



# CHILD PROTECTION POLICY

## RATIONALE

The most effective way to safeguard children and young people is to have a comprehensive and effective policy, with attached procedures and guidelines. This policy is written under the principle that children and young people attending Howick College (HC) have a right to feel safe and comfortable in our school environment.

The purpose of this policy is to provide all Howick College (HC) staff with procedures and guidelines by which to identify and respond appropriately to concerns of abuse and neglect, and to understand their role in keeping students safe.

This policy covers all staff of HC who have direct or indirect contact with children and young people. This policy also includes those individuals, paid or voluntary, engaged by HC to provide services to children.

This policy has been written in accordance with the following legislation:

- **Children, Young Persons, and Their Families Act, 1989**
- **Education and Training Act, 2020**
- **Crimes Act, 1961**
- **Domestic Violence Act, 1995**
- **Health Act, 1956**
- **Health and Disability Sector Standards Regulations, 2001**
- **Privacy Act, 1993**
- **Health Information Privacy Code, 1994**
- **Vulnerable Children's Act, 2014**
- **Care of Children Act, 2004**
- **Employment Relations Act, 2000**
- **Oranga Tamariki Act, 1989**
- **Human Rights Act**

This policy covers the Howick College Board's commitment and obligation to child protection, as well as their responsibilities in the safety and well-being of children. It includes the Board's expectations and the procedures followed when child abuse is reported or suspected.

## 1. DEFINITIONS

1.1 For the purposes of this Policy "Child" or "Children" means any child or young person aged under 17 years and who is/are not married or in a civil union (Vulnerable Children's Act 2014, Part 9).

1.2 For the purpose of this Policy "Staff" means people working at HC and includes employees, contactors, consultants, students, associates, and volunteers whether working on a full time, part time, casual, or temporary basis.

1.3 For the purpose of this Policy child abuse is defined as the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person."

1.4 Physical abuse - any acts that may result in physical harm to a child or young person. It can be, but is not limited to, bruising, cutting, hitting, beating, biting, burning, causing abrasions, strangulation, suffocation, drowning, poisoning and fabricated or induced illness.

1.5 Sexual abuse - any acts that involve forcing or enticing a child to take part in sexual activities, whether or not they are aware of what is happening. Sexual abuse can be, but is not limited to:

- Contact abuse - touching breasts, genital/anal fondling, masturbation, oral sex, penetrative or nonpenetrative contact with the anus or genitals, encouraging the child to perform such acts on the perpetrator or another, involvement of the child in activities for the purposes of pornography or prostitution
- Non-contact abuse - exhibitionism, voyeurism, exposure to pornographic or sexual imagery, inappropriate photography, or depictions of sexual or suggestive behaviours or comments

1.6 Emotional abuse - any act or omission that results in adverse or impaired psychological, social, intellectual, and emotional functioning or development. This can include:

- Patterns of isolation, degradation, constant criticism, or negative comparison to others
- Isolating, corrupting, exploiting, or terrorising a child can also be emotional abuse
- Exposure to family/whānau or intimate partner violence

1.7 Neglect – is the most common form of abuse and although the effects may not be as obvious as physical abuse, it is just as serious. Neglect can be:

- Physical – not providing the necessities of life like a warm place, food, and clothing
- Emotional – not providing comfort, attention, and love
- Neglectful supervision – leaving children without someone safe looking after them
- Medical neglect – not taking care of health needs
- Educational neglect – allowing chronic truancy, failure to enroll in education or inattention to education needs

## **2. PRINCIPLES**

2.1 This Child Protection Policy confirms the commitment of HC to the protection of children and proceeds to:

- Outline the standards and principles by which all staff will abide
- Define child abuse
- Outline the action to be taken by staff where any form of abuse or ill-treatment is known or suspected
- Establish what action is required when allegations are made against staff
- Explore the implications for staff training

2.2 HC will ensure that staff are:

- Carefully selected with the principles of this policy in mind
- Appropriately trained in issues of child protection
- Aware of the Child Protection Policy and accompanying procedures and/or guidelines

2.3 HC recognises that all staff and Board members have a full and active part to play in protecting students from harm. Overall responsibility, implementation, and review of this policy rests with the Principal of HC.

2.4 All services provided by HC for the safety and wellbeing of children adhere to the principles of partnership, protection, and participation; and the rights and responsibilities accorded by Te Tiriti o Waitangi.

## **3. RESPONSIBILITIES**

3.1 Any member of staff, paid or voluntary, may directly witness child abuse or have allegations, made by either a child or an adult, relayed to them. There may also be disclosures of abuse that have occurred prior to attending HC. Sustained abuse and neglect of children, wherever it occurs, can have major long-term effects on all aspects of children's health, development and well-being and their ability to sustain stable and meaningful relationships in the future. It is the intention of HC to ensure that all staff understand their roles and responsibilities in ensuring the safety of children at all times. This is achieved through consistent and agreed protocols regarding child protection, as well as the regular undertaking of awareness raising training.

