

# **Child Protection Policy (overarching policy)**

## Table of Contents

|   |    |
|---|----|
| Table of Contents   | 3  |
| Overview  | 4  |
| Background  | 4  |
| More information  | 4  |
| Purpose of this Police Child Protection Policy  | 4  |
| Who does this Child Protection Policy apply to?                                       | 5  |
| Related child protection policies   | 5  |
| Other related / relevant policies   | 6  |
| Review requirements for this overarching Child Protection Policy                      | 7  |
| Policy principles   | 8  |
| Definitions   | 9  |
| Identifying and responding to abuse and neglect                                       | 11 |
| Responding to and investigating reports of child safety concerns                      | 11 |
| Assessment of child safety at family harm/violence and other incidents                | 11 |
| Future referral options - Children's Teams, 'The Hub', and ViKI                       | 12 |
| Children's Teams  | 12 |
| The 'Hub'   | 12 |
| Vulnerable Kids Information System (ViKI)   | 12 |
| Safety checking of Police children's workers  | 14 |
| Who in Police are children's workers?   | 14 |
| Who is a core or non-core children's worker?  | 14 |
| What does a safety check involve?   | 15 |
| New children's workers  | 15 |
| Existing children's workers   | 15 |
| Renewal of safety worker checks   | 16 |
| Police vet  | 16 |
| Clean Slate Act   | 16 |
| When do Police employees have to complete a safety check?                             | 17 |
| How is operational flexibility is maintained with different safety checks?            | 18 |
| What is a workforce restriction and how does this impact on a core children's worker? | 18 |
| Other agency' safety checking and policy requirements                                 | 19 |
| Agencies contracted by Police   | 19 |
| Children's services   | 19 |
| Police volunteers and observers   | 19 |
| Allegations or concerns about Police employees  | 20 |
| High standards of behaviour are expected  | 20 |
| Investigation of concerns about employees   | 20 |
| Information sharing and confidentiality   | 21 |
| Information sharing   | 21 |
| Confidentiality   | 21 |

# Overview

## Background

The New Zealand government recognises that there are important social and economic imperatives to improve the life outcomes of children and young people in New Zealand. Approximately 9,000 children a year are born at risk in New Zealand and we have the fifth worst child abuse and neglect rating of the 31 OECD countries.

New Zealand Police (Police) will work collaboratively with other agencies to ensure the best outcomes for children and young people in New Zealand.

The [Children's Act 2014](#) (CA or the 'Act') and the associated agency [Children's Action Plan](#) aims to improve the life outcomes of vulnerable children in our society. The Act tasks children's agencies, of which Police is one, with being responsive to and accountable for Government priorities with respect to children. This includes protecting vulnerable children from abuse and neglect and identifying and helping vulnerable children before the greatest harm happens.

The Act also places significant focus on the workforce that works with children. It aims to ensure that the children's workforce is safe to work with children, is competent for the work they undertake, and is aware of how child abuse and neglect presents and what to do when they recognise it.

New initiatives introduced include guidelines on safer recruitment, new safety checking requirements for people working with children, new core competencies for the children's workforce and a requirement that all children's agencies have a child protection policy.

These obligations and the new government initiatives associated with them are focused on protecting vulnerable children, and in particular protecting them from neglect and abuse. These new obligations apply to Police.

## More information

For more information about the Children's Act, the Children's Action Plan and other associated initiatives, click [here](#).

## Purpose of this Police Child Protection Policy

This Police Child Protection Policy outlines the various policies that together comprise the Police 'Child Protection Policy'. It also provides an overview of the Police obligations under the [Children's Act 2014](#) and outlines:

- the [key principles](#) that must be applied when making and acting on decisions concerning child protection
- how Police [identify and respond to child abuse and neglect](#), whether in response to reports of concern to police or when police otherwise become aware of safety concerns in the course of their duties
- the [expectations of police](#) working with children and how Police will respond to [allegations or](#)

### concerns about staff

- Police responsibilities in relation to the [safety checking of its children's workers](#), and those of the [agencies and NGOs](#) that it works with.

