

Ministry of Justice – Child Protection Policy

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Introduction

Purpose

The purpose of this policy is to articulate the Ministry's commitment to ensuring the wellbeing and safety of children and young persons.

The Ministry recognises that in the delivery of our services there may be a genuine and significant opportunity to identify the abuse and neglect of children that might otherwise be undetected.

Scope

This policy applies to:

- All employees of the Ministry (who must have an awareness of this policy).
- All staff who may have contact with children in the course of their duties (who must understand the identification and reporting aspects of this policy).

Responsibilities

- Managers are responsible for ensuring their staff understand and adhere to this policy.
- Managers responsible for contracted or approved services are required to assess their service providers and ensure that they understand the requirement for and have in place a child protection policy.
- The Ministry's designated person for child protection is responsible for ensuring the Ministry meets its obligations under section 16 of the Vulnerable Children Act.

Publication and Review

- This policy will be published on the Ministry's website.
- This policy will be reviewed every three years.
- Following review, this policy will be approved by the Chief Executive or his delegated representative.

Policy Review

This Policy must be reviewed at least every three years.

Reviewed	Completed By	Issue Date	Next review date
Original version		20 August 2015	20 August 2015

Policy Authorisation

Authorisation

This Policy has been authorised by

Name	Role	Review / Sign Off
Sarah Turner	On behalf of Chief Executive of the Ministry of Justice	Sign Off

Policy

This policy sets out how the Ministry of Justice will protect the interests of children and young people.

Key principles

- The Ministry of Justice will make sure that all staff whose work involves contact with children are able to identify the signs of potential abuse and neglect and respond appropriately.
- The Ministry of Justice will support staff to follow this policy and to work with our partner agencies and organisations to make sure their child protection policies are consistent and high quality.
- The Ministry of Justice will handle concerns about suspected abuse and neglect in a way that respects individual privacy.
- All staff know they can report suspected child abuse and neglect to Child, Youth and Family (CYF) or the Police (section 15 of the Children, Young Persons, and Their Families Act 1989). Staff will cooperate with Child, Youth and Family or the Police where those agencies are already involved with the child.

Definitions

The following definitions apply to this policy:

- **The Act** – the Vulnerable Children Act 2014.
- **Child** – any child or young person aged under 17 years who is not married or in a civil union.
- **Child protection** – activities carried out to make sure children are safe where there is suspected abuse or neglect or the risk of abuse or neglect.
- **Children’s services** – any of the following:
 - (a) services provided to 1 or more children
 - (b) services provided to adults in respect of 1 or more children
 - (c) services – prescribed in regulations made under the Act provided to adults living in households that include 1 or more children, and that do or may affect significantly any 1 or more aspects of the wellbeing of those children.
- **Designated person for child protection** – the Senior Manager with responsibility for ensuring the Ministry meets its obligations with respect to section 16 of the Vulnerable Children’s Act 2014.
- **Disclosure – information about abuse or neglect that** is given to a staff member by a child, parent or caregiver or a third party.
- **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 or 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, as well as isolating, corrupting, exploiting or terrorising a child
 - exposure to family/whānau or intimate partner violence.
- **Neglect** – a persistent failure to meet the basic needs of a child. 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, not enrolling the child in education or not paying attention to their education needs).

Many of these definitions come from the [Children's Action Plan guidelines 'Safer organisations, safer children'](#)

Identifying and reporting child abuse and neglect

Identifying potential abuse or neglect

Staff should know the signs of potential abuse and neglect.

Each situation is different and staff must look at all the available information about a child and their environment before deciding what they need to do.

The [CYF guide 'Working Together'](#) has more information on identifying abuse and neglect.

Responding to the child

If the child is in immediate danger, staff must call the Police. If the child is not in immediate danger, staff should talk with their manager before deciding what to do.

The [CYF guide 'Working Together'](#) has more information on responding to child abuse and neglect.

Reporting child abuse and neglect

The Ministry of Justice expects that staff will proactively respond to all instances of suspected abuse or neglect:

- If the child is in immediate danger, staff should notify the Police.
- If staff identify the suspected abuse or neglect:
 - in the context of court proceedings, (for example, it is disclosed in affidavits or given as evidence in court) and staff have a concern that the Police or CYF have not been informed, they should tell their manager who will discuss with the judge.
 - outside of court proceedings and the child is not in immediate danger, then the staff member should tell their manager. Their manager will then look at the evidence provided and decide if they need to call CYF.
- There is an existing protocol for reporting by judges.

Other policy statements

Regulatory requirements

The Vulnerable Children Act requires the Ministry of Justice to:

- adopt, make available, and regularly review a child protection policy, if the Ministry provides or becomes a provider of children's services.
- make sure that contractors and service providers funded by the Ministry to provide children's services adopt and regularly review a child protection policy.
- report annually on whether and to what extent the Ministry has adopted and implemented a child protection policy, and whether contracts and funding arrangements have complied with requirements regarding child protection policies.

