

NAG 5: Child Protection Policy

Rationale

Children have a fundamental right to have all their needs met and to be safe from abuse and neglect. The interest and welfare of the child will be the primary consideration when any action is taken about suspected abuse.

To meet its responsibilities in terms of the Vulnerable Children Act of 2014 the Levin School Board of Trustees will:

- a) adopt a child protection policy
- b) ensure that the policy is available on the school website and is available upon request from the school office
- c) ensure that all agencies, contracts or funding arrangements fulfil the requirements of this policy
- d) review the policy every three years

This policy is aimed at supporting children, their whānau, children agencies, core and non-core workers to provide for the wellbeing of students who attend Levin School.

Purpose

Levin School BOT recognises the important role and responsibility of all of our staff in the protection of children by identifying and responding to suspected child abuse or neglect and appropriately responding to concerns about the wellbeing of a child. Levin School BOT recognises its responsibilities to a safe environment, free from physical, emotional, verbal or sexual abuse, and to support families/whānau to protect their children. Promoting a safe environment includes safety checking of core and non-core employees and police vetting of volunteers working with children.

Guidelines

Recognising and Reporting Child Abuse and Neglect

- Levin School BOT has a commitment to ensure that all staff are able to identify the signs and symptoms of potential child abuse and neglect and are able to take appropriate action in response. (Information on recognising child abuse and neglect can be found on the 'Child Matters' website at <http://www.childmatters.org.nz/25/resources-info-centre>)
 - **Abuse:** is harming a child:
 - Physically – non - accidental act on a child that results in physical harm
(For example: *unexplained injuries, burns, fractures, seeing a child struck*)
 - Emotional – any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development.
(for example: *sleep problems, low self – esteem, obsessive behaviour, sadness, loneliness, evidence of self-harming, inability to cope in social situations*)
 - Sexual - any acts that involve forcing or enticing a child to take part in sexual activities, whether or not they are aware of what is happening.
(for example: *unusual or excessive itching or pain in genital area, inappropriate sexual play, inappropriate drawings or descriptions, bizarre or sophisticated sexual knowledge, fear of certain places or people, regression to an earlier stage of play or development*)
 - Family Violence – may be witnessed / experienced by children and involve physical, sexual and emotional abuse.
(For example: *bullying or aggressive behaviour, child discloses or describes the actions they have witnessed*)
 - **Neglect:** Persistent failure or omission to meet a child's basic needs, such as housing, nutrition, adequate supervision, medical and psychological care, and education.
(for example: *left alone at home, out and about unsupervised, dirty and unbathed*)

- Levin School supports the roles of the New Zealand Police (the Police) and Child, Youth and Family in the investigation of suspected abuse and will report suspected/alleged abuse to these agencies. While we recognise the rights of family/whānau to participate in the decision-making about their children, the safety and wellbeing of the child is our top priority when investigating suspected or alleged abuse.
- If a student makes a disclosure to a member of staff which gives rise concerns about possible abuse, or if a members of staff has concerns about a student, the member must act promptly and ensure the child is safe from immediate harm. He/She should not investigate but should report these concerns immediately to the Principal (or delegated authority in their absence). The decision will be made by the principal whether in the best interests of the child the matter needs to be immediately referred to CYFS/Police (See attached *Reporting of Suspected or Actual Child Abuse and Neglect Protocol*). Alternatively the member of staff may report the matter to a CYFS social worker or a Police constable.

