

Procedures & Principles



Part B: Child Protection
Number: OP-15/03

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CHILD PROTECTION

Definitions

Abuse	The harming (whether physically, emotionally or sexually), ill-treatment, neglect or deprivation of any child or young person.
Child Protection	Activities carried out to ensure that children and young people are safe in cases where there is suspected abuse or neglect or the risk of abuse or neglect; and to ensure opportunities for abuse and neglect are minimised.
Child Protection Trainer	A Wintec staff member whose role it is to train our staff on the safety and security of young students at Wintec, and their obligations under the Vulnerable Children Act 2014.
Child / Youth	Any child or young person under the age of 18 years.
Child, Youth and Family (CYF)	Now called Oranga Tamariki – The Ministry for Children – it was briefly referred to as the Ministry for Vulnerable Children.
Children’s Worker	A person who may be providing a regulated service as defined by the Vulnerable Children Act 2014
Clean Slate	Any convictions that meet the eligibility criteria stipulated in Section 7 of the Criminal Records (Clean Slate) Act 2004 are automatically concealed in any record of criminal convictions.
Code of Practice (COP)	Wintec’s Code of Practice for Pastoral Care of International Students 2016
Contractor	A person working on a contract for service who may be providing a regulated service as defined by the Vulnerable Children Act 2014
Designated Person for Child Protection	The Designated Person is responsible for providing advice and support to staff where they have a concern about an individual child, and will notify the Ministry for Children (Oranga Tamariki) if there is a belief that a child has been, or is likely to be abused or neglected.
Front-line Staff	Staff who have regular contact with students under 18 years (refer children’s worker - Vulnerable Children Act 2014).
Home Stay	Accommodation provided to international students by host families, externally sourced.
Manager	For the purposes of this policy, manager refers to the manager who will appoint or manage front-line staff.

Ministry for Children – Oranga Tamariki (formerly Ministry for Vulnerable Children, formerly CYF)	The agency responsible for investigating and responding to suspected abuse and neglect and for providing a statutory response to children found to be in need of care and protection. Note: The Children, Young Persons and Their Families Act covers children up to the age of 17 only. Formerly known as Child, Youth and Family (CYF).
NZ Police	The New Zealand Police are responsible for enforcing criminal law, enhancing public safety, maintaining order and keeping the peace throughout New Zealand.
Police Vetting	Criminal conviction information held by the Ministry of Justice is accessed by Police under Schedule 5 of the Privacy Act 1993 and is requested and released in accordance with the Criminal Records (Clean Slate) Act 2004.
Safety Checking	The process of safer recruitment that is mandatory for organisations covered by the Vulnerable Children Act 2014; made up of identity checks, police vetting, work history, interview, reference checking, professional body check and a risk assessment.
The Vault	Wintec’s health and safety software tool which provides access, to authorised users, to files and documents within secured libraries.
The Vulnerable Children’s Hub	A contact point for frontline professionals and practitioners in Hamilton, to raise concerns about vulnerable children whose needs are not serious enough to contact the Ministry for Children or the Police.

1. Principles

Wintec is committed to:

- a) Ensuring that all staff can identify the signs and symptoms of potential abuse and neglect, and respond with appropriate action in line with this policy.
- b) Sharing information within the specified timeframe (see flow diagram) and discussing any concerns about an individual student under 18 years with their manager, their People and Culture Business Partner or the Designated Person for Child Protection.
- c) Promoting a culture where staff feel confident to raise issues of concern.

2. Staff safety checking

2.1 Safety expectations

Wintec has students younger than 18 years of age (and adults with disabilities) who may be considered vulnerable and therefore require further protection. The Education and Vulnerable Children Acts require education institutions to safety check staff likely to have contact with students because of this vulnerability.

2.2 Scope

Staff who will have regular contact with students under 18 years (or vulnerable adults) are considered front-line staff and will be required to undergo safety checking. This includes staff in faculty and in student facing roles. People and Culture will determine which roles will be safety checked in consultation with the line manager. Roles requiring safety checking will be identified during the recruitment approval process.

