



Creating a Safe Health Service

A guide to writing a child protection policy



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Child Protection Policy Guide

This Child Protection Policy Guide is designed to support all Health providers, including PHOs and GPs, with a framework from which to write their child protection policy. This Guide is provided in recognition of requirements for child protection policies under the Vulnerable Children Act 2014, and also with the understanding of best practice.

An organisation with a culture of child protection is open and accountable, understands the needs of children, and makes their safety and security a priority. A child protection policy reflects these values, and supports the organisation in creating a safe environment for children, as well as for staff. A Health Service which supports a culture of child protection is one 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 all underpinned with a robust and effective child protection policy.

The process of developing a child protection policy will be unique for each Health Service, and must align with other service policies such as employment policies, supervision policies, human resources policies, code of conduct and home visiting policy.

This Child Protection Policy Guide will outline the sections recommended to be included in a child protection policy. Each section has an introduction that outlines the purpose of that section and provides some example statements which can be used or amended for suitability. Further development of additional statements will be required by each individual Health Service, and 'consider' prompts have been provided to encourage consideration of additional areas which may be relevant to each Health Service.

Before writing a child protection policy, consider who the right person might be to write this policy, and what support or consultation will be required to ensure the policy covers all aspects fully. No decision regarding child protection should be made in isolation, and this is reflected in the development of policy also. The existence of a written policy does not establish a safe environment for children, it is the implementation, use and ongoing review of the policy that creates a child protection focussed Health Service.



Introduction

The first section of a policy sets the framework on which the policy, and the Health Service, sits. It identifies the commitment that the service has to the safety and wellbeing of children, and the principles under which the policy is written. The introduction also identifies key factors such as the scope of the policy, the definitions of words contained within, and ultimately the purpose of the policy.

It is essential to include a 'Contacts' page at the start of the policy so that staff may easily identify how to contact appropriate agencies and people referred to within the policy.

Principles

Example Statement: {Health Service} is committed to the prevention of abuse and to the wellbeing of children, young people, vulnerable adults and their families.

Example Statement: All services provided by {Health Service} adhere to the principles of partnership, protection and participation; and the rights and responsibilities accorded by Te Tiriti o Waitangi.

Purpose

Example Statement: The most effective way to safeguard children is to have a comprehensive and effective policy, with attached practices and guidelines. This Policy is written under the principle that children and young people engaged {Health Service} have a right to feel safe and comfortable in that contact.

Example Statement: This Policy will be reviewed annually, and updated regularly in the light of operational experience and in line with changes in legislation and associated policies.

Example Statement: The responsibility for the review and implementation of this policy rests with the {HEALTH Service} Manager.

Scope

Example Statement: The scope of this policy covers all children who interact with {Health Service}, whether visiting the office or being present in the home during a visit. This includes children of patients.

Definitions

Example Statement: 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).

Example Statement: For the purposes of this Policy "staff" means all those employed by {Health Service}, whether paid or voluntary, full time or part-time.



Consider:

- ✓ Who does this policy need to cover? For example: staff, volunteers, contracted agencies
- ✓ Who, in this Health Service, has responsibility for this policy, its implementation and review?
- ✓ What legislation must be considered within this policy?
 - Children, Young Persons and Their Families Act, 1989
 - Crimes Act, 1961
 - Domestic Violence Act, 1995
 - Health Act, 1956
 - Health and Disability Sector Standards Regulations, 2001
 - Privacy Act, 1993
 - Health Information Privacy Code, 1994
 - Vulnerable Children Act, 2014
 - Care of Children Act, 2004
 - Employment Relations Act, 2000
 - Human Rights Act 1993
 - Health and Safety At Work Act (in effect from April 2016)
- ✓ What principles does this Health Service operate under that are relevant to this policy?
- ✓ Which clients would this policy apply to? For example, consider vulnerable adults, and the children of adult clients.
- ✓ Who does this policy apply to as staff members? Paid, voluntary, contracted etc.
- ✓ What expectations does your Health Service have on others who you might contract?



Definition of Child Abuse

A clear definition of child abuse is essential to a child protection policy. Without identifying the abuse and neglect from which children need protection, the policy has no identifiable reference point. Defining child abuse within the policy also establishes the Health Service's understanding, thereby minimising the opportunity for confusion.

Example Statement: 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".

Example Statement: 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.

Example Statement: 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 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.

