

## New Zealand Society for Music Education Inc. (MENZA)

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### **Children and Vulnerable Adults Protection Policy**

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#### **Introduction**

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Everyone involved in delivering education, especially to children and vulnerable adults, has a role to play in creating the best possible environment for them.

#### **Policy Statement**

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##### **Police Vetting**

Police vetting aims to protect our more vulnerable members of society from any risks posed by people who may have displayed behaviour that could be detrimental to others' safety and wellbeing.

Police vetting searches the Police database for information held about the person being vetted. Information released may include:

- a) conviction history,
- b) location of the court,
- c) the date of the offence,
- d) the offence itself; and
- e) the sentence imposed.

Criminal conviction information is released in accordance with the Criminal Records (Clean Slate) Act 2004.

##### *Responsibilities*

MENZA is obliged to Police Vet their NEX people and volunteers in accordance with this policy.

Schools have their own safety checking policies and responsibilities under the Vulnerable Children Act 2014 (VCA).

##### *Who needs to be Police Vetted?*

- a) Any NEX person of MENZA and/or volunteer who has Regular or Overnight Contact with a Child or Vulnerable Adult **must** be Police Vetted;
- b) All MENZA NEX people and office holders will be Police Vetted;
- c) All MENZA volunteers, working with children or vulnerable adults within a MENZA sanctioned event will be Police Vetted;

- d) Ideally, NEX people and volunteers should be Police Vetted before they commence their roles for MENZA. Existing NEX people and Volunteers who fall within the above criteria will also need to be progressively Police Vetted.

NEX people and volunteers can perform their roles whilst a Police Vet is in progress.

*Who does not need to be Police Vetted?*

Police vetting is not necessary for persons who assist on an occasional basis (i.e. people who do not have Regular or Overnight Contract with a Child/Children or Vulnerable Adult).

The vetting process is confidential and adverse action may not be taken against the subject of a vet without the person being given an opportunity to validate the vet information.

MENZA will maintain a confidential Police Vetting Register. Police Vetting records remain valid for three years, and must be updated as appropriate to ensure the register is current. All police vet records will be destroyed when no longer required.

**Suspected Child Abuse or Vulnerable Adult Abuse**

Organisations which include young people among its members may be vulnerable to occurrences of child abuse or abuse of a vulnerable adult. People involved with [activity] are often in a position of trust and may notice or be made aware of instances of such abuse. The below process outlines MENZA's procedures for dealing with this situation, should it arise.

The welfare of Children and Vulnerable Adults is the concern of all adults at all times, irrespective of their role within MENZA. Details of personnel appointed by MENZA to oversee child protection and adult welfare is available on MENZA's website.

It is not for anyone working in MENZA in a paid or voluntary capacity, or those working in affiliated organisations, to take responsibility or decide whether or not abuse is taking place. However, there is a responsibility to protect Children and Vulnerable Adults by assisting the appropriate agencies so that they can make enquiries and take any necessary action to protect the Child or Vulnerable Adult.

Forms of inappropriate behaviour/abuse can be found in Appendix One. If any of those behaviours are suspected, it ought to be reported in accordance with this Policy.

Section 15 of Children Young Persons and Their Families Act, 1989, states "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."

Section 16 of the Children Young Persons and Their Families Act, 1989, states that any person making a notification in good faith is protected from any civil, criminal or disciplinary proceedings in relation to that notification.

**Responding to a child disclosing abuse**

It is important that adults remain calm and confident when a child tells them what has been happening to him or her. Every child is different in how, when and where they will tell an adult about abusive experiences so it will most likely happen when the person is least expecting it. Facial expressions and tone of voice are as important as what is actually said to the child. When dealing with a child's disclosure, adults should take the following approach:

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- a) Deal with allegation of abuse in a sensitive manner by listening to and facilitating the child to tell about the problem;
- b) Stay calm;
- c) Do not make any judgmental statement about the person against whom the allegation is being made;
- d) Use non-specific questions such as "Can you explain what you mean by that?" / "How come?". Let the child tell the story in his/her own words; and
- e) Give the child a general indication of what will happen next, such as informing parents/guardians and Oranga Tamariki - Ministry for Children.

If the child asks you to keep the information secret, inform him/her that you will keep the information as secret as possible, however, you may need to inform certain people to make sure that the child is kept safe.

Under no circumstances should a person attempt to conduct an investigation or deal with concerns regarding child abuse alone. The statutory responsibility to investigate allegations of child abuse rests with Oranga Tamariki - Ministry for Children and the Police.

If a Child makes a verbal disclosure to a NEX person, it is important that the NEX person takes what the Child says seriously. This applies irrespective of the setting, or the NEX person's own opinion on what the Child is saying.

Where a disclosure is made by a Vulnerable Adult, the above process will still apply as a general guideline.

