

Skylight Trust

Child Protection Policy

31 January 2024



The right help, at the right time, in the right way

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Statement of Commitment

The most effective way to safeguard tamariki and rangatahi is to have a comprehensive and effective child protection policy.

Skylight Trust is committed to the prevention of abuse against tamariki and rangatahi, and to their protection.

This commitment means that the welfare and best interests of tamariki and rangatahi are the prime considerations when any decision is made about suspected abuse or neglect.

Section One: Introduction

Purpose

- 1.1 A robust policy for the protection of tamariki and rangatahi brings their wellbeing to the forefront of organisational thinking and is a tool whereby all adults, tamariki, and rangatahi associated with Skylight Trust, are given protection by clearly defining expectations and ensuring consistency of behaviour.
- 1.2 The purpose of this policy is to ensure that Skylight Trust operates in such a way as to protect tamariki and rangatahi from all forms of harm.
- 1.3 This policy confirms the commitment of Skylight Trust to the protection of tamariki and rangatahi and proceeds to:
 - o outline the standards and principles by which all staff will abide
 - o define child abuse
 - o outline the action to be taken by staff where any form of abuse or neglect is known or suspected
 - o establish what action is required when allegations are made against staff
 - o outline expectations regarding staff training
 - o outline expected behaviour of staff.

Guiding Principles

- 1.4 Skylight Trust recognises that it has a duty of care for the safety, welfare, and well-being of tamariki and rangatahi and will act in ways which protect them from all forms of abuse and harm.
- 1.5 Skylight Trust asserts that all tamariki and rangatahi have equal rights to protection from abuse, neglect, and exploitation regardless of their gender, race, religion, political beliefs, age, physical or mental health, sexual orientation, whānau and social background, and culture, economic status, or criminal background.
- 1.6 The decisions and actions of Skylight Trust in response to any child protection concern will be guided by the principle of *"the welfare and best interests of tamariki and rangatahi"*.
- 1.7 Skylight Trust acknowledges, and will adhere to, the principles of the United Nations Convention on the Rights of the Child.
- 1.8 All services provided by Skylight Trust for the safety and wellbeing of tamariki and rangatahi adhere to the principles of partnership, protection, and participation; and the rights and responsibilities accorded by Te Tiriti o Waitangi.
- 1.9 All services provided by Skylight Trust for the safety and wellbeing of tamariki and rangatahi have regard to mana tamaiti (tamariki and rangatahi) – the intrinsic value and inherent dignity derived from a tamariki or rangatahi's whakapapa and their belonging to a whānau, hapū, and iwi; ensuring the upholding, and protection, of Māori rights and interests, in accordance with the Oranga Tamariki Act 1989.

Scope

- 1.10 This policy applies to all Skylight Trust staff.
- 1.11 For the purposes of this policy, the term “staff” is defined in the definitions section below.

Legislation

- 1.12 This policy has been written in accordance with the United Nations Convention on the Rights of the Child, the New Zealand Association of Counsellors Code of Ethics, and the following legislation:
- Care of Tamariki Children Act 2004
 - Children's Act 2014
 - Crimes Act 1961
 - Family Violence Act 2018
 - Employment Relations Act 2000
 - Health and Safety at Work Act 2015
 - Health and Disability Sector Standards Regulations 2001
 - Health Information Privacy Code 1994
 - Human Rights Act 1993
 - Oranga Tamariki Act 1989
 - Privacy Act 2020.

Review

- 1.13 This policy will initially be reviewed in twelve (12) months, and every three (3) years thereafter, to ensure it is kept up to date with changes that may have been made to legislation, related policies and procedures, and in light of operational experience.
- 1.14 The overall responsibility for this policy rests with Skylight Trusts Chief Executive Officer (“CEO”).

Definitions

- 1.15 For the purposes of this Policy the following definitions apply:

“Tamariki/Child” means any person under 18 years of age.

“Child Abuse” can involve ongoing, repeated, or persistent abuse, or may arise from a single incident. Abuse of the vulnerable may take many forms but it can be categorised into four different types:

- i. Physical Abuse
- ii. Sexual Abuse
- iii. Emotional Abuse
- iv. Neglect.

“Child Protection Register” is a record of tamariki and rangatahi who are considered to be suffering, or who are considered to be at risk of suffering, or likely to suffer, abuse or neglect. The register includes information around protection concerns, including but not limited to:

- A record of facts, including observations, with time and date
- What was said and by whom, using the person's words
- What action has been taken, by whom and when
- All decisions, including if the concern does not require notifying Oranga Tamariki or the Police, with the reasons clearly identified and explained.

The Register must be kept up to date and its contents must be confidential other than to authorised enquirers. It must be held securely and separately from other Skylight Trust records.

"Designated Person for Child Protection" is a person/s within Skylight Trust who is responsible for the safeguarding of tamariki and rangatahi. This person is required to undergo regular child protection training and is responsible for ensuring that child protection is a key focus within Skylight Trust both at a strategic level and on a day-to-day basis.

As at the date of this policy the Designated Person for Child Protection for Skylight Trust is:

Kathryn Ross – Chief Executive Officer

"Emotional Abuse" is any act or omission that results in impaired psychological, social, intellectual and/or emotional functioning and development of a tamariki or rangatahi.

"Family Violence" can take many forms and includes not only acts of physical violence, but also intimidating behaviour such as threatening to harm people, pets, or property. Tamariki and rangatahi are always affected either emotionally or physically where there is family violence even if they are not personally injured or physically present.

"Grooming" is predatory conduct and can include, but is not limited to, befriending, or establishing an emotional relationship, or other emotional connection, with tamariki or rangatahi, (and can extend to members of the tamariki or rangatahi's whānau), for the purpose of lowering the tamariki or rangatahi's inhibitions and with the objective of sexual abuse.

"Neglect" is characterised as the persistent failure to meet a tamariki or rangatahi's basic physical and/or psychological need. This can occur through direct and deliberate action or by omission or deliberate inaction to care for and/or protect the tamariki or rangatahi. It may also include neglect of a tamariki or rangatahi's basic or emotional needs.

