



CARE AND PROTECTION OF CADETS

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References:

Vulnerable Children Act 2014

NZCF Code of Conduct

Care of Children Act 2004

Oranga Tamariki Act 2016 (Children, Young Persons and Their Families Act 1989)

Crimes Act 1961

Introduction

This chapter provides information on the responsibilities of members of the New Zealand Cadet Forces (NZCF) who are 18 years of age and above. It is to be read in conjunction with the NZCF Code of Conduct and the NZCF Child Protection Policy.

Definitions

For the purposes of clarity and understanding with regard to Duty of Care, NZCF personnel are divided into three categories based on age and position. The three categories are:

- **Cadet** – Any NZCF member between 12 and 17 years of age, regardless of rank or position.
- **Adult** – Anyone who is 18 years of age or above
- **Officer** – Any NZCF member who holds the authority invested in them by a NZCF Commission, regardless of rank or position

There is a deliberate delineation between an 'Adult' and an 'Officer' as the latter has specific authority to exercise command and control over cadets and other NZCF officers.

Most adults in the NZCF are Officers; however the organisation also contains adult Supplementary Staff, as well as Officer Cadets, Under Officers and some Cadets who are 18 yrs old. Parents/Caregivers are also classified as an Adult.

This policy does not interfere with the normal parent / child / family relationships or genuine friendships that exist between cadets of a similar age.

Stakeholders

The stakeholders invested in ensuring Duty of Care is maintained for Cadets are far more numerous than the Cadets themselves. They include:

- Parents/Guardians/Caregivers;
- New Zealand Cadet Forces;
- New Zealand Defence Force;

- Sea Cadet Corps Association of New Zealand (SCANZ);
- New Zealand Cadet Corps Association of New Zealand (CCANZ);
- Air Training Corps Association of New Zealand (ATCANZ);
- Royal New Zealand Returned and Services Association (RNZRSA);
- New Zealand Police;
- Other New Zealand Government agencies; and
- Other community organisations and supporters of the NZCF.

Obligations

Obligations as an Adult

The good reputation of the NZCF is reliant upon the organisation providing an environment in which Cadets feel valued and secure. In every setting, Cadets should be enabled to develop as individuals, gain a sense of self-worth, personal integrity, self-discipline and increased self-confidence. Adults have a role in this by ensuring that Cadets are kept safe at all times whilst engaged in NZCF activities and free from harm, both physical and emotional.

Only NZCF Officers, by virtue of holding a NZCF Commission, have the authority to command and control Cadets. It is for this reason that the NZCF requires that all activities involving Cadets must have a NZCF Officer present. All adults, however, have a 'responsibility' to ensure that the safety and welfare of Cadets is maintained during NZCF activities.

During NZCF Authorised and Recognised Activities this is to be exercised through risk identification and the application of risk reduction techniques, as well as the maintenance of a positive, caring, empathetic and respectful approach towards Cadets, regardless of rank or position.

All adults are to also ensure that these Duty of Care responsibilities are upheld and in force at all times by all other adults engaged in NZCF activities.

Obligations to Cadets

Every Adult involved with the NZCF has an obligation, both legally and morally, that goes beyond the confines of any appointment held within the organisation. Whenever in control of, or in the presence of Cadets, all Adults have a Duty and Responsibility for the welfare of those Cadets, regardless of what Cadet Unit they belong to.

Situations of inappropriate conduct, behaviour, harassment or abuse at a NZCF activity are to be terminated by immediate intervention by any Adult that witnesses it occurring. In the first instance it must be established that what has been observed, has not been misunderstood.

Physical, Emotional or Sexual Abuse

Any and all concerns about abuse of a Cadet, in any environment, are to be acted on immediately. The following basic guide applies:

- The Cadet Unit Commander is to be notified; and
- All discussions and observations are to be documented.

The Cadet Unit Commander is to immediately:

- Accept the Cadet's or informant's statements at face value;
- Not investigate the allegation further;
- Not solicit additional statements from the Cadet involved;
- Not question or attempt to counsel the alleged offender/s;
- Not disclose or discuss details with others who have no need to know;
- Not presume to have the expertise to deal with social work; and
- Report the matter to the New Zealand Police without delay if a cadet is in **immediate danger**. If not, the matter should be discussed as soon as possible with the Area Support Officer and Area Coordinator.