### **Allegations against others**

It must be remembered that making a disclosure or a complaint against someone in a position of power and authority is always difficult. The person making the disclosure may reconsider and express a wish to retract their allegation. At the outset, it must be clearly communicated with the child or adult that their concern is being taken seriously and will be responded to in accordance with this Policy.

Allegations, suspicions or complaints of abuse against MENZA people, Volunteers or representatives of other organisations must be taken seriously and reported to the Designated Person, who will deal with them immediately, sensitively and expediently within the procedures outlined in this policy. Concerns may be raised in a number of ways. For example:

- a) Directly, by staff hearing or observing issues of concern or behaviour of concern;
- b) Direct disclosure by the child or vulnerable adult;
- c) Indirect disclosure e.g. through written or art work or through friends;
- d) Complaint from a parent or caregiver or whanau member;
- e) Reports by other colleagues or agencies; or
- f) As an anonymous report.

Allegations of abuse may be made some time after the event. For example, the allegation may come from an adult who was abused as a child by someone who is still currently

working with children. In the event of historic concerns of abuse, this Policy should still be followed.

In all child protection cases, MENZA will co-operate fully with both Oranga Tamariki - Ministry for Children and/or the Police in their investigations and assessments.

### **Use of settlement agreements**

MENZA does not support the use of 'settlement agreements' if they are contrary to a culture of Child Protection. Some 'settlement agreements' allow a NEX person to agree to resign provided that no disciplinary action is taken, and a future reference is agreed. Where the conduct at issue concerns the safety or wellbeing of a Child, the use of such agreements is contrary to a culture of Child Protection.

Where a person tenders his or her resignation, or ceases to provide their services, this shall not prevent an allegation of abuse against a Child being followed up in accordance with these procedures.

### **Steps to be taken following a complaint**

Upon receiving a complaint, the safety of the Child/person making the allegations should be considered, alongside the safety of any other Children who may be at risk. All necessary steps must be taken to protect Children and Vulnerable Adults within the care of MENZA.

The issue of confidentiality is important. Information ought to only be disclosed on a 'need to know' basis and the person about whom the allegation is made should be treated with respect.

Once a complaint is received, the following procedure should generally be followed. However, MENZA recognises that this process may be amended or departed from depending on the particular situation.

- a) Advice to be sought from local agency such as Oranga Tamariki - Ministry for Children or the Police with regard to any action necessary to protect the child who may be at risk. Oranga Tamariki - Ministry for Children may be contacted on 0508 326 459.
- b) If appropriate, the matter should be formally reported to Oranga Tamariki - Ministry for Children or the Police by the Designated Person.
- c) If the Police or Oranga Tamariki - Ministry for Children decide to investigate the complaint:
  - i. If the alleged perpetrator is a Volunteer, MENZA may require that person to cease their Volunteer duties pending the outcome of the investigation. It should be made clear to the person that this is a precautionary measure pending the outcome of the investigation.
  - ii. If the alleged perpetrator is another participant, MENZA may require that person to suspend their involvement in an activity (e.g., workshop, conference or hui) pending the outcome of the investigation. It should be made clear to the person that this is a precautionary measure pending the outcome of the investigation.

- iii. If the alleged perpetrator is a contractor, MENZA may require that person to cease their contractor duties (subject to the terms of their contract) pending the outcome of the investigation. It should be made clear to the person that this is a precautionary measure pending the outcome of the investigation.
  - iv. If the alleged perpetrator is an employee, MENZA may consider suspending the employee as a precautionary measure (subject to the terms of that person's employment agreement and MENZA's Disciplinary Policy).
- d) MENZA may also consider the possibility of disciplinary action in relation to the employee's conduct.

All persons involved in a child protection process (the Child/adult, his/her parents/guardians/representative, the alleged offender, his/her family, management teams) should be afforded appropriate respect, fairness, support and confidentiality at all stages of the procedure.

The fact that the alleged perpetrator has not been prosecuted or been found guilty does not necessarily mean that they are appropriate to work with young people in the future. Therefore, a risk assessment ought to be carried out before allowing the person to return to their duties as a Volunteer or NEX person.

NOTE: Where the complaint relates to a Vulnerable Adult, the agency who ought to be contacted in accordance with the above general procedure is the Police.

### **Confidentiality**

To the extent possible in the circumstances, confidentiality should be maintained in respect of all issues and people involved in cases of suspected abuse, welfare issues or bad practice. It is important that the rights of both the Child or Vulnerable Adult, and the person about whom the complaint has been made, are protected:

- a) A guarantee of confidentiality or undertakings regarding secrecy cannot be given, as the welfare of the child will supersede all other considerations;
- b) All information should be treated in a careful and sensitive manner and should be discussed only to those who need to know (such as the relevant Statutory Authorities); and
- c) Information should be conveyed in a sensitive manner to the parents/guardians of the Child or Vulnerable Adult about whom there are concerns. Where the complaint relates to the conduct of the parents/guardians, the relevant Statutory Authorities may need to be consulted with before deciding who is the appropriate person to inform the parents/guardians of the complaint.

