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Management Policy – Child Protection

Purpose

1. The purpose of this policy is to take all practicable measures to protect young people under the age of 18 years by providing a safe environment for children attending council-owned and operated facilities. Hamilton City Council will work in partnership with government and social development agencies to ensure the safety and wellbeing of children whilst meeting the requirements of the Vulnerable Children’s Act (2014).

Principles of Policy

2. The guiding principles for this Policy are:
 - a. All staff who will provide a service to children or young people under 18 years (or vulnerable adults) in a specified organisation have been safety checked in line with the requirements of the Vulnerable Children Act 2014.
 - b. Police vetting applications and results are stored securely
 - c. Staff with undisclosed convictions are managed in line with Hamilton City Council’s disciplinary procedures
 - d. All employees who will have contact with children and young people under 18 years during their employment have undertaken child protection training

Scope

3. This policy applies to:
 - a. staff and volunteers with roles that come into contact with children during their employment with Hamilton City Council.
 - b. Any contracted staff including unpaid working agreements providing services to children, young people and families on behalf of Hamilton City Council
 - c. A list of roles identified by this policy can be found in Appendix 3.
4. This Policy does not apply to:
 - a. Staff, volunteers and contractors that do not come in contact with children as part of their role at Hamilton City Council

Guidelines

5. **Staff safety checking**
 - a. Staff who are identified as a children’s worker are required to undergo safety checking.
 - b. Safety checking can be performed at any of these times:
 - i. Prior to employment
 - ii. At regular intervals during employment (minimum every 3 years); and

- iii. Any other time Hamilton City Council believes it deems appropriate

The table below outlines the requirements to be completed for new staff, existing staff and periodic checks:

| | New staff member safety check | Existing staff member safety check | Periodic safety check requirements |
|--|--------------------------------------|---|---|
| Identity check | √ | √ | |
| Confirmation of no name change since last check | | | √ |
| Five-year work history | √ | | |
| Interview | √ | | |
| Reference check | √ | | |
| Qualifications check | √ | √ | √ |
| NZ Police Vet | √ | √ | √ |
| Risk assessment/safety check completed | √ | √ | √ |

- c. Information required for staff checking safety processes
 - i. A chronological summary (or curriculum vitae) of their work history, if any, for the previous five years, including a description of the employment positions and an explanation of any gaps in their working history
 - ii. The names of any qualifications, professional organisations, licences or practicing certificates that are relevant to their employment
 - iii. The names and contact details of at least two referees who can attest to their ability to perform the role safely and their character, and is not related to the person or has a material interest to the person
 - iv. Details of any convictions or discharges without conviction as a result of any criminal charges in New Zealand or any other charges against them that are yet to be heard
 - v. If the individual is not a permanent resident of New Zealand, they must supply evidence of a police check from their country of origin
- d. The person being safety checked must be interviewed in person either face to face, by telephone or by any electronic means to obtain sufficient information to undertake a risk assessment.
- e. NZ Police Vetting Process
 - i. Any candidate or staff member who is working within risk-identified Units must have their identify verified by either a member of the People, Safety and Wellness team or the Hiring Manager (during recruitment process) or the Unit Manager (during the rechecking process).
 - ii. Two forms of identification must be presented, one primary ID and one secondary ID as set out by the NZ Police Vetting Service (refer guide to completing the request and consent form)
 - iii. If neither of these IDs contains a photo, then the applicant must provide a photo, authenticated by an identity referee (refer to NZ Police Vetting Application Form).
 - iv. Candidates and staff are required to complete and sign the Child Protection Policy & Police Vetting Consent form and the NZ Police Vetting Application form and return to People, Safety and Wellness Unit for processing.
 - v. Every three years, all roles covered by this policy will be required to submit to safety checking as set out in the Vulnerable Children’s Act (2014).