New Zealand Law protects those that report, in good faith, suspicions of abuse or neglect.

During the course of any NZCF activity, if the very unlikely need arises, NZCF adults may physically restrain anyone they believe may be about to hurt themselves or someone else. Sections 41 and 48 of the Crimes Act 1961 justify the use of REASONABLE force in relation to the circumstances at the time. Generally speaking, this involves self-harm and in the defence of yourself or another.

Harassment and/or Discrimination

One of the strengths of the NZCF is its diversity. The organisation welcomes all people to become involved, irrespective of gender, sexual orientation, race, culture, religion or belief system, or self-identity. The NZCF is committed to providing a positive environment free from discrimination, where all Cadets and Adults are treated openly and fairly, with dignity and respect.

All Adults involved with the NZCF are to ensure that Cadets (and other adults) are treated equitably, without bias or favouritism, and that diversity is celebrated and encouraged.

Obligations to Self

Despite best efforts, there are times when the actions of an Adult may be misunderstood or misinterpreted. These actions could be as simple as:

- Being overly familiar with a Cadet/s;
- Speaking in a private setting to a Cadet; or
- Hugging or comforting a distressed Cadet or Cadets.

This type of behaviour, however innocently intended, has the potential to be viewed negatively and may lead to accusations of inappropriate behaviour. Rumours of inappropriate behaviour, in whatever setting, will have an adverse impact on an individual's reputation and potentially that of the NZCF. As such, all Adults involved with the NZCF are to take every precaution to ensure that behaviour cannot be interpreted as inappropriate. The following guidance is provided:

- Rank, position, experience and/or reputation will not provide protection from accusations of inappropriate behaviour;
- It is never appropriate for Adults to be completely alone in private with a Cadet. Adults should always ensure others are within sight/earshot;
- Any observed 'at risk' behaviour displayed by other Adults should be discussed with them immediately;
- It is not uncommon for a Cadet to develop a romantic attachment or 'crush' on an Adult. Should this be suspected, the Cadet Unit Commander and the Cadet's parents/guardians/caregivers should be informed as quickly as possible;
- Adults can sometimes develop an inappropriate attachment, romantic or otherwise, with a Cadet. In this situation, if an imbalance of power or authority exists either through rank or position, the Adult is to withdraw from the situation immediately. The Cadet Unit Commander is to also be informed as soon as possible; and
- All members of the NZCF, regardless of age, rank or position, are to support the Vision and Mission of the NZCF, as well as demonstrate and uphold, at all times, the core Values of the organisation.

Conduct, Discipline and Punishment

Conduct

Adults engaged with the NZCF accept that they are required to freely share the benefit of their own training and experience. Adults can have the role of instructor, guide, mentor, dispassionate friend, and protector, similar to a teacher/pupil relationship, or they could be in a support role. All Adults, regardless of rank or position, hold a position of trust and are to conduct themselves accordingly.

Adults are also role models for Cadets and can expect to be watched, even when it is not obvious. Cadets will emulate the behaviour of the Adults in their lives therefore providing the very best example, living by and displaying the NZCF Values, is the standard expected of Adults associated with the NZCF.

The following are examples of behaviour that is not acceptable or appropriate at any time, with the exception of a parent / child / family relationship:

- Touching a Cadet without their permission;
- Adjusting a Cadets uniform without their permission;
- Hitting, kicking or striking a Cadet;

- Physically restraining or confining a Cadet, unless they or another person is in imminent danger as a result of their actions;
- Making sexually suggestive or obscene remarks;
- Swearing or verbally abusing a Cadet;
- Denying a Cadet the necessities of life (shelter/food/water);
- Assisting a Cadet with personal hygiene or dressing;
- Undressing or appearing undressed in the presence of Cadets;
- Requiring Cadets to undress without due respect for their privacy;
- Supplying alcohol, cigarettes or any prohibited substance to Cadets;
- Sleeping in a tent or confined quarters with Cadets;
- Inviting Cadet/s to an Adults home or camping accommodation; and
- Any activity with only one Cadet, unless in an emergency situation.

Discipline and Punishment

The NZCF has a reputation as a disciplined youth development organisation that is modelled on the ethos and traditions of the New Zealand Defence Force. All Adults engaged with the NZCF have a responsibility to ensure that discipline is maintained using the NZCF Code of Conduct as the prime reference for acceptable behaviour in the NZCF.