"Oranga Tamariki – Ministry for Children" formally known as Child, Youth, and Family Services ("CYFS"). Oranga Tamariki is a government ministry dedicated to supporting tamariki and rangatahi in New Zealand whose wellbeing is at significant risk of harm now, or in the future.

"Physical Abuse" is a non-accidental act on a tamariki or rangatahi 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 tamariki or rangatahi. Physical abuse also involves the fabrication or inducing of illness.

"Professional Leader" refers to a person, or persons, in charge of child protection within a school or organisation in which Skylight Trust works, operates, and/or provides services to.

"Sexual Abuse" is an act or acts that result in the sexual exploitation of tamariki or rangatahi, whether consensual or not. Sexual abuse can be committed by, but not limited to, a relative, a trusted friend, an associate, or someone unknown to the tamariki or rangatahi.

"Staff" refers to any person working at, for, or on behalf of, Skylight Trust and includes, but is not limited to, persons employed directly by Skylight Trust, irrespective of whether they are paid or voluntary, whether they are contractors, or whether they are working on a full time, part time, casual, or temporary basis.

"Rangatahi/Young Person/Child" means any person of or over the age of 14 years but under the age of 18 years. The term "rangatahi", or "young person", can also be extended to include some young adults for certain purposes and as specified in the Oranga Tamariki Act 1989

Section Two: Roles and Responsibilities

Roles and Responsibilities

- 2.1 Skylight Trust recognises that all staff have a full and active part to play in protecting tamariki and rangatahi from harm. It is the primary responsibility of staff to be vigilant, have knowledge and awareness of the indicators of neglect and abuse, whether actual or potential, and to report any concerns or allegations immediately. Staff have a responsibility to ensure that any concern or allegation raised is taken seriously.
- 2.2 Each member of staff must:
 - o be aware of, and alert to, potential indicators of abuse or neglect
 - o record a factual account of any concerns they have, or that are brought to their attention
 - o appropriately seek advice and support from their Clinical Advisor, Director of Operations, or the CEO who will then contact external agencies if appropriate, or direct the member of staff to contact the appropriate external agencies directly.

- work in co-operation with the parents and caregivers unless this compromises the safety of the tamariki or rangatahi.

2.3 The statutory responsibility to investigate allegations of child abuse rests with Oranga Tamariki and the New Zealand Police. No member of Skylight Trust staff, including the CEO, Clinical Advisor, or Director of Operations, are permitted or mandated to investigate allegations of abuse.

Role of the Chief Executive Officer

2.4 The CEO, in their role as Designated Person, should:

- Be trained in child protection and undergo regular refresher training
- Adopt, implement, comply with, and enforce the Skylight Trust Child Protection Policy
- Ensure that child protection is a key focus within Skylight Trust and that appropriate protocols, procedures and training are in place
- Ensure that the needs and rights of tamariki and rangatahi come first - the safety and wellbeing of each tamariki and rangatahi is the paramount consideration in all circumstances
- Promote and model appropriate behaviour at all times
- Ensure that all allegations are managed appropriately
- Ensure, and safeguard, clear, confidential, detailed and dated records on all protection concerns
- Ensure that all staff are aware of, have access to, and understand, this Child Protection Policy
- Ensure that all staff are recruited and delegated responsibilities in accordance with the guidelines identified in this policy
- Ensure that when child protection concerns arise, no internal investigation occurs without a decision as to whether or not a response from Oranga Tamariki and/or the New Zealand Police is required. This decision is to be made following consultation with the Director of Operations, and, where appropriate, any Professional Leader of a School or organisation with which the tamariki or rangatahi is involved.
- Engage and consult with Professional Leaders of Schools and/or other organisations where required.
- Consult with the Clinical Advisor and/or the Director of Operations, regarding all child protection concerns.

Role of the Skylight Trust Board

2.5 The role of the Skylight Trust Board is to:

- Ensure that the needs and rights of tamariki and rangatahi come first as their safety and wellbeing is the paramount consideration in all circumstances.
- Support the CEO to ensure that all allegations are managed appropriately.
- Ensure that no investigation occurs without appropriate consultation and a decision whether a response from Oranga Tamariki or the Police is required.

2.6 The Chair of the Skylight Trust Board will be directly informed of any allegations of abuse made against the Clinical Advisor, Director of Operations, or CEO.

The Chair of the Skylight Trust Board is:

Think "What if I am right?"

not "What if I am wrong?"

Section Three: Child Protection Procedures

- 3.1 The procedures set out in this policy provide guidelines to assist in identifying and responding appropriately to concerns of abuse and neglect.
- 3.2 The procedures set out below will help staff with:
- the identification of abuse
 - handling disclosures, whether verbal or behavioural, from a tamariki or rangatahi
 - reporting procedures

Identification of Abuse

- 3.3 Child abuse can occur in many different settings and forms and may come to light in a variety of different ways. These can include, but are not limited to:
- Direct or indirect disclosure by the tamariki or rangatahi, or someone known to the tamariki or rangatahi
 - Suspicions of abuse by those involved with the tamariki or rangatahi
 - Allegations and/or direct observations or signs displayed in the tamariki or rangatahi's physical or emotional behaviour
 - Direct witnessing of abuse.
- 3.4 The signs and indicators of abuse to a tamariki or rangatahi may not be immediately obvious or identifiable. **Appendix 1** of this policy sets out a non-exhaustive list of signs and indicators to help identify abuse.
- 3.5 If a member of staff is unsure about what might constitute child abuse, or if they are unsure about whether they ought to report an incident, they should ask for advice and guidance from the Clinical Advisor, CEO, or Director of Operations.
- 3.6 At any time, Skylight Trust staff may seek advice Oranga Tamariki (0508 326 459) regarding child protection concerns.

