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| Policy |
| Policy Category: HEALTH & SAFETY |
| Date Created: August 2015 |
| Policy Name: Child Abuse Policy |



‘Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy.’ Prov 31:8-9

The purpose of this operational policy is to ensure that there is a procedure for responding to suspected child abuse and in so doing meeting Licensing Criteria HS31 and provisions of the Vulnerable Children Act 2014.

This policy outlines our commitment to child protection. It includes our processes when child abuse is reported or disclosed to us or suspected by us.

Position Statement

Avondale Christian Kindergarten (ACK) is committed to protecting children from abuse and to recognise the important roles all of our staff have in protecting children.

Child abuse and neglect is not acceptable. Children need our protection. Where protection is not adequately provided by the adults responsible for the child, others need to step in to ensure the child receives adequate protection.

The safety and wellbeing of the child is our top priority when investigating suspected or alleged abuse.

We support the roles of the New Zealand Police (the Police) and Child, Youth and Family in the investigation of suspected abuse and will report suspected/alleged abuse to these agencies.

Policy scope

This policy applies to all children who attend ACK and to those children with whom personnel come into contact in the course of their work with ACK.

It applies to staff, volunteers and management of ACK, who are expected to be familiar with this policy and to abide by it.

It also applies to any contracted personnel providing support services to families and members, (including child care), and to those providing support services to staff.

For the purpose of this policy, abuse is used in the context of adult to child. This could be staff to child or an adult (outside of the Centre) to the child.

Abuse relating to child to child, or child to adult is not within the scope of this policy.

Issue Outline

Not all children have the support and protection of a trusted adult.

Children that are abused or neglected need adults that can act on their behalf and keep them safe from harm.

Adults who care for children need to know how to respond to a child if the child discloses abuse or when there are concerns raised from others about abuse or neglect.

Policy principles

The interest and protection of the child is paramount in all actions.

We recognise the rights of family/whānau to participate in the decision-making about their children.

We have a commitment to ensure that all staff are able to take appropriate action in response to suspected abuse situations.

We will always comply with relevant legislative responsibilities.

We are committed to share information in a timely way and to discuss any concerns about an individual child with Head Teacher and Manager.

We are committed to promote a culture where staff feel confident that they can raise issues of concern without fear of reprisal.

Every situation is different and staff will consider all available information about the child and their environment before reaching conclusions. For example, behavioural concerns may be the result of life events, such as divorce, accidental injury, the arrival of a new sibling etc.

We will always act on the recommendations of statutory agencies, including Child, Youth and Family and the Police.

We will only inform families/whanau about suspected or actual abuse after we have discussed this with these agencies.

When we respond to suspected child abuse or any concerning behaviour we will write down our observations, impressions and communications in a confidential register. This is kept separate from our other records and access will be strictly controlled.

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.

Definitions

Child Abuse is defined in the Children Young Persons and their Families Act 1989 as “the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person.”

Physical abuse is a non-accidental act on a child that results in physical harm. This includes, but is not limited to, beating, hitting, shaking, burning, drowning, suffocating, biting, poisoning or otherwise causing physical harm to a child. Physical abuse also involves the fabrication or inducing of illness.

Emotional Abuse is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effect on the child’s emotional development. This can include a pattern of rejecting, degrading, ignoring, isolating, corrupting, exploiting or terrorising a child. It may also include age or developmentally inappropriate expectations being imposed on children. It also includes the seeing or hearing the ill treatment of others.

Sexual Abuse involves forcing or enticing a child or young person to take part in sexual activities (penetrative and non-penetrative, for example, rape, kissing, touching, masturbation) as well as non-contact acts such as involving children in the looking at or production of sexual images, sexual activities and sexual behaviours.

Staff should be aware of their ‘duty of care’ which precludes developing a sexual relationship with or grooming of a child. A sexual relationship between an adult and a child will always be wrong, unequal and unacceptable.

Neglect “is a pattern of behaviour which occurs over a period of time and results in impaired functioning or development of a child. It is the failure to provide for a child’s basic needs.

Neglect may be:

- **Physical** - failure to provide necessary basic needs of food, shelter or warmth
- **Medical** - failure to seek, obtain or follow through with medical care for the child
- **Abandonment** - leaving a child or young person in any situation without arranging necessary care for them and with no intention of returning
- **Neglectful supervision** – failure to provide developmentally appropriate or legally required supervision
- **Refusal to assume parental responsibility** - unwillingness or inability to provide appropriate care for a child.”

