



Protecting children and adults at risk

This policy applies to clinicians with HEMS Clinical (HCL) Authority to Practice (ATP) and should be applied by employers to any other operational personnel who interact with patients, caregivers or whānau in the delivery of services under the HEMS contract.

It sets out requirements and related guidance for protecting children and adults at risk of abuse or neglect. The policy includes provision for identifying vulnerable persons and advises on actions to be taken.

Alert – Managing Immediate Risk

If there is an immediate serious risk to the wellbeing or safety of a person, report the situation to the New Zealand Police by calling 111.

If the situation involves a child, also contact Oranga Tamariki on 0508 FAMILY (0508 326 459).

Policy objective

This policy recognises the important role and responsibility of HCL, operators and clinicians in the protection of children and vulnerable adults. It sets out:

- indicators of abuse or neglect
- processes for escalating concerns
- guidance for interacting with an affected child or adult
- requirements for sharing information.

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Policy context

Children

Under the Children's Act 2014, Health New Zealand contracted service providers who may have contact with children, must have a child protection policy.

Additionally, it is a requirement of the Act for all service provider employees and contractors who work with children to be safety checked by their employer at commencement of employment and every subsequent three years.

Adults

Under the Crimes Act 1961, certain people are legally responsible for protecting any adult deemed vulnerable as a consequence of injury, ill-health or any mental disorder. This responsibility applies to people who reside with the person, and includes staff at hospitals, institutions or residential care facilities, such as rest homes.

While this responsibility does not directly apply to the paramedic profession, it is prudent for clinicians to be alert to potential abuse and escalate concerns regarding the wellbeing of any people in their care.

Interpretation

Abuse

- The harming, ill-treatment, neglect or deprivation of any person, whereby:
 - Physical abuse can be any act that may result in physical harm including but not limited to bruising, cutting, hitting, beating, biting, burning, causing abrasions, strangulation, suffocation, drowning, poisoning and fabricated or induced illness.
 - Emotional abuse can be any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development, including exposure to family/whānau or intimate partner violence and patterns of isolation, degradation, criticism, corruption, exploitation or intimidation.
 - 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, including but not limited to contact abuse such as touching, penetration and pornography; or non-contact abuse such as exhibitionism, photography and voyeurism.

Adult at risk (vulnerable adult)

- Any adult who needs care and support who is unable to remove or protect themselves from abuse or neglect because of those needs.

Child

- A person aged under 18 years, which may include a patient, their sibling, or the child of an adult accessing a service.

Child protection

- Activities carried out to ensure that children are safe in cases where there is suspected or a risk of abuse or neglect.

Clinician

- Throughout this policy, clinician refers to a paramedic holding HCL Authority to Practice (ATP) unless otherwise specified.



- For public awareness, ATP authorises clinicians to practice as paramedics for HEMS services. Only clinicians employed by Operators (defined below) with the requisite registration with the Paramedic Council | Te Kaunihera Manapou, and who meet annual maintenance requirements can hold HCL ATP.

Designated person for child protection

- The 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. For HCL this is the HCL CEO.

HCL

- HEMS Clinical – the clinical governance provider for HEMS NZ services. Where referenced in this document, HCL includes the organisation and its’ employees, including contractors.

HEMS NZ

- Helicopter Emergency Medical Service – the contract holder for rescue helicopter services across the South Island, HEMS engages Operators (see definition below) to provide the aviation and clinical services.

Neglect

- The persistent failure to meet a person’s basic physical or psychological needs, leading to adverse or impaired physical or emotional functioning or development. For example:
 - physical neglect can be not providing the necessities of life, like adequate shelter food and clothing
 - emotional neglect can be not providing comfort, attention and love
 - neglectful supervision can be leaving children without someone safe looking after them
 - medical neglect can be not taking care of health needs
 - educational neglect can be allowing truancy, failure to enrol in education or inattention to education needs.

Operator

- Clinical service providers for whom HCL provides clinical governance services.

Requirements

1. Identifying children and adults at risk

- 1.1. Clinicians, crew, Operators and HCL should all remain alert for signs of abuse or neglect in children and adults in their direct or associated care.

Signs of potential abuse or neglect can include:

Sign	Example
Physical	Abuse: <ul style="list-style-type: none"> • unexplained injuries • burns • fractures • unusual or excessive itching Neglect: <ul style="list-style-type: none"> • Looking rough and uncared for • Dirty • Without appropriate clothing • Underweight • Unsupervised child



Developmental	<ul style="list-style-type: none"> • A child being small for their age • Cognitive delays • Poor speech • Poor social skills
Emotional	<ul style="list-style-type: none"> • Sleep problems • Low self-esteem • Obsessive behaviour • Inability to cope in social situations • Sadness/loneliness • Evidence of self-harm
Behavioural	<ul style="list-style-type: none"> • Age-inappropriate sexual interest or play • Fear of a certain person or place • Eating disorders/substance abuse • Disengagement/neediness • Aggression
Medical	<ul style="list-style-type: none"> • Untreated medical issues • In young children, persistent nappy rash or skin disorders
Verbal	<ul style="list-style-type: none"> • Talking about things that indicate abuse or neglect

- 1.2. All available information about the person and their environment must be considered before reaching a conclusion and the overall wellbeing of the child or adult at risk must be prioritised.