Responding to Child Abuse

- 3.7 When child abuse is suspected, disclosed, or witnessed, everything must be done to ensure the ongoing safety of the tamariki or rangatahi concerned, along with the ongoing safety of any other tamariki or rangatahi who is in close connection to the alleged offender. In all cases, the tamariki or rangatahi is the primary concern, and all other concerns (including the guilt or innocence of the alleged offender) must be secondary. This does not mean that the alleged offender is to be considered guilty without due investigation, but that the tamariki or rangatahi's safety comes first.
- 3.8 In a situation where any member of staff believes that a tamariki or rangatahi is in immediate danger, or in a situation where they believe that a third party is not prepared to secure the tamariki or rangatahi's safety by contacting a statutory service, the member of staff, in consultation with the Clinical Advisor or CEO, will inform Oranga Tamariki or the Police of their concerns.
- 3.9 Skylight Trust staff will not act alone about concerns of abuse but will consult with the Skylight Trust CEO and/or Clinical Advisor, who will be committed to taking action as outlined in the procedures. The Director of Operations is also available to consult with.

3.10 **Appendix Two** of this policy sets out an overview for responding to child abuse.

Responding to Disclosure of Abuse from Tamariki or Rangatahi

3.11 Disclosure of abuse may come directly from a tamariki or rangatahi. It is important that staff take what the tamariki or rangatahi says seriously, and respond in a calm, caring and sensitive manner. This applies irrespective of the setting, or the staff member's own opinion on what is being said.

- 3.12 If there is information disclosed regarding actual or suspected abuse staff must:
- stay calm
 - listen and hear
 - give time to the tamariki or rangatahi to say what they want
 - reassure them that they were right to tell
 - tell the tamariki or rangatahi that they are being taken seriously and that they are not to blame
 - explain that they have to pass on what the tamariki or rangatahi has told them as soon as they are aware that the tamariki or rangatahi is making a disclosure
 - give an age-appropriate explanation to the tamariki or rangatahi of what they can expect to happen next
 - record in writing what was said as soon as possible, using the tamariki or rangatahi's own words where possible.
 - Report the concern to the CEO and/or Clinical Advisor .

Staff must not:

- make the tamariki or rangatahi repeat the story unnecessarily
- promise to keep secrets
- enquire into the details of the alleged abuse
- ask leading questions.

3.13 Under no circumstances should staff attempt to conduct an investigation or deal with concerns of abuse themselves.

Reporting Procedures

3.14 All Skylight Trust staff must report concerns or allegations of abuse to the Clinical Advisor or CEO at the first possible opportunity to best ensure the safety of the tamariki or rangatahi. A decision will be made as to whether consultation with any Professional Leader is required. If an immediate response is required to ensure the tamariki or rangatahi's safety, staff should contact the NZ Police and/or Oranga Tamariki directly.

3.15 All concerns or allegations of sexual abuse must be reported to Oranga Tamariki and the NZ Police.

- 3.16 When reporting an incident Skylight Trust staff should:
- Inform the CEO or Clinical Advisor as soon as possible
 - Record in writing all conversations and actions taken and keep these records securely in a Child Protection Register

- Ensure all other internal records are completed as deemed necessary by the CEO or Clinical Advisor
- 3.17 Effective documentation, including referrals and notifications, must include:
- A record of facts, including observations, with times and dates
 - What was said and by whom, using the person's words
 - What action has been taken, by whom and when.

Reporting when Providing Services to Schools or Other Organisations

- 3.18 Consultation and open communication between Skylight Trust and the Professional Leader of the school or organisation in which they provide their services is key to keeping tamariki and rangatahi safe. Prior to the commencement of their services, staff will make themselves aware of who the Professional Leader for that School or organisation is.
- 3.19 Any concerns raised by Skylight Trust staff will be brought to the attention of the Professional Leader of the particular school or organisation, and the Skylight Trust Clinical Advisor, Director of Operations, or CEO. A decision will be made as to whether to seek further advice or make any formal Report of Concern.
- 3.20 The Skylight Trust Clinical Advisor, Director of Operations, and CEO must be kept informed of any decisions made and all actions taken.

Suicidal Concerns and Self Harming Behaviour

- 3.21 It is important to be aware that tamariki and rangatahi can harm themselves or attempt suicide. When thoughts of suicide, or self-harming behaviour, are identified, this must be taken seriously and the Professional Leader (if applicable), Clinical Advisor or CEO notified immediately.
- 3.22 If an immediate response is required to ensure the child's safety, contact the NZ Police and/or Te Haika or the local Mental Health, Addictions and Intellectual Disability Service ("MHAIDS").
- 3.23 Staff will be instructed by the Clinical Advisor or CEO with regards to the completion of any risk assessment or other documentation as deemed necessary.
- 3.24 Self harm, suicide and child protection issues for tamariki and rangatahi can be distressing for both the tamariki or rangatahi, and for Skylight Trust staff. It is important that staff consider their own care and seek help and support from the Clinical Advisor, Director of Operations, or the CEO, or seek external supervision.

Keeping Whānau Informed and Involved

- 3.24 Wherever possible, whānau should participate in the decisions affecting a tamariki or rangatahi and the relationship between the tamariki or rangatahi, and their whānau, should be maintained and strengthened.
- 3.25 Although the parent or caregiver of the tamariki or rangatahi will usually be informed of concerns, there may be times when those with parental responsibility may not be initially informed. This may happen when:
- the parent or caregiver is the alleged offender

- it is possible that the tamariki or rangatahi may be intimidated into silence
- there is a likelihood that evidence will be destroyed
- the tamariki or rangatahi does not want their parent or caregiver involved and they are of an age when they are competent to make that decision. Any decision not to inform the tamariki or rangatahi's whānau based solely on the tamariki or rangatahi's wish should be made with careful consideration and in consultation with the CEO and/or Clinical Advisor .