Any action that the Principal takes when dealing with an issue of Child Protection must be in line with the procedures and “Reporting Process for Suspected or Disclosed Child Abuse” Flowchart contained in the attached *Reporting of Suspected or Actual Child Abuse and Neglect Protocol*

Safety Checking

- Safety checking of core and non-core workers will be carried out in accordance with the Vulnerable Children Act 2014 and the Vulnerable Children’s (Requirements for Safety Checks of Children’s Workers) Regulations 2015. This will include:
 - a face to face interview
 - a current or pending registration (for teachers)
 - a police vet
 - identity verification (at least two sources of ID of which one must be photo ID)
 - proof of identity checked from two forms of ID (e.g. passport and driver’s licence - one must be photo ID)
 - references (with at least two of these checked and one not having been provided by a family member)
 - the provision of other information, including a work history for the preceding 5 years
 - previous employers will be contacted
 - The safety check will also include a risk assessment as to whether the potential employee poses, or would pose, any risk to the safety of children as a children’s worker and if the person does pose such a risk, the extent of that risk, having regard to whether the person is, or is proposed to be, employed or engaged as a core worker or a non-core worker. In carrying out the assessment the above listed information gathered must be taken into account along with any guidelines issued by a key agency (See procedures regarding *Workforce restriction*).
- Safety checking of new core workers (someone who works with children and may be the only worker present or who has primary responsibility for or authority over a child or children present) and new non-core workers (a children’s worker who is not a core worker) will be under taken before commencing employment. By 1 July 2018 all existing core workers will also be safety checked, with all non-core workers also being safety checked by 1 July 2019. All staff should be safety checked within three years of their last safety check. (See procedures regarding *workforce restriction* attached to this document)

Police Vetting

- All teaching staff will be current registered teachers and will therefore have been police vetted through the Teachers Council. Any non-teaching staff member who works during normal school hours will be police vetted. Non-teaching staff should be police vetted every three years.
- Any contractor or employee of a contractor who has, or is likely to have, unsupervised access to students at the School during normal school hours will be police vetted. Any parent/community helper who stays overnight on a field trip/camp will be vetted. Any parent/community helper who has unsupervised contact with any school children will be vetted. A police vet will be obtained before any person who is required to be vetted has, or is likely to have, unsupervised access to students. On-call, incidental workers in the school will be monitored.
- For the purposes of the risk assessment relevant offences in a police vet include;
 - Any alleged offences or convictions in schedule 2 of the Vulnerable Children’s Act 2014;
 - Any alleged offences or convictions involving abuse, neglect or any other harm , whether it is physical, emotional or sexual abuse against any person;
 - Any drug related alleged offences or convictions; and
 - Any other alleged offences or convictions considered relevant in the assessment of risk to children’s safety.
- The Principal, as the School’s Privacy Officer, has the authority to request and receive a police vet, and a list of the police vets having been undertaken will be kept and made available to the Chair of the BOT on a regular basis.

- All police vets will be repeated every three years unless the person concerned is no longer in a role that is required to be vetted.
- Results of police vetting will be treated on a strictly confidential basis and access to this information will generally be restricted to the Principal, BOT Chair (if necessary – see guideline 3) and the person concerned. Any information pertaining to a police vet will be stored securely and retained only for as long as it is required.
- The School's Police Vetting procedures will assist in ensuring compliance with this policy.

Supporting documents:

Reporting of Suspected or Actual Child Abuse and Neglect Protocol

Workforce Restriction Procedures

Police Vetting Procedures

'Child Matters' Website <http://www.childmatters.org.nz/>

Children Action Plan Website <http://childrensactionplan.govt.nz/>

Vulnerable Children's Act 2015

Vulnerable Children's (Requirements for Safety Checks of Children's Workers) Regulations 2015

Health and Safety Act 2016

Health, Safety and Well - being Policy

Appointments Policy

Levin School Codes of Conduct for employees and for BOT members

Date for Review _____

PROCEDURES

Although ultimate accountability sits with the board, the board delegates responsibility to the Principal to ensure that all child safety procedures are implemented and available to all staff, contractors, volunteers and parents.

PROCEDURES REGARDING WORKFORCE RESTRICTION

The Vulnerable Children's Act makes it illegal to employ someone as a core worker if they have a conviction that has been specified under Schedule 2 of VCA unless they have been granted an exemption.

A conviction for a specified offence will be highlighted in the Police vet results for core workers. It is the responsibility of the applicant to apply for an exemption.

