



LifeLinks

Nga Oranga Mekameka
A Division of Compensation Advisory Services Ltd

Policy Purongo

Child Protection, Wellbeing and Information Sharing Policy and Procedures

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CHILD PROTECTION, WELLBEING, AND INFORMATION SHARING POLICY AND PROCEDURES

1. Executive Summary

LifeLinks is committed to the protection of children/tamariki and young people/rangatahi. A paramount goal of our company is to ensure the wellbeing and safety of children and young people, including the prevention of child abuse, neglect and maltreatment.

This Child Protection policy and procedures document provides guidance for the company's staff on how to identify and respond to concerns about the wellbeing of a child or young person, including instances when child abuse and neglect is reported to LifeLinks or suspected by LifeLinks' staff. All staff, including any contractors or volunteers, are expected to be familiar with, and implement, this policy and procedures.

The process for responding to a concern about a child or young person is located in section 8.2 (page 12) of this policy and procedures document. LifeLinks will support the statutory agencies (Child Youth and Family and the New Zealand Police) to investigate abuse and neglect and will report suspected cases and concerns to these agencies as outlined in this document.

The company's Designated Person for Child Protection is the Operation's Manager. Staff are expected to consult with the Operation's Manager when they suspect and/or observe child abuse and/or neglect. LifeLinks will ensure all staff have access to the Child Protection training they require.

2. Purpose / Whāinga Poto

The purpose of the LifeLinks' Child Protection Policy and Procedures is to provide guidelines for the company and its staff to create a safe environment for children. This policy and procedures seek to:

- Protect the safety and promote the wellbeing of children and young people under 17 years ¹ who are receiving services from any member of LifeLinks' staff, or are associated with adults who are receiving services from any member of LifeLinks' staff
- Protect both children and staff by clearly defining what action is required in order to keep children safe and ensure a consistency of behaviour so that all staff follow the same process
- Demonstrate the company's commitment to children and provide public confidence of the company's safe practices.

¹ In the context of this policy the definition of a child and the definition of a young person have been sourced from the Children, Young Persons and Their Families Act 1989. In this Act a "child means a boy or girl under the age of 14 years"; and a "young person means a boy or girl of or over the age of 14 years but under 17 years; but does not include any person who is or has been married or in a civil union" (Source: http://www.legislation.govt.nz/act/public/1989/0024/latest/DLM147094.html?search=sw_096be8ed80fa5807_age+and+child_25_se&p=1).

3. Aims/Whaingā

LifeLinks recognises the important role all the company's staff have to play in protecting children and young people and promoting their wellbeing. In line with this recognition, the aims of the LifeLinks' Child Protection policy and procedures are to:

- Provide guidelines for assisting the company's staff to identify signs of abuse and/or neglect
- Provide procedures to support the company's staff to respond appropriately and in a timely manner to potential or actual child protection concerns, including suspected child abuse or neglect and/or vulnerability
- Provide procedures to guide the company's human resource obligations in relation to child protection and staff professional development activities

4. Policy Scope

This Child Protection policy and procedures applies to all staff, including volunteers and part-time or temporary roles and contractors, and should be used wherever abuse or neglect is suspected or identified, regardless of whether the child is a client/tangata whaiora of the company. In essence, the policy is intended to protect all children encountered by the company's staff including siblings of a client who receives services from LifeLinks and the children of adults accessing LifeLinks' services.

5. Policy Principles

A set of principles underpin LifeLinks' Child Protection policy and procedures. These principles are intended to inform our company's decision-making about child abuse and neglect and promote child protection as a key aspect of our agency culture.

The principles underpinning LifeLinks' Child Protection policy and procedures are:

- The rights, wellbeing and safety of children/tamariki and young people/rangatahi are a paramount consideration
- Recognising the rights of the child/tamariki and young person/rangatahi to participate, in age-appropriate ways, in decision-making about themselves
- Recognition of the culture of the family/whānau, its importance, and the rights of family/whānau to participate in decision-making about their children, wherever possible and appropriate
- A commitment to open and transparent relationships with clients/tangata whaiora, including being willing to share concerns about child safety issues with the family/whānau in consultation with statutory agencies, unless this would result in an escalation of risk
- Recognition of the importance of early intervention and the principle of applying the least intrusive intervention necessary to protect vulnerable children

- Children/tamariki and young people/rangatahi and their families/whanau receive LifeLinks' services within a culturally safe environment
- A commitment to ensure that all staff are able to identify the signs and symptoms of potential abuse and neglect and are able to take appropriate action in response through the company's policy and procedures structures and professional development programme
- A commitment to share information in a timely way and to discuss any concerns about an individual child/tamariki or young person/rangatahi with the Operation's Manager as the designated person for child protection within the company
- A commitment to comply with relevant statutory and contractual obligations

6. Authority and Application/Mana Whakahaere me Tautono

6.1 Authority

This Child Protection policy and procedures is issued by the LifeLinks' Managing Director who holds the overall authority to ensure that all the company's staff are aware of this policy and associated procedures and that it is implemented with integrity.

6.2 Application

The application of this policy and procedures obliges the company's staff to discuss any child protection concerns with the Operation's Manager (our company's designated person for child protection); and obliges management and/or the designated person for child protection to ensure that the appropriate authority is notified when a staff member has a belief that a child or young person has been, or is likely to be, abused or neglected. This obligation extends to ensuring that all known information about the child, young person and their family/whānau is shared in full with the appropriate authority, to determine the most appropriate response.

The specific 'child protection' responsibilities of LifeLinks Management Team, staff and Designated Person for Child Protection are outlined below.

6.2.1 LifeLinks' Management Team

LifeLinks' Management Team will ensure:

- That the company's Child Protection policy and procedures comply with legislative requirements, the principles of the Treaty of Waitangi, Ministry of Health audits and best practice standards
- Company procedures exist to provide appropriate and adequate support for, and supervision of, staff affected by child abuse and neglect

6.2.2 LifeLinks' Staff

LifeLinks' staff are required:

- To become familiar with the contents of the Child Protection policy and procedures document and apply the procedures when issues of suspected and/or actual child abuse and neglect arise
- To understand the statutory referral processes and responses to identified or suspected child abuse and neglect
- To attend child protection training appropriate to their area of work
- To immediately contact the company's Designated Person for Child Protection when they identify or suspect child abuse and neglect.

To facilitate this familiarization with the company's Child Protection policy and procedures, the LifeLinks Manager Communications/Community Liaison will be responsible for providing all its current staff with a briefing about the contents of the Child Protection policy and procedures document and, upon appointment, the Manager Communications/Community Liaison will inform all new staff about this policy and procedures document and invite them to become familiar with its contents during induction. In addition, the Manager Communications/Community Liaison will, on behalf of the company, take responsibility for arranging Child Protection training for all staff.

6.2.3 LifeLinks' Designated Person for Child Protection

LifeLinks has identified the Operation's Manager as the Designated Person for Child Protection for the company. Their responsibilities include:

- Ensuring the company's Child Protection policy and procedures is reviewed at least every three years, or as required
- Coordinating a system-wide response to child abuse and neglect, when required
- Ensuring that the company's Training Plan includes Child Protection education and training. Such company-wide Child Protection training and education will be implemented on a cyclical basis every two years.
- Ensuring tools are in place and accessible to the company's employees for recording care and protection concerns (i.e., Child Protection Incidents and Concerns Register; procedures for recording identified or suspected child abuse and neglect)
- Ensuring an audit process is in place to assess the company's Child Protection policy, processes and practice
- Developing functional internal and external relationships with key child protection stakeholders (government, local government and community-based organisations)
- Providing support and advice to staff regarding child abuse and neglect.

7. Definitions / Kupu Whakamarama

Abuse: The harming (whether physically, emotionally or sexually), ill-treatment, neglect or deprivation of any child.² Typically abuse is defined under 5 categories: physical abuse; psychological/emotional abuse; sexual abuse; identity abuse; and neglect. Detailed definitions of these categories of abuse are noted in the following text box.