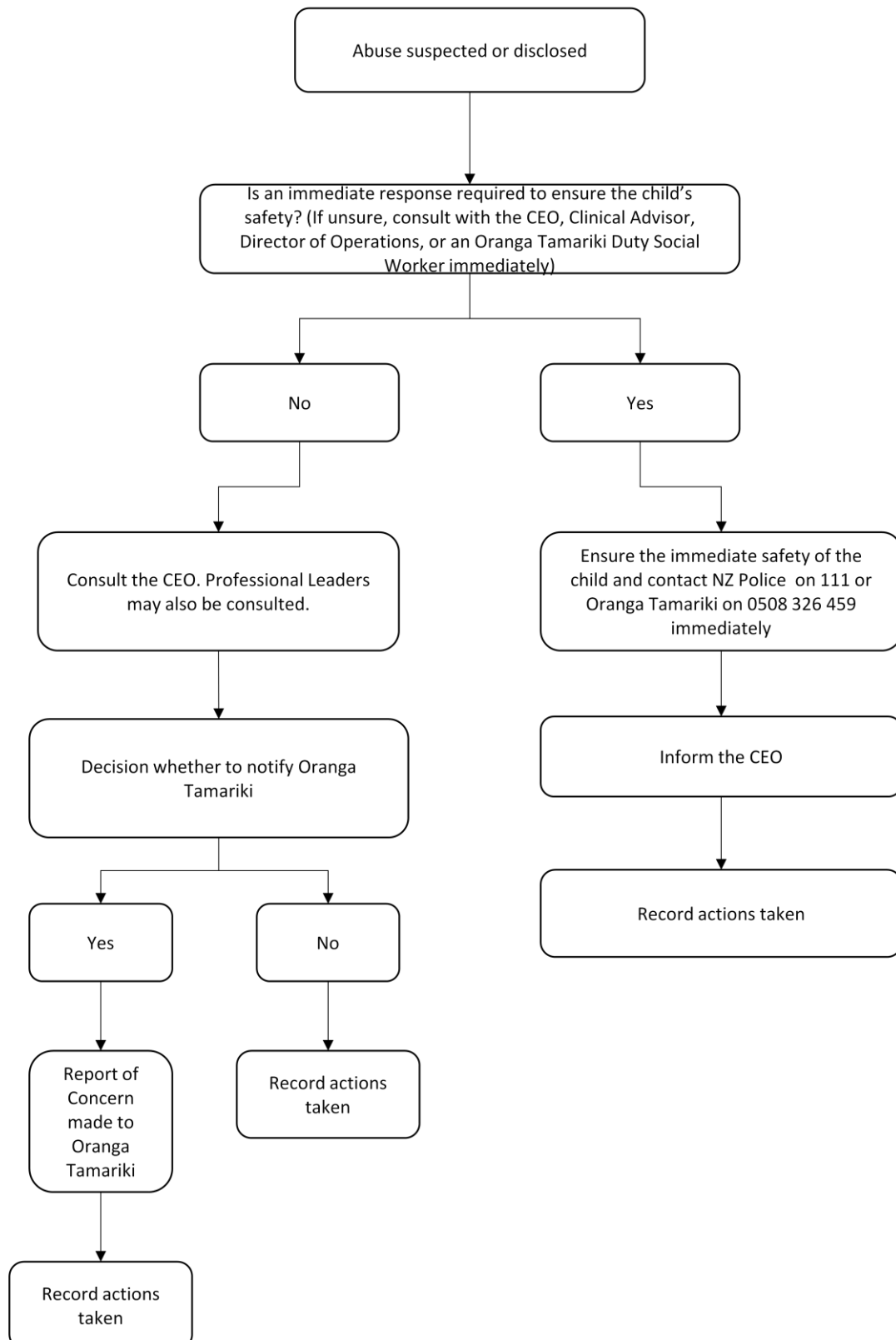
Confidentiality and Information Sharing

- 3.26 The safety of tamariki and rangatahi is paramount and Skylight Trust has a responsibility to know when and how to share appropriate information with external agencies to protect the safety and wellbeing of tamariki and rangatahi.
- 3.27 All staff are required to adhere to the Privacy Act 2020 and the information sharing provisions under the Oranga Tamariki Act 1989, and the Family Violence Act 2018.
- 3.28 Under the Privacy Act 2020, the giving of information to protect tamariki or rangatahi is not a breach of confidentiality. Principle 11 of the Privacy Act 2020, states that the sharing of personal information is allowed if "disclosure of the information is necessary to prevent or lessen a serious threat".
- 3.29 The Oranga Tamariki Act 1989 places the wellbeing and best interests of tamariki and rangatahi as the first and paramount consideration when it comes to the sharing of information. This principle takes precedence over any duty of confidentiality that is owed to the tamariki or rangatahi, their whānau, or any person with whom the tamariki or rangatahi is in a domestic relationship with.
- 3.30 Under the Oranga Tamariki Act 1989, if Skylight Trust staff raise a legitimate concern in good faith about suspected abuse, which proves to be unfounded on investigation, no civil, criminal, or disciplinary proceedings may be brought against that staff member, or against Skylight Trust itself.
- 3.31 **Appendix 3** of this policy provides an overview of the information sharing provisions of the Oranga Tamariki Act 1989 and information sharing considerations.

Relationships with Statutory and Specialist Agencies, and with Professional Leaders

- 3.32 Skylight Trust will maintain good working relationships with Oranga Tamariki and with the NZ Police as they have the statutory powers to intervene. The Skylight Trust CEO and Clinical Advisor will consult with Oranga Tamariki, Police, and with other appropriate agencies that have specialist knowledge to help protect tamariki and rangatahi from abuse.
- 3.33 Skylight Trust will maintain good working relationships with the Professional Leaders of Schools and/or organisations to which they provide services. Skylight Trust staff will consult with Professional Leaders where appropriate in the welfare and best interests of tamariki and rangatahi.