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Every person over 18 years of age living in a residence with a Home Stay applicant (on average 4 nights a month minimum) will be required to undergo safety checking and police vetting prior to approval being given and before the Home Stay Carer Participation Agreement is signed.

2.3 Attraction, recruitment and selection processes

Attraction, selection and recruitment processes should affirm Wintec’s commitment to child protection. Prospective and existing employees will be made aware that a periodic safety check is part of their employment conditions.

2.4 Roles and responsibilities

The People and Culture team will coordinate and oversee the administration of the safety checking process for staff.

The International Centre will coordinate and oversee the administration of the safety checking of all designated Home Stay household members over 18 years living in the residence that applies to host international students.

The Safety and Wellbeing Manager will be the Designated Person for Child Protection.

2.5 Safety checking

Staff safety checks can be performed at any of these times:

- a) Prior to employment
- b) Prior to issuing a Home Stay Carer Participation Agreement
- c) At regular intervals during employment (within three years of the previous one as determined by the Vulnerable Children Act); and
- d) At any other time Wintec believes it is appropriate

The table below shows what is required to be completed for new staff, existing staff and periodic checks:

	New Frontline worker safety check	Existing Frontline worker safety check	Periodic safety check requirements
Identity checking	✓	✓	
Confirmation of no name change since last check			✓
Five-year work history	✓		
Interview	✓		
Reference check	✓		
Professional body check	✓	✓	✓
NZ Police vet	✓	✓	✓
Risk assessment / safety check completed	✓	✓	✓

2.6 Information required

As part of the recruitment or home stay application process the person being safety checked must provide:

- a) a chronological summary (or curriculum vitae) of their work history, if any, for the previous five years, including a description of the employment positions and an explanation of any gaps in their working history.
- b) the names of any professional organisations, licences or practising certificates that are relevant to their employment.
- c) the name(s) of at least one referee who can attest to their ability to perform the role safely and their character, and is not related to the person and not part of the person's extended family.
- d) details of any convictions or discharges without conviction as a result of any criminal charges in New Zealand or any other country or any charges against them that are yet to be heard.

The person being safety checked must also be interviewed in person either face to face, by telephone or by any electronic means to obtain information relevant to a risk assessment (under 2.11). Home Stay applicants will be interviewed face to face by the Home Stay staff members.

2.7 Police vetting and identification checking

Candidates at second interview stage applying to work in a role that requires police vetting, and people applying to be home stay carers, will be required to complete and sign a NZ Police Vetting Service Request and Consent form (this can be downloaded from the [NZ Police web site](#)) and Wintec's child protection declaration form and return them to the hiring manager or People and Culture; or the International Centre in the case of home stay carers.

If the candidate/prospective home stay carer is unsuccessful, the Police vet form and result will be securely destroyed.

Anyone being safety checked must have their identity verified at the final interview or during their home stay visit. They must produce a primary identity document e.g. original New Zealand birth certificate (issued after 1 January 1998 or verified by a Justice of the Peace), New Zealand passport or New Zealand citizenship certificate, and a secondary identity document e.g. New Zealand driver's licence, HANZ 18+ card or IRD number. One form of identification must be photographic. A full list of acceptable identity documents is provided in Appendix 1.

2.8 Possible outcomes

If police vetting reveals undisclosed convictions, possible outcomes include:

- a) A prospective employee not being offered employment;
- b) Current employees facing disciplinary action; and/or
- c) Termination of employment; or
- d) Termination of Home Stay Carer Participation Agreement or not being accepted as a Home Stay host

It is the responsibility of the manager to make a decision about the possible outcomes for staff, in consultation with People and Culture.