Core Workers convicted of specified offence will be highlighted in the Police vet results for core workers. It is the responsibility of the applicant to apply for an exemption.

If a currently employed staff member has a Schedule 2 offence under the VCA the board must follow the process below:

- Suspend the worker from all duties that require or enable him/her to work or engage with children without supervision
- Specify the period of suspension – it must not be less than 5 working days but may be extended
- Inform the worker the reason for the suspension and the grounds for the board decision
- Advise the worker that he or she may respond to the information provided.

While suspended the board must:

- continue to pay the worker on whatever basis would apply had they been suspended on the grounds of serious misconduct
- decide whether to end the employment after they have been through the process above or extend the suspension to give time for the worker to apply for an exemption. If the exemption is declined the board must terminate employment as a core worker.
- if a worker's employment or engagement is terminated, the worker will not receive any compensation or other payments payable in respect of the termination.

Boards that receive Police vet results identifying a specified offence, must contact a NZSTA advisor for advice or refer to the Children Action Plan Guidelines at [http:// childrensactionplan.govt.nz/](http://childrensactionplan.govt.nz/)

POLICE VETTING PROCEDURES

The following information provides guidelines to boards on appropriate steps to take when police vetting of new employees, unsupervised contractors, and volunteers.

In the case of contractors similar principles apply but may also be subject to contractual matters related to the specifics of the contract and that where it is an employee of the contractor they will be subject to their own human resource practices and it will be for the contractor to determine what process to follow. Specific legal advice may be required when letting contracts but as a basic rule Boards should have in any contract expected levels of behaviour (e.g. contractors and their employees are expected to have a satisfactory police vet and maintain appropriate standards of behaviour consistent with the school's policies).

Some of these principles will have application for existing employees, existing contractors, and volunteers as the introduction process occurs for these groups.

Preparing to conduct a police vet

A police vet is part of a screening process - not a selection criterion. The school has to determine the amount of risk that it wishes to accept or level of behaviour it deems appropriate. Correct use of the application form is essential to obtain the appropriate information as part of a safety check.

As per its Levin School's policy re recruitment of core and non-core workers offences specified in Schedule 2 of the Vulnerable Children's Act would prevent a volunteer from working unsupervised with children.

Relevant offences

The offences that boards might consider relevant are a function of the specific position in which a paid employee or volunteer person will serve. The question that boards must answer is: "What offence histories would disqualify an individual from serving in such positions?"

When establishing screening criteria, boards must take into account employment and related legislation (eg *Employment Relations Act 2000, Privacy Act 1993*).

For positions that require substantial direct contact with children personal safety concerns are paramount. Therefore, the focal points of criminal history record checks for these positions are crimes against persons. Offences become relevant based upon the nature of the position held at the school.

It is generally practice that individuals should be disqualified from holding positions that require substantial contact with children if their criminal records include any of the following:

- Past history of sexual abuse of children.
- Conviction for any crime in which children were involved.
- History of any violence or sexually exploitative behaviour.
- As per its Levin School's policy re recruitment of core and non-core workers offences specified in Schedule 2 of the Vulnerable Children's Act would prevent a volunteer from working unsupervised with children unless an exemption is granted. Thus for the purposes of the risk assessment relevant offences in a police vet include;
- Any alleged offences or convictions in schedule 2 of the Vulnerable Children's Act 2014;
- Any alleged offences or convictions involving abuse, neglect or any other harm, whether it is physical, emotional or sexual abuse against any person;
- Any drug related alleged offences or convictions; and
- Any other alleged offences or convictions considered relevant in the assessment of risk to children's safety.
- For other positions the criteria may relate to matters pertaining to the type of work, e.g. if involved in financial matters relating to the school then previous convictions relating to fraud would be relevant.