## Who does this Child Protection Policy apply to?

The Police Child Protection Policy applies to any Police employee who comes into contact with children or young people as part of their Police role.

## Related child protection policies

This Child Protection Policy **is an overarching document and cannot be read in isolation from other related Police child protection policies** and operating procedures, published for employees as chapters in the Police Manual.

### [Child protection investigation policy and procedures](#)

This chapter details:

- policy and principles guiding Police response to child safety concerns
  - **including** child abuse, neglect, and abuse arising from children being present in unsafe environments
  - **excluding** child safety concerns arising from missing persons, truants, or child and youth offenders. (See [Missing persons](#) and [Youth justice](#) chapters outlined below)
- procedures for responding to and investigating reports to Police about child safety concerns, including:
  - initial actions and safety assessments
  - consultation and joint investigation planning with Ministry for Children (Oranga Tamariki)
  - making referrals to Oranga Tamariki
  - interviewing victims, witnesses and suspects
  - medical forensic examinations
  - evidence gathering and assessment
  - hospital admissions for non-accidental injuries or neglect
  - charging offenders and considering bail
  - prosecution and other case resolutions
  - responsibilities for victims
  - final actions and case closure.

The Police [Child protection investigation policy and procedures](#) also outlines requirements under the joint Child Protection Protocol agreed between [Oranga Tamariki](#) and Police which:

- defines the roles of each organisation and sets out the process for working together when responding to situations of child abuse
- ensures timely, coordinated and effective action by Oranga Tamariki and Police
- sets out the process for working collaboratively at a local level, and as a formally agreed national

level document, applies to all Oranga Tamariki and Police employees.

### [Child protection - Investigating online offences against children](#)

This chapter outlines procedures for investigating and/ or responding to online offences against children including indecent communication with a young person under the age of 16, online grooming, and complaints about sextortion and sexting.

### [Child protection - Mass allegation investigation](#)

This chapter outlines procedures for:

- mass allegation investigations relating to the serious abuse of four or more children by the same offender or connected group of offenders
- managing allegations of abuse involving an adult working in or associated with an education setting.

### [Child protection - Specialist accreditation, case management and assurance](#)

This chapter details (also see PDF below):

- the specialist child protection tiered training and accreditation process within Police
- guidelines for case management and maximum case assignment to Child Protection Investigators of cases meeting the [Child Protection Protocol: Joint Operating Procedures](#)
- requirements for compliance monitoring of child protection investigations using the Quality Assurance and Improvement Framework
- matters to consider as part of the ongoing case process and case closure, that may lead to child protection-related prevention or education opportunities
- the roles and responsibilities of employees involved in child protection work within Police.

### **Joint Standard Operating Procedures for Children and Young Persons in Clandestine Laboratories:**

-

[Joint Standard Operating Procedures for Children and Young Persons in Clandestine Laboratories \(Jan 2018\).pdf](#)

7.72 MB

These are the agreed operating procedures between [Oranga Tamariki](#) and Police:

- relating to any child or young person at risk from exposure to the illicit drug manufacturing process or an environment where volatile, toxic, or flammable chemicals have been used or stored for the purpose of manufacturing illicit drugs
- setting out safe work practices and investigation techniques for both agencies.

## **Other related / relevant policies**

These other **Police Manual chapters** are also relevant to the Police child protection policies [above](#):

### [Family harm policy and procedures](#)

This chapter:

- details policy and procedures for responding to and investigating family violence occurrences, including those where serious offending is present
- details requirements for collecting and assessing information for children present at or normally residing at the place where the incident occurred, and for making reports of concern to Oranga Tamariki or for evaluation through the Family Harm/Violence interagency safety assessment process.

### **Missing persons**

This chapter details procedures for investigating reports of missing children, including those missing from Oranga Tamariki care.

