



Child Protection Policy (2018)

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Introduction

Principles

This Child Protection Policy is designed to support the child protective practices of all The Auckland Performing Arts Centre (TAPAC) Governance, Management, Employed Staff, Contract Staff, Volunteers and Stakeholders. This policy is created in recognition of requirements for child protection policies under the Vulnerable Children Act 2014, and also with the understanding of best practice.

Purpose

TAPAC is fully committed to the safety, security and well-being of all children in its care while participating in TAPAC activities. TAPAC understands the needs of children, and makes their safety and security a priority. The TAPAC Child Protection Policy reflects these values, and supports the organisation in creating a safe environment for children, as well as for staff. The TAPAC Child Protection Policy supports a culture of child protection; where concerns for a child's wellbeing are identified and responded to quickly; where staff are trained and supported; and where staff work closely with external agencies to provide positive outcomes for children.

This Child Protection Policy was created in October 2018. This policy will be reviewed annually, and updated regularly in light of operational experience and in line with changes in legislation and associated policies.

Scope

The scope of this policy covers all children who interact with TAPAC, whether visiting or participating in a TAPAC run activity. This includes children of management, employed Staff, contract staff, volunteers and visitors.

Definitions

For the purposes of this Policy "Child" means a boy or girl under the age of 14 years, "Young person" means a boy or girl of or over the age of 14 years but under 17 years; but does not include any person who is or has been married or in a civil union (Children, Young Person, and Their Families Act 1989, Section 2).

For the purposes of this Policy, "Staff" means all those employed by TAPAC, whether paid or voluntary, full time or part time.

For the purposes of this Policy "Stakeholder" includes any trustee or tenant, including employees and contractors of tenants, whether paid or voluntary.

Definition of Child Abuse

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".

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 a 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.

Family Violence is physical, emotional, sexual and other abuse by someone of a person with whom they have or have had some form of intimate relationship with, such as marriage or cohabitation, in order to maintain power and control over a person. It is important to be vigilant to any signs, particularly if children are being affected.

Roles and Responsibilities of Staff

Sustained abuse and neglect of children, wherever it occurs, can have major long term effects on all aspects of children's health, development and well-being and their ability to maintain sustainable and meaningful relationships in the future. It is the intention of TAPAC to ensure that all staff and stakeholders understand their roles and responsibilities in ensuring the safety of children at all times.

It is the responsibility of staff and stakeholders to be vigilant, have knowledge and awareness of the indicators of neglect, potential or actual abuse and to report any concerns, suspicions or allegations of suspected abuse immediately and ensure that the concern is taken seriously and reported.

TAPAC staff and stakeholders must be able to recognise and respond to concerns for the wellbeing of children. There are a number of ways or situations where concerns might be raised with a member of staff or stakeholder which may not involve a child making a disclosure directly. Staff and stakeholders should, therefore, be alert and aware of the fact that a range of situations could give rise to concerns about child protection.

Appointing a Child Protection Officer

The Education Programmes Coordinator shall be the primary designated Child Protection Officer (CPO). If for any reason the Education Programmes Coordinator is unavailable, the appointed Health and Safety Officer shall be the designated CPO.

The CPO shall be appointed to manage child protection issues by:

- Ensuring that child protection procedures are understood and adhered to by all staff members, whether employed or voluntary;
- Ensuring that all Core-Children's workers (i.e. tutors, assistant tutors) and Non-Core workers (i.e. office staff, front of house, café staff) have read and understood TAPAC's Child Protection Policy and have acknowledged this in writing;
- Ensuring adequate training and awareness of child protection and related issues within the organisation;
- Ensuring police vetting procedures are carried out annually for both core and non-core child workers and volunteers;
- Establishing and maintaining the complaints procedure;
- Regularly reporting to Management;
- Acting as the main contact for child protection matters;
- Keeping up-to-date with developments in child protection legislation;
- Liaising with local child protection agencies;
- Maintaining confidential records of reported cases and any action taken; and
- Regularly monitoring and reviewing existing policies and procedures.

Child Protection Procedures

Reporting Procedures

All concerns of potential, suspected or alleged abuse must be brought to the attention of the CPO. This includes but is not limited to:

- Any instance where policy is breached or good practice guidelines are not followed.
- Any disclosure by a child that abuse or harm is occurring.
- Any suspicions or concerns about a child being subject to abuse.

If the CPO is unavailable, then consultation should occur with the secondary CPO and/or an alternative appropriate Manager. A decision will be made as to whether to seek further advice or notify Oranga Tamariki.

