

LGOIMA

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Request

from: Stuff

For: Abductions on Council Property

Response

by: Malcolm Hughes
Health & Safety Adviser



Ref: 2004860

Civic House, 110 Trafalgar Street
PO Box 645, Nelson 7040, New Zealand

23 March 2020

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nelson.govt.nz

Stuff – Dominion Post [REDACTED]
Level 7 Spark central
42-45 Willis Street
Wellington 6011

Dear [REDACTED]

OFFICIAL INFORMATION REQUEST FOR INFORMATION REGARDING ABDUCTIONS ON COUNCIL PROPERTY

I refer to your official information request dated 9 February for: *exact figures/data of total incidents on any council-owned or council-operated premises over the past five years to date (ie 9 February, 2015-- 9 February, 2020, present day) of any abductions or attempted abductions including abductions of any person(s) and/or child(ren). For each incident, would the council please be able to list a description of the event if possible, along with the date/time if known, how many person(s)/child(ren) it involved, how council came to be aware of the situation, and whether or not police were informed of the matter. By council owned/operated premises this could include, but is not limited to: council owned parks/reserves; council operated facilities like libraries/pools/other facilities; council buildings and their surrounds; and so on. By 'abduction', I mean the attempted or actual unauthorised and/or illegal/criminal taking/grabbing of any person(s) and or child(ren) at any relevant location. Would the council, in addition to the above information, please be able to provide me with a statement/explanation on what policies and procedures --active as at today's date 09/02/2020 -- it has relating to any abduction or attempted abduction--which council staff/employees may have to follow when dealing with/responding to any such event. Would it also please be able to explain why/why not these policies/procedures are in place, and for how long. If there is no specific policy/procedure, would the council please be able to explain why, and whether it plans to introduce any, and if so, the details of that.*

Searches of three separate health and safety data bases in use by Nelson City Council (Council) during the period Covered by your request have been unable to identify any reported cases of abduction or attempted abduction on Council owned or operated premises between 9 February 2015 and 9 February 2020.

Council has a policy titled 'Nelson City Council - Child Protection Policy (A1524143)' adopted 23 May 2016 which is enclosed. Supporting this policy is the 'Nelson Public Libraries – Child Protection Procedure (A2158790)' dated March 2019, this is also enclosed. Although these documents do not make specific reference to abduction they and other Council procedures do make it clear that that the Police is the lead agency to be contacted in the event of harm/potential harm to a person or any crime that is committed on or near Council premises.

Internal Document ID:

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Malcolm Hughes".

Malcolm Hughes

Health and Safety Adviser

Encl:

Nelson City Council - Child Protection Policy (A1524143)

Nelson Public Libraries – Child Protection Procedure (A2158790)

Nelson City Council - Child Protection Policy

1. Introduction

- 1.1 Council recognises that all children have the right to remain safe and protected.
- 1.2 Council is committed to the wellbeing of the children and young people of Nelson and this policy is an important contribution towards this.
- 1.3 This policy sets out Councils objectives, and incorporates the requirements of the Vulnerable Children Act 2014.

2. Policy Objectives

- 2.1 Raise the awareness of staff of the need to safeguard children and of their responsibilities in identifying and reporting possible cases of abuse.
- 2.2 Support staff to respond appropriately to potential child protection concerns including suspected abuse or neglect.
- 2.3 Inform recruitment processes to ensure the requirements of the Vulnerable Children Act are met.

3. Scope

- 3.1 This policy applies to all staff who come into contact with children in the course of their work with Nelson City Council including: part-time staff and temporary roles.
- 3.2 Applying this policy to volunteers working to deliver Council services or projects is strongly encouraged and will be considered on a case by case and business unit basis.
- 3.3 All person's contracted by Council to deliver regulated services as defined by the Vulnerable Children Act 2014 will be required to confirm that they meet the standards of the Vulnerable Children Act 2014. Implementation of this requirement will be in line with timeframes under the Vulnerable Children Act 2014 when it comes into force for Territorial Authorities.
- 3.4 This Policy is informed by the following legislation:
 - Children Young Person and their Families Act 1989
 - Privacy Act 1993
 - Employment Relations Act 2000
 - Vulnerable Children's Act 2014
- 3.5 And is to be used in conjunction with the following Council documents;
 - Employee Code of Conduct and Disciplinary Procedures
 - Complaints and Feedback Policy

- Protected Disclosures Policy (whistleblower)
- Health and Safety Policy
- Lone Worker Policy (draft)
- Computer and Communications Systems Policy

4. Definitions

Child – anyone under the age of 17 years who is not currently or has not previously been married or in a civil union.

Child abuse - the harming (whether physically, emotionally, or sexually), ill-treatment, abuse, neglect or deprivation of any child or young person.

Physical abuse- any acts that may result in physical harm of a child or young person.

Sexual abuse- any acts that involve forcing or enticing a child to take part in sexual activities, including child sexual exploitation, whether or not they are aware of what is happening.

Emotional abuse- any act or omission that results in adverse or impaired psychological, social, intellectual and emotional functioning or development.