Example Statement: 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.

Example Statement: 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.

Example Statement: Family Violence is physical, emotional, sexual and other abuse by someone (usually but not always a man) of a person (usually but not always a woman) 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.

Consider:

- ✓ What additional guidance do staff need to understand and define abuse?
- ✓ What additional resources might be available to staff that outline signs and indicators of abuse?



Roles and Responsibilities of Staff

This section identifies the expectations and requirements of staff. All staff have a responsibility to keep children safe and have a role in reporting concerns of potential or actual abuse. Clear guidance on the roles and responsibilities of staff ensures consistency of behaviours, which keep both staff and children safe. It is important to define the roles that have specific responsibilities for child protection so that staff understand what to expect from others.

It is recommended that a Health Service has a 'Designated Person for Child Protection'. This function is held by someone who is both accessible to staff and also has the authority to influence and create change within the Health Service if necessary.

Further information regarding the role and responsibilities of a Designated Person for Child Protection, can be found at www.childmatters.org.nz/file/Policy/Fact-sheets/dp-factsheet-3.pdf

Example Statement: 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 sustain stable and meaningful relationships in the future. It is the intention of {Health Service} to ensure that all staff understand their roles and responsibilities in ensuring the safety of children at all times.

Example Statement: It is the responsibility of staff 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.

Example Statement: {Health Service} and the services provided, sit at the centre of healthcare and are uniquely placed 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 which may not involve a child making a disclosure directly to a member of staff. Staff should, therefore, be alert and aware of the fact that a range of situations could give rise to concerns about child protection.

Example Statement: {Health Service} will have an appointed Designated Person for Child Protection. This function will be held by the {Service or Practice Manager}.

Consider:

- ✓ What are the reasonable expectations of staff?
- ✓ How are staff informed and supported in their responsibilities for child protection?
- ✓ Who could hold the role or function of a Designated Person for Child Protection?
- ✓ Is it reasonable that the Designated Person function is held by one person or does there need to be a Deputy Designated Person also appointed?
- ✓ Who would hold the Deputy Designated Person function if the Designated Person is unavailable?
- ✓ Who else holds responsibilities for child protection with the service? For example, Human Resources or the Service Manager may hold responsibility for managing allegations against staff members. Also consider Team Leader, Service/Practice Manager, Clinical Director etc.
- ✓ Consider what role the DHB has in supporting your service and what their responsibilities are regarding child protection.
- ✓ Consider what role the PHO has in supporting your practice and what their responsibilities are regarding child protection.
- ✓ What supervision and support do staff receive to manage concerns that may arise?



Child Protection Procedures

This section outlines clear guidance for staff on how to respond to a concern of child abuse. This guidance must be clear and direct so that staff immediately understand what action is needed to be taken. It is also important to determine guidelines regarding confidentiality, privacy and the sharing of information.

Example Statement: All concerns of potential, suspected or alleged abuse must be brought to the attention of the Designated Person (DP) for Child Protection. If the DP is unavailable then consultation should occur with an alternative appropriate {Manager or Team Leader or Supervisor}. A decision will be made as to whether to seek further advice or notify Child Youth and Family.

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

Example Statement: {Health Service} has a duty of care to the children it provide services to. A failure to report a significant concern about a child is a breach of that child's human rights.