It is the responsibility of the relevant International Centre Manager to make a decision about the Home Stay Carer Participation Agreement in consultation with the Director International

2.9 Disclosure of police vetting results

The result of police vetting will be disclosed to the staff member's manager or the International Student Accommodation Manager for Home Stay carers. The Centre Director or unit manager and the executive member e.g. Dean or the Director of International will also receive the results if their consultation is required.

Staff results will be held confidentially in Wintec's health and safety database (the Vault).

Home Stay carers' results will be held confidentially in the restricted Home Stay online system.

Staff and Home Stay carers will have access to their results under the Privacy Act 1993.

Vetting information will be securely destroyed after a new result has been received and no later than 12 months after the last day of employment or three years for home stay carers.

2.10 Risk assessment

The manager will use the risk assessment process to assess the risk that a person may pose to the safety of students under 18 years. This includes the following factors: the information obtained from the application form, interviews or home stay visit; referee checks and police vetting in its proper context, to come to a conclusion that follows the principles of natural justice and is safe for students under 18 years at Wintec.

Staff appointments are to be made conditional upon Wintec receiving a satisfactory police vetting result, and the new employee being notified in writing that any subsequent adverse criminal record finding may result in the offer of appointment being withdrawn, or the appointment being terminated.

Home Stay Carer Participation Agreements will not be issued unless the police vetting and risk assessment process (including all aspects of the safety check) have been completed and are satisfactory to Wintec.

2.11 Exemptions for people with specified offences to allow them to work with students under 18 years

A person convicted of a specified offence (Section 2 Vulnerable Children Act 2014) can apply for an [exemption](#). Exemption applications are considered by a panel representing the Ministries of Social Development, Health, Education, Justice and New Zealand Police.

An exemption may be granted only if the panel is satisfied that the person would not pose an undue risk to the safety of students under 18 years old if employed or engaged as a front line staff member.

The exemption may be qualified or contain conditions and it may be revoked at any time without notice.

If an exemption is declined, Wintec may consider redeployment opportunities to allow the employee to fulfil their employment agreement obligations, and/or if applicable the Staff Disciplinary Policy may be invoked.

A person declined an application for exemption or a person whose exemption has been revoked may appeal the decision to the High Court.

2.12 Staff working with students under 18 years without a current police vet

Staff may be working with students under 18 years without a current police vet because they have been appointed on the condition of satisfactory police vet result; they have been employed in a casual or hourly paid academic (HPA) role for less than one month; or their role may not currently be subject to safety checking requirements.

Staff without a current police vet should take all practicable steps to never be alone with a student under 18 years. If a student requests a 1:1 conversation or a staff member needs to speak to the student alone,

the staff member should request the presence of another staff member who has been police vetted or another student over 18 years, or ensure the meeting takes place in a public setting e.g. in the Hub. These steps are in place to protect staff and students.

3. Identifying, responding to and reporting child abuse and neglect

3.1 Scope

All staff have a responsibility to discuss any child protection concerns, including suspected abuse or neglect, with their manager, their Child Protection trainer, People and Culture Business Partner or the Designated Person for Child Protection.

3.2 Identification of abuse and neglect expectations

All staff must be able to clearly identify the signs and symptoms of abuse and/or neglect and have the confidence to take appropriate action to protect the wellbeing and safety of children and young people, including allegations made against a parent or caregiver, a member of staff, or someone else.

3.3 Indicators of potential abuse or neglect

Staff must consider the overall wellbeing and the risk of harm to students under 18 years and feel empowered to act on suspected abuse and neglect. Training will be provided to enable staff to recognise symptoms or patterns of abuse.

3.4 Responding to suspected abuse or neglect

In all cases where a member of staff has a concern about a student under 18 years being or likely to be being abused or neglected by an adult or another child, they must inform one of the following key staff: their manager or another senior member of staff; one of the Child Protection trainers, a People and Culture Business Partner or the Designated Person for Child Protection, within a time period that allows for effective consultation/advice to be given, even if the child concerned is not a Wintec student.