### **Anonymous Complaints**

Anonymous complaints can be difficult to deal with but should not be ignored. In all cases, the safety and welfare of the Child/Children or Vulnerable Adult is paramount. Any such complaints relating to inappropriate behaviour should be brought to the attention of the Designated Person (Ben Lau, Chair, blau@newlands.school.nz). The information should be assessed and handled in a confidential manner.

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## **Rumours**

Rumours should not be allowed to hang in the air. Any rumours relating to inappropriate behaviour should be brought to the attention of the Designated Person and assessed without delay.

## **Policy Implementation**

The implementation and review of this Children and Vulnerable Adults Protection policy are the responsibility of MENZA's Executive Management or Board.

MENZA's Chair will make all employees and volunteers aware of this policy and for them to acknowledge the policies when they take responsibility of children in activities or events associated with MENZA.

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On behalf of MENZA :

Date: 11 February 2024

Next review date: February 2025

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## Appendix One – Glossary of Terms

People	
Child/Children	Means a person who – <ul style="list-style-type: none"> <li>● is under the age of 18 years; and</li> <li>● is not married or in a civil union.</li> </ul>
Designated Person	An identified person with responsibility for ensuring a culture of Child Protection, and that this Policy and the Guidelines are followed.
NEX person/people	People working for MENZA including Executive Management/Board and contractors, whether working on a full time, part time, casual, or temporary basis.
Volunteer	Means a person who performs work and: <ul style="list-style-type: none"> <li>● does not expect to be rewarded for the work performed; and</li> <li>● receives no reward for the work performed.</li> </ul>
Vulnerable Adult	An individual aged 18 years and above who is, or may be, unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.
Key Terms	
Child Protection	This refers to the specific activity undertaken to protect children who are experiencing, or at risk of experiencing child abuse or neglect.
Contact	Contact is defined by: physical contact, oral communication, whether in person or telephone, communication through any electronic medium including by way of writing or visual images.
Oranga Tamariki – Ministry for Children	The Statutory agency responsible for supporting any child in New Zealand whose wellbeing is at significant risk of harm, now, or in the future.
Police Vetting	The Police Vetting Service provides criminal history checks and other relevant information (such as active charges, charges that did not result in a conviction and interaction that the person has had with the Police). <p>People who are eligible under the Criminal Records (Clean Slate) Act 2004 will not have their conviction history released unless an exception applies.</p>

Regular or Overnight Contact	<p>Regular or Overnight Contact means the person has contact (other than merely incidental contact) with a child or children:</p> <ul style="list-style-type: none"> <li>a) overnight; or</li> <li>b) at least once each week; or</li> <li>c) on at least 4 days each month.</li> </ul> <p>It does not matter whether the regular contact is with the same or different child or children each time.</p>
Statutory Authorities	Oranga Tamariki – Ministry for Children and the Police.
<b>Forms of Inappropriate Behaviour/Abuse</b>	
Bullying	<p>Is unreasonable behaviour, repeated over time, which is deliberate and intended to humiliate, undermine or otherwise have a detrimental effect on the recipient(s) even though it may not be unlawful.</p>
Emotional abuse	<p>Is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effect on the child's emotional development. This may include a pattern of rejecting, degrading, ignoring, isolating, corrupting, exploiting or terrorising a child. It may also include age or developmentally inappropriate or unrealistic expectations being imposed on children. It may also include the seeing, or hearing of, the ill treatment of others.</p> <p>Emotional abuse in cricket may include a child being subjected to constant criticism, name calling, sarcasm, bullying or unrealistic pressure to consistently perform to high expectations.</p>
Intimate Partner/ Family Violence	<p>Is physical, emotional, sexual and other abuse by someone (usually, but not always, a man) of a person (usually, but not always, a woman) with whom they have, or have had, some form of intimate relationship, such as marriage or cohabitation, in order to maintain power and control over a person. It is important to be vigilant to any signs, particularly if children are being affected, and bring these to the attention of the Designated Person.</p>
Neglect	<p>Is the persistent failure to meet a child's basic physical and/or psychological needs, causing long term serious harm to the child's health or development? It may also include neglect of a child's basic or emotional needs.</p>
Physical abuse	<p>Is an intentional act that results in physical harm. This includes, but is not limited to, beating, hitting, shaking, poisoning or otherwise causing physical harm to a child. Physical abuse also involves the fabrication or inducing of illness.</p>
Sexual abuse	<p>Sexual abuse involves forcing or enticing a child to take part in sexual activities (penetrative and non-penetrative) as well as non-contact acts</p>

	<p>such as involving children in the looking at or production of sexual images, sexual activities and sexual behaviours.</p> <p>Staff should be aware of their 'duty of care' which precludes developing a sexual relationship with, or grooming of, a child.</p> <p>A sexual relationship between an adult and a child will always be wrong, unequal and unacceptable (whether or not it is consensual).</p>
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