If a child makes a verbal disclosure to a member of staff it is important that staff or stakeholders take what the child says seriously.

TAPAC has a duty of care to the children it provides services to. A failure to report a significant concern about a child is a breach of that child's human rights.

Under no circumstances should a member of staff or a stakeholder attempt to conduct an investigation or deal with concerns regarding child abuse alone.

All decisions taken, including if the concern does not require notifying Oranga Tamariki, must be recorded in writing and kept securely in a Child Protection file with the reasons clearly identified and explained. Only the CPO, H&S Officer and Executive Director will be given access to the report.

The CPO will support and write an extended report with further detailed information within 24 hours of a verbal disclosure and should it be deemed necessary. That report will be linked in the Child Protection Preliminary Report file.

Giving information to protect children better is not a breach in confidentiality. Wherever possible the family/whanau should be kept informed of what information has been shared and to which agency, and for what purpose. Guidance of sharing information with family/whanau is to be sought from either the Police or Oranga Tamariki. Principle 11 of the Privacy Act, 1993, states "disclosure of the information is necessary to prevent or lessen a serious threat".

Child Protection Checklist

Is an immediate response required to ensure the child's safety?		
No		Yes
Consult designated Child Protection Officer		Ensure the immediate safety of the child and contact Police or CYF immediately on 111 or 0508 326 459
Decision whether to notify Child Youth and Family/Oranga Tamariki		Inform the Child Protection Officer
Yes	No	Record actions taken
Report of concern made to Oranga Tamariki	Record actions taken	
Record actions taken		

Where concerns about poor practice are reported

Poor practice involved actions that are contrary to the good practice guidelines provided by TAPAC and increase the risk of harm to children.

- Initial concerns should be discussed with the CPO or acting CPO.
- Consider the allegation and where there is a legitimate concern, provide a written notice to the individual(s) involved.
- If the poor practice is continued or repeated following a written notice, then enact disciplinary procedures. This may include expulsion from TAPAC.

Where abuse is suspected or reported

The welfare and interests of the child or young person are the first and paramount consideration.

Records should be factual (not opinion or hearsay) and concise, and include:

1. The nature of the allegation
2. Who witnessed/disclosed the abuse and their relationship to the child
3. Details of any witnesses
4. Signs and symptoms noted (including behavioural change)
5. Any particular incidents with dates, times and places (if possible)
6. Any action taken

- Consult with others as necessary and do not work alone. No decisions or actions in respect of suspected or actual child abuse, neglect, relationship violence, or cyberbullying are to be made by any staff member in isolation unless there are concerns for the immediate safety of the child.
- If a child discloses abuse, listen and reassure them (they have done the right thing). Do not interview, take photos, promise confidentiality or prompt.
- Avoid questioning the child beyond what has already been disclosed.
- Do not question or counsel the alleged offender.
- Do not investigate/presume expertise unless very experienced and qualified to do so.
- If a notification of abuse is to be made, the CPO will report the concern to OrangaTamariki/Police.
- If the alleged abuse is by a staff member, the CPO will ensure that there is no contact between the alleged abuser and child during programme hours.
- The CPO or a member of the management team will liaise with OrangaTamariki/Police and follow their guidance, including the support to be provided to the person alleging the abuse and/or family involved.
- In consultation with OrangaTamariki/Police, a member of the management team will notify the staff member about the complaint and consequences. The staff member will be directed to appropriate legal/professional advice as appropriate.
- A member of the management team will document follow up actions.
- Contact with the child's parents will be determined by OrangaTamariki/Police. Management team will liaise with OrangaTamariki/Police to remain informed.

Safe Recruitment of Staff

Applications

- A CV will be required
- A standard application form will be used
- A clear job description will be provided

Shortlisting

- Information will be gathered from the applicant to determine suitability

Interview

- A face-to-face interview will be conducted
- Interviews will include a pre-planned question programme
- A second interview should be conducted with a panel of people, at least one of whom has knowledge in child protection

Conditional Offer

- Vetting and screening checks will be undertaken
- References will be contacted
- Qualifications, if appropriate, will be verified

Confirmation of Employment

- A full assessment of the information available is conducted and a decision to employ is made
- Rescreening will take place every 1-3 years

Screening/Police Vetting

All appointments (permanent, fixed term, student, casual or volunteer) to positions that have direct and/or frequent contact with children or young people (i.e. core worker or non-core worker) will be conditional on a safety check. Before making any appointment, TAPAC will undertake a series of checks to ascertain the candidate's suitability. These will adhere to the statutory obligations contained within the legislation such as the Privacy Act, the Human Rights Act and Vulnerable Children Act.

