

## Safeguarding and Child Protection Policy

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### 1. Purpose

The purpose of this Safeguarding and Child Protection Policy is to set a clear protocol of action and a framework for our responsibilities and legal duties in relation to each child's vulnerability and protection. This policy will ensure a consistent and effective response in the event of any concern for a child's welfare, and to support any child or young person.

This policy:

- explains Green Cross Health's commitment to the safety and wellbeing of children/tamariki and young people/rangatahi.
  - provides workers with clear guidance on the steps they should take when they are aware of, or suspect there is, any instance of child abuse; and
  - ensures reported concerns are referred to the appropriate agencies or authorities.
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### 2. Scope

As a provider of healthcare this policy applies to:

- All of Green Cross Health's (GXH) work, directly or indirectly related to children and families/whānau.
- All employees, volunteers and contractors of Green Cross Health, especially those who work in areas that develop and/or provide services for children/young persons and their family/whānau.

Application: This policy is applicable only to worksites in the Green Cross Health (GXH) network where GXH has financial control of the entity. For the sake of clarity these companies will now be referred to as Green Cross Health (GXH).

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### 3. Policy Statement

Green Cross Health is passionately committed to providing support, care and protection to children and young people through our pharmacies and medical centres. This commitment is based upon the understanding that most vulnerable and at-risk children may be known to, or have contact with, a healthcare provider who may be in a position to help or intervene to protect a child or young person.

We are committed to providing a child-safe environment working with whānau to ensure the best outcomes for their tamariki.

Green Cross Health ensures that any actions taken in respect of actual or suspected child abuse and neglect are guided by this policy,

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### 4. Our Responsibility

Green Cross Health takes responsibility for the well-being and protection of children and young people by ensuring all divisions of the organisation have the information, tools and support to be able to:

1. Ensure the safety and well-being of children is at the forefront of all we do and provide
  2. Have workable and robust safeguarding and child protection procedures
  3. Recruit workers and volunteers safely
  4. Create opportunities for workers to:
    - a. Be trusted points of contact and positive role models for children and young people
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- b. increase knowledge, skills and confidence to implement procedures,
  - c. create opportunities for workers to become trusted child safety contacts.
5. Provide child protection guidance and support to workers when needed.

**What we will do:**

- Ensure GXH has a culture of child protection and complies with the Children's Act 2014 requirements.
  - Ensure medical centres are certified for Foundation Standard from The Royal New Zealand College of General Practitioners and, for urgent care, Urgent Care Standards 2015 from The Royal New Zealand College of Urgent Care.
  - Communicate resources, ongoing procedure development, education opportunities, workers and patient resources, and child protection record keeping.
  - Help workers to respond appropriately whenever there are concerns relating to child protection.
  - Facilitate workplace connections with local services and agencies that support families.
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## **5. Definitions**

**Child/tamariki** - Individuals aged 0-14 years

**Young person/rangatahi** - Individuals aged 15-17 years

**Child abuse and neglect** - The harming (whether physically, emotionally, or sexually), ill treatment, abuse, neglect or deprivation of any child or young person. It includes actual, potential, and suspected abuse.

- **Physical abuse** - Is any behaviour or action which inflicts physical harm to a child or young person, which can include unexplained bruises, welts, cuts and abrasions, unexplained fractures and dislocations, burns, fabricated illness such as Munchausen by proxy.
- **Sexual abuse** - Is any act where an adult or a more powerful person uses a child or young person for a sexual purpose. This can be direct contact or exposing children to adult materials.
- **Emotional Abuse** - Any act or omission that results in impaired psychological, social, intellectual and or emotional functioning and development of a child or young person.
- **Neglect** - Any act or omission that results in impaired physical/emotional functioning, injury, and/or development of a child or young person and can include:
  - a. **Physical neglect** – not providing the necessities of life.
  - b. **Neglectful supervision** – leaving children alone or without someone safe looking after them.
  - c. **Emotional neglect** – not providing the comfort, love and attention the child needs.
  - d. **Medical neglect** – the failure to ensure their health needs are met.
  - e. **Educational neglect** – allowing chronic truancy, failure to enrol children in school, or inattention to their special education needs.

