

Little Seeds Early Learning Centre

5 - Child Protection Policy

Rationale

Creating a culture of child protection is a commitment shared by all members of this service. This policy has been developed to support our staff to respond appropriately to potential child protection concerns, including suspected abuse or neglect. It applies to all staff, including contractors and volunteers.

Our service is committed to supporting the statutory agencies (MCOT (Ministry for Children – Oranga Tamariki) and the New Zealand Police), to investigate abuse and will report suspected cases and concerns to these agencies as per the process in this policy, and other related policies.

Objectives

- To ensure the rights, welfare and safety of children, including prevention of child abuse or maltreatment, is our service's first and paramount consideration.
- To make the interests of the child will be the paramount consideration when any action is taken in response to suspected abuse or neglect.
- To maintain a good working relationship with child protection agencies.
- To provide a safe physical and emotional environment for children.
- Any complaint is taken seriously and dealt with effectively. In the case of a complaint against a staff member, appropriate procedures are taken to protect the rights of both an adult and child.
- To always act on the recommendations of statutory agencies, including MCOT and the Police.
- To provide guidance to staff on how to identify and respond to concerns about the wellbeing of a child, including possible abuse or neglect. Staff will not assume responsibility beyond the level of their experience and training. Management will ensure staff have access to the training needed as well as ensure this policy is part of the services regular reviewing cycle.
- To ensure all staff are conversant with our Child Protection Policy and related policies (as referred to throughout this policy).
- To ensure staff understand the statutory referral processes and management of identified or suspected abuse and neglect.
- To ensure all safety checks have been signed off prior to any worker working with children unsupervised.
- To comply in full with any legislation in force or that may be developed to ensure the safety of children and staff.
- To implement a process which requires a full, accurate and prompt sharing of information (as permitted within the law).
- To ensure staff recognise and be sensitive to other cultures.

Definitions

Designated person for child protection

The services Manager is responsible for providing advice and support to staff where they have a concern about an individual child or who needs advice about the Child Protection Policy.

Our designated Person for Children Protection is: _____
who will be responsible in conjunction with the National Operations Manager for the maintenance and bi-annual review of this policy.

What constitutes abuse and neglect?

Physical Abuse

Any acts that may result in the physical harm of a child or young person. It can be, but is not limited to bruising, cutting, hitting, beating, biting, burning, causing abrasions, strangulation, suffocation, drowning, poisoning and fabricated or induced illness.

Sexual Abuse

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.

Sexual abuse can be, but is not limited to:

- Contact abuse; touching breasts, genital/anal fondling, masturbation, oral sex, penetrative or non-penetrative contact with the anus or genitals, encouraging the child to perform such acts on the perpetrator or another, involvement of the child in activities for the purposes of pornography or prostitution.
- Non-contact abuse; exhibitionism, voyeurism, exposure to pornographic or sexual imagery, inappropriate photography or depictions of sexual or suggestive behaviours or comments.

Emotional Abuse

Any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development. This can include:

- Patterns of isolation, degradation, constant criticism or negative comparison to others. Isolating, corrupting, exploiting or terrorising a child can also be emotional abuse.
- Exposure to family/whanau or intimate partner violence.

Neglect

Most common form of abuse, and although the effects may not be as obvious as physical abuse, it is just as serious. Neglect can be:

- Physical (not providing the necessities of life, like a warm place, food and clothing).
- Emotional (not providing comfort, attention and love).
- Neglectful supervision (leaving children without someone safe looking after them).
- Medical neglect (not taking care of health needs).
- Educational neglect (allowing chronic truancy, failure to enrol in education or inattention to education needs).

As there is a link between family violence, intimate partner violence and child abuse, it is important staff understand the term **Family Violence**. A legal definition of family violence is provided in Section 3 of the Domestic Violence Act 1995. (*Refer p. 17*)

Key indicators of potential abuse may include:

- **Physical signs:** e.g. unexplained injuries, burns, fractures, unusual or excessive itching, genital injuries, sexually transmitted diseases.
- **Developmental delays:** e.g. small for their age, cognitive delays, falling behind in school, poor speech and social skills.
- **Emotional abuse/neglect:** e.g. sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm.
- **Behavioural concerns:** e.g. age inappropriate sexual interest or play, fear of a certain person or place, eating disorders/substance abuse, disengagement/neediness, aggression.

