

Child Protection Policy

The purpose of this Policy is to articulate the Ministry of Health's (the Ministry's) commitment to ensuring the wellbeing and safety of children and young people. Ensuring the safety and wellbeing of children and young people is a paramount goal of the Ministry.

The Ministry does not directly provide children's services, although it funds or contracts with entities that do. This Policy applies to all of the Ministry's work directly or indirectly related to children and families/whānau.

Scope

This Policy applies to all employees of the Ministry, especially those who work in areas that develop and/or contract for services for children and their family/whānau.

The Policy has two parts.

Part 1: Our obligation as a funder

Part 2: Our obligation as an employer.

Review

This policy will be reviewed within three years of publication.

Publication date: February 2017

Update due: January 2020

Part 1: Our obligation as a funder

Responsibilities

Staff responsible for contracted services for children and their family/whānau are required to assess their service providers and ensure that they understand and implement the obligations under Part 2 of the Children's Act 2014 (the Act; formerly titled the Vulnerable Children Act 2014).

Children's Act 2014

Part 2 of the Act requires child protection policies (that must contain provisions on the identification and reporting of child abuse and neglect) to be (section 14)—

- a) adopted and reported on by prescribed State services and district health boards; and
- b) adopted by school boards; and
- c) adopted by certain people with whom those services or boards enter into contracts or funding arrangements.

Section 15 – Interpretation

In Part (1), unless the context otherwise requires,—

child means a person who is under the age of 18 years

children's services means services that are any of the following:

- a) services provided to 1 or more children:
- b) services to adults in respect of 1 or more children:
- c) services provided to adults living in households that include 1 or more children, and that—
 - (i) do or may affect significantly any 1 or more aspects of the well-being of those children; and
 - (ii) are for the time being prescribed under subsection (2):
- d) services provided in respect of children that are for the time being prescribed under subsection (3)

prescribed State service means each of the following:

- a) the Ministry of Business, Innovation, and Employment:
- b) the Ministry of Education:
- c) the Ministry of Health:
- d) the Ministry of Justice:
- e) the Ministry of Māori Development:
- f) the Ministry of Social Development:
- g) the New Zealand Police:
- h) every other instrument for the time being prescribed under subsection (4).

Section 16 – Prescribed State services to adopt, report on, and require child protection policies

Section 16 of the Act provides that the chief executive of a prescribed State service must ensure that:

- the service adopts and publishes a child protection policy where the State service is or becomes a provider of children’s services (section 16(a); and
- every contract, or funding arrangement the chief executive or the service (in either case, acting on the Crown’s behalf, or independently) enters into with an independent person requires the person as soon as is practicable to adopt and to review) a child protection policy if, in the opinion of the chief executive of the State service,—
 - (i) the person is or becomes a provider of children’s services;
and
 - (ii) some or all of the contract or arrangement is about providing children’s services (section 16(b));
and
- the service reports in its annual report (under section 43 of the Public Finance Act 1989 or another enactment) on whether, or on the extent to which, its operations have implemented any policy it is required to adopt, and its contracts and funding arrangements have complied with.

Part 3 of the Act further requires that, to reduce the risk of harm to children, people employed or engaged in work that involves regular or overnight contact with children to be safety checked.

Regulatory requirements

In essence the Act requires the Ministry of Health to:

- ensure that service providers funded by the Ministry to provide children’s services adopt and regularly review a child protection policy; and
- report annually on whether and to what extent the Ministry has adopted and implemented a child protection policy (if the Ministry is or becomes a provider of child services), and whether contracts and funding arrangements have complied with requirements regarding child protection requirements;
- require all paid people who work with children for government-funded organisations to be safety checked, and to have these safety checks updated every three years.

The Children’s Act 2014 also includes new children’s worker safety checking requirements. The new regulations under the Act require all paid people who work with children for government-funded organisations to be safety checked, and to have these safety checks updated every three years.

Contracted service providers

The Act states all service providers contracted by the Ministry to deliver children’s services must be contractually obliged to have a child protection policy in place.

All new service providers must be assessed against the requirements of the Act, particularly in section 16, to determine whether they need to have a child protection policy.

The following clause has been included in all standard Agreements provided through Sector Operations. It is up to contract managers to ensure that the clause is included in the Agreements.