From time to time Cadets will need guidance and reminding of the boundaries of acceptable behaviour. Sometimes it may be necessary to take corrective action to preserve a positive and safe environment free from disruption to others. When this may be necessary, a NZCF Officer is to be involved.

Only NZCF Officers have the authority to punish a Cadet for breaches of discipline or infractions of the NZCF Code of Conduct.

Any punishment for an infraction of the NZCF Code of Conduct must be proportionally appropriate. Punishment is not to be cruel, degrading, or disproportionately severe.

No Adult engaged with the NZCF has the right or authority to physically punish a Cadet, or anyone else. Further information on discipline and punishment is contained within CFO Vol 1, Chap 4 – Discipline, and the NZCF Code of Conduct.

Child Protection Policy of the New Zealand Cadet Forces

Background

The well-being and safety of children and young people is the paramount concern of the New Zealand Cadet Forces (NZCF). This includes but not limited to the prevention of child abuse or maltreatment. The NZCF supports the roles of statutory

agencies (NZ Police, Ministry for Vulnerable Children etc.) in the investigation of abuse, and will report cases of suspected abuse to these agencies.

The NZCF will maintain familiarity (through training) with the laws that are designed to protect children and young persons. It is **NOT** the responsibility of NZCF Officers, Non Commissioned Officers (NCO's), Cadets and other Staff to investigate allegations of child abuse. The NZCF **WILL** however report and consult with agencies that have specialist knowledge when needed. NZCF Officers, NCO's, Cadets and other Staff will not assume any responsibility beyond their level of training or experience.

Purpose

This policy guides the actions of the NZCF whenever there is concern raised regarding real or potential abuse or mistreatment of children or young persons. This includes recording concerns, if a child or young person discloses abuse, suspected abuse by **ANY** member of the NZCF, or suspected abuse between children within the NZCF.

This policy applies to ALL NZCF staff, including volunteers, members of the Regular Force (RF), part time or temporary instructors and contractors involved in any NZCF activity. It is also intended to protect all children that any staff may encounter in the execution of their NZCF duties.

Definitions

The following legislative definitions apply to this policy and must be fully understood.

Child abuse refers to the harming (whether physically, emotionally or sexually), ill treatment, abuse, neglect, or serious deprivation of any child or young person (Section 14b Children, Young persons, and Their Families Act 1989).

- **Physical abuse** – *is any acts that may result in actual physical harm of a child or young person.*
- **Sexual abuse** – *is 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.*
- **Emotional abuse** – *is any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development.*
- **Neglect** – *is the persistent failure to meet a child's basic physical or psychological needs, leading to adverse or impaired physical or emotional functioning or development.*
- **Family violence** – *may be witnessed /experienced by children and involve physical, sexual and emotional abuse*

For the purpose of this policy the definition of a child comes from the Vulnerable Children Act 2014, and reads;

- **Child** – *means a person who is under the age of 18 years; and is not married or in a civil union.*

Training

The NZCF is committed to maintaining and increasing awareness of how to prevent, recognise and respond to abuse through appropriate training. As part of their induction, new NZCF Officers are taken through the modules Duty of Care, Legal Responsibilities, Youth at Risk and this policy on child abuse.

Designated Person for Child Protection

The NZCF has a “Designated Person for Child Protection” in accordance with policy guidelines, this role is held by someone who is both accessible to staff and also has the authority to influence and create change within the NZCF if necessary. This function is held by the NZCF Executive Officer (XO).

Identifying Child Abuse and Neglect

Every situation one may be confronted with is different and it is very important to consider **ALL** available information about a child, the circumstances and their environment before reaching conclusions. It is **VITAL** that one does not jump to conclusions or assume anything. People can and will be affected for life by the decision made. For example, behaviour concerns may be the result of life events, such as parental divorce, accidental injury, consensual assault i.e. rugby, a joke etc. or even the arrival of a new sibling.

It is normal for people to feel uncertain, however, the important thing is that members should be able to recognise when something is genuinely wrong, especially if an ongoing injury or behaviour pattern is noticed, or several separate signs together cause concern.

