



**MINISTRY OF BUSINESS,  
INNOVATION & EMPLOYMENT**  
HĪKINA WHAKATUTUKI



# Child Protection Policy

August 2020

# 1 MBIE Guiding Principles Relevant to This Policy

- 1.1 This Policy aligns with the Ministry of Business, Innovation & Employment (MBIE's) guiding principles of ensuring a healthy, safe and secure environment and acting within the law and complying with the law and legislation.
- 1.2 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.
- 1.3 The Children's Act 2014 (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 certain State services, of which MBIE is one, with implementing child protection policies (that must contain provisions on the identification and reporting of child abuse and neglect).
- 1.4 Ensuring the safety and wellbeing of children and young people is important to MBIE.
- 1.5 High-quality policies and practices, supported by an organisational commitment to a culture of child protection that supports vulnerable children to receive the help they need quickly and appropriately.
- 1.6 MBIE works collaboratively with other agencies to ensure the best outcomes for children and young people in New Zealand.

## 2 Purpose

- 2.1 This Policy articulates MBIE's commitment to ensuring the wellbeing and safety of children and young people who are receiving services from MBIE or from organisations funded or contracted by MBIE. In the delivery of its services, MBIE recognises that there is a genuine and significant opportunity to identify the abuse and neglect of children that might otherwise be undetected.

## 3 Scope

- 3.1 This Policy applies to all employees of MBIE who come into contact with children or young people as part of their role. This includes areas that develop and/or contract services for children.
- 3.2 This Policy applies to every contract or funding arrangement entered into by MBIE with other persons or organisations for the provision of services for children.
- 3.3 This Policy applies to MBIE employees and to the contracting of services delivered by Immigration New Zealand at the Mangere Refugee Resettlement Centre (MRRC), Border Services, Managed Isolation and Quarantine (MIQ), and relevant MBIE business functions.

## 4 Definition of terms

The following definitions apply to this Policy:

- 4.1 The Act - the Children's Act 2014.
- 4.2 Child – any child or young person who is under the age of 18 years.
- 4.3 Child abuse and neglect – the harming (whether physically, emotionally, or sexually), ill-treatment, abuse or suspected abuse, neglect, or deprivation of any child or young person (defined in section 2 of the Oranga Tamariki Act 1989).
- 4.4 Child protection - activities carried out to make sure children are safe where there is suspected abuse or neglect or the risk of abuse or neglect.
- 4.5 Children's services - are any of the following:
  - a. Services provided to 1 or more children.

Template for MBIE-wide Internal Policies

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Policy Owner: GM Service Quality Branch, Market Services

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- b. Services provided to adults in respect of 1 or more children.
- c. State services – prescribed in regulation made under the Act provided to adults living in households that include 1 or more children, and that do or may affect significantly any 1 or more aspects of the well-being of those children.

## 5 Legal requirements for this Policy

5.1 MBIE is required to:

- a. Adopt and publish a child protection policy where MBIE is or becomes a provider of children’s services.
- b. Ensure that every contract, or funding arrangement the chief executive or MBIE (in either case, acting on the Crown’s behalf, or independently) enters into with an independent person requires the person as soon as is practicable to adopt and to review a child protection policy if, in the opinion of the chief executive of MBIE,—
  - the person is or becomes a provider of children’s services; and
  - some or all of the contract or arrangement is about providing children’s services.
- c. Apply this policy to the provision of children’s services by MBIE; and
- d. Ensure the policy is written, and contain provisions on the identification and reporting of child abuse or suspected abuse and neglect.

5.2 MBIE is required to report in its annual report on whether, or on the extent to which, its operations have implemented any policy it is required to adopt, and its contracts and funding arrangements have complied with.

## 6 Publication and Review

6.1 This Policy must be:

- a. Published on MBIE’s website.
- b. Reviewed within three years of publication.
- c. Approved by the Chief Executive.