6. Risk Assessment and Hiring Decision

- a. The Hiring Manager responsible for the selection process will assess the risk that a person would pose to the safety of children or young people under 18 years by weighing up all the information obtained from the application form; interviews; referee check(s) and police vetting in its proper context, to come to a conclusion that is fair to the person and safe for the young people they will come in contact with.
- b. The final decision about whether a person is safe to work with children or young people under 18 years remains the responsibility of the Hiring Manager, who should act at all times in the best interests of children and young people receiving a service from Hamilton City Council.

7. Position Management

- a. The People, Safety and Wellness team will determine which roles will be safety checked in consultation with the line manager.
- b. All newly established Hamilton City Council positions will be reviewed and determined if they meet the definition of a Children's Worker as outlined in **Appendix 3**.

8. Staff recruitment

- a. Roles requiring safety checking will be identified during the recruitment approval process.
- b. All staff working with children will be screened and vetted in accordance with the Hamilton City Council's Recruitment and Selection Policy and procedures.
- c. No staff member shall commence employment until the safety check of the individual complies with the requirements of section 31 – Requirements of Safety Checks as specified the Vulnerable Children's Act (2014).
- d. All new employees and volunteers will receive a copy of this policy to read and understand their responsibilities and be provided with appropriate induction training as part of their onboarding.

9. Possible Outcomes

- a. If a police vet reveals undisclosed convictions, possible outcomes include:
 - i. The candidate (during recruitment) not being offered employment with Hamilton City Council.
 - ii. The staff member may face disciplinary action in accordance with Hamilton City Council's Code of Conduct and Performance Management and Disciplinary policies.

10. Exceptions for People with Specified Offences

- a. A person convicted of a specified offence (refer section 2 Vulnerable Children's Act 2014) can apply for an exemption. Exemption applications are considered by a panel representing the Ministries of Social Development, Health, Education, Justice and New Zealand Police.
- b. An exemption may be granted only if the panel is satisfied that the person would not pose an undue risk to the safety of children if employed or engaged by Hamilton City Council.
- c. The exemption may be qualified or contain conditions and it may be revoked at any time without notice.

11. Periodic Safety Checks

- a. At intervals of not greater than three years, the following checks must be undertaken:
 - i. Name changes must be documented

- ii. New Zealand police vetting must be repeated
- iii. For those who hold qualifications, are members of a professional organisation, or registered/licensed by a professional organisation or authority, their good standing with at least one of these institutions, organisations or authorities must be confirmed
- b. A risk assessment of the applicant with respect to the safety of children must be undertaken, based on the above.

12. Role and Duty of the Child Protection Coordinator

- a. The Child Protection Coordinator is a person acknowledged by Council as the representative and the first point of contact for external agencies (i.e. NZ Police, Ministry of Children)
- b. The Child Protection Coordinator will be developed with additional training and resources to ensure their knowledge is comprehensive and up-to-date.
- c. The purpose of the Child Protection Coordinator is for:
 - i. Unit Child Protection Champions to refer to for cases of concern for children
 - ii. Reporting suspected cases of abuse or neglect to Oranga Tamariki on behalf of the Unit Child Protection Champions and Hamilton City Council
 - iii. Providing organisational-specific Vulnerable Children training to Unit Child Protection Champions
 - iv. Coordinate regular network meetings/updates with Unit Child Protection Champions for continuous improvement

13. Role and Duty of the Unit Child Protection Champion

- a. The Unit Child Protection Champion is a dedicated person/s within an individual Unit/site where Children Workers will be present
- b. Receives additional training and resources to ensure their knowledge is comprehensive and up-to-date.
- c. The purpose of the Unit Child Protection Champion is for:
 - i. Representing that Unit/site within the internal Child Protection Network
 - ii. First point of contact for any concerned staff or members of public to raise concerns
 - iii. Follows formal procedures to ensure the safety of children on site
 - iv. Supports the Child Protection Coordinator and attends network meetings

14. Staff Training

- a. Hamilton City Council is committed to maintaining and increasing staff awareness of how to recognise, prevent and respond to abuse through appropriate training.
- b. All staff interacting with children and families through their roles are expected to participate in child protection training programmes, including refresher courses
- c. Responsibility for the provision of child protection training sits with the Child Protection Coordinator and the Unit Child Protection Champions within each business unit.

