

CHILD PROTECTION AT NMIT

Section	People and Organisation Development		
Approval Date	19.07.2016	Approved by	Executive Team
Next Review	26.04.2024	Responsibility	Manager People and Culture
This Review	26.04.2023	Key Evaluation Question	6

INTRODUCTION

This document is to be read in conjunction with Te Pūkenga [Child Protection Policy](#), the purpose of which is to affirm the commitment of Te Pūkenga to the safety and wellbeing of children to whom it provides a service; and to ensure that Te Pūkenga meets its obligations under the Children’s Act 2014 and other relevant legislation, recognising the important role kaimahi and ākonga have in the identification and reporting of potential or actual abuse or neglect of a child. The Te Pūkenga [Child Protection Policy](#) is intended to be an overarching policy that sits across the policies and procedures of each business division of Te Pūkenga.

PROCEDURE

IDENTIFYING POSSIBLE ABUSE OR NEGLECT

Information on identifying possible abuse or neglect is detailed in [Working together to support tamariki, rangatahi and their family/whānau - An Interagency Guide](#) (Oranga Tamariki).

In brief, NMIT kaimahi need to be aware of the indicators of potential abuse and neglect. These indicators are noted in the above guide and include:

- Physical signs;
- Behavioural concerns;
- Developmental delays;
- The child talking about things that indicate abuse (sometimes called an allegation or disclosure);
- Physical neglect;
- Medical neglect;
- Neglectful supervision; and
- Abandonment.

Every situation is different and it is important to consider all available information about the child and their environment before reaching conclusions. For example, behavioural concerns may be the result of life events such as divorce, accidental injury or the arrival of a new sibling etc.

RESPONDING TO SUSPECTED ABUSE OR NEGLECT

In all cases where kaimahi have a concern about a child/tamariki or young person/rangatahi being or likely to be abused or neglected by an adult or another child/tamariki or young person/rangatahi, they will report this to their manager/supervisor and notify the Manager People and Culture or his/her delegate, who will coordinate the formulation of a plan to address the care and protection concerns.

A referral to Oranga Tamariki may be made at any time.

It is mandatory for all concerns to be reported or referred to the Manager People and Culture within a time period which allows for effective consultation and advice to be given.

Kaimahi who receive disclosures by children and/or who are involved in the management of related processes may access NMIT's Employee Assistance Programme. Our organisation recognises that in some cases the involvement of statutory agencies would be inappropriate and potentially harmful to families/whānau. Throughout New Zealand statutory and non-statutory agencies provide a network of mutually supportive services and it is important for our organisation to work with these to respond to the needs of vulnerable children and families/ whānau in a manner proportionate to the level of need and risk.

Contact details for agencies and services in our community are provided as an appendix to this policy.

RESPONDING TO A CHILD WHEN THE CHILD DISCLOSES ABUSE

Listen to the child	Disclosures by children are often subtle and need to be handled with particular care, including an awareness of the child's cultural identity and how that affects interpretation of their behaviour and language.
Reassure the child	Let the child know that they: <ol style="list-style-type: none">1. Are not in trouble.2. Have done the right thing.
Ask open-ended prompts e.g. "What happened next?"	Do not interview the child (in other words, do not ask questions beyond open prompts). Do not make promises that cannot be kept (e.g. "I will keep you safe now.")
If the child is visibly distressed	Provide appropriate reassurance and re-engage in appropriate activities under supervision until they are able to participate in ordinary activities.
If the child is not in immediate danger	Re-involve the child in ordinary activities and explain what you are going to do next.
If the child is in immediate danger	Contact the Police immediately.
As soon as possible formally record the disclosure	Record: <ol style="list-style-type: none">1. Word for word, what the child said.2. The date, time and who was present.

PROCESS TO FOLLOW

What process to follow	Actions	Key Considerations
Recording	Formally record: <ul style="list-style-type: none"> • Anything said by the child. • The date, time, location and the names of any staff that may be relevant. • The factual concerns or observations that have led to the suspicions of abuse or neglect (e.g. any physical, behavioural or developmental concerns). • The action taken by NMIT. • Any other information that may be relevant. 	Relevant information can inform any future actions.
Decision-making	Discuss any concern with the manager/supervisor or the Manager People and Culture	No decisions should be made in isolation.
Notifying authorities	Notify Oranga Tamariki promptly if there is a belief that a child has been, or is likely to be, abused or neglected. A phone call to the National Contact Centre is the preferred initial contact with Oranga Tamariki (see below for contact details) as this enables both parties to discuss the nature of the concerns and appropriate response options. Freephone: 0508 326 459 or email contact@ot.govt.nz	Oranga Tamariki will make the decision to inform the parents or caregivers, in consultation with NMIT. Advise what, if any, immediate action may be appropriate, including referring the concern to the Police.
Following the Advice of Oranga Tamariki	Oranga Tamariki advice will include what, if any, immediate action may be appropriate, including referring the concern to the Police.	Oranga Tamariki is responsible for looking into the situation to find out what may be happening, whether NMIT needs to work with the family/ whānau or put them in touch with people in their community who can help.
Storing relevant information	Securely store: <ul style="list-style-type: none"> • The record of the concern. • A record of any related discussions (including copies of correspondence, where appropriate). • A record of any advice received. • The action NMIT took, including any rationale. • This concern with any earlier concerns, if the notification is based on an accumulation of concerns (rather than a specific incident). 	Records assist in identifying patterns.