## 7 Policy statements

To fulfil its obligations for this Policy, MBIE will ensure:

- 7.1 The rights of children are respected. The welfare and safety of children and young persons are our primary consideration when providing children’s services.
- 7.2 Appropriate training is completed by all employees providing children’s services, both before they start the role and during their tenure.
- 7.3 Each MBIE business function that is or becomes a provider of children’s services must have additional supporting standard operating procedures (SOPs) and guidelines to meet Child Protection requirements under the relevant legislation.
- 7.4 Employees follow this Policy and work with our partners to ensure their child protection policies are consistent with this Policy and are effectively applied.
- 7.5 Employees learn to identify abuse and neglect in accordance with Oranga Tamariki guidelines.
- 7.6 Any person who believes that a child or young person has been, or is likely to be, harmed, ill-treated, abused, (whether physically, emotionally, or sexually), neglected, or deprived, or who has concerns about the well-being of a child or young person and the child is not in immediate danger, must first report their concerns to their Manager and together they can assess the best approach to take. This may involve:

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- a. Seeking guidance from MBIE’s business owner for this Policy; or
  - b. Reporting the matter to the chief executive of Oranga Tamariki or a constable, in accordance with this Policy, applicable SOPs and guidelines; and
  - c. Recording the concerns in the MBIE incident reporting application.
- 7.7 Notwithstanding section 7.6, if an employee identifies an incident of child abuse or neglect and determines that the child is in immediate danger, the employee must notify the New Zealand Police on 111.
- 7.8 All child protection concerns should be recorded in the MBIE incident reporting application Zambion.
- 7.9 All incidents including suspected incidents of child abuse or neglect must be managed respectfully and sensitively while maintaining the need for individual privacy.
- 7.10 Contractors and service providers funded by, or working on behalf of MBIE to provide children’s services, either:
- a. Have adopted a suitable child protection policy and regularly review their own child protection policy, or
  - b. Have adapted and applied the MBIE policy as appropriate.
- 7.11 Employees cooperate with other agencies including Oranga Tamariki and the New Zealand Police in a way that is in the best interest of the child and aligns with the purposes of the Act and associated legislation and regulation.
- 7.12 MBIE recognises that working with situations involving child abuse or neglect could impact on an employee’s emotional wellbeing. MBIE managers will support employees who do report child abuse or neglect and will ensure the Employee Assistance Programme (EAP) is available for employees to access confidential advice and support in working with issues that may affect work performance.
- 7.13 MBIE will reserve the right to audit its service providers to check if they have an appropriate child protection policy in place or have adapted and applied the MBIE policy as appropriate.
- 7.14 MBIE will report annually on the implementation and interactions resulting from this Policy in our Annual Plan through MBIE’s designated Policy Owner for this Child Protection Policy, the General Manager, Service Quality Branch, Market Services.

## 8 Key Accountabilities and Responsibilities

- 8.1 The table below lists the key accountabilities and responsibilities for each role to deliver this Policy.

Role	Description of responsibility
<b>Chief Executive</b>	<ul style="list-style-type: none"> <li>• Approval of this Policy and associated procedures.</li> <li>• Ensuring the Ministry meets its obligations under the Policy.</li> </ul>
<b>Deputy Chief Executive Market Services</b>	<ul style="list-style-type: none"> <li>• Executive sponsor of this Policy.</li> </ul>
<b>Deputy Chief Executive(s)</b>	Where applicable: <ul style="list-style-type: none"> <li>• Embedding this Policy in their business groups.</li> <li>• Ensuring their business groups are compliant with this Policy.</li> </ul>

	<ul style="list-style-type: none"> <li>Alerting the Policy owner to new areas or functions within their business group that could be deemed to be providing children's services.</li> </ul>
<b>Operational Critical Risk Management Governance Committee (OCRMGC)</b>	<ul style="list-style-type: none"> <li>Ensuring MBIE conducts and manages children's services in accordance with this Policy.</li> </ul>
<b>General Manager, Service Quality Branch, Market Services (Policy Owner)</b>	<ul style="list-style-type: none"> <li>Ensuring MBIE has a suitable policy to meet its obligations under section 16 of the Act.</li> <li>Providing support and advice to managers in relation to the application and interpretation of the Policy.</li> <li>Reporting to the Operational Critical Risk Management Governance Committee, any reported event of child abuse or neglect as deemed appropriate.</li> <li>Collating information for the Annual report in relation to the implementation of the Policy.</li> <li>Ensuring the Policy is working effectively through regular monitoring and reporting of compliance on the Policy.</li> </ul>
<b>General Managers (all MBIE)</b>	<ul style="list-style-type: none"> <li>Ensuring SOPs and guidelines are developed and implemented to support this Policy.</li> <li>Implementing the Policy, associated procedures and guidelines, relevant to their responsibilities, if their branch provides services to children and their families.</li> <li>Notifying the Policy owner that the business function is giving effect to this Policy.</li> <li>Ensuring the Manager Health, Safety and Security Operations, and the Head of Wellness, Health and Safety are notified by email or phone of a child abuse or neglect, as soon as practicable, and within 24 hours of becoming aware of an event, so a decision can be made as to the nature and type of investigation required and the level of support needed for employees.</li> <li>Ensuring that any incidents of policy non-compliance are reported to the Policy Owner, on a monthly basis, for inclusion in the report to the Operational Critical</li> </ul>