2. Supporting children and adults at risk

- 2.1. HCL, Operators and Clinicians must endeavour to not act alone when managing a concern about potential abuse or neglect.
- 2.2. HCL, Operators and Clinicians should implement the following principles to best support a child or adult at risk of abuse or neglect:
- a) Listen:
 - Disclosures are often subtle and may be tied to a person's cultural identity, influencing the interpretation of their behaviour and language.
 - b) Reassure:
 - Particularly for children, let the person know they are not in trouble and that they have done the right thing.
 - Comfort the person if they are distressed.
 - c) Engage:
 - Ask open ended prompts to understand more, for example, 'What happened next?'
 - Avoid interviewing the person or making promises.
 - Involve the child or adult affected, in age-appropriate ways, in decision-making about themselves.
 - Explain what will happen next.
 - d) Act:
 - Take action according to the escalation pathways set out in section 2.8 – 2.11.



Information sharing permissions

- 2.3. HCL, Operators and Clinicians must not share confidential information about a person without either the person's consent, or one of the exceptions in this section applying.
- 2.4. HCL, Operators and Clinicians should use the [Privacy Commissioner decision tree](#) (see page 8) to determine appropriate grounds for sharing confidential information about a person where consent has not been obtained.

Oranga Tamariki Act 1989

- 2.5. HCL and Clinicians may share information about a child with another child welfare and protection agency or an independent person, irrespective of the purpose for which that information was collected, to:
 - a) prevent or reduce the risk of a child or young person being subject to harm, ill-treatment, abuse, neglect, or deprivation
 - b) make or contribute to an assessment of risk or need in relation to a child or young person, or any class of children or young persons.

Family Violence Act 2018

- 2.6. As social services practitioners under the Family Violence Act 2018, HCL and clinicians are permitted to share information about a person with relevant family violence agencies or other social services practitioners (including health professionals) to:
 - a) make, or contribute to, a family violence risk or need assessment
 - b) make, or contribute to the making or carrying out of, a decision or plan that is related to, or that arises from or responds to, family violence, or
 - c) to help ensure that a victim is protected from family violence.

Privacy Act 2020

- 2.7. HCL, Operators and Clinicians may disclose information about a person to any other agency or person without that person's consent if one of the following exception criteria from Information Privacy Principle 11 is met:
 - a) the information is required by law (sections 2.5 and 2.6 above)
 - b) the information being shared prevents identification of the person
 - c) sharing the information is necessary to prevent or lessen a serious threat to the person's health, or public health and safety more broadly
 - d) sharing the information is necessary to uphold or enforce the law.

Escalation pathways

- 2.8. If there is an immediate serious risk to the wellbeing or safety of a person, report the situation to the New Zealand Police by calling 111.
- 2.9. If the situation involves a child, also contact Oranga Tamariki on 0508 FAMILY (0508 326 459).
- 2.10. Where support for an adult at risk is required, but the situation does not warrant calling the New Zealand Police, a range of support agencies exist, follow [Community Law advice](#).
- 2.11. Where any such referral is made based on sections 2.8, 2.9 or 2.10:
 - a) phone 0800 HEMS MD for advice on the most appropriate patient care
 - b) inform the Designated Person for Child Protection.



Documentation

- 2.12. Clinicians must record any instances of risk of abuse or neglect in the Electronic Patient Record Form (ePRF), including:
 - a) what the person said in relation to the risk
 - b) the date, time, location and names of any staff involved
 - c) factual concerns or observations that led to the suspicion of abuse or neglect
 - d) actions taken to escalate the management of the risk
 - e) any other relevant information.
- 2.13. This information must be stored securely and only shared in accordance with the information sharing permissions in sections 2.3 to 2.7.

3. Safe working practices

Safety checking

- 3.1. Safety checking must be undertaken in accordance with the Children's Act 2014 upon the employment of new staff who will attend HEMS missions in the course of their work and every three years thereafter, noting:
 - a) that this includes non-clinical staff
 - b) that [CV Check NZ](#) is an approved service for undertaking third party safety checks.
- 3.2. Clinicians must meet the requirements of clause 3.1, which includes a police vetting check, in order to gain HCL ATP. See *HCL Policy – Credentialling*.
- 3.3. Employees of HCL (including contractors) must meet the requirements of clause 3.1.