15. Records Management and Confidentiality

- a. All results of police vetting will be disclosed to the Hiring Manager (for recruitment purposes) or Unit Manager (for rechecking purposes).
- b. All police vetting results that disclose a result of concerning history will be referred to the Hiring or Unit Manager and the Human Resource Business Partner.
- c. Police Vetting results will be destroyed once new results have been obtained.
- d. Hamilton City Council will comply with the Privacy Act 1993 in the collection, use and storage of personal information of candidates within the identified positions in

Appendix 4.

- e. All applications and their results from the NZ Police Vetting Service will be kept in a secure location within the organisation’s database management system and recorded in the HR Information System.

| Record | Minimum retention period | Disposal action |
|---|--|---|
| Police vetting application form | Retained by People, Safety and Wellness | Securely disposed of when result is received |
| Police vetting result | 1. Disclosed to the Hiring Manager/Unit Manager 2. Retained by People, Safety and Wellness Unit | Securely disposed of when a new result is received or no later than 7 years after last day of employment. |
| Feedback regarding child protection concerns/observations | Retained in the Vault | N/A |
| Record of concern | Retained in the Vault | N/A |
| Notes and observations following an investigation | Retained in the Vault | N/A |

16. Identifying Possible Abuse or Neglect

- a. The following section lists some of the signs of child abuse. It is not intended that staff proactively look for signs of child abuse. It is expected that if any of these signs become apparent during normal interaction with, or observation of a child, then staff should take action as described in this policy.
- b. It is not intended that the Council takes on a parental policing operation. This policy is focused on our responsibility to take action when signs of child abuse are noticed.
 - i. Early signs of abuse and neglect
 1. These include problems that eventuate in abuse and/or neglect:
 - a. parent has a drug, alcohol or gambling problem
 - b. parent does not engage with their child or has a difficult relationship with them
 - c. child doesn’t have enough clothes on and is often cold and hungry
 - d. child has unexplained or changeable emotions (e.g., withdrawn or depressed)
 - e. parent frequently yells at, swear at or shame a child
 - f. child seems scared of a particular adult.
 - ii. Serious signs of abuse and neglect
 1. Signs that a child’s safety and wellbeing is in danger include:
 - a. child tells someone they have been abused (e.g., have been hit, touched or are frightened)
 - b. young child home alone or unsupervised near roads or water
 - c. child threatened with violence and/or physically struck or beaten by an adult
 - d. child exposed to violence between adults in the house
 - e. baby or toddler left unsupervised in a cot or car seat for long periods of time
 - f. baby or child with unexplained or untreated injuries.

17. Responding and Reporting Child Abuse

- a. The steps to be taken by Council employees if child abuse is suspected is set out in **Appendix 6 – Action Flowchart.**

18. Responding to Disclosures Made by Children

The steps to be taken by Council employees if child abuse is suspected is set out in the flowchart **Appendix 6 - Action Flowchart**.

19. Allegations Against Staff

- a. Any allegations, suspicions or complaints made against a staff member involving abuse against a child must be taken seriously and immediately reported to the Child Protection Coordinator.
- b. It is not the responsibility of staff to investigate allegations of child abuse.
- c. If there are suspicions of abuse by a staff member, both staff and the child's rights are to be attended to. This means the safety of the child is of first concern, and that the staff member must have access to legal and professional advice.
- d. The Child Protection Coordinator will immediately ensure that the suspected individual does not have any contact with the child related to the allegation.
- e. A risk assessment must be undertaken by the Unit Manager and the Child Protection Coordinator to determine what level of access, if any, that the staff member should have to other children.
- f. During an investigation the alleged individual may be suspended without prejudice or offered alternative duties to ensure they do not have contact with any children within the workplace.
- g. If there is insufficient evidence to pursue a criminal prosecution, then an investigation may still be undertaken as the allegation may represent inappropriate behaviour of poor practice by a member of staff.