Figure 1: Definitions of Categories of Child Abuse

Abuse Category	Definition
<i>Physical abuse</i>	Defined as the threat of harm or any behaviour that, intentionally or accidentally, causes physical/bodily harm or property destruction. It is a non-accidental act on a child 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 child. Physical abuse also involves the fabrication or inducing of illness.
<i>Psychological / Emotional abuse</i>	Defined as any act or omission resulting in adverse or impaired psychological, social, intellectual and emotional functioning or development. This can include: <ul style="list-style-type: none"> • 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
<i>Sexual abuse</i>	Defined as any act that involves forcing or enticing a child to take part in sexual activities, including child sexual exploitation, whether or not they are aware of what is happening. Such forced or coerced sexual acts or behaviours are motivated to acquire power and control over a person. It is not only forced sexual contact, but also non-contact sexual abuse that demeans

² Source: Children Young Persons and Their Families Act 1989 S14(1)(a)
<http://www.legislation.govt.nz/act/public/1989/0024/latest/whole.html#DLM149457>

	or humiliates the child/person and instigates feelings of shame or vulnerability.
Identity abuse	Defined as using personal characteristics to demean, manipulate and control the child/person. This category of abuse is comprised of the social “isms”, including racism, sexism, ageism, able-ism, beauty-ism, as well as homophobia. ³
Neglect	<p>The Children Young Persons and their Families Act defines neglect as the persistent failure to meet a child’s basic physical or psychological needs, leading to adverse or impaired physical or emotional functioning or development⁴</p> <p>Neglect is any act or omission that results in impaired physical functioning, injury and/or development of the person. It may include;</p> <ul style="list-style-type: none"> • <i>Physical neglect</i>: failure to provide the necessities to sustain life or health (e.g. not providing the necessities of life such as a warm home, food or clothing) • <i>Emotional neglect</i>: (e.g. not providing comfort, attention and love) • <i>Neglectful supervision</i>: failure to provide developmentally appropriate and/or legally required supervision of a child/young person, leading to an increased risk of harm (e.g. leaving children without someone safe to look after them) • <i>Medical neglect</i>: failure to seek, obtain or follow through with medical

³ The literature also identifies other types of abuse, such as financial abuse.

Financial abuse is the use or misuse, without the person’s freely given consent, of the financial or other monetary resources of the person or of the relationship. Examples of financial abuse include: taking credit cards, money or cheque book; forging the person’s signature on financial documents; forbidding the person to work or jeopardizing the person’s employment by using such tactics as excessive calls to work or creating conflict with co-workers; controlling shared resources, including bank accounts and common property; and/or demanding the person sign over pay cheques or denying access to liquid assets, like mutual funds.

⁴ The Oranga Tamariki Act (1989) notes that ‘child abuse means the harming (whether physically, emotionally or sexually), ill treatment, abuse, neglect or deprivation of any child or young person’ (Section 14 B, OT Act 1989).

	<p>care for the child/young person resulting in their impaired functioning and/or development and/or not taking care of health needs</p> <ul style="list-style-type: none"> • <i>Educational neglect:</i> allowing chronic truancy, failure to enrol in education or inattention to education needs • <i>Abandonment:</i> leaving a child/young person in any situation without arranging necessary care for them and with no intention of returning • <i>Refusal to assume parental responsibility:</i> unwillingness or inability to provide appropriate care or control for a child or young person.
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Child: Any child or young person aged under 17 years and who is not married or in a civil union ⁵

Child Protection: Activities carried out to ensure that children are kept safe in cases where there is suspected abuse or neglect or are at risk of abuse and neglect

Disclosure: Information given to a staff member by a child, parent or caregiver or third party in relation to abuse or neglect

Designated Person for Child Protection: The Operation’s Manager who is responsible for providing advice and support to staff where they have a concern about an individual child or who want advice about the company’s Child Protection policy and procedures

Children’s Services: Any organisation that provides services to children or to adults where contact with children may be part of the service

Safer Recruitment: Following good practice processes for pre-employment checking which help manage the risk of unsuitable persons entering the children’s workforce

Standard Safety Checking: The process of safer recruitment that is mandatory for agencies covered by the Children Act 2014

Workforce Restriction: A restriction on the employment or engagement of people with certain specified convictions under the Children Act 2014

⁵ In the context of this policy the definition of a child and the definition of a young person have been sourced from the Oranga Tamariki Act 1989. In this Act a “child means a boy or girl under the age of 14 years”; and a “young person means a boy or girl of or over the age of 14 years but under 17 years; but does not include any person who is or has been married or in a civil union” (Source: http://www.legislation.govt.nz/act/public/1989/0024/latest/DLM147094.html?search=sw_096be8ed80fa5807_age+and+child_25_se&p=1).

Child Youth and Family: The agency responsible for investigating and responding to suspected child abuse and neglect and for providing care and protection for children found to be in need

New Zealand Police: The agency responsible for situations where a child is in immediate danger and for working with Oranga Tamariki in child protection work and investigating cases of abuse and neglect where an offence may have occurred

Te Whiri Ora: A service to support vulnerable children who have multiple and complex unmet needs, but whose issues do not quite meet the statutory intervention. It works with existing resources and provides the opportunity for practitioners and professionals in government agencies, iwi and non-government organisations to bring their services together into one personalised plan for each child and their family/whānau.

Given the link between family violence, intimate partner violence and child abuse; that exposure to intimate partner violence is a form of child abuse; and that the research shows a high rate of co-occurrence between intimate partner violence and the physical abuse of children, the following definitions are included:

Family Violence: Violence and abuse against any person whom that person is, or has been, in a domestic relationship with. This can include sibling against sibling, child against adult, adult against child and violence by an intimate partner against the other partner (NZ Family Violence Clearinghouse: Issues Papers 3 & 4 April 2013). Common forms of violence in families/whānau include:

- Child abuse or neglect
- Parental abuse (abuse or violence by a child or young person against a parent)
- Sibling abuse (abuse or violence by a child or young person against a sister or brother)
- Partner or spouse abuse (abuse or violence by one partner against the other, in same sex and different sex relationships, including dating relationships)
- Elder abuse or neglect (New Zealand Family Violence Clearinghouse extends this to cover abuse in long-term care)^{6 7 8}

8. Procedures for Responding to Actual or Suspected Abuse or Neglect/ Nga Raupapa Mahi mo te Whakautu me te Whakaaro Tukino, Tikape Ranei

⁶ Source: New Zealand Family Violence Clearing House. Overview of Family Violence Fact Sheet. <http://www.nzfvc.org.nz/sites/nzfvc.org.nz/files/factsheet-overview-1.pdf>

⁷ A legal definition of family violence is located in Section 3 of the Domestic Violence Act, 1995. The Family Violence Act (2018) defines violence as physical abuse, sexual abuse, and psychological abuse including, but not limited to, intimidation, harassment, damage to property, threats, and causing or allowing a child to see or hear physical, sexual or psychological abuse (<http://www.legislation.govt.nz/act/public/1995/0086/latest/DLM371926.html>).

⁸ Definitions about abuse and neglect in New Zealand legislation (Family Violence Act, 2018; Oranga Tamariki Act, 1989) can be found in Appendix 1.

In circumstances where a LifeLink’s member of staff becomes aware of a situation of abuse or neglect (that is abuse or neglect has been disclosed, detected or suspected), they must act and report using the following procedures.

8.1 Identifying Child Abuse and Neglect ⁹

LifeLinks’ approach to identifying child abuse and neglect recognises that every situation is different and that it is important for the company’s staff to consider all available information about a child and their environment before reaching any conclusions. For example, behavioural concerns may be the result of life events, such as divorce, accidental injury or the arrival of a new sibling. However, within this context the company recognises the following indicators of potential abuse and neglect.

