



Spotswood College Child Protection Policy

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Contents

- Responding to a disclosure of abuse, harm, or a threat to safety: 1
- Overview 1
 - Primary Point of Contact for Concerns..... 1
- Purpose 1
- Scope 2
 - Our Guiding Principles..... 2
- Definitions: 4
 - Types of Abuse and Neglect..... 5
- Guidance on identifying possible abuse or neglect..... 6

Quick Guide – Responding to Disclosure



Responding to a disclosure of abuse, harm, or a threat to safety:

<p>Listen to the child</p>	<p>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.</p>
<p>Reassure the child</p>	<p>Let the child know that they:</p> <ul style="list-style-type: none"> ● Are not in trouble. ● Have done the right thing. ● Will be listened to (with child/adolescent-led emphasis).
<p>Ask questions related to <u>immediate safety</u> ONLY</p>	<p>Do not interview the child, or ask questions that prompt them to go on with a disclosure. If they continue to disclose more, take notes of what they say. Let them know that you are doing this, and that they can see what you write.</p> <p>Only ask questions related to immediate safety, using open prompts e.g. ‘Can you tell me how you feel about going home today?’ or,</p> <p>When recording what the child said, write only what they have said, word for word. Include the date, time and who was present during the disclosure.</p>
<p><u>If the child is in IMMEDIATE DANGER</u></p>	<p>Contact the Police immediately. If support is required, advise SLT</p>
<p>If the child is <u>NOT</u> in immediate danger</p>	<p>Re-involve the child in ordinary activities (if they are able to do so) and explain what you are going to do next (contacting and referring to SLT)</p> <p>Allow the child to see the notes you have written, and let them know that you will be sharing these with Management. Ensure that they are happy for you to do this.</p> <p>If there are any issues with this, please approach one of the Management team, and explain the situation using non-</p>

Quick Guide – Responding to Disclosure

	<p>identifying information (e.g. no name etc), and they will provide further guidance on how to act next.</p> <p>If it is of a non-urgent matter (e.g. disclosure of a historical nature), you can email this through as a referral, with the child's consent.</p>
If the child is visibly distressed	<p>Provide appropriate reassurance (but do not make promises) and re-engage in appropriate activities under supervision/support until they are able to participate in ordinary activities.</p>

Overview

The document supports the commitment to a best response to a student disclosure of abuse or assault (which may be physical, sexual or psychological in nature), or of neglect, in accordance with the Children Act 2014.

Primary Point of Contact for Concerns

SLT are the primary point of contact for escalating any concerns about a child, including abuse or neglect. The 'Children's Action Plan' recommends a point of contact who is trained to identify signs of potential abuse, is familiar with the most effective ways of handling concerns and the understanding of legal framework for child protection.

Purpose

The purpose of this policy, is to support staff in responding to known or suspected child abuse/assault, alongside giving families/whanau confidence that the school is committed to acting in the best interests of student safety and wellbeing. This document aims to support staff to act in an appropriate and timely manner.

This has been written to reflect the principles, and guidelines in the 'The Children's Action Plan' (Oranga Tamariki, May 2022). This is a framework developed by Oranga Tamariki to aid in protecting children.

To see the 'Children's Action Plan' living document, [click here](#).

Scope

This policy aligns with the following law and ethical codes:

- The Education Act 1989

- Childrens Act 2014 (previously 'Vulnerable Children Act 2014')
- Oranga Tamariki Act 1989 (previously 'Children, Young Persons, and Their Families Act 1989')
- Human Rights Act 1993
- Privacy Act 2020
- State Sector Act 1988
- MOE National Administrative Guideline 5
- Employment Relations Act 2000
- NZAC code of ethics

Our Guiding Principles

- There is continuous work towards improvement in child protection practices.
- We are committed to working together to produce the best possible outcomes for children.
- Making the safety and wellbeing of children is the primary concern, with the child at the centre of all decision-making. This recognises the rights of the child to participate, in age-appropriate ways, in decision-making about themselves.
- There is a culture of staff constructively challenging poor practice, where staff feel confident they can raise issues of concern without fear of reprisal.
- Recognition of the importance of early intervention and the principle of applying the least intrusive intervention necessary to protect vulnerable children.
- Policies and procedures are in place that are accessible to staff, along with sources of advice on good practice.
- Staff receive the training they need to respond to the needs of children within their scope of practice e.g. understanding the signs of potential abuse or neglect. All staff should be aware of how to respond appropriately where there is a concern or an allegation made (including ones involving staff).
- Staff understand safe practice eg. when and how to touch and what is expected of them when they are alone with a child.

