

Child Protection Policy

2022.01

1. Background

Safe Network is required to have a Child Protection Policy by s.14; Children’s Act 2014 (CA14).

This Policy is to be provided to the chief executives of prescribed State services, as per s.16; CA14.

This policy is to be made available on Safe Network’s website (www.safenetwork.org.nz), as per s.16(a)(ii); CA14.

2. References

Legislation & Regulation	<ul style="list-style-type: none"> • Children’s Act 2014 • Children, Young Persons, and Their Families Act 1989 • Privacy Act 2020 • Health Information Privacy Code 2020 • Code of Health and Disability Services Consumers’ Rights 1996
Common Law	<ul style="list-style-type: none"> • Duncan v Medical Practitioners Disciplinary Committee 1986 • Case Note 5733 [2001] NZ Privacy Commissioner 16 • Geary v the Psychologists Board [2009]
Guidelines/ Standards	<ul style="list-style-type: none"> • Funder Service Specifications and Contracts • Social Sector Accreditation Standards Level 2 (version 6) 2016 • ANZATSA (ATSA) Professional Code of Ethics; section 9 “Confidentiality” • NZ Psychologist Board Code of Ethics; Principle 1.6 “Privacy and Confidentiality” • NZ Association of Counsellors Code of Ethics; section 6 “Confidentiality”

Other References

- Safe Network client demographics
- Ethnic Identity And Exposure To Maltreatment In Childhood: Evidence From A New Zealand Birth Cohort (Marie & Fergusson, 2009)
- Proceedings (offender demographics); www.police.govt.nz/about-us/publications-statistics/data-and-statistics/policedatanz/proceedings-offender-demographics (sighted 19/07/2022)

3. Significance for Maori

Safe Network specifically considers the relative significance of its policies for Maori, consistent with its obligations as a service deliverer on behalf of the Crown and in line with the framework and guidance provided by Te Arawhiti / Maori-Crown Relations Unit.

In setting this policy, Safe Network took the following into account:

- Safe Network has a high percentage of clients who identify as Maori. This indicates Safe Network's services are of particular relevance to Maori and reinforces the need for policies to reflect and be responsive to the clinical and cultural needs of Maori.
- Research shows that Maori children are at greater risk of being exposed to physical, emotional and sexual abuse than children from any other ethnic group (Marie & Fergusson, 2009). As a result, Maori children are more likely to be the subject of notifications of concern and have state agencies intervening in their lives. Therefore, this policy needs to be cognisant of the experience for Maori whanau in these situations and ensure that any decision to raise a notification of concern considers cultural factors without compromising the interests and safety of the child.
- Statistics published by NZ Police show that Maori are more likely to have received criminal convictions than non-Maori, which would be discoverable during the application process for employees, contractors and Board members when the Police vetting process is undertaken. This policy needs to ensure that Maori are not unduly precluded from employment or engagement with Safe Network by past convictions that are not relevant to the issue of child safety.

4. Position statement

Safe Network acknowledges that the welfare and safety of children is an important consideration, which may in certain circumstances override other considerations including the client's right to privacy.

Safe Network will take prompt action in the event that it becomes aware of current harm or risk of current harm to children, including risk of harm to self or others.

Safe Network will have in place appropriate safety checking for all people employed or engaged in work that involves contact with children.

5. Notifications of concern

Concerns for the safety of a child or young person may arise in the course of assessment and intervention at Safe Network, which Safe Network believes are appropriate to report to Oranga Tamariki / Ministry for Children (OT), whether or not the consent of the Safe Network client to do so has been obtained, in accordance with s.15; Oranga Tamariki Act / Children's and Young People's Well-being Act 1989 (OTA89).

These concerns may include, but are not limited to:

1. A Safe Network client disclosing that he/she has sexually or physically abused a child or young person, and presents a current risk to a child or young person
2. A Safe Network client who is a child or young person disclosing that he/she has been sexually or physically abused
3. A Safe Network client disclosing that he/she is at risk of harming a child or young person, including sexually
4. A Safe Network client disclosing that a third party is at risk of harming a child or young person, including sexually
5. A Safe Network client disclosing that he/she is at risk of taking his/her own life or inflicting serious self-harm
6. A Safe Network client disclosing that his/her living situation includes a child or young person, and for whom there is no approved safety plan or this living situation is in breach of the approved safety plan.

