



Navigation Guide to: New Safety Checking Requirements under the Vulnerable Children Act

Purpose of this document:

To help you find information for appointing new core children's workers into roles starting from 1 July 2015

This navigation guide provides details on where to find guidance on:

1. Who the Act applies to (Scope of the Safety Checking Regulations);
2. What must be done as part of a safety check (Elements of the Safety Checking Regulations); and
3. The new restriction on people with certain criminal convictions from working as core children's workers (The Workforce Restriction).

Background

A better future for vulnerable children is at the heart of both the Children's Action Plan and the Vulnerable Children Act 2014, which together make significant changes to how we protect and improve the wellbeing of children.

On 1 July 2015, some of the first regulatory changes are being implemented. These are more comprehensive safety checks for new core children's workers and workforce restrictions that prohibit people with certain criminal convictions from core children's worker roles (unless they have an exemption).

The new regulations were gazetted on 28 May and are available on the Children's Action Plan website: <http://www.childrensactionplan.govt.nz/childrens-workforce/safety-checking-and-the-workforce-restriction/>

Key resources

The Children's Action Plan Directorate has led the development of a series of resources that will help you understand what you must do to be compliant with the new requirements. These have been produced with significant input from the education sector to ensure that they are relevant and useful for you.

Children's worker safety checking under the Vulnerable Children Act 2014 (the advice) is available online: <http://www.childrensactionplan.govt.nz/assets/CAP-Uploads/childrens-workforce/Childrens-worker-safety-checking-under-the-Vulnerable-Children-Act-RC-v1-02.pdf>

The advice provides comprehensive information on the legal minimum standards - including checklists, process advice, and exemplar questions.



They are an agreed, all-of-government position on interpreting and applying the Vulnerable Children Act and the regulations¹. We encourage you to read the advice.

As a secondary resource, *Safer Recruitment, Safer Children* is a set of best practice guidelines on safety checking and are available online: <http://childrensactionplan.govt.nz/assets/CAP-Uploads/childrens-workforce/Safer-Recruitment-Safer-Children.pdf>

These are in addition to the advice for the regulations and provide useful information for organisations that are not covered by the Vulnerable Children Act such as community and volunteer organisations. They also contain more information on what you may include as part of your safety checking.

1. Who the Act applies to

The Children's worker safety checking under the Vulnerable Children Act 2014 (the advice) provides information on which organisations need to ensure that safety checks are completed for their workers and for which workers they need to ensure safety checks are completed. There are three steps to applying the Vulnerable Children Act:

1. Are you a specified organisation? – the definition of “specified organisation” and examples of these organisations can be found on page 7 <http://childrensactionplan.govt.nz/assets/CAP-Uploads/childrens-workforce/Childrens-worker-safety-checking-under-the-Vulnerable-Children-Act-RC-v1-02.pdf>.

2. Are you appointing or engaging employees or contractors to “children’s workers” roles? – the definition of “children’s workers” can be found on page 8.

3. Are you appointing or engaging employees or contractors to “core children’s workers” roles? – the definition of “core worker” and some considerations that will help you apply this to your employees can be found on pages 9 -10.

If you answer ‘yes’ to all three questions, the worker must be safety checked before commencing employment or engagement. This requirement takes effect from 1 July 2015.

Requirements for safety checking new non-core children’s workers and existing core and non-core children’s workers will be phased in over the next few years. Page 10 of the guidelines provides more information on when the requirements come into force for these different workers.

2. What must be done as part of a safety check

Children's worker safety checking under the Vulnerable Children Act 2014 (the advice) provides detailed information about how to conduct each element of the safety check. Pages 5-6 of the advice provide useful checklists that will step you through what you must do.

The table on next page provides an overview of what information is available to support each element of the safety check and where in the advice and other documents you can find relevant material.

¹Please note that the advice and this navigation guidance are not a substitute for legal advice and organisations are encouraged to seek independent advice if an issue arises implementing the new requirements.



