

Safeguarding and Child Protection Policy and Procedure

*Mātua rautia a
tātou taonga!
Tana ana mai!*
We must be united in
caring for our children



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Living & Learning's Commitment to Safeguarding

Ngā kaupapa haumaru o Living & Learning

As Kaitiaki, all employees, family and whānau, contractors, students, relievers, and volunteers at Living and Learning are committed to the Safeguarding, Care and Protection of all tamariki in our care. All tamariki have the right to develop physically, intellectually, spiritually and socially in a safe environment, free from any form of abuse or neglect. Their welfare, interests and safety are paramount. Safeguarding Living and Learning's care and learning environment also extends to our Kaiako and other whānau who will uphold the boundaries of acceptable behaviour, to ensure everyone's safety and wellbeing.

Purpose and Scope

Whainga me te Hokaitanga

- We have an obligation to understand how to recognise when a child needs help and protection, what to do next, and where to go to ensure they receive help. Living & Learning employees will:
 - prevent, or minimise, the potential for inadvertent risk of abuse/neglect of a child, while they are in our care.
 - review this Policy and Procedure every 3 years within the Policy Review team, including the designated Safeguarding Child Protection Advisor.
 - Ensure all employees have the opportunity to review the Policy and Procedure as per Living & Learning's annual Policy Review cycle.
 - Ensure family and whānau are given the opportunity to review and provide feedback on the Policy and Procedure. Families and whānau will be notified via Educa of the opportunity to review the documents, as part of Living & Learning's Policy and Procedure review cycle.
- This policy aims to support employees, family and whānau to identify and respond to actual or suspected indicators of vulnerability, abuse and/or neglect. Employees are expected to be familiar with these indicators, and other underpinning safeguarding requirements, to ensure their practise fully and consistently meets Living & Learning's expectations around child safeguarding and protection, and to support consistent Best Practise across our centres.

Key Principles of the Policy

Ngā matapono o te Kaupapa here

- To establish and embed a safeguarding culture for tamariki.
- To ensure the safety and wellbeing of our tamariki remains our primary concern, with tamariki at the centre of all decision making, when responding to suspected abuse or neglect.
- To build and promote a robust and open culture of trust in which employees can confidently raise concerns, and constructively challenge poor practise, should they believe there is actual or potential risk to a child.
- To recognise that employees play a pivotal role in identifying, preventing and reporting concerns or potential concerns around abuse/neglect.
- To ensure all employees receive Safeguarding and Care and Protection training when onboarding.
- To develop and maintain links with Iwi, Pasifika and other cultural and community groups to ensure the cultural concepts (e.g. Whakamanawa, Whakapapa, te reo Māori, tikanga, kaitiakitanga, wairuatanga) are integrated as appropriate into practice.
- To promptly report any concerns of actual, suspected, or potential abuse, neglect or ill treatment of a child.
- To ensure all practicable steps are taken to protect children from exposure to inappropriate material (for example, of an explicitly sexual or violent nature).
- To consistently comply with current legislation.
- To intentionally commit to sharing information in a timely way, and to discuss any concerns about an individual child with management.

- To respond promptly and intentionally to actual or suspected incidents of abuse, complaints, allegations or disclosure of abuse or neglect, and that all reasonable and practicable steps are taken to ensure the safety of the tamariki and/or employees involved in the disclosure.
- The designated Safeguarding Child Protection Advisor will receive regular, ongoing specialist training and be consulted and updated in all areas and cases related to Child Safeguarding and Protection.
- To provide effective orientation and mentoring to employees through induction, supervision, support and training.
- Acknowledge that information sharing and consistent communication is key with employees, whānau, (as appropriate), relevant agencies, and local community supports.
- To support and acknowledge the essential roles of the NZ Police and Oranga Tamariki in the investigation of suspected abuse/neglect, and to report suspected/alleged abuse and neglect to these agencies.
- To ensure all necessary safety checks are completed on every employee, contractor, student, and volunteer, before they begin employment, work experience, or practicum placements.
- To comply with mandatory reporting requirements of the Teaching Council, as specified under the *Education Act*.
- To ensure employees receive all necessary support to work in accordance with this policy.
- To act promptly when parents and whānau refuse to comply with, and/or breach our Safeguarding and Child Protection Policy, thereby compromising the safety or our environment and Kaiako. This includes Living and Learning's right to refuse the provision of care and learning services to those parents and whānau.
- Under Section 17 of Oranga Tamariki Act, if a social worker, lawyer, police officer or any other person visits the centre, they must provide photo identification before information is shared, and they are able to see the child. Living and Learning's policy is that an employee will be physically present and with the child at all times during the visit, conversation, and/or period of observation.