Figure 2: Signs of Potential Abuse and Neglect ¹⁰

Signs of Potential Abuse	
<i>Physical signs</i>	e.g., unexplained injuries, burns, fractures, unusual or excessive itching, genital injuries, sexually transmitted diseases
<i>Developmental delays</i>	e.g., small for their age, cognitive delays, falling behind in school, poor speech and social skills
<i>Emotional abuse/ neglect</i>	e.g., sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm
<i>Behavioural concerns</i>	e.g., age inappropriate sexual interest or play, fear of a certain person or place, eating disorders/substance abuse, disengagement/neediness, aggression
<i>Child talking about things that indicate abuse (sometimes called an allegation or disclosure)</i>	
Signs of Potential Neglect	
<i>Physical signs</i>	e.g., looking rough and uncared for, dirty, without appropriate clothing, underweight
<i>Developmental delays</i>	e.g., small for their age, cognitive delays, falling behind in school, poor speech and social skills

⁹ The Appendix 2 contains more examples of the signs of physical abuse, sexual abuse, psychological/emotional abuse, financial abuse, identity abuse, and neglect.

¹⁰ More information about how to recognise that a child has been abused or neglected or is at risk of being abused or neglect can be found on the Child Matters website (<http://www.childmatters.org.nz/56/learn-about-child-abuse/recognise-the-signs>); and on Child Youth and Families’ website, in particular that agency’s ‘Working Together Guide’ (<http://www.cyf.govt.nz/documents/about-us/publications/27713-working-together-3-0-45ppi.pdf>).

<i>Emotional abuse/neglect</i>	e.g., sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm
<i>Behavioural concerns</i>	e.g., disengagement/neediness, eating disorders/substance abuse, aggression
<i>Neglectful supervision</i>	e.g., out and about unsupervised, left alone, no safe home to return to
<i>Medical neglect</i>	e.g., persistent nappy rash or skin disorders or other untreated medical issues

8.2 Responding to Suspected or Actual Abuse and/or Neglect

8.2.1 Consult Following Identification

In all cases where a LifeLinks' employee has a concern about a child/tamariki or young person/rangatahi being or likely to be abused or neglected (i.e., a disclosure or indicators are recognised) by an adult or other child/tamariki or young person/rangatahi, immediately report such concerns and consult with the Operation's Manager (who is also the company's Designated Person for Child Protection). No decisions or actions in respect of suspected or actual abuse or neglect should be made by the staff member alone, unless there are immediate concerns for the safety of the child/person or themselves. LifeLinks will always act on the recommendations of the statutory agencies, including Oranga Tamariki and the New Zealand Police; and only inform the family/whanau about the suspected or actual abuse after the matter has been discussed with these agencies.

8.2.2 When to Contact the New Zealand Police

No decisions or actions in respect of a suspected or actual incident of abuse or neglect will be made by a member of staff without consultation with the company's Operations Manager (who is also the company's Designated Person for Child Protection), unless there are concerns for the immediate safety of the person. Staff should contact the New Zealand Police if they:

- Observe a child/young person who has been severely abused
- Abuse has occurred and is likely to escalate or recur
- Consider there is immediate danger of death or harm
- Observe a child home alone. In such cases call the Police and stay with the child until they arrive.
- Consider their own safety is compromised

8.2.3 When to Contact Oranga Tamariki

Issuing a Report of Concern to Oranga Tamariki should be undertaken in circumstances when:

- Child or young person has injuries which seem suspicious, or are clearly the result of physical abuse
- Interaction between the child or young person and the parent or caregiver seems threatening or aggressive
- Child or young person states that they are fearful of parent(s), caregiver(s), or have been hurt by parent(s) or caregiver(s)
- Multiple risk indicators exist (e.g., domestic violence and abuse in family relationships; alcohol/drug abuse by caregivers; caregivers avoidance of health agency contact; etc)
- Unsure about the most appropriate response to suspected care and protection issues

In such cases Oranga Tamariki can be notified via their National Contact Centre (contact@ot.govt.nz / 0508 326 459). The Oranga Tamariki Act 1989, provides specific protection from legal action to anyone reporting to Oranga Tamariki in good faith.

The company's child protection actions should be taken following consultation with statutory agencies (i.e., Oranga Tamariki and/or the New Zealand Police). Examples where child protection actions may not need to be discussed with the victim's parents or caregivers could include situations where it is believed that:

- It will place either the child or the LifeLinks' staff member in danger
- The family/whānau may close ranks and reduce the possibility of being able to help a child
- The family/ whānau may seek to avoid care and protection agency staff.

In most circumstances, decisions about notifying the authorities (e.g., New Zealand Police, Oranga Tamariki) will be made following the discussion with the Operations Manager (who is also the company's Designated Person for Child Protection).

8.2.4 When to Contact Te Whiri Ora

This contact point is available for LifeLinks staff to raise concerns about vulnerable children whose needs are not serious enough to contact Oranga Tamariki or the Police. As a general guide, LifeLinks staff should contact Te Whiri Ora if they have concerns about a child who is at risk of abuse or neglect, for example, children who have complex, unmet needs and who are at risk of harm.

Te Whiri Ora is a front door to all services for a vulnerable child or young person and the aim is to provide them with wrap-around services and support before their situation escalates to the point where statutory intervention is required. When contacted the Te Whiri Ora Clinical Leads will determine the best referral pathway to ensure each child or young person receives the most appropriate service. This may be a non-government organization, a universal service provider, Te Whiri Ora or Oranga Tamariki.

Te Whiri Ora can be contacted on [Te Whiri Ora - Home](#) 0800 839 447 or tewhiora@rightservice.org.nz

8.2.5 Document all Observations, Process and Assessment Thoroughly

In all cases when LifeLinks responds to suspected or actual child abuse and/or neglect, accurate informative documentation is essential and must be recorded in a confidential Child Protection Incidents and Concerns Register. This Register is to be kept separate from other company records and access is strictly controlled.

Document facts, observations, impressions and communications as soon as possible after the event in conjunction with discussions with the Operation’s Manager (who is also the company’s Designated Person for Child Protection). This Report should include:

- Facts and/or observations, not ‘feelings’
- Clearly differentiate what was seen and heard and what was reported or suspected and by whom
- Detail who was present at the time
- Include date and time
- In situations where there was a disclosure, write what was said in quotation marks (verbatim)
- A body diagram can be used to record bruises, cuts and other injuries
- Include signature and designation

8.2.6 Reporting or Referral

If following consultation with the Operation’s Manager (who is also the company’s Designated Person for Child Protection), abuse and/or neglect is identified or suspected, then the incident should be reported to the New Zealand Police and/or Oranga Tamariki, as appropriate.

In all situations when suspected or actual abuse or neglect has been encountered, complete a LifeLinks’ Incident/Accident Report. The company’s Management Team will consider the contents of such Reports and take appropriate corrective action. Copies of these Reports will be held by the company’s Operation’s Manager.

Figure 3: Responding When A Child Discloses Abuse

Listen to the child	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.
Reassure the child	Let the child know that they: <ul style="list-style-type: none"> • Are not in trouble • Have done the right thing
Ask open- ended prompts – e.g., “What happened next?”	Do not interview the child (in other words, do not ask questions beyond open prompts).

	Do not make promises that can't be kept, e.g., "I will keep you safe now".
If the child is visibly distressed	Provide appropriate reassurance and re-engage in appropriate activities under supervision until they are able to participate in ordinary activities
If the child is not in immediate danger	Re-involve the child in ordinary activities and explain what you are going to do next.
If the child is in immediate danger	Contact the Police immediately
As soon as possible formally record the disclosure	Record: <ul style="list-style-type: none"> • Word for word, what the child said • The date, time and who was present

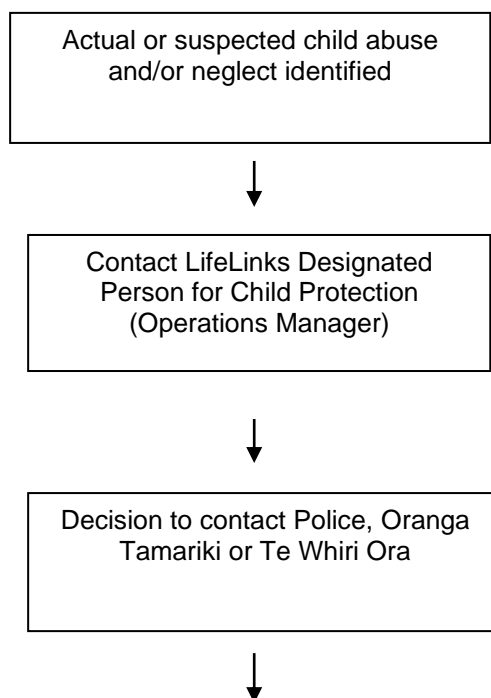
Figure 4: Recording and Notifying Oranga Tamariki of Suspected Child Abuse