### **Youth justice**

This chapter outlines youth justice procedures including referrals to Oranga Tamariki for family group conferences which may be for the purpose of care and protection. It also includes guidance for responding to truancy, and other child welfare issues such as drunk or intoxicated children and young persons.

### **Parental control (section 59 Crimes Act)**

This chapter provides guidance on the application of section 59 of the Crimes Act 1961 which prescribes the circumstances in which a parent may be justified in using force against a child.

### **Adult sexual assault investigation (ASAI) policy and procedures**

Applies to all cases where the victim of the alleged offending (male or female) is 18 years of age or older at the time of making the complaint.

### **Police volunteers**

Detailed requirements for the management of and [vetting of persons acting as Police volunteers](#)

### **Police response to bullying of children and young people**

Outlines how Police respond to reports of bullying of children and young people.

## **Review requirements for this overarching Child Protection Policy**

This overarching 'Child Protection Policy' must be reviewed every two years or earlier as required to ensure it is kept up to date with changes that may have been made to related policies and procedures.

# Policy principles

These principles must be applied when making and acting on decisions concerning child protection.

| Description  | Principle  |
|--|--|
| <b>The rights, welfare and safety of children are our first and paramount consideration.</b> |  |
| Rights of the child  | <p>Every child has the right to:</p> <ul style="list-style-type: none"> <li>- a safe and nurturing environment</li> <li>- live in families free from violence</li> <li>- protection from all forms of physical, sexual, emotional or psychological abuse and neglect while in the care of parent(s), legal guardian(s) or any other person who has their care.</li> </ul>  |
| Prevention first   | <ul style="list-style-type: none"> <li>- Police are focused on prevention first and are committed to identifying and helping vulnerable children before harm happens.</li> <li>- Police recognise the importance of early intervention and the principle of applying the least intrusive intervention necessary in a timely way to protect vulnerable children.</li> </ul>   |
| Working collaboratively  | <ul style="list-style-type: none"> <li>- Police are committed to working with partner agencies and organisations to prevent and reduce child abuse and neglect</li> <li>- We will share information with relevant partner agencies in a timely way and discuss concerns about an individual child.</li> <li>- We will support our partner agencies and community organisations to ensure child protection policies are consistent and of high quality and comply with relevant statutory responsibilities.</li> </ul>  |
| Our employees  | <ul style="list-style-type: none"> <li>- All operational employees are expected to consider as a matter of course the wellbeing of every child encountered in the course of their duties and act to protect children when they have concerns - this is not just the responsibility of our specialist employees.</li> <li>- We will ensure our operational employees know their statutory responsibilities to children regardless of the work they are deployed to do.</li> <li>- Police will provide appropriate support for, and supervision of, employees affected by child abuse or neglect.</li> </ul> |
| Our values   | <ul style="list-style-type: none"> <li>- The Police values of professionalism, respect, integrity, commitment to Maori and the treaty, empathy, and valuing diversity will be applied to all our child protection work.</li> </ul>   |

## Definitions

These definitions apply in this 'Child Protection Policy' and other [related child protection policies](#).

| Term                                   | Meaning  |
|--|--|
| <b>Child</b>                           | Any child or young person aged under 18 years, and who is not married or in a civil union.   |
| <b>Child abuse</b>                     | <p>Child abuse is defined in the Oranga Tamariki Act 1989 as the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect, or deprivation of any child or young person.</p> <p>The following should be treated as child abuse:</p> <ul style="list-style-type: none"> <li>- physical, sexual, emotional or psychological abuse</li> <li>- neglect</li> <li>- presence in unsafe environments (e.g. locations for drug manufacturing or supply)</li> <li>- cyber crime exploiting children</li> <li>- child trafficking.</li> </ul>  |
| <b>Child protection</b>                | Activities carried out to ensure that children are safe in cases where there is suspected abuse or neglect or the risk of abuse or neglect.  |
| <b>Child Protection Protocol (CPP)</b> | <p>Joint operating procedures agreed between Police and Oranga Tamariki to clearly define the roles of each organisation and set out the process for working together when responding to situations of child abuse.</p> <p>The requirements of this protocol are reflected in the <a href="#">'Child protection investigation policy and procedures'</a> Police Manual chapter.</p>  |
| <b>Neglect</b>                         | <p>Neglect within the CPP context is when a person intentionally ill-treats or neglects a child or causes or permits the child to be ill-treated in a manner likely to cause the child actual bodily harm, injury to health or any mental disorder or disability. The ill-treatment or neglect must be serious, and avoidable.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>- not providing adequate food, shelter or clothing</li> <li>- not protecting a child from harm or danger</li> <li>- not accessing appropriate medical treatment or care</li> <li>- allowing a child to be exposed to the illicit drug manufacturing process</li> <li>- allowing a child to be exposed to an environment where volatile, toxic, or flammable chemicals have been used or stored.</li> </ul> |

