



CHILD PROTECTION POLICY

POLICY & PROCEDURE

This document sets out policy and procedure.

Reference may be made to additional and separate policies for example the *Health and Safety Manual*.

The policy and procedure contained herein and in all other separate codes apply to ALL EMPLOYEES, VOLUNTEERS, and where applicable other individuals or contractors performing work.

Best efforts have been made to cover all scenarios however should a situation arise which is not covered prescribed (or requires update) please approach Management.

IMPORTANT NOTE: a breach or breaches of CLW policy may be deemed as misconduct and disciplinary action may follow.

Review / Amendment	Date approved / implemented
Reviewed July 2021 – no amendments	

CONTENTS

Purpose & Principles.....	3
Overview.....	3
Scope	3
Roles & Responsibilities.....	3
Training & support	4
Child Abuse & Identification	4
Procedure for responding to disclosed or suspected child abuse	5
Internal Decision Making Procedure.....	5
Disclosure and or Notifications	5
Documentation & File notes	6
Informing Caregivers of a Referral	6

1. PURPOSE & PRINCIPLES

- The overarching purpose of this policy is to assist Community Law Waikato (“CLW”) to build a consistent and shared understanding of the importance of a child protection culture and lawful compliance.
- The principles that underpin this policy are to protect all children and to notify appropriate authorities when concerns are raised about the safety and wellbeing of these individuals.
- This policy aims to ensure that ALL people who perform work or service for CLW, and who work with children and whanau, know how to recognise and report abuse and neglect.

2. OVERVIEW

- This policy provides a framework to manage actual and or suspected child abuse and neglect.
- The policy covers application, roles and responsibilities, identification, consultation, reporting, health and safety, documentation, and the obligations pursuant the *Lawyers and Conveyancers Act* and *Conduct and Client Care Rules 2008*.
- The Ministry of Justice has approved that a community law centre is not required pursuant the Vulnerable Children Act 2014 to undertake police checks (“vetting”) for staff, volunteers or people who provide services at CLW. Mandatory checks are only required for a “children’s worker”. The definition of a “children's worker” is in Part 3 s23 (1) (a) and (b) of the Vulnerable Children Act. Such a person works in or provides a regulated service that may or does involve regular or overnight contact with a child or children and where this takes place without a parent or guardian of the child, or of each child being present.
- *NOTE ASIDE from this exclusion, CLW adopts an appropriate screening and vetting process to ensure all staff, volunteers, and others performing work are suitable and do not pose a risk to anyone’s safety.*

3. SCOPE

- This policy applies to staff, volunteers and management and any other persons providing services for CLW.
- This policy applies to all children who are clients of CLW, and to those with whom staff, volunteers and others performing services for CLW come into contact with in the course of their work.
- This policy applies to all cases of actual and or suspected abuse and neglect encountered by employees, volunteers, students and people working at Community Law Waikato.
- A child is defined as anyone under the age of 18.

4. ROLES & RESPONSIBILITIES

- Employees, volunteers, students and people working at CLW must be alert to the signs and symptoms of neglect or abuse and to take appropriate action to protect the wellbeing and safety of children and young people, whether the child/young person is directly or indirectly a client/patient of the service.
- In all cases, CLW staff, volunteers, students and others must follow the consultation and referral process outlined in this policy when considering notification about suspected abuse.
- Those to whom this policy applies, must ensure that children have access to appropriate communication support to enable the child to communicate freely in a safe environment. This may include social interpreters and or other support.

5. TRAINING & SUPPORT

- CLW will ensure that all employees providing services on behalf of the Centre attend an appropriate training course relating to identification of child abuse and neglect as part of their orientation or team training.
- Managers will be available at all times to discuss child protection issues with all employees, volunteers and other individuals providing services.
- Managers will ensure that appropriate debriefing and or necessary support is provided when issues arise.

6. CHILD ABUSE & IDENTIFICATION

- Child protection concerns can arise either by disclosure or recognition of signs and symptoms. Some common identification points may include delivery of law related education at schools, client interviews, and mediations.
- Abuse is generally categorised as being neglect, physical, emotional or sexual in nature. We also acknowledge that each of these types of abuse may not happen in isolation.
- The Children, Young Persons and their Families 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** 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.

- **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.

7. PROCEDURE FOR RESPONDING TO DISCLOSED OR SUSPECTED CHILD ABUSE

INTERNAL DECISION MAKING PROCEDURE

- Any decisions and or notifications in relation to disclosed or suspected child abuse must be consistent with a range of laws such as the *Lawyers and Conveyancers Act, Conduct and Client Care Rules 2008*, and the Privacy Act.
- The decisions around mandatory disclosure / reporting is a legal test which must be applied by an experienced legal practitioner.
- All employees, volunteers and individuals providing services who identify or suspect child protection concerns must advise the Legal Services Manager immediately or in their absence the General Manager.
- No child protection decisions will occur in isolation. Decisions must be made following appropriate consultation.
- The applicable Manager will consult with the person(s) who identified or suspects abuse or neglect immediately.
- The General Manager may take advice from a Board member who is qualified to practise on their own account and or any other point of contact deemed necessary. This may include an insurer.
- In the event that a disclosure / reporting decision cannot be made within 2 hours of concerns being raised, the Manager must explore whether interim steps can be taken to ensure the safety of a child or young person until the decision is made.
- In the event where the circumstances relate to a child whom is not a client (ie a visitor), the above process still applies.

DISCLOSURE AND OR NOTIFICATIONS

- Where a decision is made by a Manager that notification to the relevant agency is required, the notification will be made using that agency's procedure.
- External notification to the relevant agency will be appropriate to the situation and extent reasonably necessary for the required purpose. The relevant agency to disclose information to will usually be *Oranga Tamariki* as they are the lead decision maker under a Memorandum of Understanding with NZ Police. However, for urgent matters, NZ Police may be the appropriate agency especially where there is a serious and imminent risk present.
- The notification will be made by the staff member who suspected or identified the abuse or neglect, with the support of a Manager.

DOCUMENTATION & FILE NOTES

- All file notes and documents associated with the notification of abuse must be retained on the client file.
- If the child in question is not a client of at the time of notification, then a file must be opened for matter.
- File notes and records must at least include observations and assessments, consultation / relevant discussions, supervision meetings with Management, and the notification exchange with the relevant agency.

INFORMING CAREGIVERS OF A REFERRAL

- As part of the process outlined above, the Manager will direct a decision around notification to the parents and or caregivers.
- Safety of all those involved is paramount.
- In the event that parents and or caregivers are informed and safety issues arise, incident reports must be completed.