ALLEGATIONS OR CONCERNS ABOUT KAIMAHI

All matters involving allegations against NMIT kaimahi need to be escalated to the Regional Director. The Regional Director will discuss the matter with the Manager People and Culture, who will facilitate an investigative process.

To ensure the child is kept safe, a Regional Director or his/her delegate may take steps to remove the team member against whom an allegation has been made from the environment, subject to the requirements of the applicable individual or collective employment contract and relevant employment law, including NMIT's disciplinary processes.

The Regional Director or his/her delegate will consult with Oranga Tamariki and/or the Police before taking any further actions.

Our organisation commits not to use 'settlement agreements', where these are contrary to a culture of child protection. Some settlement agreements allow kaimahi to agree to resign provided that no disciplinary action is taken, and a future reference is agreed. Where the conduct at issue concerns the safety or wellbeing of a child, use of such agreements is contrary to a culture of child protection.

CONFIDENTIALITY AND INFORMATION SHARING

All observations, after an investigation has been notified, shall be kept in writing but the file will be "sealed" for reasons relating to confidentiality.

The Privacy Act 2020 and the [Oranga Tamariki Act 1989](#) allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated. Note that under sections 15 and 16 of the Oranga Tamariki Act, any person who believes that a child has been, or is likely to be harmed physically, emotionally or sexually or ill-treated, abused, neglected or deprived may report the matter to Oranga Tamariki or the Police and, provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.

SAFETY CHECKING AS PART OF RECRUITMENT AND EMPLOYMENT PROCESS

Our recruitment policy reflects a commitment to child protection by including comprehensive screening procedures. Safety checks will be carried out, as required by the Children's Act 2014.

Safety Checking includes:

- Verifying the candidate's identity;
- Obtaining a police vetting report;
- Checking the candidate's details with their professional registration body or licensing authority;
- Reference checking;
- Reviewing the candidate's work history;
- Interviewing the candidate; and
- Undertaking an overall risk assessment of the candidate based upon the information obtained and in accordance with the risk matrix annexed to this policy.

NMIT will ensure all its new Core Workers undergo a Police Vetting Check. Any worker deemed a "High Risk", in accordance with the risk matrix annexed to this policy, will not be employed.

Where an existing Core Worker is found to have certain Criminal Convictions without holding a Core Worker Exemption, NMIT must:

- Suspend the Worker from all duties that require them to act as a Core Worker.
- Advise the union (where applicable) of the circumstances of the suspension.
- Pay the Worker as if they have been suspended for serious misconduct.

- Specify the length of the suspension, which may not be less than five working days. The length of the suspension will be at NMIT's discretion, taking into account the length of time the Worker may need to seek a Core Worker Exemption or establish that they do not have certain Criminal Convictions.
- Advise the Worker of the reason and the grounds for the suspension.
- Advise the Worker that they may respond to the reasons and the grounds.
- Advise the Worker that, depending on the outcome of the investigation, their employment may be terminated.

NMIT will ensure Safety Checking is re-done for all Core Workers at least every three years.

REFERENCES

INTERNAL

- [Recruitment, Selection and Appointments Policy](#)

EXTERNAL

- [Care of Children Act 2004](#)
- [Children's Act 2014](#)
- [Family Violence Act 2018](#)
- [Oranga Tamariki Act 1989](#)
- [Police Vetting requirements](#)
- [Privacy Act 2020](#)
- [The United Nations Convention on the Rights of the Child \(UNCROC\)](#)
- [Victims' Rights Act 2002](#)
- [Working together to keep children and young people safe. An Interagency Guide](#) 2021 Oranga Tamariki.

APPENDICES

[Appendix 1: Contact details for agencies and services in our community.](#)

[Appendix 2: Risk matrix](#)

APPENDIX 1: CONTACT DETAILS FOR AGENCIES AND SERVICES IN OUR COMMUNITY

ORANGA TAMARIKI

Freephone: 0508 326 459
or email contact@ot.govt.nz

NELSON CENTRAL POLICE

Address: St John St, Nelson
Phone: 03 546 3840

APPENDIX 2: RISK MATRIX

CONSEQUENCE: The degree of harm (physical, sexual, emotional or other) NMIT's children or young people might experience if the candidate was employed.

Insignificant conviction	No harm if the candidate had, for example, a 20-year-old excess breath alcohol or theft.
Moderate conviction	Physical or emotional harm if the candidate had, for example, an assault or an aggravated robbery.
Severe conviction	Violent or sexual harm (physical or otherwise) if the candidate had, for example, a sexual violation or an offence against children conviction.

LIKELIHOOD: Whether the candidate would likely harm (physically, sexually, emotionally or other) NMIT's students if the candidate was employed by NMIT.

Unlikely	Little or no opportunity for harm on the basis of little or no contact with vulnerable students.
Likely	Potential opportunity for harm on the basis of some or occasional contact with vulnerable students.
Highly likely	High opportunity for harm on the basis of high contact with vulnerable students.

Risk Assessment Matrix				
	LIKELIHOOD	UNLIKELY	LIKELY	HIGHLY LIKELY
CONSEQUENCE	SEVERE	Medium	High	High
	MODERATE	Low	Medium	High
	INSIGNIFICANT	Low	Medium	Medium

RISK RATING DEFINITIONS

High: Candidate should not be employed.

Medium: Candidate may be employed but controls must be included in their employment terms to reduce and/or eliminate risk. Such controls to be determined at the discretion of the interview panel together with the line manager of the candidate.

Low: Candidate may be employed; controls may be included in their employment terms to eliminate any risk. Such controls to be determined at the discretion of the interview panel together with the line manager of the candidate.