Key indicators of potential neglect may include:

- **Physical signs:** e.g. looking rough and uncared for, dirty, without appropriate clothing, underweight.
- **Developmental delays:** e.g. small for their age, cognitive delays, falling behind in school, poor speech and social skills.
- **Emotional abuse/neglect:** e.g. sleep problems, low self-esteem, obsessive behaviour, inability to cope in social situations, sadness/loneliness and evidence of self-harm.
- **Behavioural concerns:** e.g. disengagement/neediness, eating disorders/substance abuse, aggression.
- **Neglectful supervision:** e.g. out an about unsupervised, left alone, no safe home to return to.
- **Medical neglect:** e.g. persistent nappy rash, or skin disorders or other untreated medical issues.

Our service recognises that every situation is different and the importance of considering all available information about the child and their environment before reaching conclusions.

Guidelines for reporting child abuse/neglect

The child’s safety is always the paramount consideration in the notification process.

- No decisions or actions in respect of suspected or actual abuse are made by any staff member in isolation unless there are concerns for the immediate safety of the child.
- A consultative approach is to be used to ensure the safety of the child and the staff member.
- Staff must discuss their concerns with their Manager. Where applicable follow the service’s Complaints Policy.
- Decisions about informing parents or caregivers is made upon advice after consultation between the service and MCOT (Ministry for Children – Oranga Tamariki).

Key Contacts

- MCOT – 0508 FAMILY (0508 326 459)
- Local Police - _____
- MOE – 0800 TI TEAM (0800 848 326)

Responding to a Child When The Child Discloses Abuse

Responding/Reporting of Suspected or Disclosed Child Abuse

Refer to Flow Chart of Disclosure of Abuse or Neglect is made.

Responding/Reporting of Alleged/Suspected or Disclosed Child Abuse against a staff member

Refer to Flow Chart of Disclosure/Allegation of Child Abuse by a Staff Member

Reporting of Alleged/Suspected or Disclosed Child Abuse against the service's Manager

Refer to Flow Chart Reporting process for Suspected or Disclosed Child Abuse

Note: The decision to follow up on an allegation of suspected abuse or neglect against an employee will be made in consultation with MCOT and the Police. In addition, staff involved in cases of suspected child abuse are entitled to have support. Service provider/Manager/staff can seek support from Learning Support Traumatic Incident Coordinator (0800 88 8326).

Responding to other concerns

Concerns about a child that doesn't amount to suspicion of abuse or neglect.

In many cases, the involvement of statutory agencies would be inappropriate and potentially harmful to families/whanau. Both statutory and non-statutory agencies provide a network of mutually supportive services. It is important our service work with these to respond to the needs of vulnerable children and families/whanau in a manner proportionate to the level of need and risk.

Contact details for agencies and services in our community are provided as an appendix to this policy.

Protecting employees who report concerns about the conduct of a colleague

Refer to Complaints and Privacy Policies

Where a child needs additional assistance

Where a child or young person requires assistance e.g. they are intellectually or physically disabled, where possible we involve parents/caregivers, and outside agencies in education such as Ministry of Education's Special Education Group to assist. If the agency is not available, staff are made aware of the appropriate procedures when giving assistance.

Early Childhood Regulation: 56

The service provider excludes any person employed or engaged in the service from coming into contact with children, if they have reasonable grounds to believe that the person:

- Has physically ill-treated or abused a child or committed a crime against children; or
- In guiding or controlling a child, has subjected the child to solitary confinement, immobilisation, or deprivation of food, drink, warmth, shelter, or protection.

Early Childhood Regulation: 57

The service provider excludes any person employed or engaged in the service from coming into contact with children if they have reasonable grounds to believe that the person:

- Is in a state of physical or mental health that presents any risk of danger to children; or
- Has an infectious or contagious disease or condition.
- If necessary, to ensure no child becomes ill, the service provider excludes that person from the service and ensures they do not enter or remain in the premises while the service is being provided.

Statement of 'Settlement Agreements'

Our service is committed to not using 'settlement agreements' Where the conduct at issue concerned is the safety or wellbeing of a child use of such agreements is contrary to a culture of child protection.

Statement regarding Confidentiality and Information Sharing

The Privacy Act 1993 and the Children, Young Persons and their Families Act 1989 (CYPF Act) allow information to be shared to keep children safe when abuse or suspected abuse is reported or investigated.

Advice will be sought by the services Manager from MCOT and/or Police before identifying information about an allegation is shared with anyone.