| Term                       | Meaning   |
|----------------------------|---|
| <b>Police volunteer</b>    | Police volunteers are unpaid members of the community who are recruited and trained for specific activities supporting the Police and community. Volunteers work under the direction of a constable or other Police employee at or from Police premises.  |
| <b>Physical abuse</b>      | <p>The actions of an offender that result in or could potentially result in physical harm or injury being inflicted on a child. This can also be known as a non-accidental injury (NAI).</p> <p>See 'Determining seriousness of physical abuse' in the <a href="#">'Child protection investigation policy and procedures'</a> chapter for detailed guidance on how to determine whether physical abuse of a child is "serious" physical abuse.</p>  |
| <b>Sexual abuse</b>        | An act involving circumstances of indecency with, or sexual violation of a child or using a child in the making of sexual imaging.  |
| <b>Vulnerable children</b> | <p>Vulnerable children means children of the kind or kinds (that may be or, as the case requires, have been and are currently) identified as vulnerable in the setting of Government priorities under <a href="#">section 7</a> of the Children's Act 2014.</p> <p>While this definition remains undetermined, an interim definition from the White Paper is:</p> <p>"Children who are at significant risk of harm to their wellbeing now and into the future as a consequence of the environment in which they are being raised and, in some cases, due to their own complex needs. Environmental factors that influence child vulnerability include not having their basic emotional, physical, social, developmental and/or cultural needs met at home or in their wider community."</p> |

# Identifying and responding to abuse and neglect

## Responding to and investigating reports of child safety concerns

The '[Child protection investigation policy and procedures](#)' Police Manual chapter details:

- key definitions of [child abuse](#), [neglect](#), [physical abuse](#), and [sexual abuse](#)
- how to determine seriousness of physical abuse
- procedures for responding to child abuse and neglect and investigating reports to Police of child safety concerns, or when police otherwise become aware of safety concerns in the course of their duties
- referral procedures to Oranga Tamariki in the case of identified or suspected cases of serious child abuse for consultation and joint investigation planning as per the joint Child Protection Protocol.

(See a more detailed summary of the Police 'Child protection investigation policy and procedures' in [Related child protection policies](#)).

The Child Protection Protocol sets out the way that Oranga Tamariki and Police will work alongside each other in situations of serious child abuse. It is focused on clarifying the roles and responsibilities of each organisation, and the process to be followed, to ensure a prompt and effective response to cases of serious child abuse.

Cases of serious child abuse are primarily dealt with by specialist staff within Police. However, all employees must be aware of child safety concerns and in every case act to ensure a child's immediate safety.

## Assessment of child safety at family harm/violence and other incidents

Police must collect and assess child information at all family violence incidents attended when children are present or normally reside there. This information is used to give an indication of the potential harm for children living where family violence is occurring.

If a child is assessed as being at risk of immediate serious harm, or serious child abuse is identified or suspected, the Child Protection Protocol (CPP) applies and the procedures outlined in the [Child protection investigation policy and procedures](#) chapter for referrals to Oranga Tamariki, using the [POL 350](#) must be followed. See 'Making referrals to Oranga Tamariki' in the chapter).