Safety checks include:

1. Verification of identification (usually two forms of photo identification)
2. Police vetting (a police vetting consent form will be obtained from the applicant)

Safety checks of new core and non-core children's workers

TAPAC will not employ or engage a person as a children's worker without ensuring that a safety check of the person is completed before the employment or engagement commences.

Safety checks of existing core and non-core children's workers

TAPAC will ensure that a safety check is completed of every children's worker who is employed or engaged by the organisation within 1-3 years after the date of the person's latest safety check. Core children's workers (i.e. tutors, assistant tutors etc.) will be screened every 1 year and non-core worker's (i.e. office or admin staff) will be screened every 3 years.

Training of Staff

All staff will receive child protection training at the level appropriate to their role. The designated CPO will undertake more intensive training in child protection.

All staff will update their child protection training every three years as a minimum.

All staff will receive a copy of TAPAC's Child Protection Policy.

Safe Working Practices

All staff are expected to behave in manners consistent with the TAPAC Code of Conduct. A relationship between an adult and a child or young person cannot be a relationship between equals. There is a potential for exploitation and harm of vulnerable young people. Adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.

All staff are expected to behave in manners that maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others.

- Ensure that all physical contact with children is relevant and appropriate to the activity.
- Seek permission to touch when doing the above.
- Do not engage in any intimate, over-familiar or sexual relationships with people under the age of 18 years.
- Ensure that any filming or photography of children is appropriate.
- Ensure consent is obtained prior to filming or photographing, with a clear explanation of purpose.

- Request parental consent before transporting young people in a vehicle (ensure vehicle is insured and has current WOF), such transportation not to be undertaken without the express written consent of the CPO and the Executive Director.
- Do not use alcohol in the presence of children and do not offer alcohol to children under any circumstances.
- Do not engage in communication on a one-to-one basis through social media, personal cell phones or email other than relevant tutor/student feedback or administration.
- Do not allow parents, coaches, other children, or spectators to engage in any type of bullying behaviour, including cyberbullying.
- Do not engage in any bullying behaviour.

Avoiding situations where you are alone with a child

- Avoid private or unobserved situations, including being alone with a child in the bathrooms (staff should use a designated staff bathroom where one is available).
- Avoid entering bathrooms. If you must enter, knock and announce yourself and try to have at least one other adult present.
- Avoid transporting a child in a vehicle unaccompanied.
- Do not invite or encourage children to visit your home.
- Where being alone with a child is unavoidable (example: one-on-one teaching) the CPO must be notified in advance in order to advise parents/guardians and classroom/studio doors left open if possible.

Good Practice Protocols

The protocols provide guidance to those working with children by outlining good practice and establishing boundaries in a range of situations.

- Activities should be appropriate for the age and developmental stage of the children enrolled in the programme.
- Any feedback given to children should be about their performance and not of a personal nature.
- Positive and age-appropriate language should be used at all times when speaking to children and in their presence.

Dealing with allegations and responding to concerns

In accordance with staff responsibility to act on any serious concerns, the following should be brought to the attention of the CPO:

- Any instance where policy is breached or good practice guidelines are not followed
- Any disclosure by a child that abuse or harm is occurring
- Any suspicions or concerns about a child being subject to abuse

Where concerns about poor practice are reported

Poor practice involves actions that are contrary to the good practice guidelines and code of conduct provided by TAPAC and increase the risk of harm to children.

- Initial concerns should be discussed with the CPO (in the absence of the CPO the board or Executive Director should be notified).

- Consider the allegation and where there is a legitimate concern, provide a written notice to the individual(s) involved.
- If the poor practice is continued or repeated following a written notice, then enact disciplinary procedures. This may include expulsion from TAPAC.

Allegations made against members of staff

Allegations, suspicions or complaints of abuse against staff, volunteers or representatives of other agencies must be taken seriously and reported to the CPO and Executive Director who will deal with them immediately, sensitively and expediently within the procedures outlines in this policy.

It is NOT the responsibility of staff to investigate the allegations of child abuse.

If the police decide to undertake a criminal investigation then the member of staff may be suspended, without prejudice, as a precautionary measure. It is important that no internal investigation is undertaken, and no evidence gathered that might prejudice the criminal investigation.

Complaints

All parents are encouraged to notify the CPO as soon as possible if they have any cause for concern.

Considerations and References

- Children, Young Persons and Their Families Act, 1989
- Privacy Act, 1993
- Vulnerable Children Act, 2014
- Care of Children Act, 2004
- Human Rights Act, 1993
- A guide to writing a child protection policy, Child Matters