Staff are made aware that:

- Under sections 15 and 16 of the Children, Young Persons and Their Families 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 MCOT or the Police and provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them (*Refer Confidentiality of the Notifier, p. 14*).
- When collecting personal information about individuals, it is important to be aware of the privacy principles – (principle 12), that is, the need to collect the information directly from the individual concerned and when doing so to be transparent about the purposes for collecting information and how it will be used; who can see the information; where it is held; what is compulsory/voluntary information; and that people have a right to request access to and correction of their information (*Refer The Privacy Act, p. 16*).
- However, staff may disclose information under the Privacy Act/Health Information Privacy Code where there is good reason to do so – such as, where there is serious risk to individual health and safety (Privacy principle 11/Code rule 11). Disclosures about ill-treatment or neglect of a child/young person may also be made to the Police or MCOT (*Refer The Privacy Act, p.16*).

Documentation

All reporting documentation (recordings/observations), will be written up as an individual case entry, which is handed over to management for filing. In the event documentation relates to management, documentation will be handed over to the service provider for filing.

Storing documentation

- All reporting documentation and associated documents will be filed in management's office in a lockable file cabinet under the category 'Statutory Reporting'.
- Information will be shared with any person of authority or right to the disclosure of information.
- Management will seek the advice of MCOT and/or Police in the event requests for information has been initiated.

Statement about relationships with Parents

- Parents and whanau are an integral part of the centre and their contribution and participation will be encouraged and valued.
- As part of the induction/settling in process parents are encouraged to read specifically the complaints policy/ procedures, child protection policy/procedures, parent's right of entry procedures, and the positive guidance policy/procedures.
- Parents are encouraged to read all centre policies, and are informed where to locate the policy folder.

Statement regarding Safer Recruitment Processes

Our recruitment policies include safer recruitment practices. These will include:

- Identity confirmation
- Interview of the potential children's worker
- Obtaining and considering a work history
- Obtaining and considering information from at least one referee
- Seeking information from any relevant professional organisation, licensing authority or registration authority
- Obtaining and considering information from a New Zealand Police Vet
- An evaluation of the above information to assess the risk of the potential children's worker (*Refer to GMA7a; Vulnerable Children Act; HR – Recruitment, Screening and Vetting Policy; Personnel Policy.*)

Statement about Electronic Media

Searching for information about an employee or potential employee via electronic media will be treated with caution (Privacy and Human Rights Acts).

Orientation

As part of an employee's induction process all staff are required to read, sign and seek clarity of all Health and Safety policies and procedures held by the service. In specific, Child Protection, Positive Guidance and Supervision policies are paramount.

Staff are informed of disciplinary action taken against them in the event they breach codes of confidentiality and privacy (*Refer to Staff Handbook, Privacy Policy*).

Supervision

The service will ensure people (either in paid roles or as volunteers) do not have unsupervised access to children, or information held about children, unless satisfactory safety checks have been completed and the employer continues to have confidence in them.

Visitors will be monitored at all times by staff and, likewise, volunteers and outside instructors. *(Refer to Supervision Policy)*.

Professional Development

Staff will be informed about the content of the Child Protection Policy as part of the orientation and induction process, and, likewise will be informed about the content as they collectively work through the centre's regular policy reviewing process.

All staff have the right to make contributions to the policy during reviews.

The service is committed to ensuring staff have access to the training they need. Training, resources and/or advice will be available to ensure all staff can carry out their roles in terms of this policy:

- How to reduce the risk of child abuse.
- Understanding and complying with legal obligations regarding child abuse.
- Planning of environment and supervision to minimise risk.
- Dealing with child/parents/family.
- The signs and symptoms of child abuse and neglect.
- Roles and responsibilities around record keeping and reporting.
- Limitations of their role.

As examples

- Staff are in view of each other when supervising children. *(Refer to Supervision of Children Policy)*
- Rosters ensure the minimum staffing is two at any one time
- Toileting/nappy changing, resting/sleeping procedures are carried out as per policy ensuring to take all reasonable and practicable steps in ensuring the safety of children and staff. At no time are visiting students permitted to change or toilet children. Providing all safety checks and screening has been completed, at management/team leader discretion, regular relieving staff are permitted to change or toilet children.
- Children are not permitted to leave the centre unless written permission or verbal notification from the child's legal custodian has been given to the person of responsibility, prior to the child's collection
- Written parent permission is gained prior to children going on any centre trip or walk *(Refer to Travel and Excursions Policy)*.
- Staff are informed of acceptable touching of children, and where certain parts of a child's body is prohibited to touch.
- Parents within the centre environment may only perform caretaking of their own child, and are not to be left alone with another's child.
- Staff are informed of transporting children *(Refer to Travel and Excursions Policy)*.
- Staff are informed of appropriate and inappropriate relationships with children, including over-familiarity, providing gifts and fostering infatuation.
- Staff are informed of communicating with children, including use of telecommunications technology.