3.2 Each member of staff must:

- Be aware of, and alert to, potential indicators of abuse or neglect and the procedures they are required to follow in responding to their concerns
- Record a factual account of any concerns they have, or that are brought to their attention
- Appropriately seek advice and support from their Designated Person for Child Protection (Deputy Principal Student Well-being and Pathways) who will then contact external agencies if appropriate
- Work in co-operation with the parents and caregivers, unless this compromises the safety of the child

**3.3 It is the primary responsibility of staff to be vigilant, have knowledge and awareness of the indicators or neglect, potential or actual abuse and to report any concerns, suspicions, or allegations of suspected abuse immediately and ensure that the concern is taken seriously and reported.**

3.4 The statutory responsibility to investigate allegations of child abuse rests with Oranga Tamariki and the Police.

### **Role of the Principal**

3.5 The role of the Principal is to:

- Ensure the needs and rights of children come first i.e. the safety and wellbeing of each child is paramount
- Receive information that suggests potential or actual risk of harm to a child who attends {School}, irrespective of whether the alleged abuse is current, past, or likely to occur. The Principal will advise and support staff and, based on the initial details, will decide as to whether or not to delegate to the Designated Person for Child Protection (Deputy Principal Student Well-being and Pathways) for further action.
- Delegate to the Designated Person for Child Protection (Deputy Principal Student Well-being and Pathways) appropriate action and responsibilities as concerns are raised
- Make any referrals to the Guidance Counsellor in School or Oranga Tamariki as appropriate
- Ensure that all allegations are managed appropriately. No investigation will occur without appropriate consultation and a decision whether a response from Oranga Tamariki or the Police is required.
- Ensure that allegations or complaints are appropriately referred to the Education Council of Aotearoa New Zealand (EDUCANZ)
- Ensure that the Child Protection Policy is effectively implemented throughout HC
- Ensure that all staff are aware of, and have access to, full copies of the procedures for reporting child abuse
- Ensure that all staff are recruited and employed in accordance with the guidelines identified in the Employment Policy to identify those people safe to work with children
- Ensure that all staff receive child protection training.

### **Role of the Designated Person for Child Protection**

3.6 The role of the Designated Person for Child Protection (Deputy Principal Student Well-being and Pathways) is to:

- Ensure the needs and rights of children come first i.e. the safety and well-being of each child is paramount
- Ensure and safeguard clear, confidential, detailed, and dated records on all child protection cases. These must contain all available information relating to the cause for concern and any subsequent action taken, including when it has been decided not to make a notification to Oranga Tamariki or the Police. These records will be kept separate from student's records for the purpose of confidentiality.
- Establish a close link with the relevant local agencies to ensure clear and effective communication and be a recognised contact within HC for agencies to contact regarding concerns
- Work closely and effectively with the Guidance Counsellor in School, ensuring information is appropriately shared to effectively safeguard the child
- Ensure that all staff are supported appropriately when dealing with child protection concerns
- Maintain a current awareness of the children identified on the Risk Register, and regularly highlight these children to the appropriate staff
- Consult with the Principal regarding all child protection concerns

### **Role of the Howick College Board**

3.7 The role of the Board is to:

- Ensure the needs and rights of children come first i.e. the safety and well-being of each child is paramount
- Support the Principal to ensure that all allegations are managed appropriately. No investigation will occur without appropriate consultation and a decision whether a response from Oranga Tamariki or the Police is required

- Support the Principal to ensure that allegations or complaints are appropriately referred to the Education Council of Aotearoa New Zealand (EDUCANZ)
- Inform the Principal immediately should any member of the Board be aware of a concern for the well-being and safety of a child who attends HC • The Presiding Member of the Board will be directly informed of any allegations of abuse against the Principal

This policy is intended to be consistent with the requirements of the Privacy Act, 1993.

This policy will be reviewed every three years and updated regularly in the light of operational experience and in line with changes in legislation and associated policies.

**DATE OF LAST REVIEW:** November 2022

## CHILD PROTECTION POLICY - PROCEDURES

Howick College is committed to our four core values of **courtesy, commitment, curiosity, and courage**. These values will influence our behaviour and practice as members of the school community.

1.1 All staff will respond to concerns of child abuse by following the identified procedures, consulting appropriately and collaborating with external agencies.