The more specific a criterion is, the more useful it is for screening. Specific offences pinpoint the areas of concern and do not necessarily disqualify applicants. Some other organisations include broad categories of offences in their lists of disqualifying offences, for example, "drug-related offences." This category encompasses everything from a single misdemeanour possession of less than a gram of marijuana to drug dealing. Boards should consider narrowing their categories to target specific relevant offences committed within a defined time period.

The main part of the screening process is based on convictions - not arrest information. Boards may, however, consider any arrests for which final disposition is pending. This is especially true for individuals who have charges pending for which they could be disqualified if a guilty verdict were to be rendered. For example, if an applicant was arrested for child sexual abuse and is awaiting trial, the organisation may disqualify the individual from appointment until the final disposition of the charge.

Other factors

When establishing criteria for evaluating criminal history records, boards should consider what other factors should be taken into account. The five items listed below offer examples of circumstances that boards may consider when evaluating criminal history records.

Rather than focusing on one or two of these factors, boards should examine the totality of the record to determine if it should disqualify an applicant.

- *How long ago the conduct occurred and the circumstances surrounding the conduct in question* - Crimes that occurred within the past year or two may be more reliable indicators than crimes that occurred several years ago. (Keep in mind, however, that any convictions for child sexual abuse, rape, or other sexually exploitative offences constitute an unacceptable level of risk extending throughout an individual's life.)
- *The age of an individual at the time of the offence* - Some records will not be available as they may be protected by confidentiality requirements.
- *Societal conditions that may have contributed to the nature of the conduct* - While societal conditions should not serve to excuse illegal behaviour, the context in which the illegal behaviour occurred may be considered
- *The probability that an individual will continue the type of behaviour in question* - Criminal history records that document a continuing pattern of repeated criminal offences provide justification to believe that the individual represents a high risk for future criminal conduct.
- *The individual's commitment to rehabilitation and to changing the behaviour in question* - When an applicant has a criminal history record that includes potentially disqualifying offences, the board may consider the steps the applicant has taken toward rehabilitation.

Applicants' rights

Applicants have the right to be treated fairly and to have their privacy respected. Boards are responsible for protecting these rights and therefore may need to establish and implement policies and procedures that achieve these objectives. Criminal history databases are not perfect and sometimes a records check will falsely identify a person as having committed a crime. For this reason, applicants should be given a chance to challenge the accuracy of information that an organisation receives.

It is best to let the applicant resolve any disputes with the appropriate agency (usually the police in the first instance) from which the information is received. Until the board receives a correction from the police, it should assume that the information it received is correct.

Due to the sensitive nature of the information a school may receive pursuant to a criminal history records check and the fact that it could be incorrect, a school must take steps to prevent its accidental disclosure. Establish policies governing who has access to the information, how it is stored, and how it is to be destroyed once it is no longer needed by the organisation. Refer to NZSTA 1995 publication "Guidelines to Boards of Trustees: Privacy Act 1993".

Application forms and offers of appointment

All application forms should have reference to the fact that the appointment will be subject to satisfactory police vet and have appropriate questions on matters relating to previous convictions. Use the NZSTA template form for this purpose.

Note: Copies of a suitable application form can be obtained from the NZSTA website.

If an offer of employment is made (either orally or in writing) before the police vet is completed then a statement should be made providing for this:

"Please note in addition, you are required to complete a police vetting check and the offer of employment remains conditional until such time as this has been completed and is satisfactory. To this end the attached form, which confirms your agreement to the necessary information being accessed, will need to be completed and returned."

Contractors

All contracts (existing and new) should be reviewed to ensure that they contain provision for police vetting of the contractor and their employees.

Review schedule: Triennially

8a. Protocol to accompany Child Protection Policy

Reporting of Suspected or Actual Child Abuse and Neglect Protocol between the Ministry of Education, the New Zealand School Trustees Association and Child, Youth and Family 2009

Introduction

The Ministry of Education, the New Zealand School Trustees Association (NZSTA) and Child, Youth and Family (CYF) are committed to ensuring a safe and supportive learning environment for all students. The following protocol and guidelines will assist boards of trustees, principals and school staff in dealing with child abuse and neglect, and the management of child abuse allegations against board employees.