Access and Availability of Policy

Te wāteatanga o te Kaupapa here

- The Safeguarding and Child Protection Policy and Procedure will be available and easily accessible in every centre.
- All new parents/whānau/guardians, employees, relievers and agency relievers will be informed about the policy.
- A printed copy of the policy is available at the centre's reception.

Legislation and Internal Policies

Ngā Ture me Ngā Kaupapa here i Roto

The Safeguarding and Child Protection Policy and Procedure relates to the following legislation:

- *Children, Young Persons and their Families Act 1989*
- *Children's Act 2014*
- *Oranga Tamariki Act 1989*
- *Crimes Act 1961*
- *Privacy Act 2020*
- *Family Violence Act 2018*
- *Human Rights Act 1993*
- *United Nations Conventions on the Rights of the Child*
- *Employment Relations Act 2000*
- *Health and Safety at Work Act 2015*
- *Education (Early Childhood Services) Regulations 2008*
- *Ministry of Education Licensing Criteria*
- *The Harmful Digital Communications Act 2015*
- *Orientation & Peer Mentoring Checklist (the relevant version)*

The Safeguarding and Child Protection Policy and Procedure is to be implemented in conjunction with the following policies, procedures and/or guidelines:

- Health and Safety Policy
- Safer Recruitment
- Photography and Video Policy
- Privacy Act Summary
- Excursions/Trip Policy
- Social Media Policy
- Transporting of Children Policy
- Babysitting Policy
- Bullying Policy
- Drug and Alcohol Policy

Responsibility for Policy

Kawenga mō te Kaupapa here

- Overall responsibility for this policy rests with the designated Safeguarding Child Protection Advisor, the Chief Executive, and the General Manager - Operations.
- All Managers, Centre Directors, Area Managers, and Regional Managers are responsible for ensuring that all employees are aware of the policy, its contents, and individual responsibility for consistent implementation of the policy.

Roles and Responsibilities of employees

Ngā turanga me ngā Kawenga o ngā Kaimahi

All employees must

- Be aware of, and alert to, potential indicators of abuse or neglect.
- Be aware of the risk that potential abusers pose to tamariki including environmental risk factors (ie: isolation areas in and out of the centre) that may allow for abuse to occur, and act to minimise those risks.
- Record a factual account of any concerns they have, or that are brought to their attention. This must be written on the Safeguarding Incident form (see appendix) and given to the Centre Director/Manager.
- Centre Directors will refer these reports and concerns to their Area Manager and designated Safeguarding Child Protection Advisor, and relevant Regional Manager.

Designated Safeguarding Child Protection Advisor

Kia haumaru te kaiawhina

The minimum requirement for an employee to be appointed as Safeguarding and Child Protection Advisor is that they hold a recognised qualification in Child Protection training.

- Our current designated Safeguarding and Child Protection Advisor for Living & Learning is our Family Services Advisor – Sharyn Afu, who holds a Diploma in Child Protection, is a registered Social Worker and a qualified and registered Teacher.
- The Child Protection Advisor will remain informed of current legislative requirements and will advise all employees regarding appropriate actions and responses.
- Be readily available for consultation.
- Ensure any notes and reports of concern are entered onto the 1place platform.
- Provide support with appropriate steps to take when an allegation/incident is brought to an employee's attention, and the follow-up steps to take.
- Be available to provide training sessions for employees.
- The designated Safeguarding Child Protection Advisor will be supported by the General Manager - Operations, and if necessary, the CEO.