In determining whether or not such concerns are to be reported, Safe Network will apply the following criteria, consistent with relevant legislation, common law and professional ethics:

1. There is a serious risk of harm to self or identifiable others, and
2. The threat of serious harm is imminent, and
3. Disclosure to statutory agencies or other third parties is the only option to prevent or lessen the risk, and
4. The statutory agencies or other third parties to whom disclosure is made can act quickly and effectively to address the risk, and
5. The risk of harm to others outweighs the harm caused by disclosure to the client.

In cases where such concerns are being reported, Safe Network will apply the following process:

1. The Safe Network clinician will confirm their reasons for such disclosure with a Safe Network manager prior to the information being forwarded. Where the client, child or whanau is Maori, a cultural advisor will also be consulted before any information is forwarded.

2. Safe Network will have due regard to the Privacy Act 2020 and the Health Information Privacy Code 2020
3. Ideally, Safe Network will inform the client that these concerns are being reported, and the client will be given the opportunity to pass this information on themselves. However, Safe Network may report without client knowledge or consent for reasons of practicality or safety
4. Where the risk is immediate, Safe Network will report the information as soon as practicably possible
5. Safe Network will maintain a record of information passed, including the name of the client concerned, the information provided, and the agency and contact person to whom it was reported.

Wherever possible, reporting to statutory agencies shall be made in writing. Where concerns are reported to OT, Safe Network will use the Department's standard "Report of Concern to Child, Youth and Family" form, where available.

6. Worker safety checking

6.1 New Employees and Contractors

All new employees, contractors and Board members of Safe Network will be required to undergo NZ Police vetting as a standard part of their application for employment or engagement. As per s. 31; CA14, Safe Network will ensure that the checking process includes:

- Confirmation of Identity
- Consideration of any specific information required to be considered by s.32; CA14
- An assessment of the risk the applicant would pose to the safety of children or young persons if employed or engaged.

All offers of employment or engagement shall be contingent on the applicant having no record of offences that may indicate a risk to children or young people. In the event of such a record being received from NZ Police, Safe Network will immediately withdraw the offer of employment or engagement, or terminate employment/engagement where this has commenced. Convictions for offences that do not indicate a risk to children or young people shall not be a basis for withdrawing an offer of, or terminating employment/engagement under this policy, but will be considered under other organisational policies and guidelines.

New contractors do not need to undergo NZ Police vetting if they have previously been engaged by Safe Network and have been vetted to the satisfaction of Safe Network within the previous 12 months.

6.2 Existing Employees and Contractors

All existing employees, contractors and Board members of Safe Network will be required to undergo NZ Police vetting annually, or at such intervals as may be required by Safe Network, provided that the interval is not greater than 3 years since their previous safety check. As per s. 31; CA14, Safe Network will ensure that the checking process includes:

- Confirmation of Identity
- Consideration of any specific information required to be considered by s.32; CA14
- An assessment of the risk the applicant would pose to the safety of children or young persons if employed or engaged.

Existing employees whose safety checks raise concerns that Safe Network believe would pose unacceptable risk to the safety of children or young persons, will be deemed to be in serious breach of their employment agreement, which would result in termination of employment.

Existing contractors and Board members whose safety checks raise concerns that Safe Network believe would pose unacceptable risk to the safety of children or young persons, will have their contracts of engagement terminated.

Date approved	26 September 2022
Date effective from	1 October 2022
Date effective to	30 September 2025
Contact Person	Chief Executive
Authorisation	Board
Signature	Wayne Schache (Board Chair) 

Previous Versions

Name	Effective Date	End date
Child Protection Policy (2017)	25 September 2017	31 July 2021
Child Protection Policy (2021)	1 August 2021	30 September 2022

Amendment History

Version	Effective Date	Created/Reviewed by	Reason for review/comment
2021	1 August 2021	Chief Executive / Board	Inclusion of criteria for determining whether a concern should be reported
2022.01	1 October 2022	Chief Executive / Board	Replacement of Ministry of Justice checks with Police vetting for all employees, contractors and board members. Specific consideration of significance of policy for Maori