Neglect- the persistent failure to meet a child's basic physical or psychological needs, leading to adverse or impaired physical or emotional functioning or development.

Ministry for Vulnerable Children, Oranga Tamariki – 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. (Formerly Child Youth and Family).

New Zealand Police – the agency responsible for responding to situations where a child is in imminent danger and for working with the Ministry for Vulnerable Children, Oranga Tamariki in child protection work, including investigating cases of abuse or neglect where an offence may have occurred.

Children's services – services provided to children, or to adults in respect of children, or provided to adults living in households with children where the service may significantly affect the well-being of the children

Children's worker – means a person who works in, or provides, a regulated service, and the person's work-

a) may or does involve regular or overnight contact with a child or children (other than with children who are co-workers); and

b) takes place without a parent or guardian of the child, or of each child, being present

Contact – includes any of the following; physical contact, verbal communication (in person or by phone) and electronic communication (e.g. email, social media)

5. Safer Recruitment of Staff

- 5.1 Nelson City Council will ensure that all staff providing regulated services and defined as a children's worker under the Vulnerable Children Act, will be appropriately safety checked in accordance with Council's recruitment procedures and the Vulnerable Children Act 2014.
- 5.2 The purpose of this checking is to provide sufficient screening so as to reduce the risk of harm to children by those employed, whilst undertaking duties on behalf of Council.
- 5.3 Recruitment processes involving children's workers will, from the time of adoption of this policy, require safety checking before the staff member commences work with children.

6. Staff Training

- 6.1 Council is committed to maintaining and increasing staff awareness of how to prevent, recognise and respond to abuse through appropriate training. All staff defined as a children's worker will undertake child abuse and neglect intervention training as part of their role.
- 6.2 As part of new staff's induction, staff will be made aware of this Policy on Child Protection.

7. Child safe practice guidelines

- 7.1 To avoid situations where staff may be alone with children, all staff should examine the opportunities or possible situations where staff may be alone with children and act to reduce or mitigate these.
- 7.2 Wherever possible an open door policy for all spaces should be used (excludes toilets).
- 7.3 Staff should endeavour to maintain at all times, an awareness of where other staff and child users of facilities are located.
- 7.4 Staff should avoid being alone when transporting a child or young person, unless an emergency requires it or parental permission has been granted.

8. Procedures for responding to and reporting child abuse and/or neglect

- 8.1 Any issues of suspected child abuse must be taken seriously and handled in an appropriate manner that ensures the child's safety.
- 8.2 The guiding principles are respond, record, consult and report. See procedures in Promapp for more detail.
- 8.3 Nelson City Council staff must not act alone, and will refer all suspected child abuse to Police and/or Ministry for Vulnerable Children, Oranga Tamariki. The safety of the child will be the primary consideration and staff will not collude to protect an adult or an organisation.
- 8.4 Staff will seek advice from their manager/team leader and seek advice as required from the Ministry for Vulnerable Children, Oranga Tamariki and/or the Police before providing or sharing identifying information about any allegation.
- 8.5 Staff should be 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 the Ministry for Vulnerable Children, Oranga Tamariki or the Police and provided the report is made in good faith, no civil, criminal or disciplinary proceedings may be brought against them.
 - When collecting personal information about individuals, it is important to be aware of the requirements of the privacy principles – i.e., the need to collect the information directly from the individual concerned and when doing so to be transparent about: the purposes for collecting the 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.
 - Staff may disclose information under the Privacy Act 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 may also be made to the Police or Child, Youth and Family under sections 15 and 16 of the Children, Young Persons, and Their Families Act 1989.

9. Review

9.1 This policy is subject to review every three years.

Nelson Public Libraries – Child Protection Procedure

Nelson Public Libraries implements the principles of the Nelson City Council Child Protection Policy (A1524143). The safety and well-being of children who use Nelson Public Libraries are of paramount concern. In order to ensure this we:

- We safety check all staff in accordance with the Children’s Act 2014.
- We provide regular training for staff to ensure that they understand the intent of the Act.
- We provide clear guidelines for staff in how to deal with unsupervised or vulnerable children.
- We ensure that the children’s library is staffed at all times.
- We ensure that adults who are not accompanying children do not remain in the children’s library, unless they are actively looking for children’s items.
- Children of any age with mental, physical, or emotional disabilities which may affect decision making skills or render supervision necessary must be accompanied by a parent, guardian or responsible caregiver at all times.
- Taking pictures of children within public areas of the library is permitted, however staff may request library users to cease taking photos if there is a risk to the child’s safety, privacy, or enjoyment of the library. If a child or their guardian refuses permission for the child to be photographed, this will be respected in every instance.
- We respect the privacy of the child and information pertaining to the child.