Section 15 of the Children, Young Persons, and Their Families Act 1989 (CYP&F Act) provides that:

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 constable.

As part of its responsibilities CYF promotes, by education and publicity, awareness of child abuse, the unacceptability of child abuse, the ways in which child abuse may be prevented, the need to report cases of child abuse, and the ways in which child abuse may be reported.

Part of that work is through the development and implementation of protocols for agencies (both governmental and non-governmental) and professional and occupational groups in relation to the reporting of child abuse, and monitoring the effectiveness of such protocols.

Purpose

In regard to student safety the National Education Guidelines (NAG 5) require a school board of trustees and principals of each state and integrated school in New Zealand to:

- Provide a safe physical and emotional environment for students; and
- Comply in full with any legislation currently in force or that may be developed to ensure the safety of students and employees. The purpose of this protocol is to establish an agreed approach to the reporting of child abuse and neglect by those working within schools.

The protocol will ensure that:

- The welfare and interests of the child or young person are the first and paramount considerations;
- Suspected and actual abuse of a child is responded to and recorded appropriately; and
- Effective child protection requires a full, accurate and prompt sharing of information (as permitted within the law).

The inter-agency guide to “Working together to keep children and young people safe” provides more in depth information and should be read in conjunction with this protocol. Please contact your local Child, Youth and Family Site for a copy of this. It is also available from the CYF website at <http://www.cyf.govt.nz/documents/aboutus/publications/27713-working-together-3-0-45ppi.pdf>¹

¹ This paragraph has been amended February 2015 with reference to an updated link to the Child, Youth and Family website.

Definitions

Child and Young Person	A child is someone under the age of 14 years and a young person is someone aged 14 years and over, but under 17 years who is not or has never been married or in a civil union (section 2, CYP&F Act).
Child Abuse	Child Abuse means the harming (whether physically, emotionally or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person (section 2, CYP&F Act).
Notification Referral Reporting	Notification, referral and reporting are all terms used to describe making a report of concern to Child, Youth and Family and/or Police.

Child . Physical abuse. **abuse/neglect** . Sexual abuse. . Emotional/psychological abuse

e.g. family violence, exposure to illegal activities, rejection.

- Neglect e.g. medical neglect, abandonment, neglectful supervision.

Guidelines for reporting child abuse/ neglect

- The child’s safety should always be the paramount consideration in the notification process.
- decisions or actions in respect of suspected or actual child abuse are to be made by any staff member in isolation unless there are concerns for the immediate safety of the child.
- A consultative approach is essential to ensure the safety of the child and the staff member. Staff must discuss their concerns with the principal or nominated person/advocate. Where applicable follow the board’s complaint policy.
- Decisions about informing parents or caregivers should be made after consultation between the school and CYF.

Key Contacts

Child, Youth and Family - 0508 FAMILY (0508 326 459)
 Local Police
 MoE - 0800 TI TEAM (0800 848326)
 NZSTA - 0800 STAhelp (0800 782435)
 ED ASSIST – 0508 ED ASSIST (0508 332 774)

Reporting Process for Suspected or Disclosed Child Abuse

Child abuse is either suspected or disclosed.
Ensure the child or young person is safe from immediate harm.

- Physical/behavioural observations and anything said by the child should be carefully documented (include date, time, who was present).
- Consult immediately with the principal or nominated person in charge, or other staff member if the allegation concerns the principal.
- The principal or their nominated person in charge that received the information should contact CYF (0508 326 459) or local Police.
- If advised to do so, complete a referral form to CYF/Police.
- The board chair should be advised.
- If there is disruption to the school or community, negative impacts on other children and/or staff, media interest or a public profile, seek support from Special Education Traumatic Incident Coordinator (0800 84 8326).