What process to follow	For example,	Key considerations
Recording	Formally record: <ul style="list-style-type: none"> • Anything said by the child • The date, time, location and the names of any staff that may be relevant • The factual concerns or observations that have led to the suspicion of abuse or neglect (e.g., any physical, behavioural or developmental concerns) • The action taken by LifeLinks • Any other information that may be relevant 	Relevant information can inform any future actions
Decision-making	Discuss any concern with the Operations Manager (LifeLinks' Designated Person for Child Protection)	No decision should be made in isolation
Notifying authorities	Notify Oranga Tamariki promptly if there is a belief that a child has been, or is likely to be abused or neglected. A phone call to the National Contact Centre is the preferred initial contact with Oranga Tamariki (see contact details below) as this enables both parties to discuss the nature of the concerns and appropriate response options. Phone: 0508 Family (0508 326 459)	Oranga Tamariki will: <ul style="list-style-type: none"> • Make the decision to inform the parents or caregivers, in consultation with LifeLinks • Advise what, if any, immediate action may be appropriate, including referring the concern to the Police

	Fax: 09 914 1211 email: cyfcallcentre@cyf.govt.nz	
Following the advice of Oranga Tamariki	Oranga Tamariki' advice will include what, if any, immediate action may be appropriate, including referring the concern to the Police	Oranga Tamariki is responsible for looking into the situation to find out what may be happening, whether LifeLinks needs to work with the family/whānau or put them in touch with people in the community who can help
Storing relevant information	Securely store: <ul style="list-style-type: none"> • The record of the abuse and/or neglect concern • A record of any related discussions (including copies of correspondence, where appropriate) • A record of any advice received • The action LifeLinks took, including any rationale • This concern with any earlier concerns, if the notification is based on an accumulation of concerns (rather than a specific incident) 	Records assist in identifying patterns

Figure 5: Child Sexual Abuse and Neglect Identification, Consultation and Reporting Flowchart

Figure x summarises the main steps that LifeLinks requires the company's staff to follow in cases where they identify actual or suspected child abuse and/or neglect.



9. Confidentiality and Information Sharing ¹¹

LifeLinks will seek advice from Oranga Tamariki and/or the New Zealand Police before identifying information about an allegation is shared with anyone, other than the Operations Manager (who is the company's Designated Person for Child Protection). The company's staff should be aware that:

- Under sections 15 and 16 of the Oranga Tamariki Act 1989 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 Oranga Tamariki or the New Zealand Police and provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them
- 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
- 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). Disclosure about ill-treatment or neglect of a child/young person may also be made to the New Zealand Police or Oranga Tamariki under sections 15 and 16 of the Oranga Tamariki Act 1989.

10. Child Safe Practice Guidelines

Guidance about safe working practices at LifeLinks is intended to not only ensure the safety of children and young people, but it also reduces the chances of allegations being made against a member of staff.

Comprehensive guidance about child safe working practices is available on the Child Matters website: <http://www.childmatters.org.nz/229/child-protection-policy/section-3-safe-working-practices>.

Some examples of child safe working practices that may apply in the context of working at LifeLinks include:

- *Home Visiting*: When working with children, young people and their families/whanau in their homes, for example, to complete Outcome Plan assessments or Outcome Co-

¹¹ Appendix 3 contains information about 'New Zealand Legislation, Privacy Issues and Information Sharing.

ordinations, refer to the guidance about home visiting located in section 6.5 of the company’s Remote Working policy and procedures.

- *Open Door Policy:* Wherever possible, avoid situations where LifeLinks staff may be alone with children and use an ‘open door policy’
- *Providing Physical Assistance:* Where a child or young person requires assistance, if possible, involve the parents/caregivers and/or another professional
- *Providing Emotional Support:* Refer to the guidance about physical interactions with children and young people, for example when they are in distress, at the following link: <http://www.childmatters.org.nz/251/child-protection-policy/section-3-safe-working-practices/physical-interaction-with-children>
- *Transportation:* The company’s staff should not provide transport to a child or young person, unless an emergency requires it.
- *Use of Photographs:* If a photograph is to be included in a child or young person’s Outcome Plan, informed written consent from parents or caregivers, and where possible the child or young person, should always be sought before the image is taken and used for this purpose.

11. Allegations or Concerns about LifeLinks Staff

All matters involving allegations against LifeLinks’ staff need to be escalated to the Managing Director and/or the Operations Manager.

To ensure the child is kept safe, the company’s management may take steps to remove the staff member against whom an allegation has been made from the environment, subject to the requirements of the applicable individual employment contract and relevant employment law, including the company’s human resources disciplinary procedures.

The company’s Management will consult with Oranga Tamariki and/or the New Zealand Police before taking any further actions.

LifeLinks commits not to use ‘settlement agreements’, where these are contrary to a culture of child protection. Some ‘settlement agreements’ allow a member of 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 a child, use of such agreements is contrary to a culture of child protection.

Figure 6: When an Allegation is made Against a LifeLinks' Member of Staff

Disclosure/allegation of child abuse by a staff member
Notify Managing Director and/or Operations Manager
<ul style="list-style-type: none"> • Management to consult with Oranga Tamariki or the New Zealand Police before advising the staff member • Management to refer to the company’s Disciplinary policy and be guided by the relevant employment contract and

relevant statutory obligations
Oranga Tamariki and/or management to advise employee and provide an opportunity to respond (depending on outcomes of discussion with statutory agencies)
<ul style="list-style-type: none"> • Employee advised of their right to seek legal advice • Employee will be advised of their right to seek support/advice from appropriate representatives • Management to contemplate removal of employee from the service environment, subject to the employment contract • Management to maintain close liaison with Oranga Tamariki or the New Zealand Police

12. Staff Support and Safety / Ratonga Oranga me nga Tautokonga mo nga Kaimahi

In any case where LifeLinks' staff have been involved in the reporting and/or management of abuse or neglect, they should seek approval from the Operations Manager to access debriefing, supervision or counselling from an appropriately trained professional. Staff may also access the company's Employee Assistance Programme.

LifeLinks will ensure that the company's employees are available to participate in family, interagency or court proceedings to address specific cases of abuse and neglect.

13. Recruitment and Employment (Safety Checking of New and Existing Employees)

Safety checking will be carried out in accordance with the Children Act 2014 and as described in the Children (Requirements for Safety Checks of Children's Workers) Regulations 2015 (Regulations).

Under the 2014 Children's Act (CA), LifeLinks is defined as a 'specified organisation,' that is, an organisation that is funded (whether wholly or partly, and whether directly or indirectly) by a State service to provide regulated service(s). The regulated services are identified in schedule 1 of the CA, and include a range of health, welfare, justice and education services.

This definition requires LifeLinks to undertake a range of safety checks on all 'children's workers' employed by the company. The CA defines two categories of 'children's workers:'

- *Core children's workers:* a worker who provides a regulated service and in undertaking that work is present with a child or children either as the only person present or as the worker who has primary responsibility for, or authority over the child or children present

- *Non-core children's workers*: a 'children's worker' who is not a core worker

In general, workers employed by LifeLinks are classified as non-core children's workers. However, there may be occasions when the company's employees take up roles that would classify them as core children's workers, for example if they were members of the Children's Workforce Governance Group and/or members of Te Whiri Ora Panels and/or a member of a Te Whiri Ora Network. Note any members of LifeLinks' staff who seek to participate in a Te Whiri Ora as a core children's work (and have gained the Operations Manager's approval), will need to have participated in the safety checks outlined below. In addition, LifeLinks will need to complete the Employer Safety Checking Conformation Form.