Definitions of Abuse Types

Ngā tautuhi o Ngā momo whakamanioro

Abuse: The *Oranga Tamariki Act 1989; 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”.

Physical abuse: is any act that may result in the physical harm of tamariki. This can include bruising, cutting, hitting, beating, biting, burning, causing abrasions, strangulation, suffocation, drowning, poisoning and fabricated or induced 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 tamariki. It may also include age or developmentally inappropriate expectations being imposed on tamariki. It also includes seeing or hearing of the ill treatment of others.

Sexual abuse: involves forcing or enticing tamariki to take part in sexual activities (penetrative and non-penetrative) as well as non-contact acts such as involving tamariki 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.

A comprehensive list of some of the signs and indicators of abuse is included in [Appendix 3](#)

Reporting Safeguarding and/or Child Protection Concerns

Purongorongo mō ngā raruraru o ngā tamariki

ALL EMPLOYEES HAVE A MANDATORY REQUIREMENT TO REPORT ALL SUSPECTED AND/OR KNOWN SAFEGUARDING CONCERNS

Mandatory reporting obligations relate to all aspects of suspected or known abuse that has been identified. This includes, but is not limited to, whether concerns are in the context of the whānau/home environment of tamariki, in places/organisations outside of their whānau or Living & Learning, or specifically through the course of their involvement/enrollment at Living & Learning. Reporting also relates to suspected abuse or neglect by a Living & Learning employee or, any other professional, adult, or through peer to peer interactions.

Concerns must be shared immediately. In exceptional circumstances where this is not possible, concerns must be shared before the employee leaves work on that day.

Safeguarding Incident Form

Whakahaumarū ngā raruraru whakauru

All suspected and known concerns are to be documented using a Safeguarding Incident form (See Appendix 1).

Training

Ngā whakangungu

Through the provision of appropriate and continuing learning opportunities, Living & Learning employees must be trained and supported in all aspects of safeguarding and child protection relevant to their role, in order to protect tamariki from harm and/or neglect.

During their orientation program, all employees are required to read and understand specific material and information about child abuse and neglect, including being shown where to access the policy in hard copy and on our website.

Onboarding - The aim of this training is to ensure that:-

- employees will view the Safeguarding and Child Protection Policy and Procedure.
- employees will understand and accept their individual responsibility to keep tamariki safe through Best Practice.

Safeguarding and Child Protection workshop

All employees and relievers in centres are required to complete the MOE Free Child Protection Training online. Each employee will complete a course within 6 months of starting employment with Living & Learning.

The aim of this training is to ensure that all employees:-

- caring for tamariki understand and accept their responsibility to provide care and education through best practice
- receive training to ensure they have the knowledge and competence to recognise and respond to signs of possible neglect and abuse, and how to intervene early
- know how to identify and respond to tamariki when abuse is suspected or disclosed
- know who they can contact for advice or guidance regarding child protection issues or concerns
- are familiar with and able to understand the requirements of Living & Learning's Safeguarding and Child Protection Policy and Procedure, and understand the reporting process and legislative requirements
- Centre Directors are required ensure the completion of this training is recorded in Infocare for each employee.
- Record their training on Infocare
- Access to the Kindercare Learning Centres Policy Webinar (completed by Centre Leaders) will be available to all employees via SharePoint

On-line Refresher training

- In line with Living & Learning's commitment to keeping children safe, Centre Services teams, Centre Directors and anyone with a formal leadership unit attached to their centre-based role will endeavour to do this training **once every 2 years**.
- **Kaiako** will endeavour to do this training **once every 3 years**.

The aim of this training is to ensure that all employees:-

- Discuss changes to the policy and any new requirements
- Are familiar with and have an understanding of the concept of vulnerability, and the factors/indicators that contribute to vulnerability, risk and child abuse, signs and effects of child abuse
- Are informed about the various agencies and their role in the protection of tamariki
- Record their training on Infocare

External training options:

- Living & Learning is committed to building our capacity of child protection knowledge and understanding throughout our organisation
- There are a number of workshops that may be on offer by a Child Protection organisation
- Please contact the designated Safeguarding Child Protection Advisor for Living & Learning, to discuss these training opportunities and any associated costs

Recruitment and Employment

Kimi Kaimahi

Living & Learning's commitment to child protection includes comprehensive screening procedures. Safety checks will be carried out as required by the *Children's Act 2014*.