From Child Matters website: childmatters.org.nz

Details

Responsibilities

Our Designated Person for Child Protection is the Head Teacher with the support of the Manager.

The Head Teacher & Manager will:

- **Always prioritise the safety and wellbeing of the child.**
- Maintain confidentiality. Failure of staff to comply with this policy will be regarded as serious misconduct.
- Respect the rights of those involved during any investigation.
- Immediately investigate and fully and objectively record in writing, any reports of incidents, allegations or suspicions of child abuse.

- Where appropriate, seek the assistance of the Ministry of Education, Child, Youth and Family, the Police and/or other professional agencies in order to conduct a full investigation.
- Report child abuse to the Police or Child, Youth and Family (see *Appendix D*)
- Inform parents after discussing the best way to do this with Police or CYFS advisors. If a family member or close associate of the family or whānāu is suspected of child abuse, the parent(s) may not initially be informed, but the Centre will ensure that the information is disclosed by an appropriate person at an appropriate time.
- Suspend a staff member under suspicion until a full investigation can be completed.
- Maintain appropriate records.
- Be responsible for the maintenance and annual review of this policy, in addition to carrying out the responsibilities outlined in this policy.
- Ensuring staff have access to the training they need.
- Ensure the Centre's procedures protect staff from unjustified allegations of abuse.
- Ensure the Centre has educational and informational resources for children and adults on child abuse.

Staff will:

- **Always prioritise the safety and wellbeing of the child.**
- Familiarise themselves with this Centre policy.
- Immediately notify the Head Teacher or Manager if they observe signs of child abuse or anyone reports or discloses to them any suspicions of child abuse of children at the Centre, or a pattern of neglect or concerns is identified.
- Maintain confidentiality. Failure of staff to comply with this policy will be regarded as serious misconduct.
- Not assume responsibility beyond the level of their experience and training.

Identifying possible abuse or neglect

Our approach to identifying abuse or neglect is guided by the following principles:

- We understand that every situation is different and it's important to consider all available information about the child and their environment before reaching conclusions. For example, behavioural concerns may be the result of life events, such as divorce, accidental injury, the arrival of a new sibling etc.
- We understand when we are concerned a child is showing signs of potential abuse or neglect we should talk to someone, either the Head Teacher or Manager - we shouldn't act alone.
- While there are 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.
- Exposure to intimate partner violence (IPV) is a form of child abuse. There is a high rate of co-occurrence between IPV and the physical abuse of children.

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).
- 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, sadness/loneliness and evidence of self-harm).
- Behavioural concerns (e.g., age-inappropriate sexual interest or play, fear of a certain person or place, eating disorders/substance abuse, disengagement/neediness, aggression).
- 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).
- 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).
- Behavioural concerns (eg., 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).

See appendix A: Indicators of Abuse

Responding to suspected abuse or neglect

In all cases where a member of staff has a concern about a child being or likely to be abused or neglected (refer to Definitions) by an adult, they will report this to the Head Teacher or Manager who will formulate a plan to address the care and protection concerns.

All issues of concern should be recorded on the Record of Issue or Concern template. (see appendix B)

A referral to Child, Youth and Family may be made at any time.

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

Our organisation recognises that in some cases the involvement of statutory agencies would be inappropriate and potentially harmful to families/whanau. Throughout New Zealand statutory and non-statutory agencies provide a network of mutually supportive services and it is important for ACK to work with these to respond to the needs of vulnerable children and families/whanau in a manner proportionate to the level of need and risk.

See Appendix C: Responding to Child when the Child Discloses Abuse

See Appendix D: Recording & Notifying Child, Youth & Family of Child Abuse or Neglect

Allegations or concerns about staff, parents & volunteers

Any allegation that a member of staff has behaved in an inappropriate or unsafe way must be taken seriously and handled in an appropriate manner that ensures the child's safety.