Regardless of whether the company's employees are classified as core or non-core children's workers, under the Children (Requirements for Safety Checks of Children's Workers) Regulations 2015, LifeLinks is required to undertake the specified children's worker safety checks for both groups of workers and for both new and existing employees.

The procedures for children's worker safety checks for all new core and non-core children's workers are outlined in LifeLinks' Recruitment and Selection Policy and Procedures document. These procedures require the company to carry out a range of pre-employment checks including: identity verification; undertaking a safety checking interview; contacting referees; confirming and verifying professional membership; a Police vet; and completing a risk assessment. If there is any suspicion that an applicant might pose a risk to a child, that applicant will not be employed.

For existing LifeLinks' employees, the company is required to carry out a range of checks to the 'existing worker' standard as described in the 2015 Regulations and by the dates noted above. These checks include:

- *Identity Confirmation* either by:
 - Use of an electronic identity credential (e.g., the RealMe identity verification service), and a search of personnel records to check that an identity has not been claimed by someone else; or
 - Checking two forms of identity documents – an original primary identity document (e.g., a New Zealand passport or full birth certificate) and an original secondary identity document (e.g., driver licence, or Community Services Card or New Zealand issued utility bill issued not more than 6 months earlier). If these documents do not include a photograph or if the person has changed their name, the company will require further evidence of their identity, such as the employee using an independent identity referee (i.e., someone who has known the employee for 12 months, who is over 16 year and not a family member and does not live at the same address). The employee will be required to supply their independent identity referee's name and contact details; and to produce a photograph of themselves authenticated by the identity referee (who is required to write 'certified true likeness of 'name of person' on the back of the photograph and sign and date the certification). In addition, the company must search its personnel records to make sure that no one else has claimed that identity.
- *Professional membership*: The company is required to establish whether each employee has a current membership with a professional body or is currently licensed with a licensing authority or currently registered with a registration authority. This requirement can be met by contacting the relevant professional body or by searching its public-facing records (e.g., an online register).

- LifeLinks must obtain a New Zealand Police vet for all job applicants being safety checked. Where a job applicant holds a professional registration or a practicing certificate, and at least three yearly New Zealand Police vetting is a condition of holding that registration or certificate, then evidence that this registration or certification is current may be taken as meeting the requirement for a New Zealand Police vet.
- *New Zealand Police Vet:* LifeLinks is an approved agency for using the New Zealand Police Vetting Service and has signed an Approved Agency Agreement which contains all of the terms of service for Police vetting. A Police Vet will provide the company with information about any convictions an employee may have; information on active charges and warrants to arrest; information about any concerns the New Zealand Police have in any context, including family violence, even if there have not been charges, charges have been withdrawn, or dismissed, or the person has been acquitted (found not guilty) of a charge; and other relevant information received or obtained by the New Zealand Police.

To initiate a Police Vet LifeLinks must gain the consent of each employee. Each employee should be provided with a New Zealand Police Vetting Service Request and Consent Form to complete and sign.

In situations where the results of the Police Vet show that an employee who wishes to take up a core children's worker role has a history of specified offences listed in Schedule 2 of the VCA, they must apply for a Core Worker Exemption. Information about how an employee can apply for an exemption is available at www.childrensactionplan.govt.nz. Under the Children's Act, a LifeLinks employee cannot undertake a core children's worker role until they have been granted that exemption.

- *Risk Assessment:* The company's management team must evaluate the information collected as part of the 'existing worker' checks and assess any risk that they might pose to the safety of children. This evaluation should take into account whether an employee is undertaking a core or non-core 'children's worker' role. The employee's line manager will insert a note on their personnel file that the required 'existing worker' checks have been completed and the date, to ensure such checks are updated every three years.

When updating the safety checking on each employee every three years LifeLinks is required to: confirm any changes of the employee's officially recorded name; update the checks with the employee's relevant professional registration body or licensing authority; undertake a fresh New Zealand Police vet; and carry out a risk assessment based on the information collected from these checking activities.

14. Training and Professional Development

LifeLinks' management will support and arrange initial child protection training for all the company's employees. All the company's employees are required to undertake child protection training. This training will be included in the company's annual Training Plan and include:

- Initial child protection training
- Refresher child protection training

This Child Protection policy and procedures will be part of the company's induction programme for all new employees.

15. Associated Documents / Whakarōputanga Tuhinga

Legislation:

- Children's Act (2014)
<http://www.legislation.govt.nz/act/public/2014/0040/latest/DLM5501618.html>
- Children (Requirements for Safety Checks of Children's Workers) Regulations 2015
(<http://www.legislation.govt.nz/regulation/public/2015/0106/latest/DLM6482241.html>)
- Oranga Tamariki Act (1989) (and Amendments 1994/95)
<http://www.legislation.govt.nz/act/public/1989/0024/latest/DLM147088.html>
- Care of Children Act (2004)
<http://legislation.govt.nz/act/public/2004/0090/latest/DLM317233.html>
- United Nations Convention on the Rights of a Child (UNCROC)
<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- Privacy Act (2020)
<http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM296639.html>
- Health Information Privacy Code (2020)
<https://privacy.org.nz/the-privacy-act-and-codes/codes-of-practice/health-information-privacy-code/>
- Health Act (1956)
<http://www.legislation.govt.nz/act/public/1956/0065/latest/DLM305840.html>
- Code of Health and Disability Services Consumers Rights (1996)
- Domestic Violence Act (1995)
<http://www.legislation.govt.nz/act/public/1995/0086/latest/DLM371926.html>
- Victims' Rights Act (2002)
<http://www.legislation.govt.nz/act/public/2002/0039/latest/DLM157813.html>

LifeLinks Documents:

- Recruitment and Selection Policy and Procedures
- Induction Policy and Procedures
- Health and Safety Policy and Procedures
- Supervision/EAP Policy and Procedures

- Disciplinary Matters and Personal Grievances Policy and Procedures
- Complaints Policy and Procedures
- Confidentiality and Privacy Policy and Procedures
- Training Plan

Additional Resources

- Oranga Tamariki has developed the *Working Together* guide on inter-agency working to identify and respond to potential abuse and neglect.

<http://www.cyf.govt.nz/documents/about-us/publications/27713-working-together-3-0-45ppi.pdf>

- Murphy, C. et al. (2013). *Understanding connections and relationships: Child maltreatment, intimate partner violence and parenting*. NZ Family Violence Clearing House. Issues Paper 3. April.
- The Office of the Privacy Commissioner has published a set of guidelines *Sharing Personal Information of Families and Vulnerable Children*, which includes a range of helpful advice about confidentiality and information sharing

<https://www.privacy.org.nz/assets/InteractiveEscalationLadder/PRCM1000-Escalation-Ladder-Infographic.pdf>

- *Protecting Children with Disabilities: Identifying and Responding to Vulnerabilities*, August 2015 (Child Matters Training PPP): S-Drive, Training Folder
- www.realme.govt.nz
- www.childrensactionplan.govt.nz (Core Worker Exemption Application under Vulnerable Children’s Act 2014)

Version Control: Child Protection Policy and Procedures	
Version	Version 1 (April 2012), Version 2 and final 10 April 2012); Version 3 (October 2015); Version 4 final (28 October 2015) Version 5 (April 2016) Reviewed (July 2019) added information sharing under OT Act 1989
Location of digital copy	Policies folder S-Drive
Developed by	Lesley Campbell
Authorised by	Craig Hutchison
Date of Authorisation	15 April 2016
Date of last review	July 2022
Date of next review	July 2025

Appendix

Appendix 1:

Definition of Abuse and Neglect in New Zealand Legislation

1. Family Violence Act (2018)

The Family Violence Act (2018) provides the following meaning of family violence:

Meaning of family violence

- (1) In this Act, **family violence**, in relation to any person, means violence against that person by any other person with whom that person is, or has been, in a domestic relationship.
- (2) In this section, **violence** means—
 - (a) physical abuse:
 - (b) sexual abuse:
 - (c) psychological abuse, including, but not limited to,—
 - (i) intimidation:
 - (ii) harassment:
 - (iii) damage to property:
 - (iv) threats of physical abuse, sexual abuse, or psychological abuse:
 - (iv a) financial or economic abuse (for example, denying or limiting access to financial resources, or preventing or restricting employment opportunities or access to education):
 - (v) in relation to a child, abuse of the kind set out in subsection (3).
- (3) Without limiting subsection (2)(c), a person psychologically abuses a child if that person—
 - (a) causes or allows the child to see or hear the physical, sexual, or psychological abuse of a person with whom the child has a domestic relationship; or
 - (b) puts the child, or allows the child to be put, at real risk of seeing or hearing that abuse occurring;— but the person who suffers that abuse is not regarded, for the purposes of this subsection, as having caused or allowed the child to see or hear the abuse, or, as the case may be, as having put the child, or allowed the child to be put, at risk of seeing or hearing the abuse.
- (4) Without limiting subsection (2),—
 - (a) a single act may amount to abuse for the purposes of that subsection:
 - (b) a number of acts that form part of a pattern of behaviour may amount to abuse for that purpose, even though some or all of those acts, when viewed in isolation, may appear to be minor or trivial.