If the Child Protection Protocol (CPP) does not apply, but there are concerns for the wellbeing of the child at a 'family harm' event, then the details of the concerns must be fully outlined in the investigation narrative for discussion at the family harm multi-agency safety assessment meetings. If necessary, a 'Report of Concern' can be initiated off the table via the Oranga Tamariki representative.

For cases that are not family harm related and do not meet the threshold for the Child Protection Protocol (CPP), but the circumstances indicate a potential risk to children, then a [POL 351](#) 'Police Report of Concern to Oranga Tamariki' should be completed.

## Future referral options - Children's Teams, 'The Hub', and ViKI

A number of initiatives targeting vulnerable children that do not currently meet the threshold for direct Police and Oranga Tamariki interventions or access to services are under development. These are outlined below.

### Children's Teams

In response to the identified risk issues that surround some children in New Zealand, the government has undertaken to roll out Children's Teams throughout the country in order to target vulnerable children.

Ten Children's Teams will be operational throughout the country by June 2016. These teams generally align with the District Health Board borders and not necessarily with Police District boundaries.

| Police District  | Children's Teams (DHB area)    |
|------------------|--------------------------------|
| Northland        | Whangarei                      |
| Counties Manukau | Clendon/Manurewa/Papakura      |
| Waikato          | Hamilton                       |
| Bay of Plenty    | Rotorua, Eastern Bay of Plenty |
| Eastern          | Tairāwhiti                     |
| Central          | Whanganui, Horowhenua          |
| Tasman           | Marlborough                    |
| Canterbury       | Christchurch                   |

Following the roll-out of the initial Ten Children's Teams, a further 2 teams per year until 2020 are anticipated. Decisions on locations for new Children's Teams are yet to be made.

### The 'Hub'

'The Hub' is a contact centre being designed to support the Children's Teams - it will also act as a triage point for referrals made to it in regard to vulnerable children. It is being created as a 'proof of concept' and will only support the Hamilton Children's Team initially. Following a trial period and evaluation, a decision will be made whether it is expanded to support the other Children's Teams.

### Vulnerable Kids Information System (ViKI)

A separate IT system is being created to support 'The Hub' and the Children's Teams. The system, called the Vulnerable Kids Information System (ViKI), will also be rolled out only to the Hamilton Children's Team until it is proven.

The Children's Teams, HUB and ViKI are designed to operate for vulnerable children (as defined by the Act) below levels requiring statutory intervention by Police and Oranga Tamariki. It is anticipated that when the intervention concepts have been proven, Police referral processes outlined in the '[Child protection investigation policy and procedures](#)' and '[Family harm policy and procedures](#)' may be amended to distinguish between vulnerable children and those that require Oranga Tamariki to act. Until then, our current procedures will remain.

## Safety checking of Police children's workers

[Part 3](#) of the Children's Act requires people employed or engaged in work that involves regular or overnight contact with children (children's workers) to be safety checked. Many Police employees (constabulary and non-constabulary) are children's workers. Safety checking commenced for new core workers alongside other state sector employees from 1 July 2015 and will commence for new non-core workers from 1 July 2016. Existing [core](#) workers must be safety checked by 1 July 2018 and existing non-core workers must be safety checked by 1 July 2019.

The type of safety check required depends on whether the person is [a core](#) or [non-core](#) children's worker, and if it is their first check under the VCA or a renewal.

### Who in Police are children's workers?

Police are children's workers if their work **may or does** involve contact with a child or children, without the child's parent or guardian being present.

| That contact is any of the following kinds:   | ... and that contact is:  |
|---|---|
| <ul style="list-style-type: none"> <li>- physical contact</li> <li>- oral communication, whether by person or telephone</li> <li>- communication through any electronic medium, including by way of writing or visual images</li> </ul> | <ul style="list-style-type: none"> <li>- overnight, or</li> <li>- at least once each week, or</li> <li>- on at least four days each month.</li> </ul> |

Police who are children's workers, require a safety check.