Definitions

| Definition | Detail |
|---------------------------------------|---|
| <i>Child</i> | Anyone under 18 years of age. For the purposes of this policy, the term child is synonymous with young person |
| <i>Child abuse</i> | The harming (whether physically, emotionally, sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person (as defined in Vulnerable Children Act 2014). |
| <i>Child Protection Coordinator</i> | The designated person who holds overarching responsibility for child protection at Hamilton City Council. The Child Protection Coordinator is responsible for ensuring that the procedures for reporting child abuse are effective and timely |
| <i>Unit Child Protection Champion</i> | The designated representative in a council business unit to be a conduit between frontline staff and the Child Protection Coordinator, appointed by the Unit Manager. In the absence of a delegated representative the Unit Manager assumes the role of the Child Protection Unit Representative. |
| <i>Core Worker</i> | A children's worker whose work in a regulated service means they are either the only person present or they have primary responsibility or authority over the child (or children) present. |
| <i>Emotional abuse</i> | The persistent emotional ill-treatment of a child that causes severe and persistent adverse effect on the child's emotional development. This can include, but is not limited to, a pattern of rejecting, degrading, ignoring, isolating, corrupting, exploiting or terrorising a child. |
| <i>Incident Reporting Process</i> | See Appendix 1 - Incident Reporting Process |
| <i>Neglect</i> | 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. |
| <i>Non-Core Worker</i> | Non-core workers are not core workers and have regular, but limited, child contact and are never alone with children. |
| <i>Physical abuse</i> | 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. |
| <i>Report of Concern</i> | A Report of Concern is the term used by Oranga Tamariki and the Police for the information provided from public regarding the safety of a child. |
| <i>Screened/Screening</i> | An internal process for identifying suitable candidates. See Appendix 2 – Screening Process |
| <i>Sexual abuse</i> | The act of forcing or enticing a child or young person to take part in sexual activities (penetrative and non-penetrative including kissing, touching, masturbation and rape) as well as non-contact acts such as involving a child in the viewing or production of sexual images, sexual activities and sexual behaviours. |
| <i>Staff</i> | Anyone who is employed directly or volunteering for Hamilton City Council, as well as contracted staff and volunteers of partner organisations working on behalf of Hamilton City Council that are working with children and young people. |

References

- Vulnerable Children Act 2014
- Privacy Act 1993
- Human Rights Act 1993
- Domestic Violence Act 1995
- Care of Children Act 2004
- Employment Relations Act 2000
- Children Young Persons and their Families Act 1989

Appendices

Appendix 1 - Incident Reporting Process

Refer to Promapp processes:

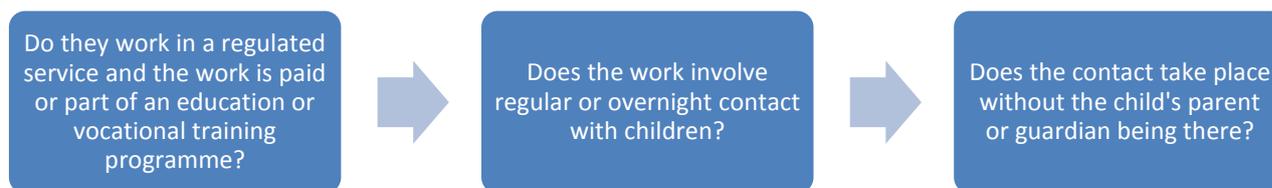
- Report a case of suspected child abuse - <https://go.promapp.com/hcc/Process/Minimode/Permalink/FOQLNuhJk3zsDddAPpL9kd>
- Report a case of child abuse (emergency response) - <https://go.promapp.com/hcc/Process/Minimode/Permalink/Gf6PpKHpaFc8x42i6NqeEM>

Appendix 2 – Screening Process

Refer to Promapp process:

- Recruitment of employees covered by Child Protection Policy <https://go.promapp.com/hcc/Process/Minimode/Permalink/HQ4jPKe0HbFChktW2tWtyw>
- Re-checking of current employees covered by Child Protection Policy <https://go.promapp.com/hcc/Process/Minimode/Permalink/E3QwPKrVoS0M84qUjd11Hj>

Appendix 3 – Determining if a Position is a Children’s Worker and if within the Core or Non-Core category



If all questions are answered “yes” the position is deemed a Children’s Worker.