The Designated Person or Acting Designated Person for Child Protection will notify The Vulnerable Children's Hub, Ministry for Vulnerable Children or the Police promptly if there is a belief that a student under 17 years has been, or is likely to be abused or neglected. If the student is younger than 18 years but older than 17 years the Designated Person will notify the Police.

If the staff member is still concerned about a student after consultation with key staff then they are able to make a notification to the Ministry for Vulnerable Children or the Police in their own right; but must inform their manager immediately.

See Appendix 2 for a flow diagram showing the process at Wintec including your role and responsibility if you have a concern about a child or young person at Wintec.

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4. Allegations or concerns about staff or home stay carers

All matters involving allegations against staff must be escalated to a People and Culture Business Partner, the Director of International for Home Stay, or the Designated Person for Child Protection.

Appendix 3 outlines the Home Stay Disputes and Issues Process.

Where the outcome of an investigation results in allegations that may lead to an employment investigation and a finding of staff misconduct or serious misconduct, the People and Culture Business Partner will inform the manager of the process to be followed (referring to the Employee Complaint Management Policy, the Students Complaints, Concerns and Appeals Policy or the Staff Discipline Policy).

The manager will inform the complainant of the process to be used, what information will be considered, when the investigation commences and when the investigation is likely to be completed.

The investigator(s) must consider the complaint in accordance with the principles of natural justice, and must ensure that all parties to the complaint are accorded the full benefit of those principles.

Where a complaint is investigated but not substantiated, the findings along with a right of reply should be on the record in the staff member and host file.

5. Confidentiality and information sharing

Under sections 15 and 16 of the Children, Young Persons, and their Families Act, any person who believes that a child has been, or is likely to be harmed physically, emotionally or sexually or ill-treated, abused, neglected or deprived may report the matter to the Ministry for Vulnerable Children or the Police and, provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them. The staff member who is concerned must report their concerns to their manager, one of the child protection trainers, or their People and Culture Business Partner who will bring it to the attention of the Designated Person. The Designated Person will make a report of concern to the Ministry for Vulnerable Children or the Police if appropriate, once consultation has taken place. All notes and observations, after an investigation has been notified, shall be kept confidentially within the Vault or confidentially in SharePoint for home Stay issues.

The Privacy Act 1993 and the Children, Young Persons, and their Families Act 1989 allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated.

6. Communication

Communication with a student's parents or caregivers, that a referral to The Vulnerable Children Hub, Police or the Ministry for Vulnerable Children has been made, must be managed by the Designated Person, in consultation with the Director People and Culture or the Director of International and the Director Communications (see flow diagram Appendix 2).

7. Training, education and support

Wintec is committed to maintaining and increasing staff awareness of how to prevent, recognise and respond to abuse through appropriate training. As part of induction for new staff, People and Culture will ensure new staff are given the Child Protection Policy. All front line staff who will have contact with students under 18 years are required to undertake child abuse and neglect intervention training.

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Wintec understands that this subject can be challenging and staff wanting support can speak to their manager, People and Culture Business Partner, Designated Person for Child Protection or Wintec's Child Protection Trainer. Please see the [Child Protection site](#) on the staff intranet for names and contact details. Staff may also contact Stratos Limited directly for free, independent and confidential counselling - 0800 STRATOS (787 2867) to make an appointment. More information can be found on the website: www.stratos-ltd.co.nz

8. Responsibilities

Wintec will comply with the Privacy Act 1993 in the collection and storage of all employee information.

Staff will provide all information necessary to Wintec to perform police vetting and all information provided will be true and correct.

Staff will keep Wintec informed of any information relating to upholding the purpose of this policy, including criminal investigations, charges and convictions.

