References:

- Care of Children Act 2004
- Children's Act 2014
- Crimes Act 1961
- Education & Training Act 2020
- Employment Relations Act 2000
- Family Violence Act 2018
- Health Act 1956
- Health & Disability Services Act 2001
- Oranga Tamariki Act 1989
- Privacy Act 2020
- The Human Rights Act 1993
- Related NKA Policies:
 - o Concerns & Complaints Policy,
 - o Appointment of NKA Employees Policy
 - o Safety Check Policy
 - o Collection of Children Policy
 - o Illness, Soiling, Accidents & Incident Management Policy
 - o Safe & Hygienic Premises Policy
- NKA Guidelines and Procedures
- Kindergarten Teachers Collective Agreement

HS31 – 34 GMA1, GMA7, GMA7A

Policy dated; 1 November 2023

Review date; 1 November 2026

NELP 1.1

Appendix 1

Investigation report template - incident

It is not compulsory to use it. You don't have to complete every field, just what is relevant to the incident.

Further information is available on our website https://www.education.govt.nz/early-childhood/running-a-service/incidents/

Service number:	[insert service number]	Service name	[insert service name]
Report prepared by:	[<mark>insert name and</mark> title]	Date report prepared:	[<mark>date</mark>]

Planning your investigation

Summary of incident	
Date the incident occured	
How did you become aware of the incident?	
What occurred/allegedly occurred? Include dates and times as relevant	
The impact and severity of the incident, and why	
	For example:
	 Are there any past interactions/events that led to this incident?
Provide any additional	Have you had any other similar incidents?
context or background to this incident as relevant	 What was happening at the service on the day? Eg group size, adult:child ratios, number of permanent staff/relievers, junior/senior staff, qualified/unqualified staff on site
	 What has happened at the service recently? Eg changes to staff and/or management.
	Is there anything happening in the community?

Appendix 1

Investigation report template - incident

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	 What has happened at the service recently? Eg changes to staff and/or management.
	Is there anything happening in the community?

List of names of those involved in the incident, including their role

For example:

- the child/children involved in the incident
- witnesses who saw or heard anything eg, teacher, parent, others eg, qualified/unqualified teachers, ESWs, student teachers, cook, whānau

Actions immediately taken following notification of the incident

List the actions taken immediately following notification of the incident. Some examples are provided below – delete any irrelevant information in the table and add in your own.

ate and time	Action taken	Who
	Immediate care for the child/children	
	Parents/whānau informed	
	Policies/procedures consulted	
	Specified agencies notified (see licensing criteria <u>HS34</u> (centre-based), <u>HS33</u> (home-based), <u>HS34</u> (kōhanga reo). Provide a copy of the notification sent to the specified agency.	
	Teacher/educator/person excluded from coming into contact with children or excluded from the service (see regulation 56)	

Risks and mitigations

Identify any emerging risks to the situation. Some examples are provided below as a starting point – delete any irrelevant information in the table and add in your own.

Risks	Mitigation
Harm to others	The steps you have taken/will take to prevent further harm
Potential media coverage	Prepare a media statement and nominate a spokesperson

Persons involved in the investigation

List the people who will be involved in the investigation, including their role. Are there any conflicts of interest that need to be managed?

For example:

- the person undertaking the investigation this may be someone from the service, someone from the service provider eg, HR manager, or a third party
- witnesses who saw or heard the incident
- external teams/organisations/agencies

Evidence gathering

Information to be gathered

To ensure you gather enough evidence, list all of the information/documents that might be relevant to your investigation:

For example (note these are a starting point, add specific details as applicable):

- information from interviews
- policies and procedures child protection policy, HR
- food records, accident/incident records etc
- staff rosters

Actions taken

List the actions taken throughout the investigation. Some examples are provided below – delete any irrelevant information in the table and add in your own.

Date	Action taken	Who
	Initial meeting with child's whānau	
	Consulted relevant policies and procedures	
	Obtained a written statement from witnesses A	
	Interviewed witness B	
	Reviewed CCTV footage	
	Updated whānau on investigation progress	
	Sought external professional support/advice	

Review information collected	

Evaluation of evidence gathered

Summary of evidence gathered

List the evidence that you actually gathered from the investigation.

For example (note these are a starting point, add specific details as applicable):

- child protection policy
- HR policies and procedures
- food records, accident/incident records etc
- information from interviews
- staff rosters

Investigation findings

State what the findings of the investigation are, and the thinking/reasons for the findings. Have a clear link back to the information that you've gathered from the interviews and documentation.