Child Protection Procedures Flowchart:



Section Four: Safe Recruitment

Safe Recruitment

- 4.1 Skylight Trust is committed to ensuring robust recruitment and appointment processes are in place, and are followed, which emphasise the importance of the protection of tamariki and rangatahi, and which ensure that every member of Skylight Trust staff are safe and suitable to work with tamariki and rangatahi.
- 4.2 Before making any appointment, Skylight Trust will complete a robust safety checking process to ascertain the candidate's suitability and safety to work for, or at, Skylight Trust. Depending on the role, this process may include, but is not limited to:

SAFETY CHECKING PROCESS

- *Identity verification check*
- *Employment verification check*
- *Reference check*
- *Professional membership check*
- *New Zealand Police vetting check*
- *Oranga Tamariki check*
- *Risk assessment*
- *Interview(s) with the applicant*

Police Vetting

- 4.3 All staff must undergo police vetting which will be repeated a minimum of every three (3) years.
- 4.4 Until such time as the police vetting has been completed, and the results have been received, all newly appointed Skylight Trust staff working with tamariki and/or rangatahi will be supervised in their role by a Police vetted member of staff and will not be permitted to work alone or carry out any alternative duties.
- 4.5 If the candidate has lived in another country in the last five (5) years, they must supply a background check conducted in that country.

Child Protection Training

- 4.6 All staff of Skylight Trust will be required to be familiar with, and adhere to, the Skylight Trust Child Protection Policy.
- 4.7 Skylight Trust will ensure that everyone in the organisation has adequate and appropriate information about child abuse in order to protect tamariki and rangatahi and to recognise and respond when tamariki and rangatahi are at risk. At a minimum, this will include being provided with an overview of the signs and indicators of abuse, as well as a copy of Skylight Trust's Child Protection Policy and the procedure for responding to actual or suspected abuse.
- 4.8 Staff training on child protection will include an overview of signs and indicators of abuse, as well as the procedure for responding to actual or suspected abuse. This training will include:
- Roles and responsibilities of staff regarding child protection
 - Recognising and responding to the signs and indicators of actual or suspected abuse
 - Ensuring staff receive a copy this Policy, can understand it, and can follow the procedures for reporting a concern.

Support

- 4.10 It is recognised that dealing with child protection cases and concerns can have an impact on the wellbeing of staff. Skylight Trust will offer appropriate support to any member of staff involved with dealing with an abuse case or concern.

Educating Parents, Caregivers, Tamariki, and Rangatahi

- 4.11 Skylight Trust believes that as well as training for staff, education directed at tamariki, rangatahi, their parents and their caregivers is also an important aspect in enhancing the wellbeing of tamariki and rangatahi.

Section Five: Safe Working Practices

- 5.1 A relationship between an adult, and tamariki or rangatahi can never be a relationship between equals. This is because there is a potential for exploitation and harm of tamariki or rangatahi and therefore adults have a responsibility to ensure that an unequal balance of power is not used for personal advantage or gratification.
- 5.2 Staff should always maintain appropriate professional boundaries and avoid behaviour which might be misinterpreted by others. Staff who work with tamariki or rangatahi must act in a way that is considered to be safe practice. This includes, but is not limited to:
- Avoiding situations where they are alone with tamariki or rangatahi. Where this is not practicable, other safety measures must be put in place if possible. These include:
 - i. Ensuring that they are visible to others when with tamariki and/or rangatahi
 - ii. Using an open-door policy
 - iii. Ensuring other adults are aware that one-on-one contact is occurring and for what purpose.
 - Treating all tamariki and rangatahi with respect at all times, regardless of their gender, race, religion, political beliefs, age, physical or mental health, sexual orientation, whānau and social background, and culture, economic status or criminal background
 - Avoiding circumstances where their behaviour (both verbal and physical) may be misinterpreted as hostile, suggestive, inappropriate, offensive, or neglectful
 - Promoting an environment where tamariki and rangatahi feel safe and comfortable in the care and contact of Skylight Trust
 - Acting swiftly to ensure that any perceived risk to a tamariki or rangatahi is immediately reported
 - Ensuring that all interaction and communication with tamariki and rangatahi, by whatever means, is transparent and open to scrutiny.

Physical Contact

- 5.3 There is a necessity to have a balance between the rights of the tamariki and rangatahi and the need for intervention. When physical contact is made with a tamariki or rangatahi this should be in response to their needs at the time, of limited duration and appropriate to their age, stage of development, gender, ethnicity, and background. Staff should always use their professional judgement, observe, and take note of the tamariki or rangatahi's reaction or feelings and use a level of contact and/or form of communication which is acceptable to the tamariki or rangatahi for the minimum amount of time necessary.

Communication

- 5.4 Any communication between tamariki, rangatahi, and adults, by whatever method, should take place within clear and professional boundaries. This includes technology such as mobile phone, text messaging, emails, digital cameras, videos, webcams, websites, social media, and blogs.

- 5.5 Staff should not share any personal information with a tamariki or rangatahi. They should not request, or respond to, any personal information from the tamariki or rangatahi other than that which might be appropriate as part of their professional role.
- 5.6 Staff should ensure that all communications are transparent and open to scrutiny.
- 5.7 All communication between staff and tamariki and rangatahi should be for professional purposes only. At no time should communication be for personal reasons or to entice a friendship or relationship with a tamariki or rangatahi.

Compliance with the Safe Working Practices of Schools and Organisation in which Skylight Trust Provide Services

- 5.8 Skylight Trust staff must ensure that they are aware of, and comply with, the safe working practices in place for the schools or organisation in which they work and are assigned, as well as those of outlined in the Skylight Trust Child Protection Policy.
- 5.9 In the event that inconsistencies and/or conflicts arise between the child protection procedures of the particular School or organisation and Skylight Trust, the child protection procedures of Skylight Trust will prevail. The Director of Operations must be notified of the particular inconsistencies and/or conflicts and liaise directly with the relevant Professional Leader to ensure the most appropriate safe working practices are in place for the safety and wellbeing of the tamariki and rangatahi involved, as well as for the protection of Skylight Trust staff themselves.