Additional Related Legislation

Early Childhood Regulation 46: Licensing Criteria: Health and Safety 32 and 33.

- All practicable steps are taken to protect children from exposure to inappropriate material (for example, of an explicitly sexual or violent nature). *(Refer to Social Media Policy).*
- The service provider contact person ensures no person on the premises uses, or is under the influence of, alcohol or any other substance that has a detrimental effect on the functioning or behaviour during the services hours of operation
- Children are given guidance and control, but no child receiving guidance and control is subject to any form of ill treatment, solitary confinement, immobilization, or deprivation of food, drink, warmth, shelter, or protection. *(Refer to Social Competence and Positive Guidance policy).*
- No person employed by the centre shall use force, by way of correction or punishment, towards any child, staff member, or parent.
- Education Act 1989
- Vulnerable Children Act 2014
- Children Young Persons and Their Families Act 1989
- Human Rights Act
- Privacy Act
- State Sector Act 1988
- Employment Relations Act 2000.
- <https://www.MCOT.govt.nz/about-us/who-we-are/>

Links: HS31; Reg 46

Reviewed: May 2019

Next Review: February 2020

Signed by:

Operations Manager

Specific actions when reporting child abuse/neglect

- If the child or young person is in danger or unsafe, act immediately to secure their safety.
- 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 can re-join classroom activities.
- Inform the Manager, nominated person, or another staff member if the allegation concerns the Manager.
- Notify MCOT Contact Centre or the Police.
- Obtain during the notification an indication of likely action and their time frames. Seek advice from MCOT 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 MCOT National Contact Centre.

The Contact Centre telephone number is 0508 FAMILY (0508 326 459; fax number (09) 914 1211 or email contact@MCOT.govt.nz

Reporting a concern

- Get in touch if you think a child or young person may be:
 - unsafe or in danger of harm
 - suffering from ill-treatment, abuse or neglect
 - Or you're not sure if you should be concerned, and want advice, or just to talk things through.
- A social worker will work out how urgent this is, and the best thing to do next.

What we'll need to know when you get in touch:

- what you're worried about
- details of any incidents, including dates
- details about the child or young person and their family, such as names and addresses.

What happens once reporting is made

Step	Action
1	MCOT Contact Centre will generate a letter to the person named as 'notifier' acknowledging the reporting, and advising which MCOT site the matter was referred to recommending either further action or no further action.
2	MCOT 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 MCOT 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 MCOT Contact Centre at any stage to obtain information on the status of the notification.

Confidentiality of the Notifier

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 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.)

Relevant Legislation

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

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), ill-treated, 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

(1) 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.

(2) 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.

(3) 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

MCOT 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 MCOT 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
 - a. pursuant to principle 6 if the disclosure of the information
 - b. 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.

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.

The Privacy Act

Principle 11: Limits on disclosure of personal information

Personal information must not be disclosed unless the agency reasonably believes that:

- the disclosure is in connection with, or directly related to, one of the purposes for which it was obtained; or
- the agency got the information from a publicly available publication; or
- disclosure is to the individual concerned; or
- disclosure is authorised by the individual concerned; or
- it is necessary for a public-sector agency to disclose the information to uphold or enforce the law, protect the tax base, or assist court or tribunal proceedings; or
- disclosure is necessary to prevent or lessen a serious threat to public health or safety, or the life or health of any individual; or
- disclosure is necessary to facilitate the sale of a business as a going concern; or
- the information is to be used in a form in which the individual concerned is not identified; or
- disclosure has been authorised by the Privacy Commissioner under section 54.

Principle 12: Unique identifiers

Unique identifiers - such as IRD numbers, bank customer numbers, driver/s licence and passport numbers - must not be assigned to individuals unless this is necessary for the organisation concerned to carry out its functions efficiently. The identifiers must be truly unique to each individual (except in some tax related circumstances), and the identity of individuals must be clearly established. No one is required to disclose their unique identifier unless it is for, or related to, one of the purposes for which the identifier was assigned.