Alleged abuse by Board employee, including the principal. *Note that there are two separate should: procedures to be followed at the same time.*

Alleged abuse by non-staff.
The principal or nominated person

(1) The reporting procedure in respect of the Child/young person:

- Follow the advice of CYF/Police
- Avoid further risks to the child(ren), or young person(s). Ensure there is no contact between the child and the person whom the allegation is against.

Follow the advice of CYF/Police

(2) Process for employee investigation.

- Initiate an initial employment investigation.
- Maintain close liaison with the police and avoid any action that may compromise their investigation.
- Immediately seek advice from NZSTA or another approved employment advisor and advise your insurer.
- It is important that no one person has responsibility for dealing with both the reporting issues and employment issues as there is potential for there to be tension between the two.
- Notify the employee of the allegation and advise of the potential consequences.
- Consider whether it is appropriate for the employee to remain in the school (follow advice).
- Advise the employee of the right to seek support from union or other representatives.
- The board needs to determine whether they will defer their process while the police do the preliminary investigation, or whether they will proceed. Criminal investigations are separate from any employment investigation that the employer will follow.
- Ensure records are kept of any comments or event relating to the complaint(s) and/or allegations, and follow-up action is taken.

Deciding when and who will inform the parent(s) and/or caregiver will be determined by CYF and Police in consultation with the school.

Specific actions when reporting

- If the child or young person is in danger or unsafe, act immediately to secure their safety.

Child abuse/neglect

- Listen to the child or young person and reassure them they did the right thing in disclosing.
- Write down what the child says, check that comments and events surrounding the concern are also recorded.
- Do not formally interview the child or young person. Obtain only necessary relevant facts for when clarification is needed.
- If the child or young person is not in immediate danger and is not upset reinvolve the student in usual school activities.
- If the child or young person is visibly upset provide appropriate activity for them under supervision with someone familiar (i.e. teacher) until they are able to re-join classroom activities.
- Hold immediate discussion with guidance counsellor, school social worker or student support personnel.
- Inform the principal, nominated person, or other staff member if the allegation concerns the principal.
- Notify CYF Contact Centre or the Police.
- Obtain during the notification an indication of likely action and their time frames. Seek advice from CYF on what to tell the child or young person (decisions concerning after school arrangements and notifying the parents will be made by police and social workers in consultation with the school).
- Get support for yourself from appropriate people if needed.

Notifications should be made to the Police or the Child, Youth and Family National Contact Centre. The Contact Centre telephone number is 0508 FAMILY (0508 326 459; fax number (09) 914 1211 or email CyfCallCentre@cyf.govt.nz

Information required for reporting

When a notification is made to Child, Youth and Family the school needs to provide the following information in the attached notification

- Name of child/children (also known as/nicknames).
- Date of birth (if known).
- Ethnicity (if known).
- Name of caregivers, parents and other family members and current living situation.
- Current legal custodians.
- Reasons why it is believed that the child or young person is at risk.

- Other significant background information.
- The name of the contact person for Child, Youth and Family.

What happens once reporting is made

Step	Action
1	CYF Contact Centre will generate a letter to the person named as 'notifier' acknowledging the reporting, and advising which CYF site the matter was referred to recommending either further action or no further action.
2	CYF site will make the final decision as to whether or not further action will be taken and by whom. Depending on the assessed level of needs for the child/young person and their family a referral may be made to a non-government organization (NGO) social service for their support.
3	If further action is to be taken the social worker allocated to the case will develop an investigation plan. This may require input from the notifier.
4	Once the reporting has been investigated CYF will contact the notifier to advise if any further action has been taken or will be taken or whether a referral will be made to an NGO for provision of family support.
5	If reporting is urgent the above actions will take place immediately . • Decisions concerning after school arrangements and notifying the parents will be made by Police and social workers in consultation with the school.
6	The notifier may contact the CYF Contact Centre at any stage to obtain information on the status of the notification.

