

## Protection of children, young persons and vulnerable adults

First Produced:	April 2016	Authorisation:	Te Kāhui Manukura
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Past Revisions:	N/A	Responsible:	Director, Corporate Services
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Applies From:	Immediately		

## Introduction

### 1.1 Purpose

To identify, support, and protect children, young persons, and vulnerable adults receiving services at Ara Institute of Canterbury by specifying the actions, policies, procedures, and protocols intended to protect their safety and wellbeing.

To demonstrate our organisation's commitment to and compliance with the Vulnerable Children's Act 2014.

### 1.2 Scope and Application

This policy applies to all managers, employees, contractors, and volunteers working at or for Ara in whatever capacity.

This policy should be read in conjunction with the protection of children, young persons, and vulnerable adults guideline.

### 1.3 Formal Delegations

Any decision to appoint a candidate with a criminal conviction must be confirmed by the CEO or delegate.

### 1.4 Definitions

- a **Child / young person** Any child [tamariki] or young person [rangatahi] under the age of 18 years.
- b **Vulnerable adult** Any adult student by reason of disability, age, illness or NESB (non-English speaking background) which makes them more vulnerable than the ordinary person.
- c **Protection** The actions, policies, procedures, and protocols intended to ensure the safety of children, young persons, and vulnerable adults.
- d **Safety checking** The process of safer recruitment and ongoing employment or engagement checks— mandatory for Ara – made up of identity checks, reference checks, police vetting, and risk assessments.

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- e **Identity checks** The process to establish and confirm a person’s identity by physically sighting the required identification documents against an individual.
- f **Police vetting** Criminal conviction information held by the Ministry of Justice accessed by the NZ Police and released in accordance with the Criminal Records (Clean Slate) Act 2004.
- g **Risk assessments** The process of interviewing and evaluating all of the information collected about a person with a criminal conviction and determining the risks for students and Ara.
- h **Child abuse** The harming (whether physically, emotionally, or sexually) ill treatment, abuse, neglect or serious deprivation of any child or young person.
- i **Neglect** Any act or omission that results in impaired physical or psychological functioning or development of a child, youth or vulnerable adult.
- j **Child Youth and Family [CYF]** The government agency which carries out the legislative requirements of the Children, Young Persons, and their Families Act 1989.
- k **NZ Police** The NZ Police are responsible for enforcing criminal law, enhancing public safety, maintaining order and keeping the peace throughout New Zealand
- l **Vulnerable Children Act 2014** The Act forms a significant part of comprehensive measures to protect and improve the wellbeing of vulnerable children and strengthen our child protection system.
- m **Human Resources** The section within the Ara management structure which deals with recruitment, employment, and the resolution of issues concerning staff performance or conduct.
- n **Protection Officer** The staff member within the Human Resources section appointed to manage protection issues under this policy.
- o **Protection Training** The initiatives designed to ensure that all relevant staff are familiar with this policy, the commitments in it, and the responsibilities of staff to protect children, young persons, and vulnerable adults.
- p **Protection Guidelines** The guideline informs and supports HR staff and managers in carrying out processes associated with the protection of children, young persons and vulnerable adults.

<p><b>Related Ara Institute of Canterbury Procedures</b> (indicate if attached to policy or where they can be found)</p> <ul style="list-style-type: none"> <li>Recruitment Selection and Appointment of Staff</li> <li>Ara Code of Professional Practice</li> </ul>	<p><b>Related Ara Institute of Canterbury Policies</b></p> <ul style="list-style-type: none"> <li>CPP117 Raising Problems or Complaints</li> <li>CPP208 Resolving Staff Performance or Conduct Issues</li> <li>CPP209 Harassment Prevention</li> <li>CPP204 Equal Employment Opportunities</li> <li>CPP219 End of Employment</li> <li>CPP214 Human Resources Management</li> </ul>
<p><b>Related Legislation or Other Documentation</b></p> <ul style="list-style-type: none"> <li>Vulnerable Children Act 2014</li> <li>Vulnerable Children Act Commencement Order 2015</li> <li>Privacy (Information Sharing Agreement for Improving Public Services for Vulnerable Children) Order 2015</li> </ul>	<p><b>Good Practice Guidelines</b>(indicate if attached to policy or where they can be found)</p> <ul style="list-style-type: none"> <li>Children’s Action Plan website He Taonga Te Tamariki</li> <li>Protection of children, young persons and vulnerable adults Guideline (<i>under development</i>)</li> </ul>

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## 2 Principles

- 2.1 Ara will promote a culture (including policies, protocols, and procedures) in which the safety and wellbeing of children, young persons, and vulnerable adults is a priority.
- 2.2 Ara will ensure that all potential employees, staff, contractors and volunteers who interact with students under the age of 18 years and/or vulnerable adults undergo safety checking (as defined).
- 2.3 Ara will ensure that all staff who interact with students under the age of 18 years and/or vulnerable adults are able to identify the signs and symptoms of abuse and neglect or the potential for abuse and neglect.
- 2.4 Ara will provide a process by which any one can safely and confidentially raise a concern about the potential for or actual abuse or neglect of a child, young person, or vulnerable adult.
- 2.5 Ara will treat all people affected by this policy fairly in a balanced and culturally sensitive way including opportunities to respond to concerns and appeal decisions.