1.2 The procedures set out below will help staff with:

- the identification of abuse
- handling disclosures, whether verbal or behavioural from a child
- reporting procedures

### Identification of abuse

1.3 If the Designated Person for Child Protection is unavailable for advice and guidance then staff should consult with the Principal. At any time, staff may seek advice from Oranga Tamariki (0508 EDASSIST (0508 332 774), edassist@ot.govt.nz) regarding child protection concerns.

### Handling disclosures from a child

1.4 If a child makes a verbal disclosure to a member of staff it is important that the staff member takes what the child says seriously. This applies irrespective of the setting, or the member of staff's own opinion on what the child is saying.

1.5 Under no circumstances should a member of staff attempt to investigate or deal with concerns regarding child abuse alone. Any incidents, concerns or suspicions must be reported following the procedures set out below.

### Child-on-Child Harmful Behaviours

1.6 It is important to be aware that children can harm other children. These behaviours are outside of what may be considered the normal range, and can extend to bullying, violence or sexual assault. Therefore, when a child alleges inappropriate harmful behaviour by another child then the child protection procedures outlined in this policy must be considered for both children.

### Suicidal Concerns or Self-Harming Behaviours

1.7 It is important to be aware that children can harm themselves or attempt suicide. When a child identifies thoughts of suicide, or self-harming behaviour, this must be immediately notified to the Designated Person for Child Protection (Deputy Principal Student Well-being and Pathways) or the Principal in their absence, via the Head of Counselling. If immediate action is required, phone the mental health team at the local hospital.

### Reporting procedures

1.8 All concerns of potential, suspected or alleged abuse must be brought to the attention of the Designated Person for Child Protection. If the Designated Person for Child Protection is unavailable, then consultation should occur with the Principal. A decision will be made as to whether to seek further advice or notify Child Youth and Family.

When reporting an incident staff should:

- Inform the Designated Person for Child Protection as soon as possible
- Record in writing all conversations and actions taken

1.9 Effective documentation, including referrals and notifications, must include the following:

- Record of facts, including observations, with time and date
- What was said and by whom, using the person's words
- What action has been taken, by whom and when

### Keeping the child's family informed and involved

1.10 Although the parent or caregiver of the child will usually be informed of concerns, there may be times when those with parental responsibility may not be initially informed. This may happen when:

- the parent or caregiver is the alleged perpetrator
- it is possible that the child may be intimidated into silence

- there is a strong likelihood that evidence will be destroyed
- the child does not want their parent or caregiver involved and they are of an age when they are competent to make that decision

### **Sharing Information and Confidentiality**

1.11 The safety of a child is paramount. At times, a child is unable to speak for or protect themselves. Therefore, Howick College (HC) has a greater responsibility to know when and how to share appropriate information with external agencies to protect the safety and wellbeing of children.

1.12 Giving information to protect children better is not a breach of confidentiality. Wherever possible, the family/whanau should be kept informed of what information has been shared and to which agency, and for what purpose. Principle 11 of the Privacy Act, 1993, states "disclosure of the information is necessary to prevent or lessen a serious threat".

1.13 Should HC be contacted with a request for information or access to interview a child then the following procedure will be followed:

- Confirm identity and credentials of person requesting information
- Notify the Principal and Designated Person
- Identify specific information required and the purpose
- Check information held – does LBC have the information requested
- Principal to identify the way forward and provide permission

Depending on the reason for the request, and risk to children as judged case by case, inform the family that information has been requested, by whom and seek permission. If this is a child protection issue, permission from the family is not required. Document all steps in the process and ensure that all documentation is placed on the child's Child Protection File.

### **Action to be taken by the Designated Person for Child Protection**

1.14 Concerns regarding alleged or suspected abuse will first be raised to the Designated Person for Child Protection. If further guidance is required, then consultation will occur with the Principal. A decision will be made as to whether this information needs to be escalated to Oranga Tamariki.

1.15 All decisions taken, including if the concern does not require notifying Oranga Tamariki, must be recorded in writing and kept securely in a Child Protection File with the reasons clearly identified and explained.

### **Supporting Students**

1.16 **Students will be supported throughout this procedure by:**

- The guidance counsellors or a designated teacher acting as an advocate on their behalf
- Being kept informed of the process, who has been spoken with and what has been said
- Inclusion of parents/whanau in the process if appropriate, with the Guidance team being available to offer support for parents/whanau
- Encouragement to seek support from trusted friends if appropriate
- Counselling to mitigate the effects of the abuse/neglect and to build resilience
- If, after consultation, it is decided that a notification to a statutory agency is not appropriate, staff will work with family/whanau and the child to ensure appropriate support is in place. An in-school meeting may be an appropriate step in building strength and resiliency for the child and their family/whanau
- Referral to an outside agency if appropriate may be made

## **2. SAFE RECRUITMENT OF STAFF**

2.1 Safety checks will be carried out in accordance with the Vulnerable Children Act 2014. This will include: a police vet; identity verification; references and an interview. A work history will be sought, and previous employers will be contacted. If there is any suspicion that an applicant might pose a risk to a child, that applicant will not be employed.