Process	References and key information in Children's worker safety checking under the Vulnerable Children Act 2014 (the advice)		Further information
Risk assessment	Page 12	Principles for risk assessment	<p>Safer Recruitment, Safer Children</p> <p>The vetting and screening process on pages 13-16</p> <p>Making a final decision on page 47</p> <p>http://childrensactionplan.govt.nz/assets/CAP-Uploads/childrens-workforce/Safer-Recruitment-Safer-Children.pdf</p>
Verify identity	Pages 18-21	<p>Overview of two methods for establishing identity</p> <p>Lists of the documents and records that can be used to verify identity</p>	<p>DIA Evidence of Identity Standards: http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Evidence-of-Identity-Standard-Index?OpenDocument</p> <p>Safer Recruitment, Safer Children</p> <p>How to verify identity on page 35</p> <p>Documentary evidence on pages 36-37</p> <p>What to do if evidence is unavailable on page 37</p> <p>Name changes on page 38</p> <p>http://childrensactionplan.govt.nz/assets/CAP-Uploads/childrens-workforce/Safer-Recruitment-Safer-Children.pdf</p>
Interview	Pages 22-23	<p>Advice on structuring the interview process</p> <p>Example questions for interviews</p>	<p>Safer Recruitment, Safer Children</p> <p>Suggested structure for interviews on page 23</p> <p>Preparing for an interview on page 24</p> <p>Sample interview questions on page 24</p> <p>http://childrensactionplan.govt.nz/assets/CAP-Uploads/childrens-workforce/Safer-Recruitment-Safer-Children.pdf</p>
Reference check	Pages 24-26	<p>Advice on conducting reference checks</p> <p>Example questions for referees</p>	<p>Safer Recruitment, Safer Children</p> <p>Suggested process for undertaking referee checks on pages 27-29</p> <p>Examples of questions for referees on pages 29-30</p> <p>http://childrensactionplan.govt.nz/assets/CAP-Uploads/childrens-workforce/Safer-Recruitment-Safer-Children.pdf</p>
Confirm Registration if applicable	Page 26	Requirements to seek information from relevant professional organisations, licensing authorities, or registration authorities	<p>Checking teacher registrations through the Education Council</p> <p>https://www.teacherscouncil.govt.nz/search-the-register</p>
Police vet	Pages 27-28	<p>Seeking approval to use the Police Vetting Service.</p> <p>Information that will be provided in a police vet.</p> <p>Advice on how to assess criminal histories.</p> <p>Advice on police vets for applicants who have lived overseas.</p> <p>Advice on the interface between the VCA and the Clean Slate Act.</p>	<p>New Zealand Police Vetting Service</p> <p>http://www.police.govt.nz/advice/businesses-and-organisations/police-vetting/ask-police-vetting</p> <p>Teacher registration application forms</p> <p>http://www.teacherscouncil.govt.nz/content/teacher-registration-application-forms</p> <p>Safer Recruitment, Safer Children</p> <p>Responding to negative results on page 43</p> <p>http://childrensactionplan.govt.nz/assets/CAP-Uploads/childrens-workforce/Safer-Recruitment-Safer-Children.pdf</p>



3. The new restriction on people with certain criminal convictions from working as core children's workers

From 1 July 2015, the Vulnerable Children Act introduces a restriction on people with certain criminal convictions from working as core children's workers.

The specified offences subject to the workforce restriction are listed in Schedule 2 of the Vulnerable Children Act available online: <http://www.legislation.govt.nz/act/public/2014/0040/latest/DLM5501909.html>

Children's worker safety checking under the Vulnerable Children Act 2014 (the advice) provides information on when the restriction comes into effect for new and existing workers (page 13): <http://childrensactionplan.govt.nz/assets/CAP-Uploads/childrens-workforce/Childrens-worker-safety-checking-under-the-Vulnerable-Children-Act-RC-v1-02.pdf>.

It also details what an employer must do if their employee is affected by the restriction (pages 13-14).

People with convictions for specified offences will need to seek an exemption from the Workforce Restriction if they wish to work as core children's workers. This process will be administered by the Ministry of Social Development.

More information about the core worker exemption and how to apply is available online:
<http://www.childrensactionplan.govt.nz/childrens-workforce/safety-checking-and-the-workforce-restriction/>

More information

The Children's Action Plan website contains more information on the safety checking requirements:
<http://www.childrensactionplan.govt.nz/childrens-workforce/safety-checking-and-the-workforce-restriction/>