## 3 Associated procedures for the Ara Corporate Policy on: Protection of children, young persons and vulnerable adults

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<b>Contents:</b>	3.1	Safety checking
	3.2	Identifying, responding to, and reporting abuse and neglect
	3.3	Confidentiality and information sharing
	3.4	Training, education, and support

### 3.1 Safety checking

- a Human Resources determine which staff undergo safety checking and ensure that this policy is adhered to.
- b Safety checking may include:
  - (i) Identity checking
  - (ii) NZ Police vetting
  - (iii) Ministry of Justice criminal conviction history checks
  - (iv) Overseas criminal conviction history checks
  - (v) Reference checking
  - (vi) Interviews
  - (vii) Professional membership confirmation
  - (viii) Verification of qualifications
  - (ix) Verification of employment history
  - (x) Any other verification, check or risk assessment that Human Resources deem appropriate
- c Safety checking can be carried out at any of these times:
  - (i) Prior to employment or engagement

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- (ii) At regular intervals during employment or engagement
  - (iii) At any other time determined by the Chief Executive if necessary to uphold this policy's purpose.
- d In the event that a result is returned from the safety checking, a risk assessment process will be completed. Possible outcomes of safety checking/ risk assessment include:
  - (i) A prospective employee, contractor, or volunteer not being offered employment or engaged for services.
  - (ii) Disciplinary action.
  - (iii) Termination of employment or engagement.
  - (iv) Limitation of duties.
- e On the basis of a risk assessment report, any decision to appoint a candidate with a criminal conviction must be confirmed by the CEO or delegate.
- f Exemptions
 

Any person who is not appointed, or is disciplined, or terminated under this policy because of a conviction for a specified offence may apply to the Ministry of Social Development for an exemption.

An exemption may be granted only if the Ministry of Social Development is satisfied that the person does not pose an undue risk. The exemption may be qualified or contain conditions and may be revoked at any time.

On the basis of a risk assessment report, any decision to appoint a candidate with an exemption for a specified offence must be confirmed by the CEO, or delegate.
- g Declaration of convictions or criminal charges
 

All staff are required to declare to Human Resources all convictions unless they are covered by the Criminal Records (Clean Slate) Act 2004. This includes any convictions gained during employment at Ara and any potential pending criminal charges.

### **3.2 Identifying, responding to, and reporting abuse and neglect**

- a All staff who interact with students under the age of 18 years and/or vulnerable adults must be able to identify the signs and symptoms of abuse and neglect or the potential for abuse and neglect.
- b The overall wellbeing and risk to harm of the child, young person, or vulnerable adult must be considered sensitively and in the context of their lives when responding to any concern or allegation.
- c All staff have a responsibility to report any protection concerns including suspected abuse or neglect, at the first point of becoming aware, to their Manager, a member of Te Kāhui Manukura, or the Protection Officer.
- d All concerns reported must be notified to the Chief Executive, or delegate, for their information.
- e Depending on the nature, seriousness, and evidence of any allegation, the Protection Officer (or another staff member delegated by the Chief Executive or Student Services Director) will notify the appropriate agency e.g. CYF or the Police, as soon as possible.

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- f Allegations or concerns about staff will be handled by Human Resources under the *Resolving Staff Performance or Conduct Issues* policy or other relevant policy.

### **3.3 Confidentiality and information sharing**

- a All notes, observations, and reports involving protection under this policy will be held confidentially in Human Resources.
- b The provisions of the *Privacy Act 1993*, the *Children, Young Persons and their Families Act 1989*, and the *Vulnerable Children Act 2014* will apply.
- c Communication with a student's parents, guardians, or care givers will be managed by the Protection Officer (or another staff member delegated by the Chief Executive or Student Services Director).

### **3.4 Training, education, and support**

- a Human Resources will ensure that up to date information regarding the protection of children, young persons and vulnerable adults is available to all staff.
- b All staff who have or are expected to have contact with children, young persons, or vulnerable adults are required to complete and remain current in Protection Training.

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