



**SOUTH WAIRARAPA  
DISTRICT COUNCIL**  
*Kia Reretahi Tātau*

# Child Protection Policy

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# CHILD PROTECTION POLICY

## Relevant Legislation

- » [Children's Act 2014](#)
- » [Employment Relations Act 2002](#)
- » [Local Government Official Information and Meetings Act 1987](#)
- » [Oranga Tamariki \(Children's and Young People's Well-being\) Act 1989](#)
- » [Privacy Act 2020](#)

## 1. Purpose

The purpose of this policy is to state South Wairarapa District Councils ("SWDC") commitment to the safety of children and prevention of abuse. It also contains procedures for responding to and reporting child abuse.

## 2. Scope

This policy applies to all children who use the services and facilities of this organisation, and to those with whom personnel come into contact in the course of their work with SWDC.

It applies to staff, volunteers and management of SWDC.

It also applies to any contracted personnel providing services to children, young people and families on behalf of SWDC.

## 3. Policy Statement

SWDC is committed to the prevention of abuse and to the well-being of children, young people, vulnerable adults and their families.

The safety of the child is our prime consideration at all times.

## 4. Responsibilities

### 4.1. Procedures for Responding and Reporting Child Abuse

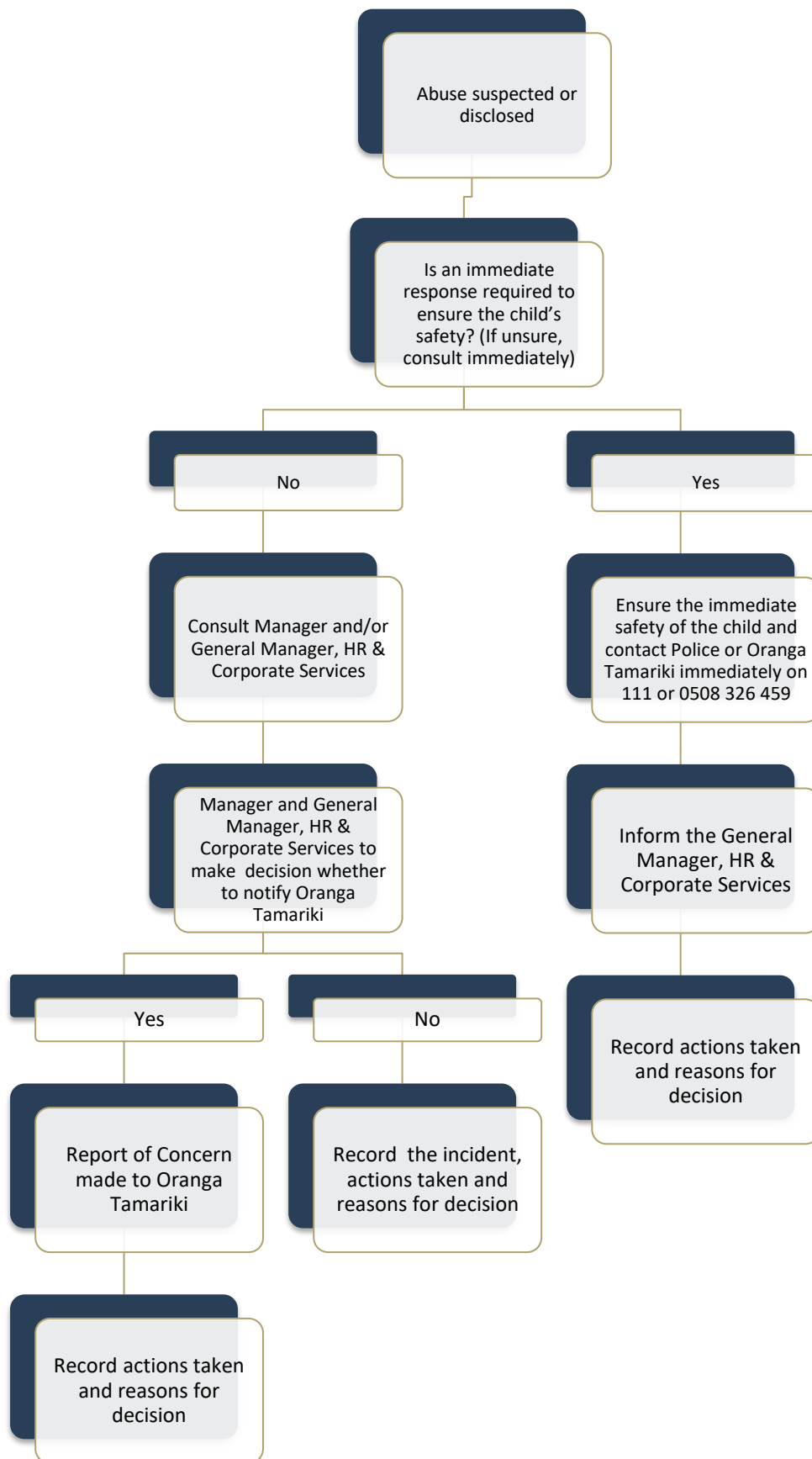
Any issues of suspected child abuse must be taken seriously and handled in an appropriate manner that ensures the child's safety.