- We will respond to suspicions and allegations of child abuse by a member of staff in a manner which best ensures children's or young persons' immediate and long-term safety and will treat suspicions or allegations against a staff member with the same seriousness as suspicions or allegations made against any other person.
- We will not act alone, and will refer all suspected situations of child abuse to the Police or Child, Youth and Family. The safety of the child will be the primary consideration, and no person in this organisation will collude to protect an adult or an organisation.
- When abuse is suspected, staff will follow the process for Responding to a child when the child discloses abuse (see appendix C).
- The suspected staff member (or volunteer) will be prevented from having further unsupervised access to children during any investigation and will be informed fully of their rights.
- We will adhere to the principles of the Employment Contract's Act and give the staff member all information regarding this or her rights.
- The Designated Person for Child Protection must immediately ensure that the suspected individual does not have any contact with the child making the allegation.
- If the police decide to undertake a criminal investigation then 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.
- We will liaise with Child Youth and Family and the Police regarding the progress of the investigation.
- 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 may have occurred. The allegation may represent inappropriate behaviour of poor practice by a member of staff which needs to be considered under internal disciplinary procedures.
- We commit 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 concerns the safety or wellbeing of a child, use of such agreements is contrary to a culture of child protection and will not be used.

See Appendix C: Responding to Child when the Child Discloses Abuse

Confidentiality and information sharing

The Privacy Act 1993 and the Children, Young Persons, and their Families 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 CYPF 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 Child, Youth and Family or the Police and, provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.

In general staff will not share information if they believe that by doing so this will endanger the child. When any of the above contact a staff member for information, that staff member must first refer to the Head Teacher or Manager for clearance before providing the information.

In the case of a Social Worker or Counsel for Child wishing to interview a child while in the care of ACK, the staff member must consult the Head Teacher or Manager to be certain that such an interview will be undertaken legally and in the best interests of the child. All observations, after an investigation has been notified, shall be kept in writing but the file will be sealed for confidential reasons.

Protected Disclosure

When a staff member or associate brings a case of child abuse to the attention of the Centre or the authorities, our Centre will not disclose the name of the person without their permission unless it is to CYF or the Police and is necessary to do so in the interests of the child.

Relationships with External Agencies

We will ensure that we have contacts for Child, Youth and Family and Police officers. The Designated Person for Child Protection will maintain this information.

The Designated Person for Child Protection will meet from time to time with a contact person from Child, Youth and Family to ensure that a trusted relationship is maintained in order that ACK can seek help easily and appropriately.

Following are specialist agencies that offer support:

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|---|---|
| Avondale Police | 09 820 5700 |
| Child, Youth & Family Service | 0508 332 774 or 0508 326 459 (912 3820) |
| Minister of the Reformed Church of Avondale (currently Elder Rueben Ploeg) | 09 818 3336 |
| Community Child Health & Disability - Public Health Nurse | 09 639 0200 |
| Ministry of Education | 09 632 9400 |
| Akld District Health Board Family Services/Starship | 09 307 4949 |
| Grace Counselling | 022 0378275 |

Alignment with Other Policies

- Human Resource Management policies – police checks and careful employment of temporary staff, casual staff, friends of friends, volunteers
- Outing/Excursion policy
- Complaints & Information policy
- Child Protection Policy

Relevant Background (including legislation/regulation references)

Regulation 46 Health and Safety Practices standard: general (1) of the Education (Early Childhood Services) Regulations 2008

Licensing Criteria for Early Childhood Education and Care Centres 2008

Child Protection

Health and safety practices criterion 31

A process for the prevention of child abuse is implemented, and a procedure for responding to suspected child abuse is followed when required.

Health and Safety practices criterion 32

All practicable steps are taken to protect children from exposure to inappropriate material (for example, of an explicitly sexual or violent nature).

See Ministry of Education child abuse information on:

http://www.lead.ece.govt.nz/~media/Educate/Files/Reference%20Downloads/Lead/Files/final_Protocol_MoECYF2.pdf

Vulnerable Children Act 2014 and associated regulations.

Impacts of Policy on Staff, Parents, Children

Clear procedures will strengthen the ability of staff, parents, and other agencies to adequately respond to signs of abuse and or neglect.

Alignment with the Centre Philosophy

This policy is aligned with the Centre's philosophy.

Implications and/or Risks

Failure to correctly identify and respond to abuse and or neglect can be harmful to the wellbeing of the child and their family/whanau. It will also seriously damage the reputation of the Centre, its staff and the reputation of early childhood centres.

Implementation

We build discussions into enrolment procedures and staff trainings/meetings.