9. Measurements of success

The Child Protection Policy will be deemed successful when:

- All front-line staff have been safety checked in line with the requirements of the Vulnerable Children Act 2014 and at the following times:
 - Upon appointment for new staff; and /or
 - At regular intervals during employment (including staff hired prior to the introduction of this policy)
- All Home Stay Carers have been safety checked prior to signing the Home Stay Carer Participation Agreement
- Police vetting applications and results are stored securely
- Staff with undisclosed convictions are managed in line with our disciplinary procedures
- All staff who will have contact with students under 18 years have undertaken child protection training.
- All allegations are managed appropriately and within the designated timeframes.

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10. Records management

In line with the Public Records Act 2005, Wintec is required to provide a records management programme to ensure that authentic, reliable and usable records are created, captured and managed to a standard of best practice and to meet business and legislative requirements. All records relevant to a specific policy need to be listed in every policy in the following format:

Record	Minimum retention period	Disposal action
Police vetting application form	Retained by People and Culture (for staff) or International Centre (for home stay carers)	Securely disposed of when result is received
Police vetting result	Retained in the Vault for staff and Home Stay but details kept on personnel file for staff or Home Stay SharePoint.	Securely disposed of when a new result is received or no later than 12 months after last day of employment and for 3 years for Home Stay.
Feedback regarding child protection concerns/observations	Retained in the Vault	N/A
Record of concern	Retained in the Vault	N/A
Notes and observations following an investigation	Retained in the Vault	N/A

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Appendix 1

In order to confirm the identity of the applicant, two forms of ID must be sighted, one primary and one secondary, one of which must be photographic.

Primary identity documents

Passport (NZ or Overseas)
NZ Firearms Licence
NZ Full Birth Certificate (issued on or after 1 January 1998)
NZ Citizenship Certificate
NZ Refugee Travel Document
NZ Emergency Travel Document
NZ Certificate of Identity
Passport (NZ or Overseas)
NZ Firearms Licence
NZ Full Birth Certificate (issued on or after 1 January 1998)

Secondary identity documents

NZ Driver Licence
18+ card
NZ Full Birth Certificate (issued before 1998)
Community Services card
SuperGold Card
NZ Employee Photo Identification Card
NZ Student Photo Identification Card
Inland Revenue number
NZ issued utility bill (issued not more than six months earlier)
NZ Teachers Registration certificate
NZ Electoral Roll Record
International Driving Permit

Current identity documents are preferred, but documents that have expired within the past five years may be accepted.

If an applicant is unable to meet the requirements for evidence of identity, please contact the Police Vetting Service at qa.vetting@police.govt.nz