### Who is a core or non-core children's worker?

If as a children's worker, a Police employee is present with a child or children without a parent or guardian present:

| They are a 'core' children's worker if they:  | They are a 'non-core' children's worker if they:  |
|---|---|
| <ul style="list-style-type: none"> <li>- are the only person present, or</li> <li>- are the children's worker who has primary responsibility for, or authority over the child or children.</li> </ul>       | <ul style="list-style-type: none"> <li>- are <b>not</b> the only person present, or</li> <li>- are <b>not</b> the children's worker who has primary responsibility for, or authority over the child or children.</li> </ul> |
| <p>A <a href="#">core children's worker safety check</a> is required.</p> <p><b>Examples of roles</b> who are core children's workers are Custody Officers, Youth Aid constables, SOCO, and Detectives.</p> | <p>A <a href="#">non-core children's worker safety check</a> is required.</p> <p><b>An example of a role</b> that is a non-core children's worker is a Prosecutor.</p>  |

See the [Are you a Children's Worker](#) flowchart on the Police Intranet as a summary of the above.

The core children's worker definition will be applied widely within Police so all operational Police employees who may be called upon in emergency situations are appropriately safety checked to avoid breaching the requirements of the Act. Therefore operational supervisory roles not usually having regular contact with children - such as a Neighbourhood Policing Team Coordinator or an Area Manager: Response - will be designated as core children's workers. Non-operational positions designated as children's workers will be identified in relevant position descriptions and appropriate checks undertaken.

## What does a safety check involve?

There are four components to a safety check under the Act. These safety checks apply to **all children's workers**. Employers must use all the information gathered in a safety check to assess any risk that may be posed to the safety of children if the person is appointed or engaged as a children's worker.

The components to be completed depend on whether the person is a [new](#) children's worker or an [existing](#) children's worker as at 1 July 2015, and then for [renewals](#) once the first safety check is done under the Act.

## New children's workers

These are the safety check components for new children's workers.

| Safety check component                  |   |
|---|---|
| Details                                 |   |
| 1 Interview                             | Questions asked of an applicant during an interview to assess any risks that may be posed to the safety of children   |
| 2 Referee check                         | At least one referee contacted and asked about an applicant to assess any risks that may be posed to the safety of children   |
| 3 ID verification                       | An original primary document (e.g. passport or a full birth certificate) plus a secondary document (e.g. a driver's licence), one which has a photo, verified in person by a Police employee and recorded to confirm identity |
| 4 <a href="#">Police vet</a> - Non-core | A standard <a href="#">Police vet</a> (subject to the <a href="#">clean slate scheme</a> )  |
| <a href="#">Police vet</a> - Core       | A standard <a href="#">Police vet</a> (subject to the <a href="#">clean slate scheme</a> but including disclosure of any convictions for CA specified offences ( <a href="#">Schedule 2</a> of the CA)                        |

## Existing children's workers

These are the components of the first safety check of a person who was an existing children's worker on 1 July 2015.

| <b>Safety check component</b> | <b>Details</b>  |
|-------------------------------|---|
| 1 ID verification             | An original primary document (e.g. passport or a full birth certificate) plus a secondary document (e.g. a driver's licence), one which has a photo, verified in person by a Police employee and recorded to confirm identity |
| 2 Police vet - Non-core       | A standard <a href="#">Police vet</a> (subject to the <a href="#">clean slate scheme</a> )  |
| Police vet - Core             | A standard <a href="#">Police vet</a> (subject to the <a href="#">clean slate scheme</a> but including disclosure of any convictions for CA specified offences ( <a href="#">Schedule 2</a> of the CA)                        |

## Renewal of safety worker checks

Safety checks must be renewed every 3 years. These are the components of safety checks done for renewal.

| <b>Safety check component</b> | <b>Details</b>  |
|-------------------------------|---|
| 1 ID verification             | <b>Only required</b> if the person has changed their name since their last safety check (identity check details as for existing workers above).                                       |
| 2 Police vet - Non-core       | A standard <a href="#">Police vet</a> (subject to the <a href="#">clean slate scheme</a> )  |
| Police vet - Core             | A standard <a href="#">Police vet</a> (subject to the <a href="#">clean slate scheme</a> but including disclosure of any convictions for CA specified offences (Schedule 2 of the CA) |

