



Policy: Protection of Children and Vulnerable People

PURPOSE

Under the Vulnerable Children Act 2014 and the Crimes Act 1961, HEMS Clinical Ltd. Is required to hold and maintain a Child and Vulnerable Adult Protection Policy. Its policy must:

- Contain clear instructions on how to identify and report abuse or neglect,
- Be publicly available on the HEMS NZ website,
- Be reviewed, at a minimum, every 3 years

The Vulnerable Children Act 2014 (the VCA) also includes new children's worker safety checking requirements. These regulations require all paid people who work with children for government-funded organisations to be safety checked prior to commencement of employment and every three years thereafter. HEMS NZ requires all staff either employed directly by HEMS or through its sub-contracted air ambulance service providers to meet the requirements of VCA safety checking.

SCOPE

This policy applies to all employees of HEMS Clinical Ltd or volunteers and contractors involved in the delivery of clinical services on behalf of HEMS NZ or HEMS Clinical Ltd.

It applies specifically to operational personnel interacting with patients, caregivers, and whānau

PRINCIPLES

- HEMS Clinical Ltd. is committed to safeguarding children and vulnerable adults under its extended form of care or observation from all forms of abuse. [\[link\]](#)
- It recognises that people at risk of abuse or neglect are not limited to the patient accessing its services. Any situation where a child or vulnerable adult that HEMS staff suspect may be suffering abuse or neglect must be appropriately acted upon.
- It will make the safety and well-being of an at-risk person its primary concern, with that person at the centre of all decision-making.
- HEMS promotes a culture within HEMS Clinical Ltd. where staff feel empowered to raise issues of concern.
- HEMS recognises that a child or vulnerable adult's family/whānau has a right to participate in any decision relating to that person's well-being, except where participation may result in increased risk of abuse or neglect.

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- HEMS will seek to develop and maintain links with iwi, Pasifika and other cultural and community groups to ensure that important cultural concepts (e.g., whakamanawa, whakapapa, te reo Māori, tikanga, kaitiakitanga, wairuatanga) are integrated, as appropriate, into its clinical practice.

RECRUITMENT

As part of our duty of care, we will ensure that suitable and appropriate employees are engaged to work with children and vulnerable adults. When recruiting people to engage with children and vulnerable adults HCL will ensure that there is a robust recruitment process that includes:

- Advertising the position
- Transparent application process
- Following up on referees
- Interviewing
- Screening (e.g., police vetting).

IDENTIFYING ABUSE AND NEGLECT

Neither the VCA nor the Crimes Act 1961 specifically define abuse. However, section 2 of the Children, Young Persons, and Their Families Act 1989 (the CYPFA) offers the following:

“Child abuse means the harming (whether physically, emotionally or sexually), ill treatment, abuse, neglect, or deprivation of any child and/or young person. A report of concern to a Social Worker or the Police can be made in relation to abuse or neglect that is actual or likely.”

Abuse can be split into four categories:

PHYSICAL ABUSE

Physical abuse can be any act that may result in the physical harm.

SEXUAL ABUSE

Sexual abuse can be any act that involves forcing or enticing a person to take part in sexual activities, whether that person is aware of what is happening or not.

EMOTIONAL ABUSE

Emotional abuse can be any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development. This can include exposure to family/whānau or intimate partner violence.

NEGLECT

Neglect can be:

- physical (not providing the necessities of life, like adequate shelter 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 truancy, failure to enrol in education or inattention to education needs).

Neglect is the most common form of abuse, and although the effects may not be as obvious as physical abuse, the impact on the child is often just as serious.

DEFINING A VULNERABLE PERSON

A vulnerable person is someone who because of their age, sickness or mental impairment, or because they are in detention, is completely unable to remove themselves from the care or charge of another person. They may still have the mental capacity (in terms of the 3PR Act) to make or communicate decisions.”

POLICY

- If there is an immediate serious risk to the well-being and/or safety of a child or vulnerable adult, clinical personnel are expected to take immediate steps to safeguard that person to contact and report the situation to the New Zealand Police on 111.
If the situation involves a child, personnel are also expected to involve Oranga Tamariki on 0508 FAMILY 0800 326 459 or <https://www.orangatamariki.govt.nz/worried-about-a-child-tell-us/>
- Clinical personnel are required to report concerns if they believe the welfare and/or safety of a person is likely to be at risk. This includes risk concerning patients, caregivers and other HEMS Clinical personnel.
- Personnel must provide assessment and treatment of patients guided by the principles in this policy.
- Personnel must make referral decisions for children and vulnerable people based on both the clinical and social needs of these patients.
- All personnel must report all instances of suspected abuse to HEMS Clinical Ltd. via its clinical managers or medical directors.

- Personnel must be familiar with this policy in its entirety and should contact HCL's clinical managers if there is any uncertainty or misunderstanding.

CONFIDENTIALITY AND PRIVACY

The Privacy Act 1993 and the CYPF allow information to be shared between agencies when abuse or suspected abuse is reported or investigated. Provided the report is made in good faith, the person making the report is protected from civil, criminal or disciplinary proceedings.

DEFINITIONS

- Child – any child or young person aged under 18 years and who is not married or in a civil union.
- Child protection – activities carried out to ensure that children are safe in situations where there is suspected abuse or neglect, or children are at risk of abuse or neglect.
- Designated person for child protection – the manager/supervisor or designated person responsible for providing advice and support to staff where they have a concern about an individual child or who want advice about child protection policy.
- Disclosure – information given to a staff member by a child, parent or caregiver or a third party in relation to abuse or neglect.
- Child, Youth and Family – the agency responsible for investigating and responding to suspected abuse and neglect and for providing care and protection to children found to be in need.
- New Zealand Police – the agency responsible for responding to situations where a child is in immediate danger, and for working with Child, Youth and Family in child protection work and investigating cases of abuse or neglect where an offence may have occurred.

LEGISLATION

- Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017
- New Zealand Bill of Rights Act 1990
- Human Rights Act 1993
- Health and Safety at Work Act 2015
- Vulnerable Childrens Act 2014
- Crimes Act 1961
- Privacy Act 1993