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

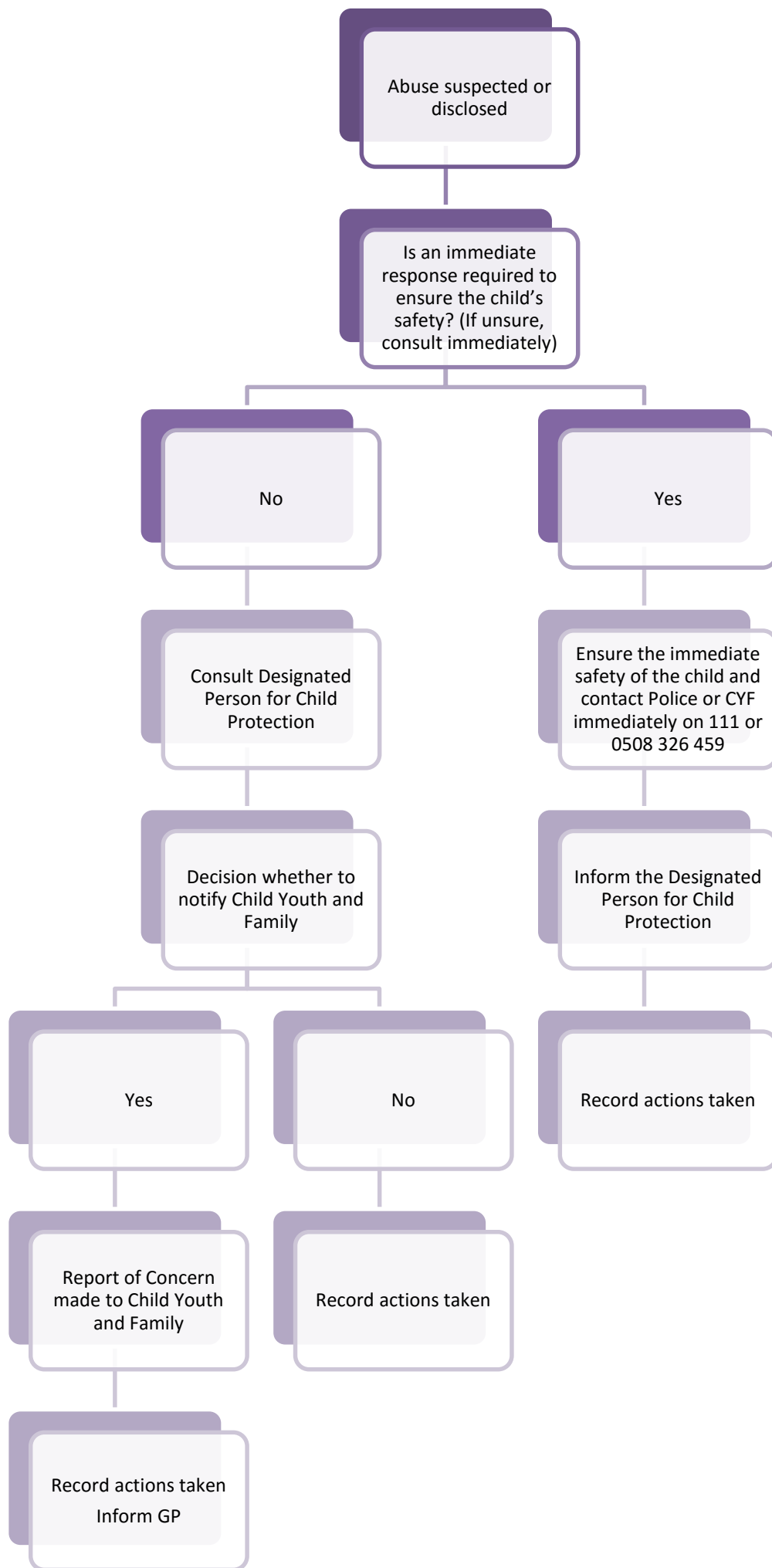
Example Statement: All decisions taken, including if the concern does not require notifying Child Youth and Family, must be recorded in writing and kept securely in a Child Protection file with the reasons clearly identified and explained.

Example Statement: 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 Child Youth and Family. Principle 11 of the Privacy Act, 1993, states "disclosure of the information is necessary to prevent or lessen a serious threat".

Consider:

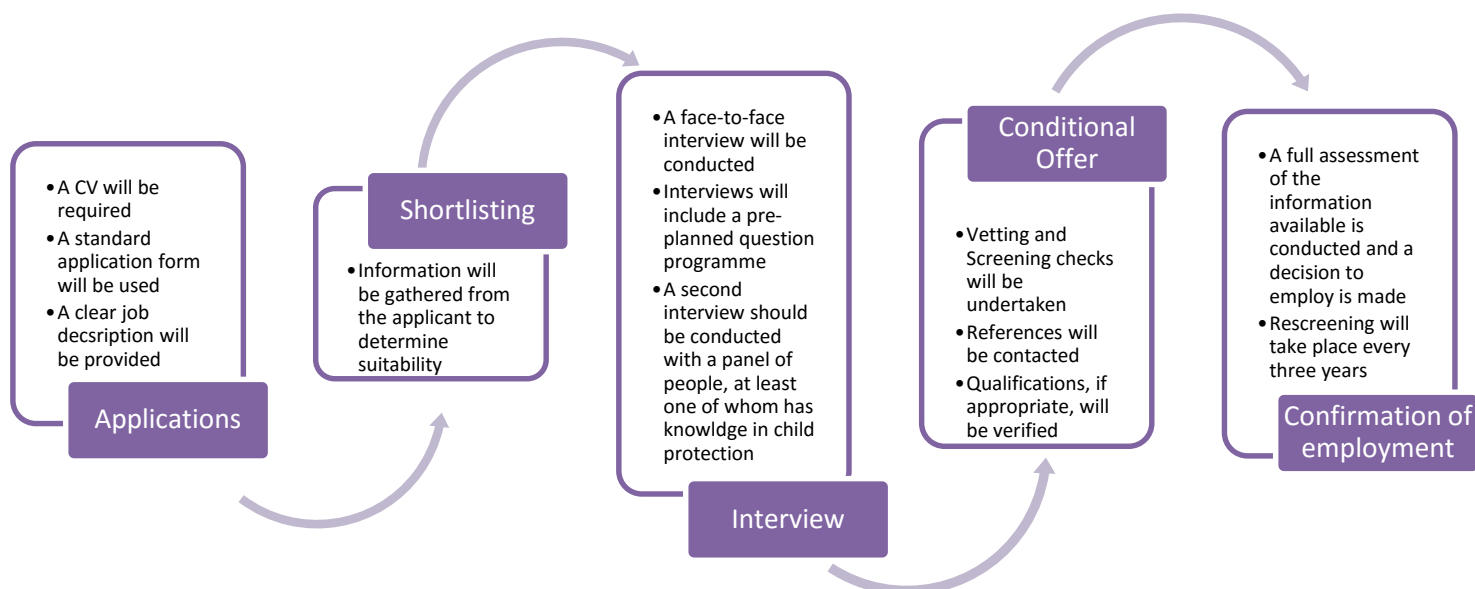
- ✓ What are reasonable timeframes for staff to respond to concerns?
- ✓ What guidance do staff need regarding responding appropriately to a child disclosing abuse?
- ✓ Who should be contacted if the Designated Person for Child Protection is unavailable?
- ✓ Will there be a standard form for reporting concerns?
- ✓ Where will records of concerns be kept and who will have access to them?
- ✓ What information will be included in child protection notes? (i.e. will the notes include a body diagram or visual evidence)
- ✓ What support will be offered to staff managing child protection concerns?
- ✓ Who can staff speak to if they feel that their concerns were not acted upon appropriately?
- ✓ Who else could be consulted regarding concerns of abuse?
- ✓ What practices are in place to ensure confidentiality is respected and maintained?
- ✓ Who will have the authority to determine what information can be shared and to whom?
- ✓ Who will make any notifications to Child Youth and Family?
- ✓ What procedures will be followed regarding informing the family of a notification to Child Youth and Family?
- ✓ Under Ministry of Health guidelines, is your service required to notify the child's GP should you make a notification to Child Youth and Family?





Safe Recruitment of Staff

This section outlines the Health Service's procedures for identifying and assessing that all staff who have contact with children, whether directly or indirectly, are safe. This includes how they are recruited and what safety checks are undertaken. Information regarding the safe recruitment of staff may be included in this Child Protection Policy, or could be contained within an Employment Policy.



Example Statement: All appointments (permanent, fixed term, student, casual or volunteer) to positions that have direct and/or frequent contact with children or young people will be conditional on a safety check. Further information regarding Safety Checking, including vetting and screening procedures, is found in the Employment Policy.

Example Statement: Before making any appointment, {Health Service} will undertake a series of checks to ascertain the candidate's suitability and safety to work in {Health Service}. These will adhere to the statutory obligations contained within the legislation such as the Privacy Act, the Human Rights Act and Vulnerable Children Act.

Example Statement: All appointments will follow the requirements of the Employment Policy. This outlines:

- The provision of a clear job description and person specifications.
- An application form and CV will be required from candidates.
- Verification of identification will be undertaken.
- Verification of qualifications (and registration where appropriate) will be undertaken.
- Safety checks which include police check and personal reference checks, followed by a structured interview or personal assessment process. Attitudes towards children and safety around them will be assessed during this process.
- Staff selection will be undertaken by a person knowledgeable and experienced in the field of child protection.
- Full records will be kept, and attention to HR practices maintained.