Some signs of potential abuse / neglect could be:

- Physical signs of abuse: unexplained injuries, burns, fractures, unusual or excessive itching, genital injuries, sexually transmitted diseases.
- Neglect: looking rough and uncared for, dirty without appropriate clothing, underweight etc.
- Medical neglect: skin disorders, ongoing health issues, untreated medical issues.
- Developmental delays: small for their age, cognitive delays, falling behind in school, poor speech, poor social skills.
- Emotional abuse / neglect: sleep problems, low self esteem, obsessive behaviours, inability to cope in social settings, sadness, loneliness, evidence of self harm.

There may be other behavioural concerns such as inappropriate sexual interest or play, fear of a certain type of person or place, eating disorders, substance abuse or aggression. These are a few signs to look for but it is not important to identify what specific kind of abuse might be occurring. NZCF members simply need to be aware of and able to recognise the whole range of indicators. It is the responsibility of all members to be vigilant, have knowledge and awareness of the indicators of neglect, potential or actual abuse and to report any concerns, suspicions or allegations of abuse immediately.

Responding

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 the Ministry of Vulnerable Children or the NZ Police and **provided the report is made in good faith**, no civil, criminal or disciplinary proceedings may be brought against them.

The NZCF will act on all recommendations made by statutory agencies concerning the official reporting of the abuse, or on a member reported. Members will only consult with or inform families about any suspected or actual abuse, after consulting with the appropriate statutory agencies.

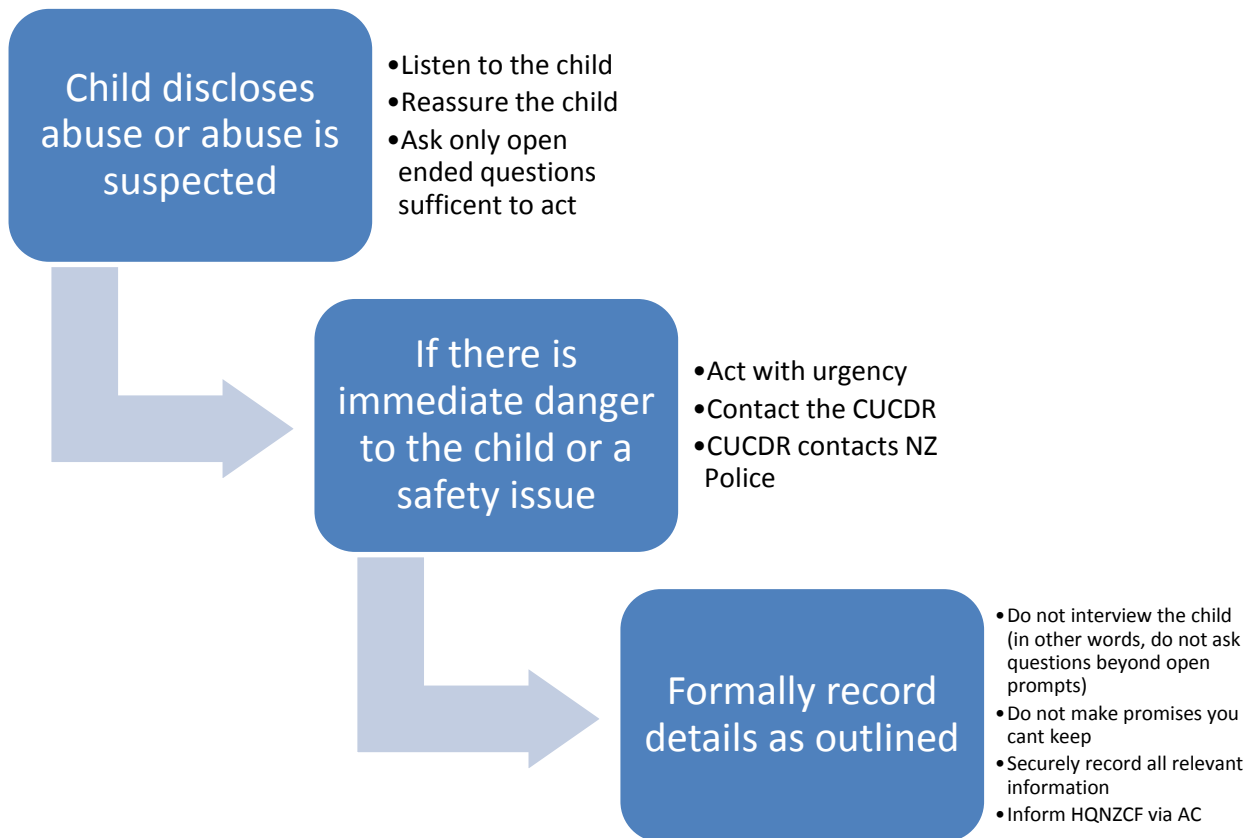
NZCF Adults are to respond to suspected child abuse or any concerning behaviour by writing down observations, impressions and communications in a confidential manner within a report. This report must be kept separate from training diaries, communication books, enrolment information etc. Any information volunteered by a child should be fully and accurately recorded. No child should be interviewed or in any way questioned formally about the suspected abuse. No NZCF Adult is to act alone about suspected child abuse, but will advise the command chain of the NZCF immediately. Where a NZCF Adult or person in the command chain suspect child abuse has occurred and a child is unsafe, they are to promptly report the matter to the NZ Police or the Ministry for Vulnerable Children.