## Police vet

A standard Police vet comprises conviction history (which will highlight, if any, CA specified offence convictions) and may include other information considered relevant relating to convictions, active charges and warrants to arrest, charge history (where charges may have been withdrawn, discharged, dismissed, the individual acquitted, or otherwise disposed of), any interaction with Police in any context (including family violence) whether or not charges result, and any information received or obtained by Police for any purpose. Internal Police employee records may also be checked for relevant information.

## Clean Slate Act

The [Criminal Records \(Clean Slate\) Act 2004](#) will be applied to a Police vet, subject to section [31\(3\)](#) of the Children's Act 2014 which requires any conviction for an offence specified in the Act to be disclosed for core children's worker roles. This means that for any employee or applicant who is an eligible individual

under the clean slate scheme and is:

- a recruit, rejoin or a new employee (whether as a children's worker or not), then any conviction history will be revealed (because a Police applicant for employment is an exception to clean slate scheme - see s19(3)(d)(iii) Criminal Records (Clean Slate) Act 2004); or
- an existing Police employee, then only convictions for VCA specified offences will be revealed.

## **When do Police employees have to complete a safety check?**

This table focuses on the implementation of safety checks in Police. The components to be completed depend on why and when the safety check is undertaken (see [What does a safety check involve?](#)). Once an initial safety check is completed, the Act requires safety checks to be [renewed](#) every three years.

| When a safety check is required<br>(After 1 July 2015)   | Components of a safety check |       |                         |              |      |
|--|------------------------------|-------|-------------------------|--------------|------|
|  | Interview                    | check | Referee ID<br>confirmed | Police vet   |      |
|  |                              |       |                         | Non-<br>core | Core |
| A recruit or rejoin  | 0                            | 0     | 0                       |              | 0    |
| Employee new to Police appointed to a <a href="#">core</a> worker position   | 0                            | 0     | 0                       |              | 0    |
| Employee new to Police appointed to a <a href="#">non-core</a> worker position   | 0                            | 0     | 0                       | 0            |      |
| From 1 July 2016   |                              |       |                         |              |      |
| An existing Police employee in a <a href="#">core</a> worker position  |                              |       | 0                       |              | 0    |
| By 30 June 2018  |                              |       |                         |              |      |
| An existing Police employee in a <a href="#">non-core</a> worker position  |                              |       | 0                       | 0            |      |
| By 30 June 2019  |                              |       |                         |              |      |
| Ongoing three-yearly check for Police employee in a <a href="#">non-core</a> worker position   |                              |       |                         | 0            |      |
| 3 years from last check  |                              |       |                         |              |      |
| Ongoing three-yearly check for Police employee in a <a href="#">core</a> worker position   |                              |       |                         |              | 0    |
| 3 years from last check  |                              |       |                         |              |      |
| An existing Police employee who is not a children's worker as at 30 June 2015, who is subsequently appointed to <a href="#">non-core</a> worker position | 0                            | 0     | 0                       | 0            |      |
| An existing Police employee who is not a children's worker as at 30 June 2015 who is subsequently appointed to <a href="#">core</a> worker position      | 0                            | 0     | 0                       |              | 0    |
| An existing Police employee in a <a href="#">non-core</a> worker position as at 30 June 2015, subsequently appointed to core worker position             | 0                            | 0     | 0                       |              | 0    |

## How is operational flexibility is maintained with different safety checks?

The Act imposes a penalty if someone is performing in a children's worker' role without the appropriate safety check. The penalty doesn't apply if they are working in an emergency situation; however this applies

only for a maximum of five days and only in an emergency. After that an appropriate safety check is required.