For example:

- What conclusions did you reach? Why?
 - Policies/ procedures/supervision plans followed/not followed
 - Risk management not completed/not completed/not completed to standard
- What are the contributing environmental issues? Why?
- Do you have any staff practice concerns? Why?
- How does this impact children? Why?
- Were there any breach/es to regulations/licensing criteria?

Actions taken/proposed to be taken

State the actions taken to ensure the incident is resolved and the event that led to the incident does not happen again.

For example (note these are a starting point, add specific details as applicable):

- Supported child/whānau/staff
- Reviewed and updated policies and procedures list the ones here that have been reviewed. How have parents had input on this?
- Reviewed and updated risk management system
- Initiated self-review or internal evaluation process

- Discussions at team meetings or PLD programmes introduced
- Teacher/educator excluded from coming into contact with children or excluded from the service (see <u>regulation 56</u>)
- Disciplinary actions eg performance management/plan, dismissal
- Notified specified agencies

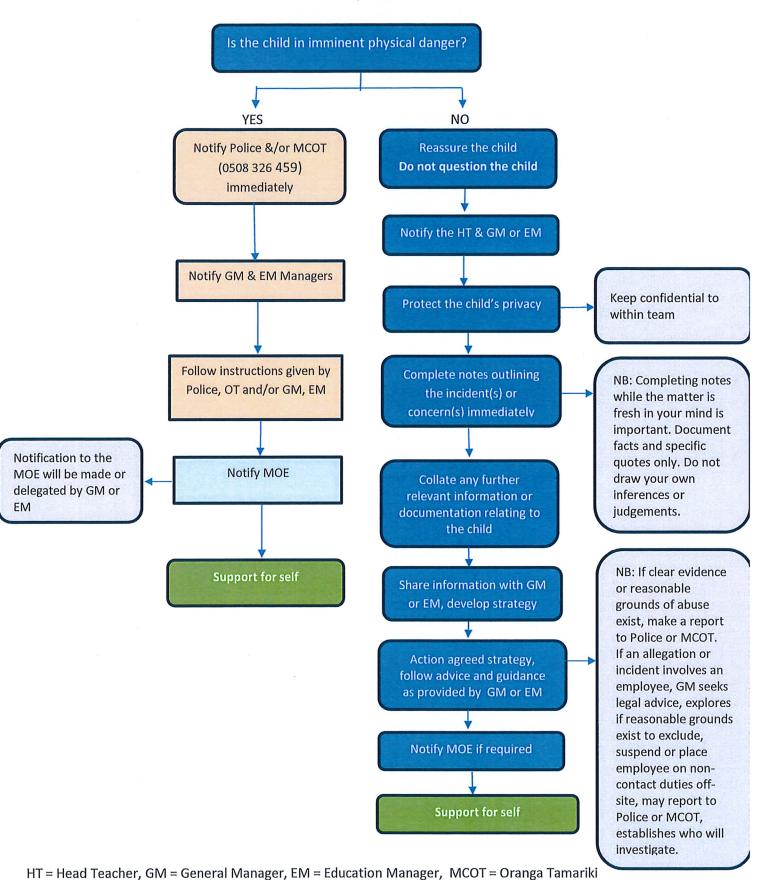
Investigation conclusion

Follow up		
The following internal people have been i	nformed of the outcome	e of the investigation:
Person	Date	How they were i
Whānau of child/children affected		
Teacher/teachers involved		
The following external organisations have investigation:	e been informed of the o	outcome of the
Organisation	Date	How they were i
☐ Ministry of Education		
☐ Teaching Council		
☐ WorkSafe		
☐ Oranga Tamariki		
☐ Police		
☐ Public Health		
☐ Other: [please specify]		
Attachments		
The following attachments are included w	vith this report:	
For example: □ Initial Incident Report		
☐ Statements		

٦	Service documents (records, policies, procedures, team meeting minutes etc.)
	Photos Photos
	Notification to specified agencies
	Action Plan

Appendix 2

REPORTING ABUSE/NEGLECT FLOWCHART



16





Identify abuse

You may be worried about the wellbeing of a tamaiti or rangatahi but feel unsure whether the situation is serious enough to report. Signs of neglect or abuse can be hard to categorise. It's normal to feel uncertain. We have some guidance to help you through this.

Some of the signs

Physical signs such as:

- · unexplained bruises, welts, cuts and abrasions
- unexplained fractures or dislocations
- burn marks.

Other signs:

- No clear explanation for any of the above.
- Behavioural concerns such as emotional withdrawal, aggression or anxiety.
- Developmental delays, changes or signs.
- The tamaiti talking about, or subtly mentioning, things that may indicate abuse.
- Parents seeming stressed or not coping on the money they have.
- Drug or alcohol problems.
- Parents not having friends or whānau to help.
- Adults hitting or yelling.
- Mental health problems.
- tamariki are left home alone or seem to be neglected.
- Tamariki routinely not going to school.