Review

This policy will be reviewed in conjunction with the Child Protection Policy annually or when there is a significant change in the area of the policy topic.

| Review Schedule | |
|---|----------------------------|
| Introduction Date: | August 2016 |
| Next Review Date: | August 2017 |
| Person Responsible for Review: | Manager |
| Consultation with: | ACK Board, Parents, Staff, |
| Person Responsible for Authorising Policy Review: | ACK Board |
| Person Responsible for Notifying those Implementing Policy: | Manager |
| Person Responsible for Implementing Policy: | Head Teacher, Staff |

APPENDIX A: Indicators of Abuse

Some things to look out for

- parents seem stressed or not coping
- they are not able to live on the money they have
- there are signs of drug or alcohol problems
- parents don't have friends or family to help
- adults are hitting or yelling
- there are mental health problems
- children are left home alone or seem to be neglected.

Clusters of signs

If you're concerned about a child, it's not so important to be able to categorise the type of abuse you think may be going on - it's normal to feel uncertain. However, if you notice a pattern forming or several signs that make you feel worried, this could be an indication that something's wrong.

These signs may include:

- physical signs
- behavioural concerns
- developmental delays, changes or signs
- the child talking about things that may indicate abuse
- the family environment.

Should I be worried?

If you're ever concerned, there are some things you can ask yourself

What is going on in the family or child's life that could be affecting them?

Is the child's behaviour a sign of abuse, or are there other things going on in the family?

How is the child's behaviour?

Children can't easily describe what they are feeling, so their emotions often come out in their behaviour. If a child seems unusually difficult or withdrawn, aggressive or anxious, this may be a sign that something's not right at home.

How is the child's development?

If a child is suffering from abuse or neglect, this may affect their development in a number of areas. This should be assessed by professionals whether it is abuse or not, so they can get the right help.

Has the child or family hinted at, or said that something is wrong?

The child may be looking for ways to tell you that something is wrong, so listen carefully and take what they say seriously.

Are there signs of family violence?

People experiencing family violence may seem fearful or nervous, lack in confidence, and feel sad or angry a lot. Children need to be protected from family violence, so need the help of adults around them.

Do I sense the family is struggling, or the child is at risk in some way?

You might have a feeling that something is wrong, but there are no actual signs of abuse, and you can't quite put your finger on the problem. If you're worried, talk to someone. Maybe talking with the family will put your mind at rest, or give you an idea on what's happening. Or you could talk with colleagues or others working with the family

Material sourced from www.cyf.govt.nz

There may be **physical indicators** that a child is being abused.

There may also be **indicators in a child's behaviour** that could indicate abuse.

There may be **indicators in adult behaviour** that could indicate abuse.

APPENDIX B: Record of Issue or Concern template

Record of Issue or Concern

| | | |
|--------------------|--|--------------|
| Child name: | | DOB: |
| Date: | | Time: |
| Notes: | | |
| DRAFT | | |
| Action: | | |
| | | |
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APPENDIX C: Responding to a child when the child discloses abuse

Only a minority of children actively disclose abuse. Most child abuse is disclosed accidentally or through observation by an adult of a child's behaviour, words and physical appearance.

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

When a child does disclose abuse, this needs to be taken very seriously. It is important that any disclosure is dealt with appropriately, both for the wellbeing of the child and also to ensure that your actions do not jeopardise possible legal action against the abuser.

There are a number of basic 'rules' that should be followed to ensure the safe handling of any disclosures of abuse from a child:

- **Don't panic.**
- **Remember that the safety and well-being of the child come before the interests of any other person.**

