



**THE
ADR
CENTRE**

Te Whakatau Tautohe
Huarahi Kē

CHILD PROTECTION POLICY

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(date of review subject to legislative change or other relevant change in circumstances)

THE CENTRE
FOR ALTERNATIVE
DISPUTE
RESOLUTION

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INTRODUCTION

The purpose of this policy is to articulate The ADR Centre's commitment to ensuring the wellbeing and safety of children remain paramount and to provide guidance on how to identify and respond to concerns about the wellbeing or safety of a child.

The ADR Centre is committed to supporting any statutory agencies, including Oranga Tamariki and the New Zealand Police, in the investigation of any abuse and will take steps to report any suspected abuse to the relevant agencies in accordance with this policy.

This policy applies to employees and contractors of the following companies operating within The ADR Centre: ADR Centre Limited, New Zealand Dispute Resolution Centre Limited, New Zealand International Arbitration Centre Limited, New Zealand Family Dispute Resolution Centre Limited, Building Disputes Tribunal (NZ) Limited, Independent Complaint and Review Authority Limited, and Lawtech Limited (together, **The ADR Centre**).

Service managers are responsible for ensuring their employees are aware of, understand and comply with this policy. Service managers are also responsible for ensuring that any contractors engaged in services where they may have contact with children in the course of their work are aware of, understand and comply with this policy.

POLICY PRINCIPLES

- To ensure the rights, welfare and safety of the child are always our first and paramount consideration.
- To ensure all employees and contractors whose work involves contact with children are able to identify the signs of potential abuse or neglect and know how to respond.
- To ensure all employees and contractors follow this policy and are supported to ensure best practice is adhered to.
- To ensure all employees and contractors are aware they can report suspected abuse or neglect to Oranga Tamariki or to the New Zealand Police and will cooperate with these statutory agencies as required.
- To support all staff to work in accordance with the policy, to work with partner agencies and community organisations to ensure child protection policies are consistent and of high quality and to always comply with relevant legislative responsibilities.
- Services should contribute to the nurturing and protection of children and advocate for them.
- All policies and initiatives are designed to promote (and be inclusive of) a child protection culture and to work towards continuous improvement in child protection practices.



- Services for the care and protection of children are built on a bicultural partnership in accordance with the Treaty of Waitangi.
- To have open and transparent relationships with clients and service users, including sharing concerns about child safety issues with the family/whānau unless this would result in an increased risk to the child.
- To ensure all employees and contractors recognise and are sensitive to other cultures. To develop and maintain links with iwi, Pasifika and other cultural and community groups to ensure that important cultural concepts (eg, whakamanawa, whakapapa, te reo Māori, tikanga, kaitiakitanga, wairuatanga) are integrated, as appropriate, into practice.

ORGANISATIONAL COMMITMENT TO CHILD PROTECTION

Our management team will ensure:

- There are organisation-wide policies for the appropriate response to, and management of, child abuse and neglect.
- That The ADR Centre Child Protection Policy and procedures comply with legislative requirements, the principles of the Treaty of Waitangi, and best practice standards.

All employees and contractors working with The ADR Centre have responsibility for the safe management of identified and suspected child abuse and neglect. Those responsibilities include:

- To be conversant with this Child Protection Policy.
- To understand the statutory referral processes and management of identified or suspected abuse or neglect.
- To seek advice when child abuse is suspected or identified.

DEFINITIONS

Child

For the purposes of this policy, the definition of a child is any child or young person aged under 18 years who is not married or in a civil union.

Child abuse

Child abuse refers to the harming (whether physically, emotionally or sexually), ill treatment, abuse, neglect, or serious deprivation of any child or young person.

This includes actual, potential and suspected abuse:

- **Physical abuse** – any abuse that may result in physical harm of a child or young person.



- **Sexual abuse** – any acts that involve 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.
- **Emotional abuse** – any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development.
- **Neglect** – the persistent failure to meet a child’s basic physical or psychological needs, leading to adverse or impaired physical or emotional functioning or development.

Children’s worker

This policy adopts the same definition as the Act, ie, children’s worker means a person who works in, or provides, a regulated service, and the person’s work—

- may or does involve regular or overnight contact with a child or children (other than with children who are co-workers); and
- takes place without a parent or guardian of the child, or of each child, being present.

Core and non-core children’s workers

This policy adopts the same definitions as the Act, ie:

Core children’s workers are employed by the state sector or government funded organisations to provide regulated services. In the course of that work, the person is either:

- the only person present; or
- the children’s worker who has primary responsibility for, or authority over the child or children present.

Non-core worker simply means a children’s worker who is not a core worker.

Oranga Tamariki (Ministry for Children)

The agency responsible for investigating and responding to suspected abuse and neglect and for providing care and protection to children found to be in need.

Police

The agency responsible for responding to situations where a child is in imminent danger and for working with Oranga Tamariki in child protection work, including investigating cases of abuse or neglect where an offence may have occurred.



Safety check

For the purposes of this policy, a safety check means a screening process to assess the appropriateness of a person to work with children (ie, in terms of ensuring child safety). That screening process includes:

- an application process;
- following up on referees;
- interviewing; and
- screening (eg Police vetting) where an employee is a children's worker.

GUIDELINES FOR REPORTING SUSPECTED OR ACTUAL ABUSE OF CHILDREN

Identifying suspected abuse or neglect

Every situation is unique, but employees and contractors should be aware of the typical indicators of abuse or neglect. These can include unexplained physical injuries as well as less obvious behavioural concerns, developmental delays or other indicators.

Care should be taken to consider the particular situation of the child before making any decision as to how to respond. Certain behaviours could also be explained by other things that are going on in their family.