The Government is not allowed to give people one personal number to use in all their dealings with government agencies.

Definition of Domestic Violence

Te Rito, New Zealand Family Violence Prevention Strategy (Ministry of Social Development, 2002) provides the following definition of family violence:

“Family violence covers a broad range of controlling behaviours, commonly of a physical, sexual, and/or psychological nature which typically involve fear, intimidation and emotional deprivation. It occurs within a variety of close interpersonal relationships, such as between partners, parents and children, siblings, and in other relationships where significant others are not part of the physical household but are part of the family and/or are fulfilling the function of family. Common forms of violence in families/whānau include:

- spouse/partner abuse (violence among adult partners);
- child abuse/neglect (abuse/neglect of children by an adult);
- elder abuse/neglect (abuse/neglect of older people aged approximately 65 years and over, by a person with whom they have a relationship of trust);
- parental abuse (violence perpetrated by a child against their parent); and
- sibling abuse (violence among siblings).”

The legal definition of “domestic violence” can be found in the [Domestic Violence Act 1995](#), sections 3 and 4:

3 Meaning of domestic violence

(1) In this Act, *domestic violence*, in relation to any person, means violence against that person by any other person with whom that person is, or has been, in a domestic relationship.

(2) In this section, *violence* means—

- (a) physical abuse:
- (b) sexual abuse:

- (c) psychological abuse, including, but not limited to, —
 - (i) intimidation:
 - (ii) harassment:
 - (iii) damage to property:
 - (iv) threats of physical abuse, sexual abuse, or psychological abuse:
 - (v) in relation to a child, abuse of the kind set out in subsection (3)

- (3) Without limiting subsection (2)(c), a person psychologically abuses a child if that person—
- (a) causes or allows the child to see or hear the physical, sexual, or psychological abuse of a person with whom the child has a domestic relationship; or
 - (b) puts the child, or allows the child to be put, at real risk of seeing or hearing that abuse occurring;
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- but the person who suffers that abuse is not regarded, for the purposes of this subsection, as having caused or allowed the child to see or hear the abuse, or, as the case may be, as having put the child, or allowed the child to be put, at risk of seeing or hearing the abuse.

- (4) Without limiting subsection (2), —
- (a) a single act may amount to abuse for the purposes of that subsection:
 - (b) a number of acts that form part of a pattern of behaviour may amount to abuse for that purpose, even though some or all of those acts, when viewed in isolation, may appear to be minor or trivial.

(5) Behaviour may be psychological abuse for the purposes of subsection (2)(c) which does not involve actual or threatened physical or sexual abuse.

4 Meaning of domestic relationship

- (1) For the purposes of this Act, a person is in a *domestic relationship* with another person if the person—
- (a) is a spouse or partner of the other person; or
 - (b) is a family member of the other person; or
 - (c) ordinarily shares a household with the other person; or
 - (d) has a close personal relationship with the other person.

(2) For the purposes of subsection (1)(c), a person is not regarded as sharing a household with another person by reason only of the fact that—

- (a) the person has—
 - (i) a landlord-tenant relationship; or
 - (ii) an employer-employee relationship; or
 - (iii) an employee-employee relationship—
with that other person; and
- (b) they occupy a common dwelling house (whether or not other people also occupy that dwelling house).

(3) For the purposes of subsection (1)(d), a person is not regarded as having a close personal relationship with another person by reason only of the fact that the person has—

- (a) an employer-employee relationship; or
- (b) an employee-employee relationship—

with that other person.

(4) Without limiting the matters to which a court may have regard in determining, for the purposes of subsection (1)(d), whether a person has a close personal relationship with another person, the court must have regard to—

- (a) the nature and intensity of the relationship, and in particular—
 - (i) the amount of time the persons spend together:
 - (ii) the place or places where that time is ordinarily spent:
 - (iii) the manner in which that time is ordinarily spent; —
but it is not necessary for there to be a sexual relationship between the persons:
- (b) the duration of the relationship.

Note: The current Government has proposed "extending the definition of domestic violence in the Domestic Violence Act to include economic abuse as an example of psychological abuse".

<http://www.cdc.gov/violenceprevention/intimatepartnerviolence/definitions.html>

Definition of Intimate Partner Violence

The term "intimate partner violence" describes physical violence, sexual violence, stalking and psychological aggression (including coercive acts) by a current or former intimate partner.