Provider Specific Terms and Conditions

In accordance with section 16 of the Children’s Act 2014 «PROVIDER_NAME» will:

- (i) adopt, as soon as practicable, a child protection policy (in respect of the provision of children’s services within the meaning of section 15 of that Act) that complies with section 19 of that Act; and*
- (ii) review that policy within 3 years of the date of its first adoption; and*
- (iii) in accordance with best practice, post a copy of the child protection policy on its Internet site.*

If using a non-standard form of the Agreement, contract managers should use the wording provided. It is up to contract managers to decide the level of reporting required of providers.

The Ministry may audit its service providers to check if they have an appropriate child protection policy and that the provider’s staff understand that they need to identify and report child abuse and neglect.

Information to support providers

The Oranga Tamariki website provides information on the child protection policy requirements under the Children’s Act and how to write high quality child protection policies:

<https://www.orangatamariki.govt.nz/working-with-children/childrens-act-requirements/child-protection-policies/>.

Part 2: Our obligation as an employer

Introduction

Part 2 of the Ministry's child protection policy provides guidance for staff on how to identify and respond to concerns about the wellbeing of a child, including possible abuse or neglect. Whether it is inside or outside work, as family members, friends, neighbours or workmates, we all have opportunities to support parents and keep children and young people safe.

Child protection refers to activities involved in the identification and reporting of child abuse and neglect. It is about having practices that keep children and young people who access services safe and taking steps to best ensure that abuse and neglect, both actual and potential, along with general concerns about child wellbeing and vulnerability are identified and appropriately responded to.

Defining child abuse and neglect

The Children's Act 2014 does not define child abuse. However, it is defined in section 2 of the Children, Young Persons, and Their Families Act 1989 (the CYPFA).

Child abuse means the harming (whether physically, emotionally or sexually), ill treatment, abuse, neglect, or deprivation of any child and/or young person. A report of concern to a Social Worker or the Police can be made in relation to abuse or neglect that is actual or likely.

Child abuse can be classified into the following four categories:

1. physical abuse
2. sexual abuse
3. emotional abuse
4. neglect.

The four categories of child abuse are briefly described below.

Physical abuse

Physical abuse can be any act that may result in the physical harm of a child.

Sexual abuse

Sexual abuse can be any act that involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening.

Emotional abuse

Emotional abuse can be any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development. This can include exposure to family/whānau or intimate partner violence.

Neglect

Neglect can be:

- physical (not providing the necessities of life, like adequate shelter 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 truancy, failure to enrol in education or inattention to education needs).

Neglect is the most common form of abuse, and although the effects may not be as obvious as physical abuse, the impact on the child is often just as serious.

Identifying and reporting child abuse and neglect

Each situation is different and all the available information about a child and their environment should be considered as part of deciding on the approach to take.

If a child is in immediate danger, call the Police on 111. If you see something that concerns you, phone Child Youth and Family on 0508 FAMILY (0508 326 459). When you call Child Youth and Family you will be able to talk directly with trained social workers. They will ask you questions and will then look into the situation to find out what may be happening.

The Child Youth and Family website Keeping Kids Safe has more information on identifying and responding to abuse and neglect.

The Ministry of Health Family Violence Assessment and Intervention Guidelines is a practical tool to help health providers make safe and effective interventions to assist victims of interpersonal violence and abuse.

Ministry employees can make a report of concern for child abuse and neglect as either a Ministry employee or as a private citizen. If you are not certain which situation you are in, seek advice from your manager or Health Legal. However, if you have an immediate concern about a child's welfare, it is important you act as quickly as possible.

The Ministry recognises that to work at our best, we need to be feeling our best. The Employee Assistance programmes provides staff the opportunity to access confidential advice and support in dealing with issues that may affect work performance. VITAE is the Ministry EAP provider and can be accessed 24/7 on 0508 664 981. EAP provides up to three hours of free counselling per year and additional sessions can be approved by the HR Manager.

Confidentiality and information sharing

The Privacy Act 1993 and the CYPF Act allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated. Under sections 15 and 16 of the CYPF Act, any person who believes that a child has been, or is likely to be harmed (whether physically, emotionally or sexually), ill-treated, abused, neglected or deprived may report the matter to Child, Youth and Family or the Police. Provided that the report is made in good faith, the person making the report is protected from civil, criminal or disciplinary proceedings.