Confidentiality A person's name will not normally be released in the absence of a request **of the Notifier** under the Official Information Act or Privacy Act. If a requested the information will be released unless there is a reason to withhold such as:

- The client has a history of violence and has threatened or abused staff on previous occasions; or
 - The client is closely related to the notifier.
- However we cannot guarantee confidentiality.

(Refer to Appendix 1: Release of notifier details under the Official Information Act 1982 and Privacy Act 1993.)

Appendix 1

Section 15 of the Children, Young Persons, and Their Families Act 1989

Relevant Legislation

Section 15 provides that:

"Any person who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally, or sexually), illtreated, abused, neglected, or deprived may report the matter to a Social Worker or a member of the Police."

Section 16 of the Children, Young Persons, and Their Families Act 1989

Section 16 provides protection from prosecution for people making a report under section 15, and states:

"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."

Section 17 of the Children, Young Persons, and Their Families Act 1989

Section 17 provides investigation of report of ill-treatment or neglect of child or young person

Where any Social Worker or member of the Police receives a report pursuant to section 15 of this Act relating to a child or young person, that Social Worker or member of the Police shall, as soon as practicable after receiving the report, undertake or arrange for the undertaking of such investigation as may be necessary or desirable into the matters contained in the report and shall, as soon as practicable after the investigation has commenced, consult with a Care and Protection Resource Panel in relation to the investigation.

1. Where, after an investigation under subsection (1) of this section into the matters contained in a report under section 15 of this Act, the Social Worker or member of the Police to whom the report was made reasonably believes that the child or young person to whom the report relates is in need of care or protection, that Social Worker or member of the Police shall, as soon as practicable, notify a care and protection coordinator of those matters in accordance with section 18 of this Act.

2. Where any person receives a report pursuant to section 15 of this Act relating to a child or young person, that person shall, as soon as practicable – after

- (a) That report is investigated under subsection (1) of this section; or
- (b) A decision is made not to investigate the report, -

unless it is impracticable or undesirable to do so, inform the person who made the report whether or not the report has been investigated and, if so, whether any further action has been taken with respect to it.”

Subsection (1) was substituted by s6 of the Children, Young Persons, and Their Families Amendment Act 1994.

Release of notifier details under the Official Information Act 1982 and Privacy Act 1993

Child, Youth and Family will not generally release the name of a notifier (whether a member of the public or a Ministry staff member) unless the information is requested under the Official Information Act 1982 or the Privacy Act 1993.

Members of the public will not have their names released (in most circumstances) when requests are made

Accordingly, the names of people who have made notifications to Child, Youth and Family are **not** able to be withheld following a request unless there is an **actual** threat to that person's safety. The ground for withholding a person's name in instances where there is in fact a reasonable threat to safety is section 27(1)(d) of the Privacy Act.

27 Security, defence, international relations, etc.

(1) An agency may refuse to disclose any information requested pursuant to principle 6 if the disclosure of the information would be likely

- (a) To prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
- (b) To prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by—
 - (i) The government of any other country or any agency of such a government; or
 - (ii) Any international organisation; or
- (c) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- (d) To endanger the safety of any individual.

The notification report makes provision for the notifier to provide reasons to support the withholding of their details under Section 27(1)(d) of the Privacy Act. Such reasons may include:

- The client has a history of violence and has threatened or abused staff on previous occasions; or
- The client is closely related to the notifier.

Summary

In summary, a person's name will not normally be released in the absence of a request under the Official Information Act or Privacy Act. If a request is made the information will be released unless there is a reason to withhold (as outlined above). We cannot guarantee confidentiality of a notifier even if a request is made and the information withheld under section 27(1)(d). There may be some circumstances where the Family Court may require that the records in question be produced to the Court, or a complaint could be laid with the Ombudsman or Privacy Commissioner and an investigation occurs which may conclude that the Ministry is required to release the information. Such circumstances would however be rare.

Review schedule: Triennially

DRAFT