- Staff understand the importance of working together, with professionals from other sectors, to better address the needs of vulnerable children.
- Safer staff recruitment procedures are used - *staff will be safety checked in accordance with the Children's Act 2014.*
- All staff must abide by the conditions outlined in the Code of Conduct. This is reviewed and signed by employees annually or when a staff member is newly appointed.
- The school is committed to supporting all staff to work in accordance with the policy, to ensure child protection policies are consistent and of high quality and to always comply with relevant legislative responsibilities.
- We consider the culture of the family/whānau, its importance and the rights of family/whānau to participate in decision-making about their children.

Definitions:

- **Abuse** – The harming (whether physically, emotionally or sexually), ill-treatment, neglect or deprivation of any child.
- **Neglect** – The persistent failure to meet a child's basic physical or psychological needs, leading to adverse or impaired physical, emotional functioning or development.
- **Child** – Any child or young person aged under 18 years (refer to Children's Act 2014 for more specific details).

- **Child protection** - Activities carried out to ensure that children are safe in cases where there is suspected abuse or neglect or are at risk of abuse or neglect.
- **Oranga Tamariki** – The agency responsible for investigating and responding to suspected abuse and neglect and for providing a statutory response to children found to be in need of care and protection.
- **New Zealand Police** – The agency responsible for responding to situations where a child is in immediate danger and for working with Child Youth and Family in child protection work, including investigating cases of abuse or neglect where an offence may have occurred.
- **Disclosure** – Information given to a staff member by the child, parent or caregiver or a third party in relation to abuse or neglect.
- **Designated person for child protection** – In a school this responsibility is delegated to the Principal or a Senior Leader acting on behalf of the Principal.
- **Safety Checking** – The process of safer recruitment that is mandatory for schools, covered by the VCA (Vulnerable Children’s Act).

Types of Abuse and Neglect

- **Physical abuse** - any acts that may result in physical harm of a child or young person. It can be, but is not limited to: bruising, cutting, hitting, beating, biting, burning, causing abrasions, strangulation, suffocation, drowning, poisoning and fabricated or induced illness.
- **Sexual abuse** - any acts that involve forcing or enticing a child to take part in sexual activities, whether or not they are aware of what is happening. Sexual abuse can be, but is not limited to:
 - **Contact abuse** - touching breasts, genital/anal fondling, masturbation, oral sex, penetrative on non-penetrative contact with the anus or genitals, encouraging the child to perform such acts on the perpetrator or another,

involvement of the child in activities for the purposes of pornography or prostitution.

- **Non-contact abuse** - exhibitionism, voyeurism, exposure to pornographic or sexual imagery, inappropriate photography or depictions of sexual or suggestive behaviours or comments.

- **Emotional abuse** - any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development. This can include:
 - Patterns of isolation, degradation, constant criticism or negative comparison to others. Isolating, corrupting, exploiting or terrorising a child can also be emotional abuse.
 - Exposure to family/whānau or intimate partner violence.
- **Neglect** – neglect is the most common form of abuse and although the effects may not be as obvious as physical abuse, it is just as serious. Neglect can be:
 - Physical – not providing the necessities of life like a warm place, food and clothing.
 - Emotional – not providing comfort, attention and love.
 - Neglectful supervision – leaving children without someone safe looking after them.
 - Medical neglect – not taking care of health needs.
 - Educational neglect – allowing chronic truancy, failure to enrol in education or inattention to education needs.

Guidance on identifying possible abuse or neglect

1. While there are different definitions and categories of abuse, the important thing is for staff to consider overall wellbeing and the risk of harm to the child. It is not so important to be able to define or categorise the type of abuse or neglect. We understand that every situation is different and it's important to consider all available information about the student and their environment before reaching conclusions.
2. We understand when we are concerned a student is showing signs of potential abuse or neglect, we should talk to the guidance team, as it is important not to act alone.