**Safeguarding** – A proactive preventative approach to child protection including safe recruitment.

**Child protection** - The activities carried out to ensure the safety of a child/tamariki and young person/rangatahi, in cases where there is abuse or neglect.

**Cumulative harm / neglect** - Cumulative harm refers to the effects of patterns of circumstances and events in a child or young person's life, which diminishes their sense of safety, stability and well-being.

Cumulative harm is compounded experiences of multiple episodes of abuse or layers of neglect. Constant daily impact on the child or young person can be profound and exponential, covering multiple dimensions of their life.

**Designated person for child protection** - The person or position who is responsible for providing advice and support to an employee or other person who is concerned about an individual child or who wants advice about this policy.

**Disclosure** - Information about abuse or neglect given to GXH by a child, or parent, or caregiver, or any other person.

**Vulnerability** - Children/young persons who are at significant risk of harm to their well-being 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.

**Whistleblowing** – The term used when a worker passes on information concerning wrong-doing via an open, transparent and safe working environment where workers feel able to speak up.

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## **6. Designated Person/Position for Child Protection**

It is recommended that each worksite has at least one trained designated person/position (and one trained designated backup). The designated person/position for child protection should be easily contactable and readily available to workers in the workplace, with name and contact details written into the Safeguarding and Child Protection Procedure document.

The designated person should have completed a Safeguarding and Child Protection training (ideally the Child Protection Lead course offered at <https://safeguardingchildren.org.nz/>). The role will be reviewed annually in line with the designated person's annual appraisal.

All requests for information, advice or support on matters relating to child protection will be treated as private communications, and the name of the person who makes the request will not be disclosed except where disclosure is required by law or necessary for appropriate action to be taken.

**Confidentiality will not be promised to a person who makes such a request if that promise would limit the ability of the designated person to take necessary and appropriate action to protect a child.**

Information and communications relating to concerns of suspected child abuse or other behaviour that causes concern will be recorded and kept in a separate register with access maintained by the designated person for child protection.

The designated person for child protection is responsible for:

- identifying any barriers to implementation and compliance with this policy as they arise; and reporting them to the onsite manager and where appropriate, support office; and
- ensuring that this policy and supporting information are readily available to onsite workers; and
- ensuring all workers have received child protection training, and that this is recorded; and
- promoting the organisation's commitment to a culture of safeguarding.

Where appropriate, matters concerning child protection may be referred to a member of GXH Human Resources, Professional Services or Clinical Advisory.

Please refer to the Safeguarding and Child Protection Procedure for further information.

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## 7. Confidentiality and Information Sharing

Under the Oranga Tamariki Act 1989, any person who believes that a child has been or is likely to be, harmed physically, emotionally or sexually or ill-treated, abused, neglected or deprived may report the matter to a social worker or the Police. No civil, criminal or disciplinary proceedings may be brought against the person who makes the report, provided it is made in good faith.

When gathering, storing, or disclosing personal information about individuals, workers must comply with the Information Privacy Principles set out in the Privacy Act 2020.

Sharing information with others for the protection of a child is a justifiable breach of confidentiality and, where a child is at risk of harm, is a legal duty. Workers may disclose information under the Privacy Act where there is good reason to do so, such as a serious risk to health and safety. Disclosure about child abuse may also be made externally to a social worker or the Police under the Oranga Tamariki Act 1989.

In all cases where action is taken, GXH Employers will work with official agencies (including Oranga Tamariki and the Police). **GXH Employers will only inform families/whanau about suspected or actual abuse after discussions with and approval from the designated person and if it is safe for the child concerned**, appropriate official agencies may be involved later.

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## 8. Safe Practice Guidelines

The following Safe Practice Guidelines set the standard and expectations for all workers of GXH Employers.

Workers **MUST**:

- Treat all children and young people with respect.
- Set an example of ethical conduct, be a positive role model.
- Encourage and support children and colleagues to report unacceptable attitudes or behaviour as soon as possible.
- Operate within the organisation's principles, procedures, and guidance provided in the Safeguarding and Child Protection Policy.
- Report all allegations, suspicions or actual cases of abuse.
- Avoid situations where they are working alone with a child or children whenever possible. Adopt 'open door' practices or work within sight or hearing of others if possible.
- Except in emergencies, avoid being alone when transporting a child or children.
- Know at all times the whereabouts of children for whom they are responsible.
- Except in emergencies, ensure children are not taken from the premises of GXH, or from any GXH programme, without the written consent of the responsible parent or caregiver.
- Ensure visitors are monitored at all times.
- Advise parents or caregivers in advance and gain consent for any activity which requires the worker to have physical contact with a child or children (e.g. vaccination or physical examination).