The Ministry's core business does not currently include providing children's services. However, children and young people may be involved in court proceedings, and may come into contact with court staff. For this reason the Ministry considers it appropriate to adopt a child protection policy.

The requirement to make sure that contractors and service providers funded by the Ministry adopt a child protection policy is in the 'Responsibilities' section of this policy.

Training

Managers will make sure staff are trained appropriately:

- All staff should be aware of the principles and processes in this policy.
- Staff who may have contact with children as part of their job must understand how to identify and report child abuse and neglect. These staff should be trained when they start their role and then every three years.

Confidentiality and information sharing

The Privacy Act 1993 and the Children, Young Persons, and Their Families Act 1989 (CYPF Act) says that information can be shared to keep children safe when abuse or suspected abuse is reported or investigated.

Electronic and paper information should be stored securely and not discussed in an open area.

Contracted service providers

All service providers who deliver children's services must be contractually obliged to have a child protection policy in place.

All new service providers must be assessed against the requirements of the Act to determine if they need to have a child protection policy.

The Ministry may audit its service providers to check if they have an appropriate policy and that the provider's staff understand that they need to identify and report child abuse and neglect.

Appendix 1

The relevant provisions in the Act are set out below

Definition of children's services

15 Interpretation

1 In this Part, unless the context otherwise requires

...

children's services means services that are any of the following:

- (a) services provided to 1 or more children:
- (b) services to adults in respect of 1 or more children:
- (c) services provided to adults living in households that include 1 or more children, and that—
 - (i) do or may affect significantly any 1 or more aspects of the well-being of those children; and
 - (ii) are for the time being prescribed under subsection (2):
- (d) services provided in respect of children that are for the time being prescribed under subsection (3)

Requirement for child protection policies

16 Prescribed State services to adopt, report on, and require child protection policies

The chief executive of a prescribed State service must ensure that the service,—

- (a) if, after the commencement (under section 2(1)) of this section, the service is or becomes a provider of children's services,—
 - (i) adopts, as soon as is practicable, a child protection policy; and
 - (ii) ensures that a copy of the policy is available on an Internet site maintained by or on behalf of the service; and
 - (iii) reviews the policy within 3 years of the date of its first adoption, or of its most recent review, under this section; and
- (b) ensures that every contract, or funding arrangement, that after that commencement the chief executive or the service (in either case, acting on the Crown's behalf, or independently) enters into with an independent person requires the person as soon as is practicable to adopt (and to review in accordance with paragraph (a)(iii)) a child protection policy if, in the opinion of the chief executive of the State service,—
 - (i) the person is or becomes a provider of children's services; and
 - (ii) some or all of the contract or arrangement is about providing children's services; and
- (c) reports in its annual report (under section 43 of the Public Finance Act 1989 or another enactment) on whether, or on the extent to which,—
 - (i) its operations have implemented any policy it is required to adopt under paragraph (a)(i); and
 - (ii) its contracts and funding arrangements have complied with paragraph (b).

Appendix 2

Roles and Responsibilities in relation to the Child Protection Policy

Role	Responsibilities
Deputy Secretary with responsibility for the Ministry meeting its obligations under the Vulnerable Children Act	<ul style="list-style-type: none"> • Is the designated person for child protection within the Ministry • Must satisfy him/ herself that the Ministry is meeting its obligations under section 16 of the Vulnerable Children Act including: <ul style="list-style-type: none"> ○ The implementation of the child protection policy (responsibility for components of the policy are distributed through the Ministry as noted below) ○ The child protection policy is reviewed, updated and published ○ contracted children’s services (as defined in the Vulnerable Children Act) are required to have in place child protection policies ○ annual reporting requirement is met • Escalates any issues requiring strategic leadership attention • Provides support and advice to Managers in relation to application and interpretation of the policy • Links with Children’s Action Plan directorate regarding policy (reporting and changes) • Approves and promotes the policy
Managers	<ul style="list-style-type: none"> • Ensure staff: <ul style="list-style-type: none"> - understand and adhere to this policy - are aware of the principles and processes in this policy - that have contact with children as part of their job, understand how to identify and report child abuse and neglect (trained on induction and every three years) • If responsible for contracted or approved services, assess and ensure service providers understand the requirement for, and have in place, a child protection policy. • Escalates concerns to designated person for child protection about the application or interpretation of the policy
All Ministry Staff	<ul style="list-style-type: none"> • Understand and adhere to this policy • Be aware of the principles and processes in this policy • If they have contact with children as part of their job or manage staff who have contact with children, understand how to identify and report child abuse and neglect (trained on induction and every three years).
People and Performance	<ul style="list-style-type: none"> • Develop and update training and awareness material to implement this policy
Courts	<ul style="list-style-type: none"> • Develop and maintain procedures for implementing this policy
Corporate	<ul style="list-style-type: none"> • Collates information in relation to Annual report in relation to the implementation of this policy

Notification Process workflow