- (5) Behaviour may be psychological abuse for the purposes of subsection (2)(c) which does not involve actual or threatened physical or sexual abuse.

2. Oranga Tamariki Act (1989)

The Oranga Tamariki Act (1989) defines a child or young person in need of care or protection as follows:

14 Definition of child or young person in need of care or protection

- A child or young person is in need of care or protection within the meaning of this Part if—
 - (a) the child or young person is being, or is likely to be, harmed (whether physically or emotionally or sexually), ill-treated, abused, or seriously deprived; or
 - (b) the child's or young person's development or physical or mental or emotional well-being is being, or is likely to be, impaired or neglected, and that impairment or neglect is, or is likely to be, serious and avoidable; or
 - (c) serious differences exist between the child or young person and the parents or guardians or other persons having the care of the child or young person to such an extent that the physical or mental or emotional well-being of the child or young person is being seriously impaired; or
 - (d) the child or young person has behaved, or is behaving, in a manner that—
 - (i) is, or is likely to be, harmful to the physical or mental or emotional well-being of the child or young person or to others; and
 - (ii) the child's or young person's parents or guardians, or the persons having the care of the child or young person, are unable or unwilling to control; or
 - (e) in the case of a child of or over the age of 10 years and under 14 years, the child has committed an offence or offences the number, nature, or magnitude of which is such as to give serious concern for the well-being of the child; or
 - (f) the parents or guardians or other persons having the care of the child or young person are unwilling or unable to care for the child or young person; or
 - (g) the parents or guardians or other persons having the care of the child or young person have abandoned the child or young person; or
 - (h) serious differences exist between a parent, guardian, or other person having the care of the child or young person and any other parent, guardian, or other person having the care of the child or young person to such an extent that the physical or mental or emotional well-being of the child or young person is being seriously impaired; or
 - (i) the ability of the child or young person to form a significant psychological attachment to the person or persons having the care of the child or young person is being, or is likely to be, seriously impaired because of the number of occasions on which the child or young person has been in the care or charge of a person (not being a person specified in subsection (2)) for the purposes of maintaining the child or young person apart from the child's or young person's parents or guardians.
- The persons referred to in subsection (1)(i) are as follows:
 - (a) any person who has custody of the child or young person pursuant to the order of any court, whether or not that court is a court within the meaning of this Act:

- (b) any person who has the child or young person in that person's care—
 - (i) pursuant to an agreement under [section 139](#) or [section 140](#) or [section 141](#) or [section 142](#); or
 - (ii) for the purpose of adoption, and the requirements of [section 6](#) of the Adoption Act 1955 are being complied with:
- (c) any person who is caring for the child or young person in—
 - (i) any residential accommodation provided for children or young persons attending a registered school within the meaning of the [Education Act 1989](#);
 - (ii) a hospital care institution within the meaning of [section 58\(4\)](#) of the Health and Disability Services (Safety) Act 2001.

Source: <http://www.legislation.govt.nz/act/public/1989/0024/latest/whole.html#DLM149457>

Appendix 2:

Examples of Signs and Symptoms of Abuse and Neglect

Physical Abuse

- Hitting, beating, choking, pushing, slapping, kicking, pulling hair, biting, punching, backhanding, arm twisting, shoving, kicking or burning
- Holding the person down or preventing the person from leaving
- Throwing and/or threatening with objects
- Locking the person out of the home
- Refusal to get the person help or medical attention
- Forced use of substances (e.g. alcohol and drugs)
- Depriving the person of medication
- Denying or interfering with the person meeting his basic physical needs (e.g. eating and sleeping)
- Smashing, damaging, stealing or selling the person's possessions
- Threatening to use or the use of a weapon against the person (e.g. hammer, knife, gun, etc.)
- Driving recklessly
- Punching walls or doors
- Stalking

Physical abuse also can be used against children and pets, as well as the person's friends and family.

Sexual Abuse

Sexual abuse is any forced or coerced sexual act or behavior motivated to acquire power and control over the person. It is not only forced sexual contact but also contact that demeans or humiliates the person and instigates feelings of shame or vulnerability – particularly in regards to the body, sexual performance or sexuality.

Common examples are:

- Unwanted touching
- Demeaning remarks about the partner's body or appearance
- Minimization of the partner's sexual needs
- Berating the partner about his sexual history
- Demeaning remarks about the partner being too femme or butch
- Forcing sex or sexual actions on the partner without consent
- Using force or roughness that is not consensual, including forced sex (rape)
- Rape with an object
- Refusing to comply with the partner's request for safe sex

- Coercing the partner into sex with others
- Purposefully and repeatedly crossing the partner's sexual boundaries
- Violating an agreement for monogamy by having sex with others
- Exposing the partner to sexually transmitted diseases
- Treating the partner as a sex object
- Criticizing sexual performance or desirability
- Withholding sex as a punishment
- Unwanted sadistic sexual acts

Psychological/Emotional Abuse

Psychological / emotional abuse is any use of words, voice, action or lack of action meant to control, hurt or demean another person. Emotional abuse typically includes ridicule, intimidation or coercion. Verbal abuse usually is included in this category. Psychological / emotional abuse is repeated hurtful exchanges with disregard for the person's feelings aimed at gaining power and/or exerting control over the person. For example, telling the person over and over again that "no one else would have you" or repeatedly calling the person "stupid" or "worthless".

Behaviours include:

- Verbal threats
- Demeaning the partner in front of friends, family or strangers
- Name-calling and use of abusive language
- Constant criticism or humiliation
- Disproportionate anger or yelling to intimidate
- Irrational blaming of the person
- Withholding affection, approval or appreciation as a punishment
- Obsessive jealousy and accusations of unfaithfulness
- Instilling in the person the belief that "nothing he does will ever be good enough"
- Use of intimate knowledge (e.g. the person has herpes) to generate vulnerability
- Abusing or threatening to abuse the person's children is included here when the intent is to emotionally harm the person through the children
- Abusing or threatening to abuse pets is included here, when the intent is to emotionally harm the person through the pets
- Being irresponsible with money
- Using insults, sarcasm or sneering
- Laughing at the person
- The abuser harming or threatening to harm himself/herself

Financial Abuse

Financial abuse is the use or misuse, without the person's freely given consent, of the financial or other monetary resources of the person or of a partnership.

Common examples of financial abuse include:

- Forbidding the person to work
- Jeopardizing the person's employment by such tactics as excessive calls to work; creating conflict with co-workers, supervisor or clients; creating scenes with co-workers; forcing the person to miss work through threats, injuries or coerced substance use
- Refusing to work, yet contributing to expenses
- Controlling shared resources, including bank accounts and common property
- Demanding the person sign over pay cheques or denying access to liquid assets, like mutual funds
- Demanding the person account for all the money the abuser spends
- Coercing the person to pay for all expenses, including rent, food and utilities
- Stealing the person's property, such as valuables or assets
- Destroying or threatening to destroy the person's property as a means of affecting their financial situation
- Using the person's identity to charge expenditures to partner
- Taking credit cards, money or cheque book
- Forging the person's signature on financial documents

Identity Abuse

Identity abuse is using personal characteristics to demean, manipulate and control the person. This category is comprised of the social "isms", including racism, sexism, ageism, able-ism, beauty-ism, as well as homophobia

Examples are:

- Outing or threatening to out the person to such people as family, boss, or neighbours
- Using the person's own homophobia to demean them or make them fearful
- Asserting that the person will never have another relationship because they are too ugly or too old
- Blaming the abuse on the person's identity (gay, bisexuality, transgender) or behaviour
- Using racial epithets and negative stereotypes
- Ridiculing the person's physical challenges or exploiting them
- Ridiculing the person's gender identity: appearance, dress, voice quality, grooming, etc.