Complaint management

- 3.4. Operators must have a policy and procedure to manage allegations made against employees with respect to risk of abuse or neglect that also comply with requirements for employers under section 69 of the Human Rights Act 1993 relating to harassment.

4. Policy compliance

- 4.1. Operators may be requested by HCL to provide evidence of compliance with this policy.
- 4.2. Non-compliance with this policy will always trigger notification of non-compliance with remediation to be determined by level of significance.

Supplementary documents and forms

HCL Policies:

- Privacy
- Patient consent
- Credentialling

References

- [Children's Act 2014](#)
- [Code of Health and Disability Services Consumers' Rights](#)
- [Crimes Act 1961](#)
- [Family Violence Act 2018](#)
- [Health Act 1956](#)
- [Health and Safety at Work Act 2015](#)

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- [Health Information Privacy Code 2020](#)
- [Health Practitioners Competence Assurance Act 2003](#)
- [Human Rights Act 1993](#)
- [New Zealand Bill of Rights Act 1990](#)
- [Oranga Tamariki Act 1989](#)
- [Privacy Act 2020](#)

Version control

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Sharing to protect children and young people



Do you have wellbeing or safety concerns?

Is the child or young person subject to family harm?

What if the Oranga Tamariki Act or the Family Violence Act don't apply?

Use the Oranga Tamariki Act sharing provisions

Use the Family Violence Act sharing provisions

Consider the Privacy Act sharing provisions

Are you sharing for a purpose in section 66C?

If **YES**, continue to next step

If **NO**, consider section 20 Family Violence Act or Privacy Act IPP 11 exceptions

The information relevant to that purpose?

If **YES**, continue to next step

If **NO**, then you shouldn't share that information

Are you sharing with a CWPA or IP?

If **YES**, continue to next step

If **NO**, consider section 20 Family Violence Act or Privacy Act IPP 11 exceptions

Is it safe and appropriate to consult with the child/young person?

If **YES**:

- Consult and consider their views before sharing their information
- Record and share securely

If **NO**:

- Record your reasons for not consulting with them before sharing their information
- Share securely



If you believe a child or young person is in immediate danger, call the Police on 111

Are you sharing for a purpose in section 20?

If **YES**, continue to next step

If **NO**, consider section 66C Oranga Tamariki Act or Privacy Act IPP 11 exceptions

The information relevant to that purpose?

If **YES**, continue to next step

If **NO**, then you shouldn't share that information

Are you sharing with a FVA or SSP?

If **YES**, record and share securely

If **NO**, consider section 66C Oranga Tamariki Act or Privacy Act IPP 11 exceptions

Do any of these IPP 11 exceptions apply to your circumstances?

- The purpose for sharing is one of the purposes, or directly related to one of the purposes, for which the information was obtained.
- The child or young person (or their parent where appropriate) has authorised the sharing of their information.
- The information is required by law (e.g. an Oranga Tamariki section 66 request).
- The information being shared is being used in a way that does not identify the child or young person.
- Sharing the information is necessary to prevent or lessen a serious threat to the child or young person's life or health, or public health and safety more broadly.
- Sharing the information about the child or young person is necessary to uphold or enforce the law.

If **YES**, record and share securely

If **NO**, you can't rely on these exceptions to share

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Support services - quick reference guide



justice.govt.nz

Family violence support services directory.



WOMEN'S REFUGE

0800 REFUGE
(0800 733 843)

Women's Refuge offer 24/7 services for women and their children experiencing family violence.



are you ok

24/7 Helpline
0800 456 450

0800 456 450

The Family Violence Info Line is better known as Are you OK. Their website has a list of family violence services and how to contact them. They offer support 7 days a week from 9am – 11pm.

Shine

Presbyterian Support Northern

0508 744 633

Shine offers 24/7 support:

- to anyone experiencing family violence
- to anyone worried about their own harmful behaviour
- if you're worried about someone else.



Safe to talk

Kōrero mai ka ora

Sexual Harm Helpline.
24/7. Confidential. Free.

0800 044 334

Safe to talk provide confidential 24/7 support from trained specialists to anyone who has experienced sexual harm.

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0800 32 668 65

The Elder Abuse Response Service is a free, confidential 24/7 helpline.



0800 4VOYCE
(0800 486 923)

Voyce provide support for young people to have their voices heard, their needs met, and their rights upheld.



0805 326 459

Helpline for if you think a child or young person may be:

- suffering from ill-treatment, abuse or neglect
- experiencing abuse but you are not sure if you should be concerned and want advice or just to talk.

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Assurance