Under no circumstances should staff attempt to conduct an investigation or deal with concerns of abuse themselves

Section Six: Allegations Against Skylight Trust Staff

Allegations Against Staff

- 6.1 Allegations, suspicions, concerns, or complaints of abuse against staff will be taken seriously and reported directly to the CEO who, along with the Skylight Trust Director of Operations, will deal with them immediately, sensitively and expediently within the procedures outlined in this policy. Skylight Trust will always act in the best interests of the tamariki or rangatahi.
- 6.2 When there are suspicions of abuse by a staff member, both the member of staff and the tamariki or rangatahi's rights are to be upheld. This means that the safety of the tamariki or rangatahi is of first concern, and that the member of staff must have access to legal and professional advice, in accordance with the Employment Relations Act 2000.
- 6.3 Where there are concerns that safe working practices have not been adhered to, Skylight Trust may remove a member of staff from a particular role, school, or organisation, until such time as a risk assessment has been carried out and it is satisfied that the staff member is safe and suitable to continue working with tamariki and rangatahi.
- 6.4 In all child protection cases, Skylight Trust will co-operate fully with Oranga Tamariki and the Police in their investigations and assessments.
- 6.5 If the Police decide to undertake a criminal investigation, then the member of staff will be suspended. It is important that no internal investigation is undertaken, and no evidence gathered that might prejudice an official Police or Oranga Tamariki investigation.
- 6.6 If there is insufficient evidence to pursue a criminal prosecution, then an internal disciplinary investigation may still be undertaken subject to internal disciplinary procedures.
- 6.7 Skylight Trust does not support the use of settlement agreements. Some settlement agreements allow staff 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 tamariki or rangatahi, the use of such agreements is contrary to a culture of child protection.
- 6.8 A person tendering his or her resignation, ceasing to provide their services to Skylight Trust, or ceasing their involvement with Skylight Trust, will not prevent an allegation of abuse against tamariki or rangatahi being followed up in accordance with these procedures.
- 6.9 The fact that an alleged offender has not been prosecuted or been found guilty does not necessarily mean that they are appropriate to continue to work with tamariki and/or rangatahi at Skylight Trust. A risk assessment must be carried out before allowing the person to return to their duties, or any alternative duties, in any capacity. When making any decisions, Skylight Trust will, at all times, place the safety and wellbeing of tamariki and rangatahi as the paramount consideration.

Appendices

Appendix 1: Indicators of Abuse

The [indicators](#) for child abuse and neglect fall into three general categories:

- Physical indicators:** Injuries to a child that occur in a pattern or occur frequently. These injuries range from bruises to broken bones to burns or unusual lacerations and are often unexplained or inconsistent with the explanation given
- Behavioural indicators:** The child's actions, attitudes, and emotions can indicate the possibility of abuse or neglect. Behavioural indicators alone are much less reliable than physical indicators, as a child's behaviour may be the result of a variety of other problems or conditions. When observing changes in behaviour, look for the frequency and pattern of the new behaviour, as well as a child's age and stage of development. For example, it is normal for younger children to be wary of adults, as they may have been taught not to talk to strangers. Look for a combination of physical and behavioural indicators.
- Caregiver indicators:** Caregivers who abuse, neglect, or exploit children are either unable or unwilling to provide care and protection in an appropriate way. Those who are unable to provide care and protection may be physically unable due to their own medical or health condition. They may be overly stressed, tired, or working under the influence of drugs or alcohol which limits their abilities. Caregivers who are unwilling to provide children with the appropriate level of care and protection are more aware that what they are doing is wrong but continue to act in that way. These caregivers may not view the child as someone who has feelings and emotions and often have the need to control others or have displaced aggression towards weaker persons.

The indicators alone do not prove child abuse or neglect. Likewise, the absence of indicators does not exclude the possibility that abuse is occurring. If you have any concerns about the wellbeing of a child, seek advice from the Clinical Advisor, Director of Operations, CEO, or an Oranga Tamariki Duty Social Worker.

Emotional Abuse Indicators

- Physical Indicators:
 - Bed wetting or bed soiling with no medical cause
 - Frequent psychosomatic complaints (e.g. headaches, nausea, abdominal pains)

- Non-organic failure to thrive
 - Pale, emaciated
 - Prolonged vomiting and/or diarrhoea
 - Malnutrition
 - Dressed differently to other children in the whānau
- Behavioural Indicators:
 - Severe developmental lags with obvious physical cause
 - Depression, anxiety, withdrawal, or aggression
 - Self-destructive behaviour. This can include self-harm, suicide, alcohol, and drug abuse
 - Overly compliant
 - Extreme attention seeking behaviours or extreme inhibition
 - Running away from home, avoiding attending at school
 - Nightmares, poor sleeping patterns
 - Anti-social behaviours
 - Lack of self esteem
 - Obsessive behaviours
 - Eating disorders
 - Caregiver Indicators:
 - Labels the child as inferior or publicly humiliates the child (e.g. name calling)
 - Treats the child differently from siblings or peers in ways that suggest dislike for the child
 - Actively refuses to help the child
 - Constantly threatens the child with physical harm or death
 - Locks the child in a closet or room for extended periods of time
 - Teaches or reinforces criminal behaviour
 - Withholds physical and verbal affection
 - Keeps the child at home in role of servant or surrogate parent
 - Has unrealistic expectations of child
 - Involves child in adult issues such as separation or disputes over child's care
 - Exposes child to situations of arguing and violence in the home

Neglect Indicators

- Physical Indicators:
 - Dressed inappropriately for the season or the weather
 - Often extremely dirty and unwashed