3. Staff should feel empowered to act on suspected abuse and neglect, even when the symptoms or patterns of symptoms are subtle, while avoiding adhering to stereotypes and making assumptions.
4. It is normal for staff to feel uncertain. The important thing is that they can recognise when something is wrong, especially if they notice a pattern, or several signs that make them concerned.
5. The indicators of potential abuse may include:
 - a. Physical signs (e.g. unexplained injuries, burns, fractures, unusual or excessive itching, genital injuries, sexually transmitted diseases)
 - b. Developmental delays (e.g. small for their age, cognitive delays, falling behind in school, poor speech and social skills)
 - c. Emotional abuse/neglect (e.g. sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm)
 - d. Behavioural concerns (e.g. age inappropriate sexual interest or play, fear of a certain person or place, eating disorders/substance abuse, disengagement/neediness, aggression)
 - e. The child talking about things that indicate abuse (sometimes called an allegation or disclosure)
6. Every situation is different and it is important to consider all available information about the child and their environment before reaching conclusions. You are encouraged to confidentially engage with the guidance team, if you want to discuss any concerns.
7. References to other resources to help with identifying signs of abuse and neglect are provided below:
 - a. Oranga Tamariki has developed the Working Together guide on inter-agency working to identify and respond to potential abuse and neglect. <http://orangatamariki.govt.nz/support-for-families/support-programmes/working-together-seminars/>
 - b. The Ministry of Health has also made guidance available in the health sector: <https://www.health.govt.nz/your-health/healthy-living/abuse/child-ok/recognising-abuse-and-neglect>

Responding to suspected abuse or neglect and other child protection concerns:

1. Where a student is in **immediate danger** the priority is immediate safety. It must be notified to the Police, ideally via Management.
2. Where a child discloses abuse or when there are concerns about abuse or neglect, this needs to be notified to Oranga Tamariki. Where the situation allows (considering any immediate safety needs), the Principal/Senior Leader Acting on behalf of the Principal, or the Guidance Team should be notified to help inform this process. Following any notification, the action should be notified to the Guidance Team, so they can complete any follow-up actions, and ongoing support for the child.
3. Where there is concern from any third party about abuse or neglect, the matter must be referred to Management, who will consult and collectively agree on an action forward.
4. For more general concerns about the wellbeing of a child, teachers/staff should discuss their concerns with Poutiaki or Guidance Team.

Confidentiality and Privacy

In order to ensure the utmost confidentiality and privacy, our child protection policy mandates the secure storage of all relevant information. This includes securely storing the record of the concern, any related discussions, copies of correspondence, advice received, and the actions taken by our organization, along with the rationale behind those actions. Additionally, if the notification is based on an accumulation of concerns rather than a specific incident, it will be appropriately linked to any earlier concerns. By adhering to these measures, we prioritize the protection and well-being of the children under our care while maintaining the highest standards of confidentiality and privacy.

When collecting personal information from individuals, it is crucial to adhere to privacy principles. This involves directly collecting information from the individuals themselves, being transparent about the purposes of collection, the usage of the information, who will have access to it, its storage location, and distinguishing between compulsory and voluntary information. It is also essential to inform individuals of their right to request access to and correction of their information. Under sections 15 and 16 of the Oranga Tamariki Act 1989, any person who suspects harm or ill-treatment of a child may report the matter to Child, Youth and Family or the Police without facing legal consequences, provided the report is made in good faith. However, staff members may disclose information under the Privacy Act/Health Information Privacy Code if there is a justifiable reason, such as a serious risk to individual health and safety (refer to privacy principle 11/Code rule 11). By following these guidelines, we prioritize the protection of personal information while ensuring the safety and well-being of the children in our care.