Appendix 3: New Zealand Legislation, Privacy Issues and Information Sharing

Since the introduction of the Privacy Act (2020) and the Health Information Privacy Code (2020), agencies and individuals have become concerned about how much information can be given to statutory social workers or the Police. Both documents make provision for the disclosure of information necessary to prevent harm to any individual.

As well, all privacy restrictions are over-ridden by certain sections of the Oranga Tamariki Act (1989). These provide for the reporting of child abuse and protection of an individual from proceedings when disclosing child abuse to either a statutory social worker or police.

This Appendix lists the relevant legislation and the sections that relate to sharing information in cases of abuse and neglect.

1. Oranga Tamariki Act 1989

S15 Reporting of ill treatment or neglect of child or young person

Any person who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally, or sexually), ill-treated, abused, neglected, or deprived may report the matter to a social worker or a member of the police.

S16 Protection of person reporting ill treatment or neglect of child or young person

No civil, criminal, or disciplinary proceedings shall lie against any person in respect of the disclosure or supply, or the manner of the disclosure or supply, by that person pursuant to section 15 of this Act of information concerning a child or young person (whether or not that information also concerns any other person), unless the information was disclosed or supplied in bad faith.

S66 Government Departments may be required to supply information

(1) Every Government Department, agent, or instrument of the Crown and every statutory body shall, when required, supply to every Care and Protection Co-ordinator, OT social worker, or member of the police such information as it has in its possession relating to any child or young person where that information is required -

(a) For the purposes of determining whether that child or young person is in need of care or protection (other than on the ground specified in section 14 (1) (e) of this Act): or

(b) For the purposes of proceedings under this part of this Act.

2. Privacy Act

Principle 11 (f) (ii)

An agency may disclose information if that agency believes, on reasonable grounds that the disclosure of the information is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another individual

3. Health Information Privacy Code

Rule 11 subsection 2 (d) (ii)

An agency that holds personal information must not disclose the information to a person or body or agency unless – the disclosure of that information is necessary to prevent or

lessen a serious and imminent threat to the life or health of the individual concerned or another individual

4. Health Act 1956

Section 22 (2) (c) Disclosure of health Information

Any person being an agency, that provides health services or disability services...may disclose health information... to a social worker or a Care and Protection Co-ordinator within the meaning of the Children Young Persons and their Families Act (1989), for the purposes of exercising or performing any of that person's powers under that Act.

Always seek advice from the company's Operations Manager prior to release of information.

Appendix 4

Information Sharing Provisions in the Oranga Tamariki Act 1989

Introduction

On 1 July 2019 the Oranga Tamariki Act will come into effect to increase information sharing to protect tamariki. The new provisions enable child welfare and protection agencies, and some independent people, to request, use and share information for purposes related to the wellbeing and safety of tamariki.

Section 65A of the new Act contains a principle that the wellbeing and best interests of a child and young person are the first and paramount considerations for agencies, and in general this takes precedence over any duty of confidentiality.

The provisions enable agencies:

- To proactively and voluntarily share information with professionals who will be most able to help tamariki and whānau
- To ask for information to be shared
- To choose how to respond to an information request (unless it's a section 66 request from Oranga Tamariki or the Police).

Definitions

Child welfare and protection agencies	The group of organisations, and therefore their employees, covered by the information sharing provisions including: <ul style="list-style-type: none">- Any social, family and community service that provides services under section 396 of the Oranga Tamariki Act- Any person, body or organisation that provides regulated services under schedule 1 of the Children's Act 2014.- Housing New Zealand Corporation- Ministry of Education and schools and early childhood services- Health New Zealand, and health providers (e.g. disability support services; Well Child Tamariki)- Ministry of Justice and Department of Corrections- Ministry of Social Development- Oranga Tamariki- Ministry for Children- New Zealand Police.
Sharing in good faith	This means following the requirements

	of the provisions and making best efforts to share the right kind of information, with the right people, in the right way for the purposes of the provisions.
Independent person	Professionals or people covered by the information sharing provisions including: <ul style="list-style-type: none"> - A practitioner under the Health Practitioners Competence Assurance Act 2003 who provides health or disability support services. - A Children's Worker (under section 23(1) of the Children's Act 2014). - A person or class of persons designated as an independent person by regulations made under section 447(1)(ga)(ii) of the Oranga Tamariki Act.
Information sharing provisions	The sections of the Oranga Tamariki Act 1989 related to information sharing (sections 65A to 66Q).
Professional	Anyone who is covered by the provisions.
Professional judgement	The opinion, advice or decision of anyone using the provisions based on training, expertise and experience about what information to share, with whom and why, grounded on evidence about the situation for tamariki.
Safety Concerns	<ul style="list-style-type: none"> ▪ Tamariki are being or likely to be physically, emotionally or sexually abused; deprived; ill-treated; neglected ▪ Parent or caregivers are unwilling or unable to care for tamariki ▪ The development of tamariki or their physical, mental or emotional wellbeing is likely to be impaired or neglected in a way that is avoidable ▪ Tamariki see, hear or live in a home with family violence (Section 14AA(1)(a)(b) and (2) of the Oranga Tamariki Act).
Tamariki	Children and young people aged under 18 years of age.
Wellbeing	There is no single legal definition of tamariki wellbeing. But the concept covers a broad group of things that come together in an holistic way.

	<p>Wellbeing can include:</p> <ul style="list-style-type: none"> ▪ Strong positive whānau relationships ▪ Spiritual and cultural connections ▪ Having their developmental needs met and supported – education, behaviour, life skills and self-care skills ▪ Social and peer groups that are supportive, caring and positive ▪ Physical and mental wellness ▪ Security – being safe from harm, living in a safe community, having a warm dry home, having enough food
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Who do the Information Sharing Provisions Apply To?

The information sharing provisions apply to a large group of government agencies, non-government organisations (NGO), health and education services. There are two terms used under the legislation for the kinds of agencies and kinds of people who are covered by the provisions - 'child and welfare agencies' and 'independent persons.' In the text box below is some examples of the kinds of government and NGO agencies covered by the information sharing provisions. Anyone who is on this list can request information from anyone else on the list under section 66C of the Oranga Tamariki Act. LifeLinks is included in this list as a disability support service.

<p>Examples of Agencies Subject to the Information Sharing Provisions</p>
<ul style="list-style-type: none"> ▪ Education sector (schools and early childhood services, boards of trustees, playgroups) ▪ Health sector and medical services (health practitioners, Well Child providers, disability support services) ▪ Social services, family support services, youth services (youth mentoring, parenting programmes) ▪ Iwi social services and Māori social service organisations ▪ Cultural social services ▪ Recreational services (services funded by local government e.g. out of school care, learn-to-swim programmes, sports centres) ▪ Housing services (those working for community housing providers) ▪ Many government agencies (like Oranga Tamariki, Police, Ministry of Education, Department of Corrections)

Purposes for which the Information can be Shared

The main purpose for LifeLinks employees to decide to request information or share information is to support and protect tamariki and their wellbeing or to assist whānau to help tamariki.

Section 66C of the Oranga Tamariki Act states that information is only to be shared to:

- Prevent or reduce the risk of harm, ill-treatment, abuse, neglect or deprivation for tamariki or
- Make or contribute to an assessment of the risks or needs of tamariki or
- Make, contribute to or monitor any support plan for tamariki that is managed by Oranga Tamariki or
- Prepare, implement or review any prevention plan or strategy made by Oranga Tamariki or
- Arrange, provide or review services facilitated by Oranga Tamariki for tamariki or their whānau or
- Carry out any function in relation to a family group conference for tamariki in care or anything else related to the care or protection of tamariki.