Workers **MUST NOT**:

- Have inappropriate physical, verbal, phone or social media contact with children or young people.

- Make derogatory remarks in front of children or young people.
- Dismiss or trivialise any child abuse issues raised.
- Show favouritism toward any individual.
- Take a chance when common sense, policy or practice deems another appropriate approach.
- Believe it could never happen here.

## **9. Procedure for Child's Disclosure of Abuse**

In the event that a child discloses any instance of abuse or neglect to a worker, the worker should follow this process:

1. Listen to the child, provide reassurance, and ask open questions (e.g. What happened next?)
2. If the child is obviously distressed, provide appropriate reassurance and engage the child in supervised activities until able to participate in ordinary activities.
3. If the child is not in immediate danger, get the child involved in ordinary activities and explain what is planned next.
4. If the child is in immediate danger, contact your designated person/position as outlined above and the Police.
5. Record the disclosure in writing as soon as possible.
  - Make a verbatim record of what the child said.
  - Record dates, times, locations and names that might be relevant.
  - Record the factual concerns relating to the observations that have led to the suspicion of abuse or neglect.
  - Record the details of any action taken by the worker.
  - Note any other relevant information.
6. The worker should discuss concerns with their manager or the designated person for child protection.
7. Notify the relevant authorities (e.g. a social worker or the Police) if there is reason to believe that the child is suffering abuse or neglect, or likely to do so.

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## **10. Allegation Made Against Worker**

Any complaints or allegations of misconduct against a GXH worker must be reported to the designated person/position (unless there is a conflict of interest) and appropriate senior manager immediately. In order to protect the child or children, the worker and GXH, there can be no exceptions to this rule. Failure to make a complaint or report an allegation immediately may be treated as a very serious matter. The Safeguarding and Child Protection Procedure document should be referred to for further instructions.

When a complaint or allegation is reported, the designated person or appropriate senior manager may decide that, to prevent exposure to any further vulnerability or risk during the investigation, that the worker should require additional supervision, altered duties, or in some cases be removed from the role or the work environment. This is subject to the duty of good faith and any relevant provisions in an employment agreement and/or policy. The welfare of the child will be of paramount importance in all decision making.

Once GXH is satisfied regarding the safety of the child or children concerned, the complaint or allegation will be investigated in accordance with the organisation's associated employment policy and child protection procedure.

Where mandatory, GXH will report complaints or allegations of a serious professional nature to the Medical, Pharmacy or Nursing Council (not limited to).

GXH will not enter into any settlement agreements that the complaint or allegation, if found justified, is not to be reported to the Police or other relevant authorities.

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## **11. Safety Checks for Children's Workers**

The Children's Act 2014 contains definitions that are relevant for this part of the policy. They include:

**Children's worker** – a person who works in, or provides a regulated service, and the person's work–

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

**Core worker** – a children's worker whose work in or providing a regulated service requires or allows that, when the person is present with a child or children in the course of that work, the person–

- (a) is the only children's worker present; or
- (b) is the children's worker who has primary responsibility for, or authority over, the child or children present.

**Non-core worker** – a children's worker who is not a core worker.

**Regulated service** – any of the services listed in Schedule 1 of the Children's Act. (e.g. health services)

**Safety check** – the requirements for safety checks for core workers and non-core workers are set out in section 31 of The Children's Act 2014 and in regulations made under section 32 of the Act.

**Specified offence** – any of the offences against the Crimes Act 1961, the Films, Videos, and Publications Classification Act 1993 and the Customs and Excise Act 1996 and listed in Schedule 2 of the Children's Act 2014.

### **Safety checks for new workers -**

Green Cross Health is committed to providing support, care and protection to our children through our pharmacies and medical centres. Under The Children's Act 2014 we must ensure a safety check is completed satisfactorily for every employee who joins GXH and is in a position, defined above, as a core or non-core worker. Where practical, safety checks extend to volunteers in comparable roles to that of paid children's workers.