Procedures for allegations or concerns about staff

1. As an employer there is a dual responsibility in respect of both the child and the employee. The decision to follow up on an allegation of suspected abuse or neglect against an employee should be made in consultation with Child, Youth and Family and the Police. This will ensure any actions taken do not undermine any investigations being conducted by the external agencies.
2. If it is a child making the allegation or raising the concern, or the allegation/concern regards a child accessing the service, that child must not be exposed to unnecessary risk. This may mean suspending an employee from their duties, subject to the requirements of the applicable employment contract and relevant legal obligations. At the very least separate the child and the staff member.
3. If, after discussion with Child, Youth and Family and/or the Police, there is a need to pursue an allegation as an employment matter, advise the person concerned, inform them that they have a right to seek legal advice and provide them with an opportunity to respond. They should also be informed of their right to seek support from the relevant union/representative body. It is vital to follow ordinary disciplinary policies, guided by the employment contract/collective employment contract and relevant statutory obligations.
4. Historical allegations should be responded to in the same way as contemporary ones, with the same priority. All allegations or concerns should be investigated fully, regardless of the resignation or termination of the staff member concerned.
5. Employees must report concerns about other staff members to Management.

6. Where a concern is reported about Management the matter must be referred to the Board of Trustees..

Confidentiality and information sharing

1. The Privacy Act 1993 and the Children, Young Persons, and Their Families Act 1989 (CYPF Act) allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated.
2. Advice should be sought from Child, Youth and Family and/or the Police before identifying information about an allegation is shared with anyone other than the Principal or Senior Leader Acting on behalf of the Principal.
3. Under sections 15 and 16 of the CYPF 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 Child, Youth and Family or the Police and, provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.
4. Staff should also understand their obligations under the Privacy Act 1993 (and for health agency staff, the Health Information Privacy Code), namely:
 - a. When collecting personal information about individuals it is important to be aware of the requirements of the privacy principles – i.e., the need to collect the information directly from the individual concerned and when doing so to be transparent about: the purposes for collecting the information and how it will be used; who can see the information; where it is held; what is compulsory/voluntary information; and that people have a right to request access to and correction of their information.
 - b. Staff may, however, disclose information under the Privacy Act/Health Information Privacy Code where there is good reason to do so – such as where there is a serious risk to individual health and safety (see privacy principle 11/Code rule 11). As noted above, disclosure about ill-treatment or neglect of a child/young person may also be made to the Police or Child, Youth and Family under sections 15 and 16 of the CYPF Act 1989.

Professional development and safe practice

A culture of safe practice is vital for ensuring that children are protected.

1. All staff need to have knowledge of the Child Protection Policy and the School Child Protection Procedures. These need to be readily available.

2. Staff should be informed about the content of the child protection policy and procedures as part of their orientation. Skills needed to implement the policy are included in performance management and professional development programmes.
3. Specialist child protection professional development will take place as appropriate.
4. Expectations for staff are outlined in the Code of Conduct. The Code of Conduct promotes professionalism in working with children, clearly establishes roles and expectations of adult behaviour with children and encourages staff to keep their professional and personal lives separate.
5. Further procedures for staff:
 - a. Being alone with children – No staff member should work with a student alone in a space where they cannot be seen or heard from outside of the room. If they cannot be seen or heard from outside of the room the staff member should leave the door open. Staff need to be aware of where students, who are in their care, are at all times.
 - b. Physical contact, including comforting children in distress, and helping children to dress or use the bathroom (if a necessary part of service delivery) – It is acceptable for a staff member to give a student a quick hug or to put one arm around a student's shoulders for comfort. This should be done in view of other adults in a room, never when alone with a student. For the privacy and dignity of a student, a female staff member may need to help a student dress or use a bathroom. This should always be done with knowledge of another staff member. For their own safety no male staff member should assist a student with dressing or toileting.
 - c. When taking children off site, to the staff member's home or transporting children in cars, students must have written parent/caregiver permission to leave the school site. In an emergency it is acceptable for a student to have verbal permission from a parent/caregiver to leave the school site. No staff member should be alone with a student in a motor vehicle. A single student must be accompanied by two staff members in a motor vehicle. It is acceptable for a lone staff member to transport two or more students to an event. It is not acceptable for a student to visit a staff member's home without a parent/caregiver present.
 - d. Communicating with children, including use of telecommunications technology – It is not acceptable for a staff member to communicate with a student via email, social media, text or phone without parent/caregiver permission.
 - e. Appropriate and inappropriate relationships with children, including over-familiarity, providing gifts, and fostering infatuation – Relationships between students and staff members must be entirely professional. It is the responsibility of all staff to monitor other staff. If a staff member is concerned about another staff member's relationships with students the matter must be raised with the

Principal for further investigation. If it is the Principal who is in question, the Presiding Member must be notified.