The NZCF will do its best to support members who are or have been responding to cases of child abuse. The NZCF will maintain a record of such individuals on their personal files and any agencies and organisations that may have provided support to them.

This recording of information includes both Restricted and Unrestricted disclosure through and into the NZDF as well; this allows the NZDF to act as a backup repository to HQNZCF.

The following flow charts outline the suggested sequence that is to be followed by NZCF officers and staff.

Responding to a Disclosure or Concern about Abuse (External from NZCF)



Notify Oranga Tamariki promptly if there is a belief that a child has been or is likely to be, abused or neglected.

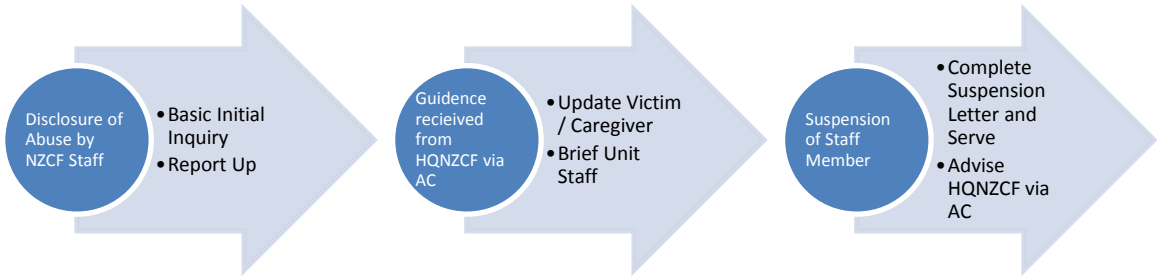
0508 Family (0508 326 459)