The safety check of every person who is considered for engagement or employment as a children's worker must include:

1. Police vetting
2. Identity confirmation
3. Interview
4. Reference check(s)
5. Review of work history
6. Confirmation registration with relevant professional organisations
7. A risk assessment of the risk that the person would pose to the safety of children if engaged or employed as a children's worker.

Safety checks are to be carried out by the onsite Medical Centre Manager or Business/Pharmacy Manager or other person with delegated authority.

As part of the application process, every applicant who is offered a role for a position as a children's worker must agree in writing to the carrying out of a safety check as required by the Children's Act 2014. This will be a condition of any offer of employment for a core or non-core worker.

Applicants should be advised that the protection against disclosure provided by the Criminal Records (Clean Slate) Act 2004 does not apply to safety checks under The Children's Act 2014.

After a safety check has been completed, the Manager will make a recommendation to their line manager as to whether GXH should offer the subject of the safety check employment or continued employment as a children's worker.

The Line Manager or delegated authority (i.e. board or onsite manager) must approve an offer of engagement or employment as a children's worker before it is made to the individual concerned.

#### **Safety checks for existing employees -**

GXH will ensure that all core and non-core workers are subject to a safety check at intervals of not more than three years. Documentation of the following will be recorded on the employee's file (or e-file) to ensure compliance and proof that a safety check has been completed:

1. Complete a Police Vetting Safety Check - including Identity Verification
2. Meet the requirements of a Children's Worker Safety Check Assessment
3. Ensure they have up to date and legitimate copies of their Professional Memberships (where applicable)
4. Evaluate all of the above to assess risks the employee could pose to the safety of children while employed or engaged in a core or non-core worker role.

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## **12. Induction and Training for Workers**

All workers and volunteers should receive safeguarding and child protection training as part of the induction process.

The level of training should be appropriate to the role a worker has within the organisation.

Introduction to this policy and the Safeguarding and Child Protection Procedure should be carried out by the designated person (as described in section 6).

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## **13. Core worker exemption**

Under The Children's Act 2014, every core worker must obtain a Core Worker Exemption if that person has a conviction for any specified criminal offence listed in Schedule 2 of the Act.

The onsite Business/Pharmacy Manager or Medical Centre Manager is responsible for ensuring that all core workers engaged or employed by GXH who need a Core Worker Exemption under the Act have obtained that exemption.

New core workers must obtain the exemption before engagement or employment. Existing core workers must make immediate application for an exemption if needed.

GXH will review the engagement or employment of any core worker who has a relevant criminal conviction and who refuses to apply for or fails to obtain a Core Worker Exemption permit. Depending on the circumstances, the engagement or employment may be terminated.

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## **14. Additional Support**

GXH encourages workers to seek and accept support when it is needed.

- Employee Assistance Programme – Organisational Counselling Programme (OCP)

Access to Green Cross Health's OCP programme that provides the ability to access support and guidance on many matters;

Ph: 0800 377 990

Web: [www.ocp.co.nz](http://www.ocp.co.nz)

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## **15. Relevant documentation**

Associated documents include (but not limited to);

- Safeguarding and Child Protection Procedure
  - Recruitment & Selection Guidelines
  - Complaints Procedure
  - Privacy Policy and Guidelines
  - Incident and Feedback Management Policy and Procedure
  - Respect in the Workplace Policy
  - Family Violence Policy
  - Protected Disclosure Policy
  - Health and Safety Policy
  - Employment Policy Manual
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## **16. Relevant Legislation**

Associated documents include (but not limited to);

- Care of Children's Act, 2004
- Oranga Tamariki Act, 1989
- Crimes Act, 1961
- Domestic Violence Act, 1995
- Domestic Violence -Victims' Protection Act, 2018
- Employment Relations Act, 2000
- Health and Disability Sector Standards Regulations, 2001
- Health and Safety at Work Act (General Risk & Workplace management) Regulations, 2016
- Health Information Privacy Code 2020
- Human Rights Act 1993
- Privacy Act, 2020
- Section 22f of The Health Act, 1956
- The Treaty of Waitangi Act, 1975
- United Nations Convention on the Rights of the Child (UNCROC), 1989
- The Children's Act, 2014