- f. Safe restraint and isolation practices – It is advisable not to restrain a student. If the behaviour of a student is violent and aggressive it is best to remove other students from the area. In some instances, for the safety of other students and staff, a student may need to be restrained. This is best done by two staff members, holding the student's arms whilst standing. Once the student has calmed parents/caregivers must be contacted immediately to explain the situation. In re-occurring instances of this nature, an action plan for dealing with the student's anti-social behaviour must be implemented with the assistance of RTLB or Special Education. The action plan must be signed and agreed to by the student's parent/caregiver.
- g. Visitors should be monitored at all times by staff, and volunteers and outside instructors should be monitored by staff. All visitors must sign in at the front office, located at the main office reception and sign out upon leaving.
- h. Bus Travel – Expectations for the behaviour of students on buses must be made clear to the children and adults in the group. There must be adequate seating for all passengers. There must be at least one person responsible for the group travelling on the bus.
- i. Travelling in school groups out of school - Trip/Visit Forms, including risk analysis must be completed and signed by teachers attending. Permission must be gained for all students leaving the school grounds. The acceptable adult to student ratio is 1:5 for all trips as per EOTC guidelines. Class teachers must carry a paper roll for quick reference and checking of students. All drivers must sign and return a form to confirm that they have a current full driver's licence, car registration, smoke-free vehicle and current warrant of fitness.
- j. Attendance - The safety of students en route to and from school is the responsibility of the parents/caregivers. - The electronic roll must be marked at the start of all lessons, as a legal requirement, at 9 am 1.30 pm. Students who feel sick during school time will be sent to the school office by the class teacher and parents/caregivers will be phoned to collect them. If necessary parents/caregivers will be contacted to collect a child who has entered the sick bay. If no parents/caregivers can be contacted the students will remain at school under the supervision of office staff. No children are to be sent home on their own during school hours without parents permission. Parents/caregivers must sign students out in the log book, located at the main office reception when taking students out of school during school hours. No child will be kept in after school for disciplinary reasons. Parents/caregivers will be encouraged to pick up children who have attended after school sports or other events.
- k. Custodial access to children - Until a court order or a legal agreement between the parents giving sole custody is presented to the Principal, it is implied that both parents have equal custodial access and rights in situations where the parents are separated, divorced, unmarried or the children are subject to a court action. Up to date legal documentation regarding the welfare of the children

should be forwarded to the Principal so that appropriate procedures for the protection of the children can be observed. While the Principal and teachers are expected to exercise care and skill in maintaining the welfare of children, they can only act appropriately when provided with current information. Parents must provide up to date information on access and custodial arrangements, contact details for students and legal documentation when appropriate, especially upon enrolment. Information held at school about a particular thing will be kept in confidence. It is not the Principal or school's responsibility to adjudicate disputes or interpret court orders. Neutral legal representation or the police may be called upon to solve on-site custodial disputes. No action will be taken by a member of the staff in regard to custodial care without prior knowledge of the Principal. The Principal must inform the custodial caregiver of any incident regarding custody that gives cause for concern.

Safety Checking

In accordance with the VCA;

- From 1 July 2015 – All new core workers (even if they are not new to the employer but are newly appointed to a children's worker role) must be safety checked before they start in the role
- From 1 July 2016 – All new non-core workers before they are appointed to the role must be safety checked
- By 1 July 2018 – Safety checking of all existing core workers must be completed
- By 1 July 2019 – Safety checking of all existing non-core workers must be completed

Note that safety checks are carried out on all registered teachers in order to renew their registration.

Relieving teachers are considered to be new non-core workers until a safety check has been completed.

Student Teacher Trainees are considered to be new non-core workers. The Tertiary Education Provider is able to complete safety checks on behalf of the school. The school should then confirm that a safety check has been done and complete identity checks.

A register of safety checks will be kept and updated

Procedures compiled using: Safer Organisations – Safer Children