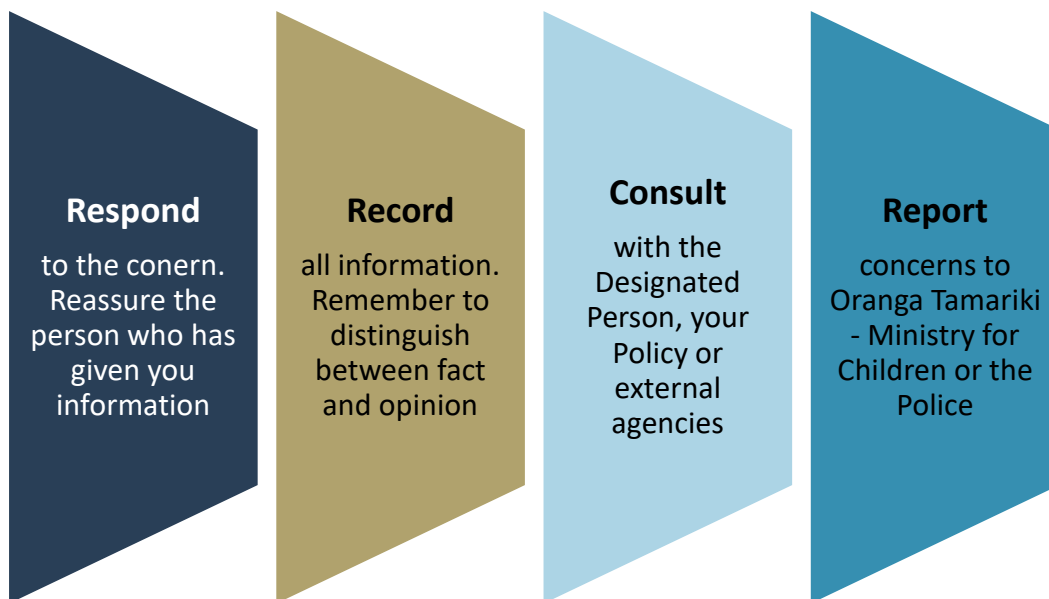
If a child discloses abuse, staff will also follow the guide Handling Disclosures of Abuse in Appendix 1.

The General Manager, HR & Corporate Services is responsible for ensuring that the procedure for reporting child abuse is effective and timely. If a member of staff has a child protection concern then they must inform their Manager and/or the Police or Oranga Tamariki.

The following flowchart provides guidance to decision making.

#### 4.1.1. Guiding principles





#### 4.1.2. Reporting Abuse

Staff may have witnessed abuse or been advised of it occurring. If it has occurred the abuse may be from an external source such as the Police, another agency, a parent or it may be from another staff member. Whatever the case it is important that any such allegation is reported in the first instance to the Chief Executive and General Manager, HR & Corporate Services or in either or their absence the Health, Safety & Wellbeing Advisor. These staff will jointly determine what further action is needed.