## **3. TRAINING OF STAFF**

3.1 All staff will receive child protection training at a level appropriate to their role. The Designated Person for Child Protection will undertake more intensive training. These people will be accessible to staff to provide advice and support.

3.2 All staff will be given appropriate training covering basic awareness of child protection. This will include an overview of signs and indicators of abuse, and the procedure for responding to actual or suspected abuse. This training will include:

- Roles and responsibility of staff regarding child protection
- Recognising and responding to the signs and indicators of actual or suspected abuse
- Ensuring staff understand and can follow the Child Protection Policy and the procedures for reporting a concern

#### **4. SAFE WORKING PRACTICES**

4.1 A relationship between an adult and a child or young person cannot be a relationship between equals. There is a potential for exploitation and harm of vulnerable young people. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

4.2 Adults should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. Adults who work with children must therefore act in a way that is considered to be safe practice.

4.3 Communication between children and adults, by whatever method, should take place within clear and explicit professional boundaries. This includes the wider use of technology such as mobile phones, text messaging, emails, digital cameras, videos, webcams, websites, social networking, and blogs. Adults should not share any personal information with a child or young person. They should not request, or respond to, any personal information from the child or young person other than that which might be appropriate as part of their professional role. Adults should ensure that all communications are transparent and open to scrutiny.

4.4 Any sexual activity between an adult and a child or young person will be regarded as a criminal offence and will always be a matter for disciplinary action.

4.5 When physical contact is made with a child this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity, and background. Adults should use their professional judgment at all times, observe and take note of the child's reactions or feelings and use a level of contact and/or form of communication which is acceptable to the child for the minimum amount of time necessary.

4.6 All staff are expected to behave in manners consistent with the expectations of Howick College.

#### **5. DEALING WITH ALLEGATIONS MADE AGAINST MEMBERS OF STAFF REGARDING INAPPROPRIATE ACTIONS WITH CHILDREN**

5.1 Howick College (HC) has a duty of care for the children it provides services to. A failure to report a significant concern about a child is a breach of that child's human rights.

5.2 Anyone who has reason to make a complaint will be made aware of the HC complaint process. There is potential that an issue raised as a complaint may also constitute an allegation of abuse. Any such complaint that raises a child protection issue will be referred directly to the Principal.

5.3 It must be remembered that making a disclosure or a complaint against someone in a position of power and authority is always difficult. The person making the disclosure may reconsider and express a wish to retract their allegation. At the outset, it must be clearly communicated with the child or adult that their concern is being taken seriously and will be responded to in accordance with this policy.

5.4 Allegations, suspicions or complaints of abuse against staff, volunteers or representatives of other agencies must be taken seriously and reported to the Principal who will deal with them immediately, sensitively and expediently within the procedures outlined in this policy. Concerns may be raised a number of ways e.g.:

- Directly by staff hearing or observing issues of concern or behaviour of concern
- Direct disclosure by the child or young person • Indirect disclosure e.g., through written or artwork or through friends
- Complaint from a parent or caregiver or whanau member
- Reports by other colleagues or agencies

- As an anonymous report

5.5 If the allegation is against the Principal, then this must be reported directly to the Presiding Member of the Board.

5.6 It is **NOT** the responsibility of staff to investigate allegations of child abuse. Allegations against staff will be discussed with the Board where a decision will be made if a notification to Oranga Tamariki is appropriate.

5.7 In all child protection cases, HC will co-operate fully with both Oranga Tamariki and the Police in their investigations and assessments.

5.8 If the Police decide to undertake a criminal investigation, the member of staff may be suspended, without prejudice, as a precautionary measure. It is important that no internal investigation is undertaken, and no evidence gathered that might prejudice the criminal investigation.

5.9 If there is insufficient evidence to pursue a criminal prosecution, then a disciplinary investigation may still be undertaken if there is reasonable cause to suspect that abuse or inappropriate behaviour may have occurred. The allegation may represent poor practice by a member of staff which needs to be considered under internal disciplinary procedures.

5.10 A complaint or allegation against a member of staff may require a report to the Education Council of Aotearoa New Zealand (EDUCANZ).

5.11 All staff have a responsibility to understand what constitutes appropriate behaviour in relation to children and young people. All staff have a responsibility to maintain appropriate standards of behaviour and to report lapses in these standards by others. Any concerns or reasonable suspicions of abuse should be reported to the Principal.

5.12 A person tendering his or her resignation, or ceasing to provide their services, will not prevent an allegation of abuse against a child being followed up in accordance with these procedures.