Further information can be found in the publication **Safer Recruitment, Safer Children** published by Child Matters and the Children's Action Plan Directorate. This is available at www.childmatters.org.nz



Consider:

- ✓ What guidelines are established regarding the safe recruitment of staff, and where are they identified?
- ✓ Do current guidelines regarding safety checks comply with legislation and best practice?
- ✓ How often will safety checks i.e. police checks, be updated?
- ✓ Is there a recruitment or employment policy that should be referred to?
- ✓ Who is responsible for ensuring that safety checks are undertaken?
- ✓ Who has authority to determine the employment of staff in the event that information discovered through the safety checking process raises questions?
- ✓ What role will applicants hold while waiting for the completion of safety checks?
- ✓ How will staff currently employed become compliant with this policy?
- ✓ Is there clear guidance regarding workforce restrictions for specified offences under Schedule 2 of the Vulnerable Children Act 2014? Is there clear guidance for the application of an exemption to these restrictions?



Training of Staff

This section outlines the Health Service's commitment that all staff who have contact with children, whether directly or indirectly, are able to promote the child's best interests. This includes what training they are given to support their understanding of child abuse.

Example Statement: All appointments (permanent, fixed term, student, casual or volunteer) to positions that have direct and/or frequent contact with children or young people will be conditional on a safety check. Further information regarding Safety Checking, including vetting and screening procedures, is found in the Employment Policy.

Example Statement: All staff will receive child protection training at the level appropriate to their role. The Designated Person(s) for Child Protection will undertake more intensive training in child protection.

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

Further information regarding appropriate training opportunities, including training endorsed by The Royal New Zealand College of General Practitioners (RNZCGP) is available at www.childmatters.org.nz

Consider:

- ✓ What training do staff need regarding identifying and responding to vulnerability and child abuse?
- ✓ Are staff trained in how to respond to a child that discloses abuse?
- ✓ What training does the Designated Person(s) for Child Protection require to be a source of support and guidance for staff?
- ✓ Where is it recorded what training staff have had regarding child protection?
- ✓ How often will training be updated?
- ✓ Who will have responsibility for ensuring that staff have attended training?
- ✓ Who will be responsible for professional development of all staff?



Safe Working Practices

This section outlines the expected behaviours of staff that ensure they are working safely. Providing clear guidelines on staff behaviours ensures consistency of actions that keeps both children and staff safe.

Example Statement: All staff are expected to behave in manners consistent with the {Health Service} Code of Conduct.

Example Statement: 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.

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

Consider:

- ✓ What guidelines are established that identify expected behaviours of staff? Is there a Code of Conduct or Staff Handbook?
- ✓ What systems are in place for concerns to be raised if a member of staff is considered to be working in unsafe ways?
- ✓ How are potentially unsafe situations identified and recorded?
- ✓ What guidelines are in place that outlines expectations of staff in relation to:
 - The use of social media or personal cell phones to contact children
 - The use of photography or videos
 - Being alone with children
 - Appropriate language to use in front of children
 - The giving of gifts or rewards to children
 - Personal relationships with clients or past clients
 - Physical contact with children, such as holding, cuddling, playing, restraining, comforting or the administration of medical aid
 - Transporting children
 - Home visiting where children are present



Allegations made against members of staff

This section outlines the procedures to follow should an allegation of inappropriate behaviour towards a child be made against a member of staff. It is important to recognise that all disclosures of abuse of a child must be taken seriously, reported and investigated appropriately, with the safety of child being of the highest concern.

Example Statement: Allegations, suspicions or complaints of abuse against staff, volunteers or representatives of other agencies must be taken seriously and reported to the Manager who will deal with them immediately, sensitively and expediently within the procedures outlined in this Section.

Example Statement: It is **NOT** the responsibility of staff to investigate allegations of child abuse.

Example Statement: 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.

Consider:

- ✓ Who is the appropriate person to be informed regarding allegations against a member of staff?
- ✓ Who will be responsible for the employment aspects of the allegation and who will be responsible for the child protection aspects?
- ✓ What is a reasonable timeframe for reporting concerns?
- ✓ What support will be offered to the staff member who has been alleged against?
- ✓ Who will the Health Service consult with regarding the allegation?
- ✓ Who will determine whether Child Youth and Family or the Police need to be notified?
- ✓ Does this section comply with legislation? For example, Employment Relations Act 2000
- ✓ What support and safeguards will be provided to the child pending the outcome of an investigation?

