

Children's Act 2014: Requirements for child protection policies

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The Children's Act 2014 (the Act – formerly the Vulnerable Children Act 2014) introduced measures that will ensure that children can be better protected from abuse and neglect both in their homes and in the community.

This factsheet gives some advice for the health and disability sector on child protection policies.

Child protection policies

In the health and disability sector, organisations contracted by the Ministry of Health and district health boards that provide children's services must adopt child protection policies.

Child protection policies must:

- be written
- cover the provision of children's services
- contain matters related to identifying and reporting child abuse and neglect.

Developing child protection policies

The guidelines have been developed to help organisations develop child protection policies. This is available at: <https://www.orangatamariki.govt.nz/working-with-children/childrens-act-requirements/child-protection-policies/>.

District health boards

Many district health boards will already have child protection policies in place. If these comply with the Children's Act and are effective, it is not necessary to develop a new policy. District Health Boards must ensure organisations that they have contracts with, and that provide children's services, adopt child protection policies.

Non-governmental organisations

DHBs and the Ministry of Health have included clauses in their contracts requiring NGOs contracted for a variety of services to adopt child protection policies. Additional advice is available from the NGO Council.

Primary care sector

Service providers in the primary care sector have been contracted to adopt child protection policies through a variation to the Primary Health Organisation Services Agreement.

Child protection policy requirements

Prescribed state services, DHBs, schools and those they contract and fund to provide children's services, are required to have child protection policies.

1. Who does the Act apply to?	2. What obligations do these organisations have?	3. What do child protection policies contain?
<p>The following organisations are subject to the requirements in the Act:</p> <ul style="list-style-type: none">• prescribed state services, which are defined as:<ul style="list-style-type: none">– government agencies: Ministry of Business, Innovation and Employment, Ministry of Education, Ministry of Health, Ministry of Justice, Te Puni Kōkiri, Ministry of Social Development, NZ Police– every other body for the time prescribed under regulations• district health boards. <p>Schools will become subject to the requirement at a later date to be confirmed.</p> <p>School is defined as including:</p> <ul style="list-style-type: none">• a board as defined in section 60, and for the purposes of Part 7 (control and management of state schools), of the Education Act 1989• a sponsor of a partnership school kura hourua• the manager (or managers) of a private school that is registered under section 35A of that Act.	<ul style="list-style-type: none">• To have a policy – these organisations must adopt a child protection policy.• To make the policy available – these policies must be available on the internet site maintained by or on behalf of the organisation.• To ensure that every contract, or funding arrangement, that they enter into requires the adoption of child protection policies if:<ul style="list-style-type: none">– the person or organisation being contracted or funded is a provider of children's services¹– the contract or arrangement is about providing children's services.• Review the policy and report – policies must be reviewed every three years, and annual reports must report on progress of implementation and compliance with the funding/contracting requirement.	<p>They must be:</p> <ul style="list-style-type: none">• written• contain provisions on the identification and reporting of child abuse and neglect.

Note: because of the Act, other providers may be required to have child protection policies as a term of their contracts or funding arrangements with the organisations above.

¹ Children's services: services provided to children, or to adults in respect of children, or provided to adults living in households with children where the service may significantly affect the wellbeing of the children (if prescribed by regulations).