- Regularly attends school without lunch
 - Severe nappy rash or other persistent skin disorders
 - Inadequately supervised or left unattended frequently or for long periods
 - May be left in the care of an inappropriate adult
 - Does not receive adequate medical or dental care
 - Malnourished - this can be both underweight and overweight
 - Lacks adequate shelter
 - Non-organic failure to thrive
- Behavioural Indicators:
- Severe developmental lags without an obvious physical cause
 - Lack of attachment to parents/caregivers
 - Indiscriminate attachment to other adults
 - Poor school attendance and performance
 - Demanding of affection and attention
 - Engages in risk taking behaviour such as drug and alcohol abuse
 - May steal food
 - Poor social skills
 - No understanding of basic hygiene
- Caregiver Indicators:
- Puts own need ahead of child's
 - Fails to provide child's basic needs
 - Demonstrates little or no interest in child's life - does not attend school activities, social events
 - Leaves the child alone or inappropriately supervised
 - Drug and alcohol use
 - Depression

Physical Abuse Indicators

- Physical Indicators:
- Bruises, welts, cuts, and abrasions
 - Burns - small circular burns, immersion burns, rope burns etc
 - Fractures and dislocations - skull, facial bones, spinal fractures etc
 - Multiple fractures at different stages of healing
 - Fractures in very young children

- Behavioural Indicators:
 - Inconsistent or vague explanations regarding injuries
 - Wary of adults or a particular person
 - Vacant stare or frozen watchfulness
 - Cringing or flinching if touched unexpectedly
 - May be extremely compliant and eager to please
 - Dresses inappropriately to hide bruising or injuries
 - Runs away from home or is afraid to go home
 - May regress (e.g. bedwetting)
 - May indicate general sadness
 - Could have vision or hearing delay
 - Is violent to other children or animals
- Caregiver Indicators:
 - Inconsistent or vague explanations regarding injuries
 - May appear unconcerned about child's wellbeing
 - May state the child is prone to injuries or lies about how they occur
 - Delays in seeking medical attention
 - May take the child to multiple medical appointments and seek medical treatment without an obvious need

Sexual Abuse Indicators

- Physical Indicators:
 - Unusual or excessive itching or pain in the genital or anal area
 - Torn, stained or bloody underclothing
 - Bruises, lacerations, redness, swelling or bleeding in genital, vaginal or anal area
 - Blood in urine or stools
 - Sexually transmitted infections
 - Pregnancy
 - Discomfort in sitting or fidgeting as unable to sit comfortably
- Behavioural Indicators:
 - Age-inappropriate sexual play or language
 - Bizarre, sophisticated, or unusual sexual knowledge
 - Refuses to go home, or to a specific person's home, for no apparent reason
 - Fear of a certain person
 - Depression, anxiety, withdrawal, or aggression
 - Self-destructive behaviour. This can include self-harm, suicide, alcohol, and drug abuse
 - Overly compliant

- Extreme attention seeking behaviours or extreme inhibition
 - Dresses inappropriately to hide bruising or injuries
 - Eating disorders
 - Compulsive behaviours
- Caregiver Indicators:
- May be unusually over-protective of the child
 - Accuses the child of being sexually provocative
 - Misuses alcohol or drugs
 - Invades the child's privacy (e.g. during dressing, in the bathroom)
 - May favour the victim over other children

Whānau Violence Indicators

- Indicators in the Child:
- Physical injuries consistent with the indicators of Physical Abuse
 - Absenteeism from school
 - Bullying or aggressive behaviour
 - Complaints of headaches or stomach aches with no apparent medical reason
 - Talking or describing violent behaviours
- Indicators in the Victim:
- Physical Injuries including: bruising to chest and abdomen, injuries during pregnancy
 - Depression and/or anxiety
 - Inconsistent explanations for injuries
 - Fearful
 - Submissive
- Indicators in the Offender:
- Isolates and controls partner and children
 - Threatens, criticises, intimidates, uses aggressive and physical abuse towards partner and children
 - Minimises and denies own behaviour, or blames victim for the perpetrator's own behaviour

Appendix 2: Information Sharing Overview:

SAFETY COMES FIRST:

In all instances personal information can be shared with child welfare and protection agencies or independent child protection persons if there are concerns about a tamariki or rangatahi's safety and wellbeing.

The wellbeing and best interests of tamariki and rangatahi are to be the first and paramount consideration.

PROTECTION WHEN SHARING:

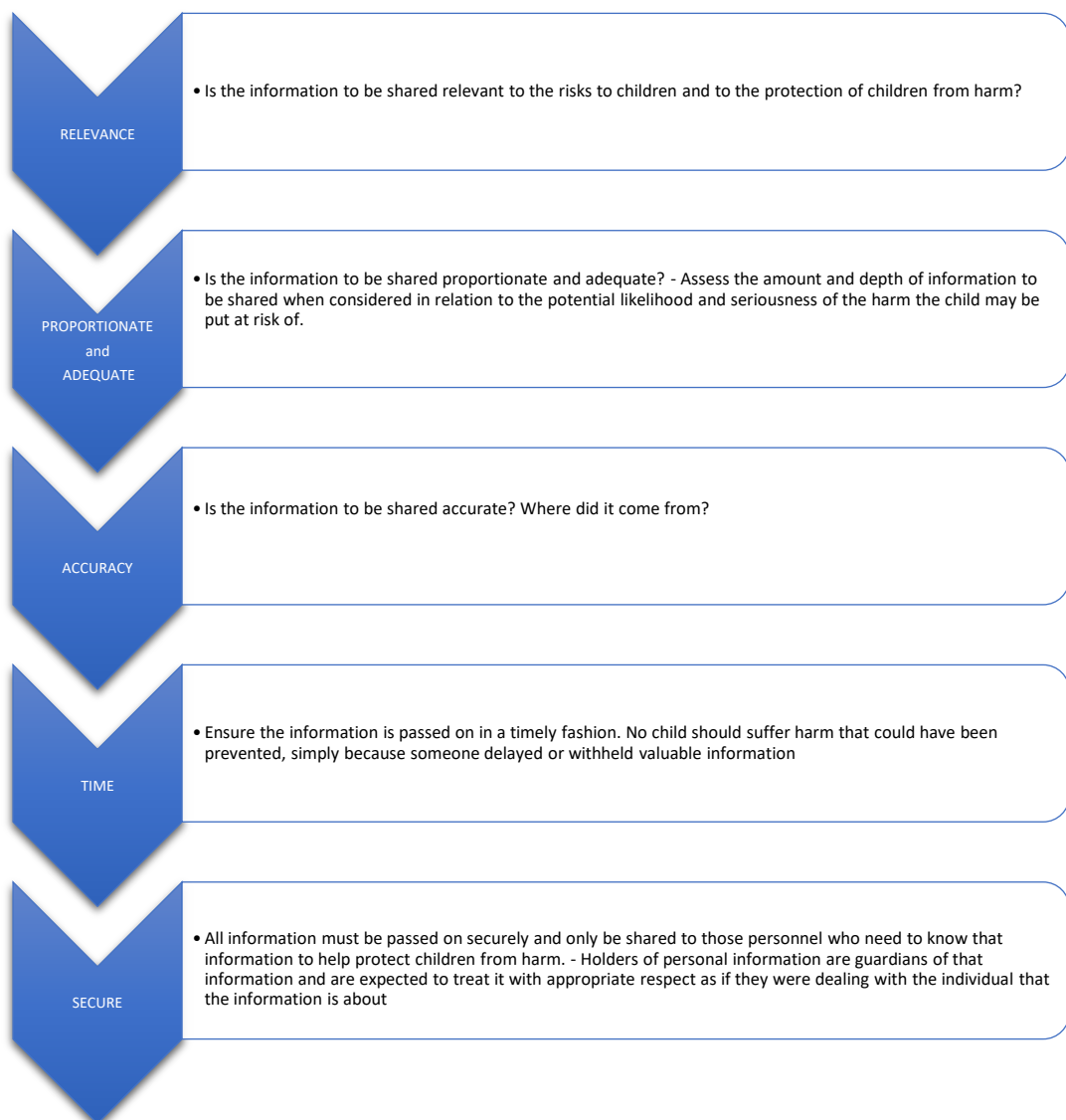
If information is shared in good faith, meaning that you are making every effort to do the right thing, and if that sharing complies with the information sharing provisions, you are protected from civil, criminal, or disciplinary proceedings. (NOTE: Keeping good records about information you have shared and why is important to help demonstrate you shared in good faith.)

PRIVACY:

The principles of the Privacy Act 2020 must be followed by Skylight Trust when collecting, storing, using, or disclosing personal information. When there is conflict between the Oranga Tamariki Act 1989 and the Privacy Act 2020, the Oranga Tamariki Act 1989 **prevails**.

WHEN IT COMES TO INFORMATION SHARING THE WELLBEING AND BEST INTERESTS OF TAMARIKI AND RANGATAHI ARE TO BE THE FIRST AND PARAMOUNT CONSIDERATIONS

CONSIDER:



Appendix 3: Key points to remember when reporting

KEY POINTS

RESPOND:	Respond to the person (adult, or child) – Believe what they tell you and/or what you see.
SAFETY:	Ensure the safety of the tamariki or rangatahi. Always take action in the short term to ensure the immediate safety of the tamariki or rangatahi. This will mean contacting the NZ Police (111) and Oranga Tamariki (0508 326 459) if you think there is an immediate risk.
RECORD:	Record immediately all initial statements, observations, and concerns to avoid misinterpretations or confusion at a later date.
CONSULT:	Do not make decisions alone. Consult with your Child Protection Policy, your CEO, your Clinical Advisor, or your Director of Operations.
REPORT:	Decide to act on your concerns. If you have told the person you believe is responsible for taking action and they do not act, take further action yourself.
SUPPORT:	Seek support for yourself. Responding to a child protection issue can be stressful.

Appendix 4: Contact List

CONTACT LIST

The Chief Executive Officer is:

Kathryn Ross
(027 271 6442)

The Clinical Advisor is:

Jenny Devine
(027 327 7385)

The Director of Operations is:

Amanda Gregan
(027 88 45 169)

The Chairperson of Skylight Trust is:

Dr Nicole Coupe
(021 758 562)

Ministry for Children - Oranga Tamariki

0508 326 0459

New Zealand Police

111

Child Matters

07 838 3370

Appendix 5: Template Record of Issue or Concern

RECORD OF ISSUE OR CONCERN

Any member of Skylight Trust staff who suspects the abuse or neglect of a child, or whom a concern has been disclosed to, must complete this form. It is a tool to assist with recording factual observations in accordance with Skylight Trust's Child Protection Policy

Name of Child :	DOB:
Date:	Time:
Name of Parent/s/Guardian/s: Contact Details:	
Name of School/Organisation: Name of Professional Leader:	
Issue or Concern	
<p><u>Issue or Concern:</u></p> <ul style="list-style-type: none"> - What is the concern for this child? - What has prompted you to complete the Record of Issue or Concern? <p>NOTE: This is a record of the facts. Remember to record:</p> <ul style="list-style-type: none"> • observations • times and dates • what was said, and by whom – Use the persons own words if possible <hr/>	

Additional Information:

- *Is there any additional information that needs to be disclosed or may be helpful for Skylight Trust or statutory authorities to know?*

NOTE: *At times incidents viewed in isolation may not be cause for concern however, when viewed in relation to other incidents these can form a larger picture of concern*

Action:

- *What action has been taken?*

- Have statutory authorities been consulted? If so, record those details.
- Why was this action taken/Not taken? (Clearly identify and explain the reasons)
- By whom was this action taken, and when?
- Who has been informed?

Follow Up:

- Next steps
- Is a follow up required? If yes, by whom and when?

Signed:		Date:	
Full Name:			
Position:			
Contact Details:			

Please give this form to the Skylight Trust Chief Executive Officer or Director of Operations.

(CEO/Director of Operations to complete)

I, (Full name and position)..... confirm that the above record of issue or concern has been brought to my attention and consultation with the person making the record of issue or concern, and named above, has taken place. The record of issue or concern will be held securely and confidentially.

The following action has been taken:

Signed

Dated

Contact Details (Phone/Email)