Further useful guidance can be found on Oranga Tamariki's website:

<https://www.orangatamariki.govt.nz/worried-about-a-child-tell-us/identify-abuse/>

Responding to suspected abuse or neglect

In all cases where a member of staff has a concern about a child or young person being or likely to be abused or neglected by an adult or another child or young person, they will report this to their manager/supervisor and make referrals/notify key employees to assist in the formulation of a plan to address the care and protection concerns.

Reporting child abuse or neglect

Any employee or contractor who, in the course of their work comes to believe that a child or young person may have been, or may be at risk of being abused, neglected or otherwise harmed, should take appropriate action as outlined in clauses (a)–(d) below:

- a where it is believed that a child is in immediate danger, the employee or contractor must immediately call the Police;



- b where it is believed a child has been, or is likely to be, abused, neglected or harmed, but it is judged that they are not in immediate danger, the employee or contractor should alert their manager/service manager without delay;
- c any decision as to next steps will be made by a director, in consultation with the employee or contractor who has raised the concern, and the relevant manager/service manager;
- d where a concern is raised, and it is subsequently determined that no risk to a child or children exists and that no action is to be taken, this decision and its rationale should be documented;
- e where a child discloses abuse or harm, or a concern about abuse or harm is raised, this should be documented, including recording:
 - i the disclosure (as close to verbatim as possible) and/or the concern;
 - ii the date of any disclosure and who was present;
 - iii any evidence in support of the disclosure or concern;
 - iv any advice received;
 - v any action taken; and
 - vi any other relevant information;
- f where a third party has advised that they believe there has been abuse or neglect, that person should be encouraged to report that information to Oranga Tamariki.

Disclosures of, or concerns about, abuse should be treated as highly sensitive and appropriate standards of confidentiality should be maintained, subject to this Policy and The ADR Centre's Privacy Policy.

Nothing in this Policy limits the right of any person to report child abuse or neglect in accordance with [section 15 of the Oranga Tamariki Act 1989](#).

Employees will cooperate with Oranga Tamariki or the Police at all times including where those agencies are already involved with the child.

TRAINING

Employees and contractors who may have contact with children during the course of their work with The ADR Centre must be aware of this policy, understand it and comply with their obligations to identify and report suspected abuse or neglect.

To support this requirement the following training will be undertaken:

- As part of the induction process, any new employees and relevant contractors will be made aware of this policy.



- At any time this policy is updated, this will be communicated to all employees and relevant contractors.
- Refresher training will be undertaken where there are any changes to this policy or within three years.

SAFETY CHECKING OF CHILDREN'S WORKERS

At the time of adoption of this policy, The ADR Centre does not have any employees or contractors who fall within the definition of a children's worker as that term is defined in the Act.

Nevertheless, as a supplier of FDR Mediation services to the Ministry of Justice, the FDR Centre holds Ministry of Social Development Accreditation which requires us to treat our employees and contractors engaged in relation to the FDR Mediation process as if they were a *children's worker* under the Act and safety checks are undertaken on that basis.

Safety checks are carried out as prescribed by the [Children's \(Requirements for Safety Checks of Children's Workers\) Regulations 2015](#).

Safety checks are undertaken:

- before any employee or contractor commences work with children (or is engaged with the FDR Mediation process); and
- at least every three years if the employee or contractor is continuing in a role which involves the delivery of FDR Mediation services (or other relevant child contact).

The ADR Centre reserves the right to require a full or partial safety check of any employee or contractor who has relevant child contact in the context of their work, regardless of any previous checks carried out.

The ADR Centre reserves the right to appropriately restrict a person's work activities where a safety check finds that that person may pose a risk to children and/or is not permitted to work with children under the Act, or where no safety check has been completed.

Nothing in this Policy shall limit The ADR Centre's obligation and right to take all necessary steps to meet legislative requirements.

Process when safety check returns positive results

If the safety check returns a positive result, then consideration will be given as to whether the information should affect employment or other engagement with The ADR Centre.

The report shall be reviewed with the Directors in the first instance.



If the nature of the offence is such that the Directors are content to proceed with employment at this point this decision including the reasons why shall be recorded and the Police vet report then destroyed.

If the nature of the offence is not such that the Directors are content to proceed with employment without further investigation, the applicant will be contacted and invited to discuss the nature of the offence(s) in the report and to provide an explanation. The Directors will then consider that explanation and the full circumstances of the case before proceeding to make a decision whether to engage the employee. In either case, the decision including the reasons for taking that decision shall be recorded and the Police vet report then destroyed.

Safety checking oversight and responsibilities

Safety checks shall be carried out by The ADR Centre management and the New Zealand Police Vetting Service Approved Agency Authorised representatives.

The ADR Centre shall maintain records of employee and contractor safety checks and advise employees and contractors when rechecking may be required.

CONFIDENTIALITY AND INFORMATION SHARING

In accordance with both the Privacy Act 2020 and the Oranga Tamariki Act 1989, information may be shared to keep children safe when abuse or suspected abuse is reported or investigated.

Useful guidance can be found on the Privacy Commissioner's website:

<https://www.privacy.org.nz/publications/guidance-resources/information-sharing-guidance-child-welfare-family-violence/escalation-ladder/>

At all times, employees and contractors must abide by The ADR Centre's Privacy Policy and ensure that all information whether recorded electronically or in hard copy is stored securely and not discussed in an open area.

RELEVANT LEGISLATION

[Children's Act 2014](#)

[Care of Children Act 2004](#)

[Family Violence Act 2018](#)

[Oranga Tamariki Act 1989](#)

[Privacy Act 2020](#)

[Victims' Rights Act 2002](#)

[The United Nations Convention on the Rights of the Child \(UNROC\)](#)