Evidence of a name change

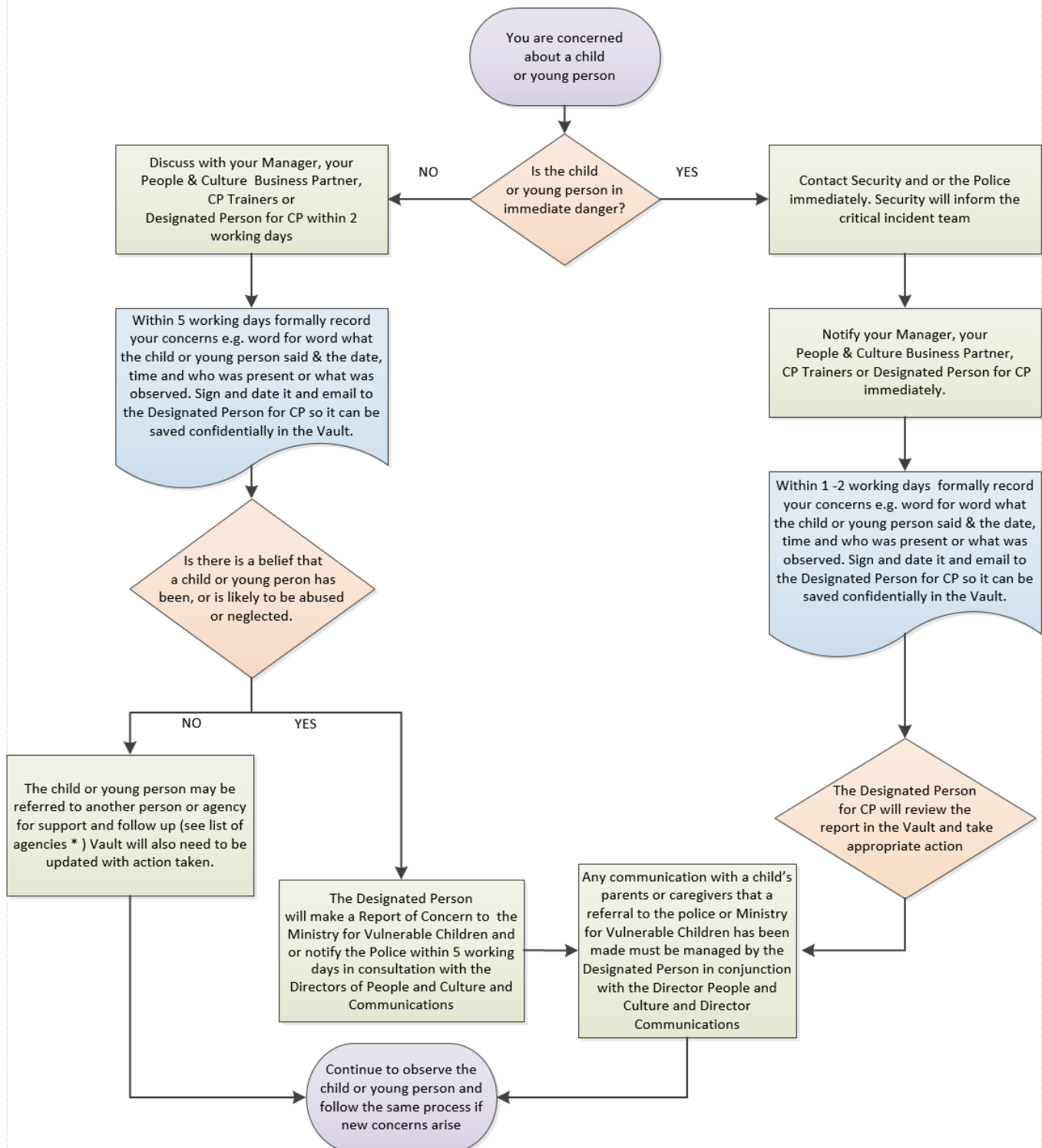
If the two identity documents have different names (e.g. a birth certificate contains the applicant's maiden name and a driver licence contains their married name) evidence of a name change must be sighted such as a marriage certificate or statutory declaration.