As the core functions of Police include maintaining public safety and emergency management, the Commissioner must be able to quickly deploy operational staff in the event of emergencies, such as flooding or earthquakes. Therefore the definition of core children's worker will be applied widely to all operational Police employees who may be called upon in emergency situations that may involve them being on their own with children.

## **What is a workforce restriction and how does this impact on a core children's worker?**

From 1 July 2015 the Act introduces a restriction on people with certain criminal convictions from working as a core children's worker. The restrictions apply to convictions involving children and/or violent behaviour, including child abuse and sexual offending. People with convictions for a CA specified offence ([Schedule 2](#) of the Act) will need to seek an exemption from the workforce restriction if they wish to work as a core children's worker.

The core worker exemption process is administered by the Ministry of Social Development. Details of the exemptions process can be found on the [children's action plan website](#).

# Other agency' safety checking and policy requirements

## Agencies contracted by Police

Where Police enter into any agreement, contract or funding arrangement with an agency providing [children's services](#), there must be a clause included in the agreement or contract requiring the agency to have a child protection policy and to complete children's worker safety checks as required by the Act.

Before referring any child to an agency for support or an intervention, and regardless of who is funding the agency, Police must be satisfied that the agency has a child protection policy and that the agency carries out worker safety checks of its children's workers as required by the Act.

## Children's services

Children's services are services provided to one or more children, and/or services provided to adults that live with children and which will impact on the well being of one or more children ([s15](#)).

## Police volunteers and observers

[Police volunteers](#) must have a core or non-core children's safety worker check as part of their vetting if their work is likely to involve contact with children which if they were a Police employee would require them to be safety checked. (See [Safety checking of Police children's workers](#)).

Observers who accompany Police during their duties in Police vehicles must be under Police supervision at all times. As they do not undergo a full security checking process or a children's worker safety check, they must not be left alone with children.

# Allegations or concerns about Police employees

## High standards of behaviour are expected

All Police employees have an obligation to:

- act professionally, ethically and with integrity, and adhere to the standards of behaviour set out in the Police Code of Conduct.

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 [Code of Conduct Ngā Tikanga Whakahaere \(2022\)](#)

1.28 MB

- challenge inappropriate behaviour at the time, if appropriate to do so
- report instances of what they believe on reasonable grounds to be inappropriate behaviour.

It is particularly important when we work with children that we engage with them appropriately and act as good role models.

## Investigation of concerns about employees

All allegations or concerns about the conduct of employees in relation to a child protection matter or the way an employee has engaged with children must be:

- investigated and responded to in a timely way in accordance with the Disciplinary process
- the safety of children and appropriateness of the employee continuing in that role must be considered.

Where allegations of child abuse or neglect have been made involving employees:

- the allegations must be investigated in accordance with the [Child protection investigation policy and procedures](#) chapter and a report of concern made to the Ministry for Children, Oranga Tamariki - these are automatically cases falling under the Child Protection Protocol with the Ministry for Children, Oranga Tamariki, and
- action must be taken to ensure that the children involved are safe.

There may be an obligation to report the matter to the Independent Police Conduct Authority in accordance with the [Police investigations of complaints and notifiable incidents](#) policy.

# Information sharing and confidentiality

## Information sharing

Police will share relevant information about identified or suspected child abuse or neglect in a timely way with partner agencies, Children's Teams and local providers of services for children in accordance with:

- the [Privacy Act 2020](#) (and particularly in accordance with Information Privacy Principle 11(e)(i))
- the [Official Information Act 1982](#), and/ or
- any Memorandum of Understanding between agencies; Information Sharing Agreement; or Approved Information Sharing Agreement (AISA).

In addition Police will provide, on a consent basis, core worker Police vets to the Children's Act Exemptions Panel (administered by the Ministry of Social Development) for exemption applicants.

## Confidentiality

Police have access to confidential, sensitive and personal information. All employees must comply with the standards outlined in the Code of Conduct and other policies for the appropriate access to and use of confidential information.

Employees who are not sure if disclosure of child risk information is appropriate in a particular situation should consult their manager who will if necessary seek further advice.

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