When applying the legislative definition of a core or non-core worker, the following considerations may be helpful:

- If a role allows a person to be alone with a child or children, it is a core worker role.
- Being the children’s worker with ‘primary responsibility for, or authority over’, the child or children present, apply the ordinary meaning of those words. When considering ‘primary responsibility’, think about whether a role makes a person accountable for the child/children, or creates a duty or obligation towards the child/children. When considering ‘authority over’, think about whether the role gives power – the right to provide guidance to, set behavioural boundaries, for making decisions about or applying appropriate behaviour management techniques to the child/children present.

Appendix 4 - Identified positions covered by this policy

The list of roles includes, but is not limited to:

| Position Title | Organisation Unit | Group |
|---|------------------------------|--------------------------------|
| Customer Service – Libraries (with duties that include child-centred activities) | Libraries | Community |
| Community Library Team Leader | Libraries | Community |
| Children’s and Teen’s Librarian | Libraries | Community |
| Special Needs Services/Homebound Coordinator | Libraries | Community |
| School Travel Coordinator | City Transportation | City Infrastructure Operations |
| Road Safety Coordinator | City Transportation | City Infrastructure Operations |
| Safety Officer | City Safe | City Growth |
| Senior Safety Officer | City Safe | City Growth |
| Senior Graffiti Removal Technician | City Safe | City Growth |
| Graffiti Removal Technician | City Safe | City Growth |
| Public Education and Kennel Operations Team Leader | Animal Education and Control | City Growth |
| Senior Community Advisor | Community Development | Community |
| Community Advisor – North East | Community Development | Community |
| Community Advisor – South West | Community Development | Community |
| Education Manager | Waikato Museum | Community |
| Educator | Waikato Museum | Community |
| Learn to Swim Head Teacher – Gallagher Aquatic Centre | Aquatic Facilities | Community |
| Aquatic Teacher | Aquatic Facilities | Community |

| | | |
|--|--------------------|-----------|
| Learn to Swim Head Teacher – Waterworld | Aquatic Facilities | Community |
| Aquatic (Learn to Swim) Teacher | Aquatic Facilities | Community |
| Holiday Programme Assistants | Aquatic Facilities | Community |
| Lifeguard | Aquatic Facilities | Community |
| Team Leader - Lifeguards | Aquatic Facilities | Community |
| Learn to Swim Coordinator | Aquatic Facilities | Community |
| Senior Lifeguard | Aquatic Facilities | Community |
| Lifeguard/Learn to Swim Teacher | Aquatic Facilities | Community |
| Team Leader - Education | Hamilton Zoo | Community |

Appendix 5 – Important Contact Information

| | | |
|---|--|---|
| Child Protection Coordinator | Ioana Manu | 021 359 878 |
| Back up Child Protection Co-ordinator | Nicholas Whittaker | 027 808 2675 |
| Unit Child Protection Champions | Waterworld | To be confirmed |
| | Gallaghers Aquatic Centre | To be confirmed |
| | Library – Central | To be confirmed |
| | Library – Chartwell | To be confirmed |
| | Library – St Andrews | To be confirmed |
| | Library – Hillcrest | To be confirmed |
| | Library – Glenview | To be confirmed |
| | Library – Dinsdale | To be confirmed |
| | Hamilton Zoo | To be confirmed |
| | Waikato Museum | To be confirmed |
| | City Transportation | To be confirmed |
| | Community Development | To be confirmed |
| City Safe | To be confirmed | |
| Oranga Tamariki – Ministry of Children | To make a report of concern | 0508 326 459 contact@ot.govt.nz www.orangatamariki.govt.nz |
| NZ Police | In case of emergency (the safety of child is at risk) | 111 |
| Child Matters | Child Protection Advisory Service | 07 838 3370 info@childmatters.org.nz www.childmatters.org.nz |

Appendix 6 – Action Flowchart