1. All employees recruited for a permanent, temporary or relief position are required to be safety checked before commencing employment, using the safety check process below. This includes Cooks, Administrators, Maintenance, Relievers etc.
2. All existing employees will be safety checked every three years, using the safety check process as per Appendix 4.
3. A copy of the 'Required Documentation for Employee Files' checklist must be completed for every employee and attached to the front of the employee's file.

Responding to Safeguarding and Child Protection Concerns

Whakautu ki ngā whakahaumaru me ngā tamaiti raruraru

Each concern will be explored based on its individual merit (taking into account protective and risk factors), as well as the appropriateness of sharing information, and with whom it will be shared.

If concerns require emergency/immediate action, ensure appropriate safeguarding procedures have been followed (e.g. Police called, etc) before continuing to follow the appropriate response level processes.

If employees are unsure what response level applies, they may contact their:-

- Area Manager
- Regional Managers
- designated Safeguarding Child Protection Advisor
- General Manager - Operations
- Manager

Living & Learning has identified 3 key response levels. These have been matched to NZ legislative requirements and best practice across all thresholds of child welfare e.g. whether concerns relate to safeguarding or child protection.

Response Level 1

If concerns remain at a safeguarding level, requiring early intervention, but tamariki have multiple needs from more than one agency, then referrals to multi-agency community intervention models may be more suitable e.g. Strengthen Families, Whānau Ora and other community services, and/or MOE/MOH.

*Refer to Responding to Level 1 Safeguarding Concerns Flow Diagram 1.

Safeguarding response

Response may require observation, monitoring and external service support. External services may be national and/or local community agency services that specialise in the area of need that has been identified eg: tamariki are struggling to cope with the recent loss of a loved one, and behaviour is effected. The response may be to contact with The Grief Centre (Auckland based) or Skylight (a New Zealand national service).

Response Level 2 – Statutory Services

The disclosure is of a serious nature and a decision has been made to contact/refer the case to a Statutory Service. Please inform your Centre Director/Area Manager who will contact the designated Safeguarding and Child Protection Advisor.

Oranga Tamariki Ministry for Children

Oranga Tamariki is New Zealand's statutory child protection service. They work closely with whānau to ensure tamariki are safe and protected.

0508 332 774 Education line

0508 326 459 To report a concern, or to talk through a situation to see if it meets a report of concern. If there is already a current case open, you will be put through to the assigned Social Worker, or you will be advised what to do with the current information that you have disclosed.

If you are making a verbal report of concern, you will need to type up the referral, and send this through as this usually has greater detail and provides a written record.

Save/record all information on 1place or Infocare.

NZ Police

Police are the statutory service to be used in emergency situations. (Call 111)

Local police have Child Protection Units, a division specifically delegated the task of investigating child abuse cases. They will advise accordingly.

Ministry of Education

Where there is a serious injury, illness, or incident involving a child while at Living & Learning, Living & Learning would contact Ministry of Education for advice.

Auckland Office: 09 632 9400

Hamilton Office: 07 850 8880

Wellington Office: 04 463 8699

Christchurch Office: 03 378 7300

Response Level 3 – Concerns/Allegation against an employee

Allegations generally relate to 3 key areas:

- Employees have behaved in a way that has harmed or may have harmed a child/young person
- Employees have possibly committed a criminal offence in relation to a child/young person
- Employees have behaved towards a child/young person in a manner that indicates they are unsuitable to work with tamariki

Our 'Responsibilities of Living & Learning Employees' documents Best Practice for employees, and how to conduct themselves in all aspects of their roles and responsibilities. Any breach of these requirements, or the failure of an employee to abide by reporting concerns processes when they are made aware of a breach, may be considered as constituting serious misconduct and may result in disciplinary action up to and including terminating employment.