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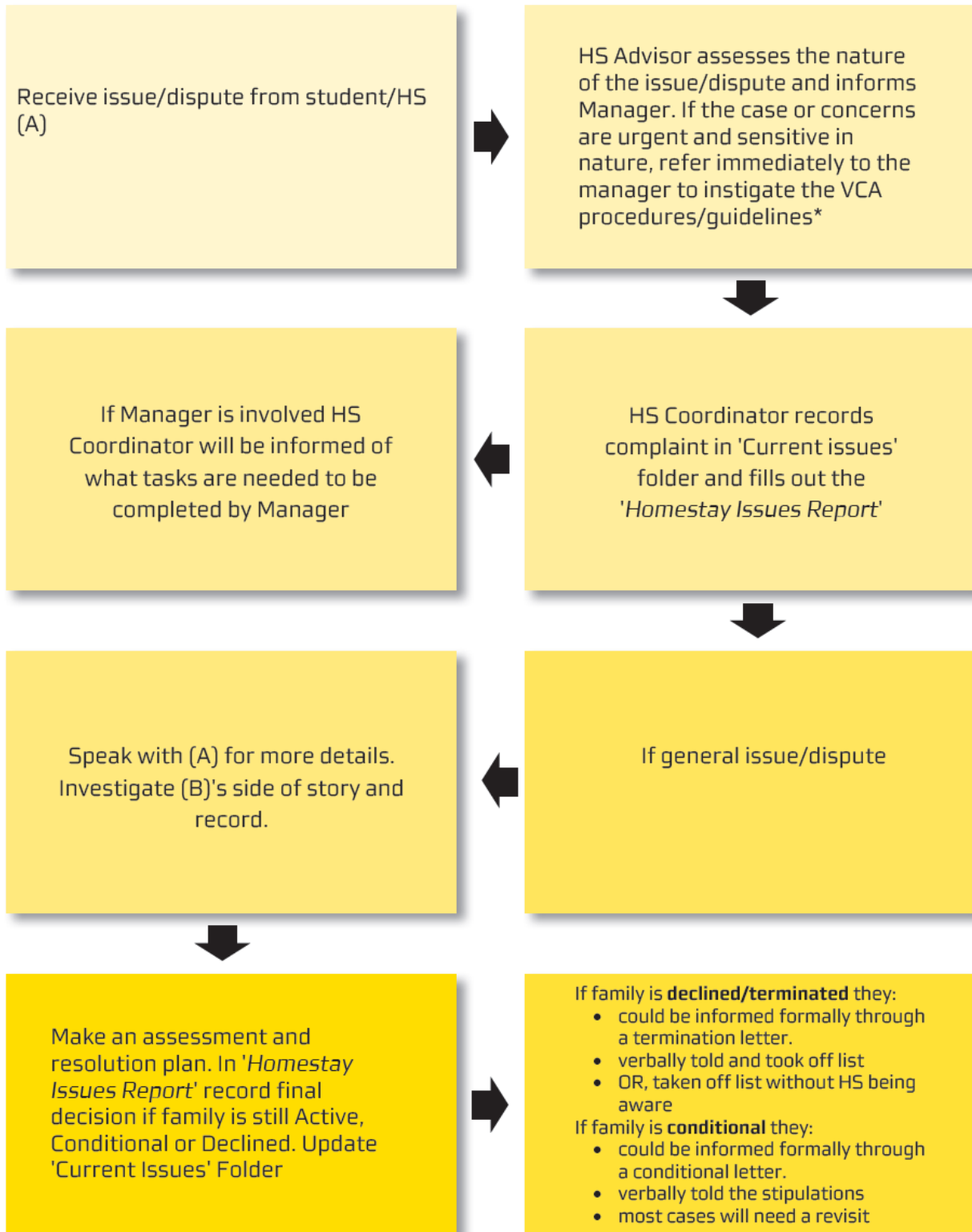
Appendix 2

What do I do if I am concerned about a child or young person?



Appendix 3

Homestay Disputes and Issues Process



Homestay Disputes and Issues Process continued

Minor Issues

Three strikes and you are out for minor issues / complaints. If a minor complaint is received:

Phone call with the homestay

- Issues raised and discussed
- Plan of action made
- Conversation documented and saved in HS family's file

Meeting with the HS at Wintec

- Issues raised and discussed
- Plan of action made
- Conversation documented and saved in HS family's file

Dismissal from HS programme

- Conversation documented and saved in HS family file. Status updated.

Questions / considerations:

- Has it been the same issue/complaint over and over again?
- How often has the family been involved in issues/complaints?
- What is the attitude of the family when dealing with the issues?

Serious Issues

Wintec reserves the right to remove a student from a homestay family and/or to remove a registered family from our database/services at any time and without notice in the instance of a serious issue. (Example: Any mental, physical or spiritual abuse)

Immediate removal if:

- Breach of any part of the Wintec Homestay contract
- Results from repeated police vetting checks are returned (these are scheduled to be carried out every 3 years, but Wintec can request for these to be undertaken by any family member at any time for any reason)

All serious issues need to be dealt with sensitivity and with the Manager as per VCA guidelines attached.

Financial Issues

If the dispute or complaint has to do with money.

- Please refer to the Refund policy
- Insurance is the best way to solve most cases. Students and HS should both have it