Ask yourself these questions

• Is the behaviour of the tamaiti a sign of abuse or neglect, or are there other things going on in the whānau that could affect them?

- How is the behaviour of te tamaiti?
- How is the development of te tamaiti?
- Has the tamaiti or whānau hinted at, or said that something is wrong?
- Are there signs of whānau violence?
- Do I sense the whānau is struggling, or the tamaiti is at risk in some way?

We're here to help

We're here to talk through any worries you have. Don't be afraid of discussing a worry you're having about a tamaiti. Our social workers are trained to work out what kinds of problems a whānau might be having, and find the best ways to help them get back on track.

It takes a village...

They say it takes a village to raise a child. Trust your instincts, and don't just hope someone else will speak up. It's everyone's job to keep tamariki safe. And if there are serious problems, they're likely to go on until someone takes action.

Tamariki can't speak up for themselves, and the people involved may be too ashamed, distressed or caught up in the situation to ask for help. You might be the only one that has noticed, so it's important you:

- k\u00f6rero with the tamaiti. Listen to them and let them know you're there
- · provide encouragement and support
- link them up with others who can offer the support they need
- k\u00f6rero with someone experienced for ideas, or a different point of view on how to help
- if the whānau won't accept your help, let someone in the community know you're concerned.

And remember, if you still think there's a problem, talk to us.

Contact us →

(https://orangatamariki.govt.nz/about-us/contact-us/? utm_source=HomePageContactusButton&utm_medium=Path&utm_campaign=Path%20test)

Voyce – Whakarongo mai: advocacy service for children in care

If you're a tamaiti or rangatahi in care, VOYCE – Whakarongo Mai is an independent connection and advocacy service, separate from Oranga Tamariki - Ministry for Children, and we're here to listen to you, support you, and be on your side. Part of what we also do is organise fun and engaging events for tamariki with care experience so you can connect with each other.

Chat to us - www.voyce.org.nz → (http://www.voyce.org.nz/)



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Appendixy

Making an effective REPORT OF CONCERN

Is the child or young person of concern at immediate risk of harm? If YES, call 111 immediately.

The quality of the information you share can make the difference between an individual of concern receiving the help they need or not. When making a Report of Concern we recommend you take time to plan the information you intend to include. Key questions to consider include:

- Will the person receiving the report be able to easily understand your concerns? Ask a trusted friend or colleague to read it before submitting it are your concerns clear?
- What is your plan regarding follow up with the agency you filed the report with ensure your concerns are being addressed?

Safeguarding Children has compiled a list of information useful for Oranga Tamariki or Police to identify a child, young person or adult of concern and also, for them to better understand your concern(s). The more detail you are able to provide the more effective your report becomes.

- · Name of child or young person
- · If known, date of birth or approximate age
- If known, address or place of residence
- If known, contact phone numbers
- Name(s) of any other children in household/whanau/group/team
- · Name(s) of parent/caregiver
- · Name(s) of any other adults in household/whanau/group/team
- Name(s) of adult you are concerned about and their relationship or connection to the child
- · School, Early Childhood Centre or group(s) attended
- · Name of GP or Plunket nurse
- What are you concerned about?
- What have you seen or heard?
- Who was present when you noticed something?
- When did it happen?
- · What did the child say? Use speech marks.
- What did the adult say or do that concerned you? Use speech marks.
- Is it a one-off incident or always occurring?
- If injury is present or disclosed, provide detail of where on the body. If you have one, use a body map and indicate left and right hand sides.
- Using the child or adult's own words, record how the injury happened and any other details disclosed. Use speech marks.
- Provide details of any questions you have asked and the response given. Use speech marks.
- What have you done to safeguard or protect the child?
- Who else is aware of or shares your concern(s)?
- Have you spoken to the child's family of your concern(s)? If not, detail why. For example, fear of child's or own safety.
- Do the family know you are making a Report of Concern? If yes, what was their response?
- If you have any reason to believe that a child will be at increased risk of harm as a result of submitting the Report of Concern, please ensure you highlight this concern in your report.
- Include your full name, job title or relationship to child or young person. Also, your contact number and name of organisation.
- We encourage you not to remain anonymous and to include your details in the report. This provides the agency you file the report with the option to contact you for more detail or clarification if necessary.
- If you wish to remain anonymous, please indicate this in your report and clearly state the reason why. Ensure you have included as much detail as possible as the agency will be unable to contact you for more detail or clarification.