An intimate partner is a person with whom one has a close personal relationship that can be characterized by the following:

Emotional connectedness

Regular contact

Ongoing physical contact and sexual behaviour

Identity as a couple

Familiarity and knowledge about each other's lives

The relationship need not involve all of these dimensions. Examples of intimate partners include current or former spouses, boyfriends or girlfriends, dating partners, or sexual partners. IPV can occur between heterosexual or same-sex couples and does not require sexual intimacy.

IPV can vary in frequency and severity. It occurs on a continuum, ranging from one episode that might or might not have lasting impact to chronic and severe episodes over a period of years.

There are four main types of IPV.¹

Physical violence is the intentional use of physical force with the potential for causing death, disability, injury, or harm. Physical violence includes, but is not limited to, scratching; pushing; shoving; throwing; grabbing; biting; choking; shaking; aggressive hair pulling; slapping; punching; hitting; burning; use of a weapon; and use of restraints or one's body, size, or strength against another person. Physical violence also includes coercing other people to commit any of the above acts.

Sexual violence is divided into five categories. Any of these acts constitute sexual violence, whether attempted or completed. Additionally, all of these acts occur without the victim's consent, including cases in which the victim is unable to consent due to being too intoxicated (e.g., incapacitation, lack of consciousness, or lack of awareness) through their voluntary or involuntary use of alcohol or drugs.

Rape or penetration of victim – This includes completed or attempted, forced or alcohol/drug-facilitated unwanted vaginal, oral, or anal insertion. Forced penetration occurs through the perpetrator's use of physical force against the victim or threats to physically harm the victim.

Victim was made to penetrate someone else – This includes completed or attempted, forced or alcohol/drug-facilitated incidents when the victim was made to sexually penetrate a perpetrator or someone else without the victim's consent.

Non-physically pressured unwanted penetration – This includes incidents in which the victim was pressured verbally or through intimidation or misuse of authority to consent or acquiesce to being penetrated.

Unwanted sexual contact – This includes intentional touching of the victim or making the victim touch the perpetrator, either directly or through the clothing, on the genitalia, anus, groin, breast, inner thigh, or buttocks without the victim's consent

Non-contact unwanted sexual experiences – This includes unwanted sexual events that are not of a physical nature that occur without the victim's consent. Examples include unwanted exposure to sexual situations (e.g., pornography); verbal or behavioural sexual harassment; threats of sexual violence to accomplish some other end; and /or unwanted filming, taking or disseminating photographs of a sexual nature of another person.

Stalking is a pattern of repeated, unwanted, attention and contact that causes fear or concern for one's own safety or the safety of someone else (e.g., family member or friend). Some examples include repeated, unwanted phone calls, emails, or texts; leaving cards, letters, flowers, or other items when the victim does not want them; watching or following from a distance; spying; approaching or showing up in places when the

victim does not want to see them; sneaking into the victim's home or car; damaging the victim's personal property; harming or threatening the victim's pet; and making threats to physically harm the victim.

Psychological Aggression is the use of verbal and non-verbal communication with the intent to harm another person mentally or emotionally, and/or to exert control over another person. Psychological aggression can include expressive aggression (e.g., name-calling, humiliating); coercive control (e.g., limiting access to transportation, money, friends, and family; excessive monitoring of whereabouts); threats of physical or sexual violence; control of reproductive or sexual health (e.g., refusal to use birth control; coerced pregnancy termination); exploitation of victim's vulnerability (e.g., immigration status, disability); exploitation of perpetrator's vulnerability; and presenting false information to the victim with the intent of making them doubt their own memory or perception (e.g., mind games).

Why Is a Consistent Definition Important?

A foundational aspect of any public health surveillance system is developing a standard case definition for the health outcome under surveillance. The use of a standard case definition is one key factor needed to ensure that information is collected in a systematic fashion. A high-quality case definition improves the comparability of the health-related event reported from different sources of data, such as comparisons among geographic areas, or the ability to compare data over time.² Further, a consistent definition is critical in monitoring trends over time.

Key Contacts

Ministry of Education – Traumatic Incident Team	0800 848 326		
Local Police			
Ministry for Children – Oranga Tamariki	0508 FAMILY 0508 326 459	Fax 09 914 1211	contact@MCOT.govt.nz
Emergency Services	111		
Vulnerable Children's Hub	0800 367 687		
Stop Sexual Abuse	03 353 027	PO Box 26130 North Avon Christchurch	info@stop.org.nz