What Information can be Shared?

The legislation does not limit who the information is about. However, most of the time LifeLinks employees will share relevant information about tamariki, their parents or caregivers, people in their wider whānau or who they live with and people tamariki already have a relationship with.

The kind of relevant information that LifeLinks employees may share includes that which is:

- Relevant to, or related to, addressing or supporting the safety or wellbeing of tamariki (the information sharing provision requires this) and
- As accurate as you can make it and not misleading (the Privacy Act requires this) so be clear what's fact, what's your professional view, what is someone else's point of view and what is a worry or concern that hasn't been confirmed yet and
- As complete as you can make it (the Privacy Act requires this) for example, including contextual information to help with understanding. However, balance this with only sharing the minimum necessary to achieve the purpose of sharing and
- Up to date as you can make it (the Privacy Act requires this) this can include historical or past information if it helps to understand the current concerns or worries.

Examples of relevant information that might be shared by LifeLinks employees are listed in the following text box:

Examples of relevant information that might be shared

- Details about who works with tamariki or whānau (like schools or doctors) and why
- Details about the home environment
- Descriptions about tamariki and whānau needs, aspirations, strengths, what's working well (physical or mental health, education, behaviour, and social connections)
- An outline of challenges whānau are facing (like financial pressure, housing difficulties, family violence concerns or alcohol and drug issues)
- Information about who or what has helped tamariki or whānau in the past or what challenges and concerns there have been in the past for tamariki, or people around tamariki.

What you need to do if your Sharing Information

LifeLinks employees should take the following steps when thinking about sharing information under section 66C of the Oranga Tamariki Act:

Do you want to ask for or provide information using section 66C for any of the following:

- Prevent or reduce the risk of harm, ill-treatment, abuse, neglect or deprivation for tamariki OR
- Make or contribute to an assessment of the risks or needs of tamariki OR
- Make, contribute to or monitor any support plan for tamariki that is managed by Oranga Tamariki OR
- Prepare, implement or review any prevention plan or strategy made by Oranga Tamariki OR
- Arrange, provide or review services facilitated by Oranga Tamariki for tamariki or their whānau OR
- Carry out any function in relation to a family group conference for tamariki in care or anything else related to the care or protection of tamariki.

Is the information you are planning to share relevant to the wellbeing or safety of the child (even if it isn't about them)?

Is the independent person or agency you want to share with covered under the Oranga Tamariki Act 1989?

You can share information under the Oranga Tamariki Act 1989

Ask for

Complete request.
Record should include:

- What is required
- Why it is required
- What it will be used for
- Information about any relevant timeframes
- Any contact details for the person the information is about

Record details of any request and any information received as a result of the request.

Provide

Is the information you are providing as accurate, complete and up-to-date as possible and will it help the agency fulfil purpose specified in s66C?

Where appropriate or practicable talk with tamariki or their representative about providing their information AND consider their views.

Do I believe that providing the information is in the best interests of tamariki?

Provide information and record details.

When sharing information under section 66C of the Oranga Tamariki Act, LifeLinks employees must:

- Get support to make decisions about whether information should be shared (e.g. Operations Manager; person responsible for child protection in our company; Privacy Officer; lawyer)
- Talk with tamariki (or their representative, parent, guardian, caregiver if they are very young or unable to understand) about sharing their information unless it is inappropriate or impossible to do so. You do not have to gain their consent.
- Follow the requirements of the Privacy Act (i.e. making sure the information is up to date and complete; keeping information safe and secure and protecting it from misuse; only collecting information for a lawful purpose; providing people with a chance to access their information; providing people with the chance to correct their information if they think it is wrong; only keeping information for as long as required for the purpose it was collected)
- Agree a timeframe for sharing information by being clear about when the information is needed by
- Keep good records about what you have been requested to share and from whom and what you have requested. Good records are important so that tamariki and their whānau can access it to understand what has happened to their information and also to provide the company with a paper trail about the rationale for why you decided to share the information.

What you can Expect of Oranga Tamariki and the Police when you Share Information with Them

If you ask Oranga Tamariki or Police to share information the LifeLinks employee can expect they will:

- Carefully consider your request for information
- Focus on proactively sharing in the best interests of tamariki
- Get back to you in the timeframe you have asked for, or contact you to discuss a timeframe they can meet
- Let you know why they will not share the information if that is their decision (including if they don't believe it meets the purposes and reasons for information sharing under the provisions).

If Oranga Tamariki or Police ask LifeLinks for information the company's employees can expect they will:

- Explain under what part of the Oranga Tamariki Act they are asking for it (it could be under section 66 or section 66C)
- Be clear about exactly what information they are requesting and how asking for it meets the purposes of the provisions
- Tell you, if they can, how that information is going to be used
- Be clear when they need the information by and how they would like to receive it
- If they can, let you know what has happened as a result of sharing the information
- If sharing under section 66C tell you if they have spoken to tamariki about sharing their information if it was safe and appropriate to and what tamariki views were.

How the Oranga Tamariki and Family Violence Legislation Work Together

The Oranga Tamariki Act 1989 has been amended to allow for the safety and wellbeing of tamariki and applies to the child welfare and protection sector. The Family Violence Act 2018 introduces new laws that allow information to be shared to identify, stop, prevent and otherwise respond to family violence. This applies to the family violence sector.

Both Acts:

- Apply to many of the same agencies and people, including schools, early childhood services, health professionals, social workers, some non-government organisations, Police and other government departments
- Are designed to encourage agencies and people to voluntarily share information, and work collaboratively
- Are about ensuring information that is relevant is shared appropriately, and for the right purposes
- Mean people are generally protected from civil, criminal or disciplinary proceedings as long as information is shared in good faith, and they comply with the relevant information sharing provisions.

LifeLinks employees should use the provisions in the Oranga Tamariki Act 1989 to share information if it's to:

- Prevent or reduce the risk of harm, ill-treatment, abuse, or neglect for tamariki
- Make or contribute to an assessment of the risks or needs of tamariki
- Make, contribute to, or monitor any support plan for tamariki that is managed by Oranga Tamariki.

LifeLinks employees should use the provisions in the Family Violence Act 2018 if it's to:

- Help protect a victim from family violence
- Make or contribute to a family violence risk or need assessment
- Make decisions or carry out plans related to responding to family violence.

Police and Oranga Tamariki are child welfare and protection agencies and so can share and request information in the same way any other child welfare and protection agency can (using section 66C).

Police and Oranga Tamariki also have the ability to require information that may relate to the safety or wellbeing of a child or young person from a wide range of people and organisations under section 66. This is for the purposes of deciding if a child or young person is in need of care or protection or required to support proceedings brought under the Oranga Tamariki Act. LifeLinks employees must share information with the Police or Oranga Tamariki if they request it under section 66, unless it is legally privileged.

Sharing Information in Good Faith

LifeLinks employees are generally protected from any kind of civil, criminal or disciplinary action if they share information in good faith and comply with the information sharing provisions under the Act.

Associated Documents / Whakarōputanga Tuhinga

Legislation:

Oranga Tamariki Act 1989 & Children and Young people's Wellbeing Act 1989
<http://www.legislation.govt.nz/act/public/1989/0024/latest/DLM147088.html>

Family Violence Act 2018 <http://www.legislation.govt.nz/act/public/2018/0046/latest/whole.html>

Additional Resources:

Oranga Tamariki. Information sharing to support tamariki wellbeing and safety: Guidance for sharing information across the child welfare and protection sectors -
<https://www.orangatamariki.govt.nz/working-with-children/information-sharing>

Ministry of Justice. Sharing information safely, Guidance on sharing personal information under the Family Violence Act 2018 - <https://www.justice.govt.nz/justice-sector-policy/key-initiatives/reducing-family-and-sexual-violence/a-new-family-violence-act/information-sharing-guidance/>

Te Whatu Ora: Health New Zealand. Health-specific resources.
<https://www.health.govt.nz/our-work/new-information-sharing-schemes>