The report may take the form of an incident report, but it would be preferable if it took the form of a verbal report followed up by a detailed written report about the incident that lead to the allegation.

SWDC will take whatever actions are necessary to support the staff member making the allegations including providing full pay to those staff members who are required to attend meetings with appropriate authorities and who are required to give evidence in any legal proceedings.

SWDC will not act alone, and will refer all suspected situations of child abuse to Police or Oranga Tamariki. 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.

#### 4.1.3. Confidentiality and Information Sharing

- » Keeping children safe requires the appropriate sharing of information subject to legal restrictions and the best interests of the child.
- » SWDC recognises that all staff must act within the legal requirements of the Privacy Act 2020, Oranga Tamariki (Children’s and Young People’s Well-being Act 1989, Health Information Act, the Local Government Official Information and Meetings Act 1987 and other statutes. SWDC encourages the sharing of information when appropriate steps have been taken.
- » It is possible that in some cases staff may be asked to provide information to Oranga Tamariki, the Police, Court or Lawyers and Psychologists. It is important that in such cases

staff refer the matter to the Chief Executive or General Manager, HR & Corporate Services before responding.

- » Information will only be given after the Chief Executive or General Manager, HR & Corporate Services have identified the person making the request, the actual purpose of the request, what use the information will be put to, and who will see the information.

#### 4.1.4. *Dealing with Allegations*

- » Allegations, suspicions or complaints made against staff of abuse against a child must be taken seriously, wherever they come from, and reported to the Chief Executive and General Manager, HR & Corporate Services who will manage them immediately, sensitively and expediently.
- » If an initial investigation establishes that there may be substance in the allegations they will determine if the staff member concerned should be suspended without prejudice, as a precautionary measure, while any formal investigation proceeds. Such suspension will be on full pay and undertaken only after the staff member has been consulted.
- » If the matter is referred to the Police who decide to undertake a criminal investigation then any internal investigation will be suspended as it is important that no internal investigation is undertaken, and no evidence gathered that might prejudice the criminal 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.
- » If a child discloses abuse, staff will also follow the guide Dealing with Disclosures of Abuse in Appendix 1.
- » SWDC will adhere to the principles of the Employment Relations Act and give the staff member all information regarding his or her rights.
- » 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.
- » SWDC recognises the added stress to fellow staff in such a situation and will ensure support is available.
- » If SWDC is aware that a member of staff it has placed on precautionary suspension also works with children for another organisation, either as an employee or a volunteer, it should ensure that the other organisation is informed of the suspension and the subsequent outcome. Consultation with Oranga Tamariki or the Police will determine how this information is conveyed.
- » SWDC will liaise with Oranga Tamariki and the Police regarding the progress of the investigation.

## 4.2. *Safe Recruitment of Staff*

SWDC ensures that all staff working with children, both paid and voluntary, have been appropriately safety checked in accordance with this Policy.

### 4.3. Training of Staff

- » SWDC staff interacting with children and families through their roles are expected to participate in the organisation's child protection training programme.
- » Staff who work with children will be taken through this Policy as part of their induction and at least two yearly thereafter.

Responsibility for the provision of appropriate training rests with the immediate Manager and General Manager, HR & Corporate Services.

## 5. Definitions

'**Child**' is defined as anyone under the age of 14.

'**Staff**' is defined as those who are employed directly by or volunteer for SWDC, as well as staff and volunteers of partner organisations whilst they are working with children and young people at Council workplaces.

"**Screening**" means an internal process for identifying suitable candidates – in this case, those who can be relied on to keep children in your care safe. Screening is about following a process to collect enough information so that you can be satisfied, having assessed the risks, that the applicant is safe to work with children in the role they are applying for. More specifically, it means verifying their identity, gathering information about them through application forms, interviews and reference checks, and finally checking what you know through the use of external checks like the Police vetting service.