Steps for Unattended Children

Children left unattended may be frightened and crying. Once staff have determined that a child is unattended and that the child’s health and safety are at risk, the following steps should be taken to deal with the situation:

1. Steps to take when dealing with an unattended child

- Ensure that the child remains in clear view of the public with at least one staff member in attendance.
- Walk around the library (with the child, if at all possible) looking for the parent or guardian. Let other staff know you are leaving the desk. (If you are alone in the Children's Library, ask someone to help)
- If parent or guardian cannot be found, attempt to obtain from the child the name, address and phone number of the parent or guardian. Try to contact the parent or guardian
- If unsuccessful at making contact with the parent or guardian within 15 minutes contact the police

2. Steps to take when parent or guardian can be found or contacted

- Explain the policy on unattended children (see policy A1524143)
- Take note of how the child responds to the adult. If the child behaves in a way that gives you reasonable grounds to be concerned they are at risk of harm, ill-treatment, abuse or neglect then you should call the police.

3. Steps when an unattended child is still in library at closing time

- If an unattended child comes to the attention of staff at or near closing time and no parent or guardian is present in the library, try to get the name and contact number of the parent

or guardian, and try for 15 minutes to contact them. If you cannot get a contact number, or there is no contact after 15 minutes, call the police. In this situation, with the library closed, two staff members should remain with the child until the guardian or police arrive.

- If a parent or guardian can be contacted agree on a reasonable amount of time for them to arrive, based on their proximity to the Library. If the parent or guardian does not arrive within that agreed time, call the police.
- When the parent or guardian arrives, explain the library's policy on unattended children (see policy A1524143)

4. Steps to follow when an unattended child becomes ill.

- Seek assistance from first aiders on staff.
- Attempt to contact the parent or guardian.
- If no parent or guardian can be contacted call the police, and if necessary, an ambulance.
- If the sick child needs to be moved away from the public area ensure that two staff attend the child.

5. Steps to follow when a child is unattended during an evacuation.

- If a child's guardian does not return when the alarm sounds, and the child is too young to evacuate alone (under 14), a staff member should accompany the child. If necessary, a very young child may be picked up. Explain what you are doing and why, but don't allow the child to stay inside. Staff must supervise the child until a guardian arrives.
- If no guardian appears and the child is upset, once back in the library follow the steps under 4 above.

Adults in the children's library

Adults who are not accompanying children should not be in the children's library, unless they are wanting to find and borrow children's items. If concerned check with your team leader.

Adults must use the adult toilet, not the children's toilet.

Adults should not be using the children's library area to plug in and use personal devices, work or study, unless they are accompanying children.

Library staff should approach unaccompanied adults, inform them of this policy and ask them to move to another area of the library if you have reasonable grounds to believe that their presence in the children's library is in breach of this policy. Ask a colleague or senior staff member for support if necessary. If you need to ask an adult to leave the children's library, you should keep a note of the discussion you had (including the person's name if known and the date and time).

Reporting suspected cases of child abuse

Library staff must follow the principles of the Nelson City Council Children's Policy and the procedures outlined in Promapp: [observe or receive report of child abuse or neglect](#).

Senior Communications Advisor

Nelson City Council | Te Kaunihera o Whakatū
P 03 265 6518 | M 022 0105 679
nelson.govt.nz

From: [REDACTED]
Sent: Sunday, 9 February 2020 8:23 pm
To: [REDACTED]
Subject: Abductions on council facilities

Hello,

I am a reporter with the Dominion Post and Stuff news, I am wondering whether the council would be able to please provide me with the below requested information, keeping with the terms of the Official Information Act.

I'm looking for exact figures/data of total incidents on any council-owned or council-operated premises over the past five years to date (ie 9 February, 2015-- 9 February, 2020, present day) of any abductions or attempted abductions --including abductions of any person(s) and/or child(ren). For each incident, would the council please be able to list a description of the event if possible, along with the date/time if known, how many person(s)/child(ren) it involved, how council came to be aware of the situation, and whether or not police were informed of the matter. By council owned/operated premises this could include, but is not limited to: council owned parks/reserves; council operated facilities like libraries/pools/other facilities; council buildings and their surrounds ; and so on. By 'abduction', I mean the attempted or actual unauthorised and/or illegal/criminal taking/grabbing of any person(s) and or child(ren) at any relevant location.

Would the council, in addition to the above information, please be able to provide me with a statement/explanation on what policies and procedures --active as at today's date 09/02/2020 -- it has relating to any abduction or attempted abduction--which council staff/employees may have to follow when dealing with/responding to any such event. Would it also please be able to explain why/why not these policies/procedures are in place, and for how long. If there is no specific policy/procedure, would the council please be able to explain why, and whether it plans to introduce any, and if so, the details of that.

Finally, would the council please be able to acknowledge this request and its date of receipt --being today, Sunday, February 9 -- with an email. If this is not the appropriate avenue for this information request, would the recipient please be able to forward this request on to a person with the authority to action it.

If the council or any member of your communications/information teams needs clarification on any of the above, please don't hesitate to get in touch with me. My normal hours are 2-10pm Weds-Sun, and 8am-4pm Saturday.

Look forward to hearing back from you, and many thanks in advance,

[REDACTED]

--

[REDACTED] Reporter

E [REDACTED]
Stuff Ltd, Level 7 Spark Central, 42-52 Willis Street, Wellington, 6011, New Zealand

PO Box 2595, Wellington, 6140



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