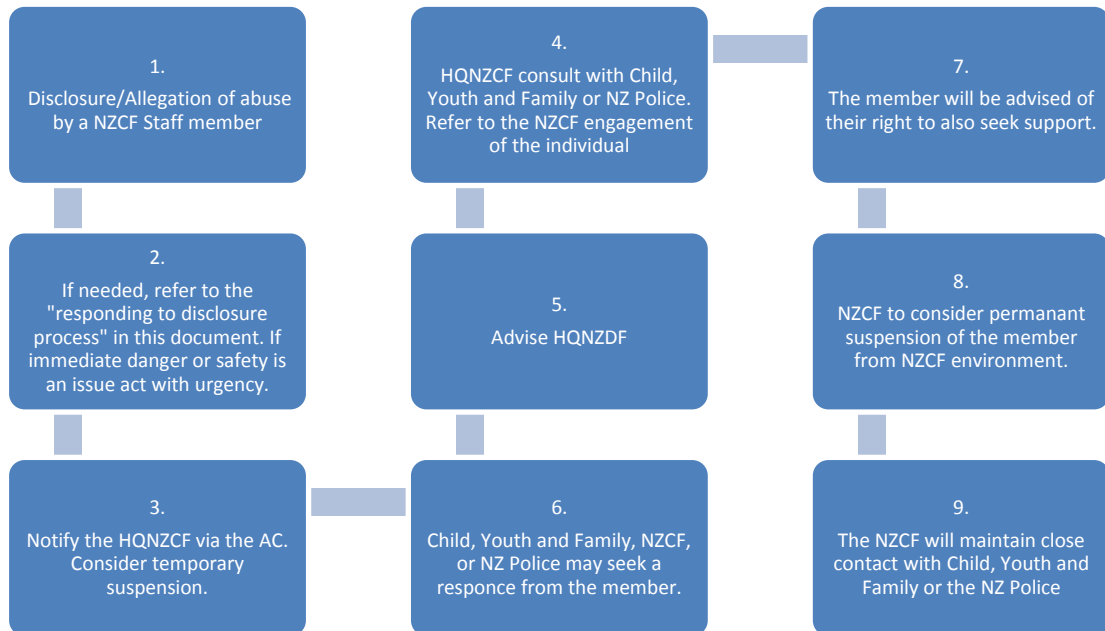
cyfcallcentre@mvcot.govt.nz

When an Allegation of Abuse is Made Against a NZCF Member

Where it is suspected that child abuse has been carried out by any member of the NZCF, whether a NZCF Officer, NCO, Cadet, RF member or any other Staff, the matter must be **REPORTED IMMEDIATELY** up the command chain. Under no circumstances should the child making the allegation be exposed to unnecessary risk. This may require the command element considering removal of the accused through suspension from the NZCF environment and all activities. All actions such as this will be undertaken to ensure appropriate care, and to maintain confidentiality for **ALL** concerned. The following flow chart outlines the suggested sequence that is to be followed by NZCF members.

NZCF Suspension Process





If a child has disclosed:

- Listen to the child and reassure the child.
- Only ask open ended questions e.g. “what happened next”?
- If the child is upset, offer re-assurance and help then to re-engage in a appropriate activity
- Consider two people to be in the room
- If no immediate danger to the child explain what you will do next
- If there is immediate danger to the child or safety is an issue, act with urgency- contact the NZ Police.
- As soon as possible, formally record:
 - Word for word what the child has said.
 - The date, time, location and the names of any staff that maybe relevant.
 - Names of any staff that maybe relevant
 - The factual concerns or observations that have lead to the suspicion
 - The action taken by you or the organisation
 - Any other information that may be relevant

Settlement Agreements

The NZCF **does not** and **will not** enter into a settlement agreement with any member of the organisation who has had an allegation made against them, proven or not. The NZCF acknowledges that such an agreement could be contrary to the principles of child protection. Some settlement agreements allow a member to agree to resign provided that no form of disciplinary action is taken. Where the conduct at issue concerns the safety or wellbeing of a child, the use of such an agreement will not be entertained under any circumstances, and the matter will be reported to the NZ Police.

Confidentiality and Information Sharing

The NZCF may seek advice from some or all of the following: Child, Youth and Family, NZ Police, Headquarters New Zealand Defence Force (HQ NZDF) Legal branch, before identifying that any information about an allegation may be shared with anyone else, other than a designated service manager or safety advocate in an agency associated with the care and protection of that child. In general, when collecting information about individuals the NZCF will do its best to ensure privacy and confidentiality are maintained.

The NZCF will disclose all information held under the Privacy Act (principle 11) / Health Information Privacy Code (code 11) where there is good reason to do so – such as where there is a serious risk to individual health and safety. Disclosure about ill-treatment or neglect of a child or young person may also be made to the NZ Police or Child, Youth and Family under sections 15 and 16 of the Children, Young persons, and Their Families Act 1989.

Peer Abuse

The NZCF will also strive to ensure that no form of physical, sexual or verbal harassment or violence occurs from peers. While the situation is being evaluated, the child or young person concerned will be separated. It is essential to reduce further discomfort for all. In some cases where abuse has occurred, the NZCF will immediately suspend the individual concerned. The NZCF will make very effort to keep personal information private and will ask parents to also keep information confidential to allow proper investigation and resolution.

Child and Adult Safety

All NZCF members should examine the opportunities or possible situations where staff could be alone with a child or young person. This is to be avoided wherever possible. Wherever possible an open door policy for all units should be used. NZCF Officers are to be aware where cadets are at all times and check to ensure what they are doing is appropriate, supervise accordingly.

All visitors to a NZCF Unit are to be escorted at all times.

All volunteers and outside instructors are to be monitored whilst inside a NZCF Unit. Security checks are to be completed **PRIOR** to the engagement of these people.