| | |
|--|---|
| i. Listen to the child | <ul style="list-style-type: none"> ● Look at the child directly, but do not appear shocked. ● Don't seek help while the child is talking to you. |
| ii. Reassure the child | <ul style="list-style-type: none"> ● Reassure them that they did the right thing by telling someone. ● Let the child know that they are not in trouble <ul style="list-style-type: none"> ● Assure them that it is not their fault and you will do your best to help. ● Let them know that you need to tell someone else. ● Let them know what you are going to do next and that you will let them know what happens. |
| iii. Ask open-ended prompts – eg: "what happened next?" | <p>Do not interview the child, in other words, do not ask questions beyond open prompts for the child to continue)</p> <p>Do not make promises that cannot be kept, eg: "I will keep you safe now".</p> |
| iv. If the child is visibly distressed | <p>Provide appropriate reassurance and re-engage in appropriate activities under supervision until they are able to participate in ordinary activities</p> <ul style="list-style-type: none"> ● Be aware that the child may have been threatened. |
| v. If the child is not in immediate danger | <p>Re-involve the child in ordinary activities and explain what you are going to do next</p> |
| vi. If the child is in immediate danger | <p>Contact the Police immediately (call 111)</p> |
| vii. As soon as possible, formally record the disclosure (Use Record of Issue or Concern form) | <p>Make certain you distinguish between what the child has actually said and the inferences you may have made. Accuracy is paramount in this stage of the procedure</p> <p>Record:</p> <ul style="list-style-type: none"> ● Write down what the child says in their own words – record what you have seen and heard also. ● Word-for-word what the child said ● The date, time and who was present |
| | <p>Tell the Head Teacher or Manager as soon as possible and the Recording and notifying Child, Youth and Family will be followed, see Appendix D</p> |
| | <p>After making the referral to Child, Youth and Family or the Police, look after yourself. Discuss the matter with your Head Teacher, Manager or relevant person.</p> |

APPENDIX D: Recording and notifying Child, Youth & Family (CYF) and Police of child abuse or neglect

Important Notes:

- The same action should be taken if the allegation is about abuse that has taken place in the past, as it will be important to find out if the person is still working with or has access to the children
- Dealing with an allegation that a professional, staff member, or volunteer has abused a child is difficult but must be taken seriously and dealt with carefully and fairly.

| What process to follow | For example | Key considerations |
|---|--|---|
| i. Recording | Formally record: <ul style="list-style-type: none"> • Anything said by the child word for word • The date, time, location and the names of any staff that may be relevant • The factual concerns or observations that have led to the suspicion of abuse or neglect (eg: any physical, behavioural or developmental concerns) • The action taken by your Centre • Any other information that may be relevant | Relevant information can inform any future actions |
| ii. Decision-making | Discuss any concern with the Head Teacher or Manager | No decisions should be made in isolation |
| iii. Notifying authorities | Fill out Notification Form (Appendix E) Notify Police & CYF if abuse is suspected and there is concern for the immediate safety of the child. Notify CYF promptly if there is a belief that a child is likely to be abused or neglected. A phone call to the National Contact Centre (0508 ED ASSIST/0508 332 774 or 0508 Family/0508 326 459) is the preferential initial contact with CYF as this enables both parties to discuss the nature of the concerns and appropriate response options. Police: Phone: 111, ask for Detective in charge of Child Protection Team CYF: Phone: 0508 ED ASSIST/0508 332 774 or 0508 Family/0508 326 459 Fax: 09 914 1211 e-mail: cyfcallcentre@cyf.govt.nz | CYF will: <ol style="list-style-type: none"> 1) Make the decision to inform the parents or caregivers in consultation with your Centre 2) Advise what, if any, immediate action may be appropriate, including referring the concern to the Police |
| iv. Following the advice of Child, Youth and Family | CYF advice will include what, if any, immediate action may be appropriate, including referring the concern to the Police | CYF is responsible for looking into the situation to find out what may be happening, whether they need to work with the family or to put them in touch with people in their community who can help |
| v. Storing relevant information | Securely store: <ul style="list-style-type: none"> • 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 your Centre took, including any rationale • This concern with any earlier concerns, if the notification is based on an accumulation of concerns rather than a specific incident | Records assist in identifying patterns |

Materials sourced from Child Matters & ECC

APPENDIX E: Notification Form

Use this form to collect information needed by Police or CYF before contacting Police or CYF.

| | | |
|-------------------------|--|----------------|
| Child's Full Name: | Alternative Names: | Age: |
| | Ethnicity: | DOB: |
| Address: | | Phone Number: |
| Early Childhood Centre: | | |
| Parents: | | |
| | Address (Home) | Address(Home) |
| | Phone (Home) | Phone (Home) |
| | Address (Work) | Address (Work) |
| | Phone (Work) | Phone (Work) |
| Notes: | Include: Specific details of concern presently held Any historical concerns you are aware of Any past/present agency involvement with the family | |
| Other: | Helpful information: Interaction you have had with the family Names of siblings, ages, schools they attend Name of any other family contacts eg grandparents Name of Family Doctor Your role in the report Safety issues eg dogs on the property | |

Do not let lack of any of the above information stop you from making a report of concern