Where concerns and/or allegations are made against an employee which relate to suspected or known harm, abuse and/or neglect; if Living & Learning, after following due process, are confident in the claims; and/or Living & Learning lack the powers of investigation; concerns will be managed in consultation with the following:

New Zealand Police; and/or
Oranga Tamariki

Under the provisions of the Education (Early Childhood Services) Regulations 2008, Living & Learning is required to exclude an employee from coming into contact with children if Living & Learning has reasonable grounds to believe that the employee has either physically ill-treated or abused a child or committed a crime against a child; or has subjected the child to solitary confinement, immobilisation or deprivation of food, drink, warmth, shelter or protection.

Further, Living & Learning is required to exclude an employee from coming into contact with children and, if reasonably satisfied given the Safeguarding circumstances, can ensure that an employee does not enter the workplace if Living & Learning has reasonable grounds to believe that an employee is in a state of

physical or mental health that presents a risk of danger to children or has an infectious or contagious disease or condition.

At all times, Living & Learning will act in compliance with the requirements of the law and any relevant Ministry of Education guidelines (from time to time in force).

Information Sharing/Privacy Act

Taihaina atu ngā pārongo/Kaupapa pārongo

Under the provisions in the *Oranga Tamariki Act 1989*, by sharing information across the child welfare and protection sector, we can act together to ensure the wellbeing and safety of tamariki, and provide whānau with the support they need to help their tamariki thrive.

The Privacy Act: when gathering, storing or disclosing personal information about individuals, employees must comply with the Information Privacy Principles in the *Privacy Act 2020*. However, **sharing information to other relevant parties/organisations, for the protection of a child, is a justifiable breach of confidentiality and a legal duty, where a child is at risk of harm.**

Confidentiality and Privacy regarding Living & Learning safeguarding concerns

Matapono me noho matatapu e pa ana ki ngā whakahaumaru i ngā Living & Learning raruraru

Living & Learning maintains the confidentiality and privacy of all individuals concerned, including the person suspected/accused, except if maintaining confidentiality and privacy would compromise the welfare of tamariki and/or investigation of the allegation. Ensuring confidentiality is maintained is crucial not only for safeguarding reasons, but also because it is a legal requirement and responsibility of all Living & Learning employees.

It is a requirement that, until an investigation is complete and appropriate guidance has been issued, the person who has reported the concern and/or allegation may not share or discuss the concern and/or allegation with:

- The person(s) involved; or
- Other employees; or
- Other parents/caregivers/persons external to Living & Learning
- Any social media platform

Annual Review of Procedures

I ā tau arotake o ngā tukanga

The designated Safeguarding Child Protection Advisor will regularly review the levels of child protection knowledge that is required by our employees within their different portfolios.

The information to be reviewed will be:

- All employees have completed the safety checking process outlined in the Recruitment section. This includes the review of the safety check at least every three years.
- All employees have been trained in child protection to the appropriate levels, and this training is recorded in Infocare.
- The child protection policy is accessible to all employees.
- There is evidence of employees having followed the stated policy and procedures mentioned in this document, through quality of reports made, and training provided to employees if standards need improving or review.
- There is evidence of connection to local child protection agencies and services.

Policy Review

Arotake te kaupapa here

Under the *Children's Act 2014*, Living & Learning is required to review this Safeguarding and Child Protection Policy and Procedure every three years.

The review will be undertaken by the designated Safeguarding Child Protection Advisor and the Policy Review team, and will cover an assessment of the implementation and operation of the Safeguarding and Child Protection Policy and Procedure, including:

- consultation with employees about the accessibility, relevance and usefulness of the policy.
- whether any serious incidents have occurred, and how effective the policy was at responding to them.
- to what extent the policy needs updating to reflect lessons learnt.

Living & Learning Child Protection Team

Family Services Advisor

Regional Managers

People & Culture Manager

Chief Executive

Chief Financial Officer

General Manager - Operations

He waka eke noa

We are all in this together



Living &
Learning

FAMILY CENTRES