"**Safety Checking**" means the formal process of obtaining checks from another agency, e.g. the Police vetting service, criminal record checks.

The Oranga Tamariki (Children's and Young People's Well-being) Act 1989, defines **child abuse** as "...the harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person". The definitions set out below provide some indicators of abuse and these should not be seen as an exhaustive list or as a check list.

### Physical Abuse

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

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 seeing or hearing the ill treatment of others.

### Sexual Abuse

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**

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, causing long term serious harm to the child's health or development. It may also include neglect of a child's basic or emotional needs. Neglect is a lack: of action, emotion or basic needs.

**The 'Designated Person'** for child protection within a service area is the manager of that area. As part of their overall responsibility for the safety and wellbeing of staff, contractors and visitors within their area of the workplace, the manager also has responsibility for child protection, including reporting and responding appropriately.

## **6. Review**

We are committed to reviewing this policy and good practice every two years.

## **7. Appendices**

Appendix 1 – Guide to Handling Disclosures of Abuse

Appendix 2 – Staff Screening



# Appendix 1

## Guide to Handling Disclosures of Abuse

### Dealing with Disclosures of Abuse

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

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 any 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.
- » Listen to the child and accept what the child says.
  - » Look at the child directly, but do not appear shocked.
  - » Don't seek help while the child is talking to you.
  - » Reassure them that they did the right thing by telling someone.
  - » 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.
  - » Be aware that the child may have been threatened.
- » Write down what the child says in their own words – record what you have seen and heard also.
  - » 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
- » Tell your manager or supervisor as soon as possible.
- » Refer to Oranga Tamariki or the Police.
- » After making the referral to Oranga Tamariki or the Police, look after yourself. Discuss the matter with your manager, supervisor or relevant person.

### 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, foster carer or volunteer has abused a child is difficult but must be taken seriously and dealt with carefully and fairly.

### Things TO SAY when a child discloses

- » Repeat the last few words in a questioning manner
- » 'I believe you'
- » 'I am going to try to help you'
- » 'I will help you'
- » 'I am glad that you told me'
- » 'You are not to blame'

### Things NOT TO SAY when a child discloses

- » 'You should have told someone before'
- » 'I can't believe it! I am shocked!'
- » 'Oh that explains a lot'
- » 'No not...he's a friend of mine'
- » 'I won't tell anyone else'
- » 'Why? How? When? Where? Who?'

### Things TO DO

- » Reassure the child that it was right to tell you.
- » Let them know what you are going to do next.
- » Immediately seek help, in the first place from the designated child protector.
- » Write down accurately what the child has told you. Sign and date your notes. Keep all notes in a secure place for an indefinite period.
- » Seek help for yourself if you feel you need support.

### Things NOT TO DO

- » Do not attempt to deal with the situation yourself.
- » Do NOT formally interview the child:
  - » Never ask leading questions.
  - » Never push for information or make assumptions.
  - » Only necessary relevant facts should be obtained, when clarification is needed.
- » Do not make assumptions, offer alternative explanations or diminish the seriousness of the behaviour or alleged incidents.
- » Do not keep the information to yourself or promise confidentiality.
- » Do not take any action that might undermine any future investigation or disciplinary procedure, such as interviewing the alleged victim or potential witnesses, or informing the alleged perpetrator or parents or carers.

- » Do not permit personal doubt to prevent you from reporting the allegation to the designated child protection officer.

# Appendix 2

## Staff Screening

Council has identified the key positions that will be subject to Police Screening. These are:

- » All Library staff
- » Community Development Coordinator
- » Holiday Programme Staff
- » Swimming Pool Life Guards.

Other positions/areas identified where screening is not required, however, risk factors need to be mitigated include:

- » Parks and Reserves Staff
- » Zero Waste Coordinator
- » Animal Control & Bylaws Officers
- » Selected contractors – e.g. Festivals & Events – provision of community events - clause in contract.