	<p>Risk Management Governance Committee.</p> <ul style="list-style-type: none"> <li>Ensuring if a new MBIE function or operation is to provide children’s services, as described under this Policy, they first discuss their intentions with the Manager Health Safety and Security Operations, who will conduct a readiness review.</li> </ul>
<p><b>Manager of any business unit providing child services (e.g. MRRRC and MIQ)</b></p>	<ul style="list-style-type: none"> <li>Ensuring employees, secondees and contractors are aware, understand and adhere to this Policy.</li> <li>Ensuring all onsite agencies, whether contracted by MBIE or another government agency, have a child protection policy.</li> <li>Ensuring all onsite agencies adhere to the agreed site Child Protection SOPs.</li> <li>Ensuring regular child protection training is delivered for all agencies operating onsite.</li> <li>Ensuring the MBIE contracted service providers understand any requirement for, and where necessary have in place, a suitable child protection policy.</li> <li>Ensuring that training and standard operating procedures, including joint-agency response aligns with this Policy.</li> <li>Ensuring their General Manager is notified of an event of child abuse or neglect as soon as practicable.</li> <li>Ensuring each and any event of child abuse or neglect is reported in line with MBIE’s Health, Safety and Security requirements, within 24 hours of the event. This means entering a report into Zambion and being mindful to protect the personal details of the victim and their family.</li> <li>Ensuring any policy breaches are reported to their GM within 24 hours.</li> <li>Complying with relevant SOPs or guidelines to support this Policy.</li> <li>Reviewing SOPs annually to ensure they comply with this Policy.</li> </ul>
<p><b>All employees who deliver children’s services</b></p>	<ul style="list-style-type: none"> <li>Must understand and adhere to this Policy.</li> </ul>

	<ul style="list-style-type: none"> <li>• Must identify and report child abuse or neglect.</li> </ul>
<b>All contractors and service providers who deliver children’s services</b>	<ul style="list-style-type: none"> <li>• Must be contractually obliged to have a child protection policy in place or have adapted and applied the MBIE policy as appropriate.</li> </ul>

## 9 Confidentiality and information sharing

- 9.1 The Oranga Tamariki Act 1989 and the Privacy Act 1993, allow information to be shared to keep children safe when child abuse or neglect is reported or investigated.
- 9.2 Given the sensitivity of this information, appropriate precautions shall be taken including when using, disclosing, and storing the information (including taking care not to discuss it openly).

## 10 Procedures

- 10.1 Each business function that provides any form of children’s services must document relevant SOPs and any guidance that enable employees to comply with this Policy.

## 11 Related MBIE policies and documents

- 11.1 The related internal MBIE policies and documents to this Policy include the following:
- Compliance Policy
  - Privacy Policy
  - Recruitment Policy.

## 12 Relevant legislation and regulation

- 12.1 The relevant legislation and regulation to this Policy include the following:
- Children’s Act 2014
  - Oranga Tamariki Act 1989
  - Privacy Act 1993
  - Victims’ Rights Act 2002.

## 13 Measures of success and compliance management

- 13.1 Compliance with this Policy will be monitored by the Policy owner and they will provide a report to the Operational Critical Risk Management Governance Committee, on a quarterly basis, of any reported events and near misses, and information on the general compliance with the Policy.
- 13.2 The Policy owner must undertake a readiness review to ensure the SOPs are in place to comply with the Policy; review complaints and/ or breaches; and/ or ask MBIE Assurance to undertake an independent audit (to provide assurance that the Policy is working as intended).
- 13.3 Any incidents of child abuse, suspected child abuse or neglect have been reported internally to the Manager Health Safety and Security Operations as soon as practicable, and within 24 hours of the discovery of the event in accordance with this Policy.
- 13.4 Monitor third parties engaged to provide children’s services to ensure they have suitable child protection policies and SOPs in place.
- 13.5 Provide compliance information regarding the performance of the Policy to the relevant business groups and the Enterprise Risk & Compliance Branch on a quarterly basis.

## 14 Non-compliance

14.1 Failure to comply with this Policy may be considered a breach of the Code of Conduct.