MINISTRY OF EDUCATION
TE TĀHUHU O TE MĀTAURANGA

Vulnerable Children Act 2014

A practical guide for Early Childhood Education Services, Ngā Kōhanga Reo, Playgroups, Schools and Kura



About this guide

This guide provides an overview of the Vulnerable Children Act 2014 (VCA) and the responsibilities of early childhood education services, ngā kōhanga reo, playgroups, boards of trustees, schools and kura. The guide is for managers, leaders and children's workers. We recommend all education managers and leaders read this guide.

This is intended as a supplementary resource to support the education sector's children's workforce to develop a clear understanding of what the VCA means for them. However, the primary source of information must be the VCA itself, the supporting regulations, and the guidelines produced by the Children's Action Plan Directorate.

This guide is for early childhood education services, ngā kōhanga reo and playgroups (Services), schools and kura (schools).

This guide brings together education sector specific information and tools produced by the Ministry of Education and the New Zealand School Trustees Association (NZSTA) to support Services and schools and to understand and effectively implement the requirements of the VCA and its regulations. We will continue to support Services and schools, as required, to help create a New Zealand-wide culture of child protection.

This guide provides high-level information about each key requirement of the VCA, with supporting education sector specific resources and links to further information in the Children's Action Plan guidelines. Refer to page 47 for all resources.

It does not constitute legal advice and you should obtain your own legal advice on any matter relating to the VCA.

We recommend you also browse the detailed VCA information available online:

- *childrensactionplan.govt.nz*
- *nzsta.org.nz*
- *education.govt.nz*

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Part 1

An overview of the Children's Action Plan and Vulnerable Children Act 2014

1.1 The Green Paper and White Paper for Vulnerable Children

Sometimes we fail to keep children safe and sometimes children are abused or neglected by the very people we trust to keep them safe. In July 2011 the Government released a *Green Paper* for Vulnerable Children, asking New Zealanders how we could better protect our children from abuse and neglect.

The submissions in response to the Green Paper formed the basis of the *White Paper for Vulnerable Children*. On 11 October 2012 the then Minister for Social Development, Hon Paula Bennett, announced a major cross-government project which drew from those submissions to produce a cross-sector action plan to address child vulnerability – the Children's Action Plan.

1.2 The Children's Action Plan

A better future for vulnerable children is at the heart of the Children's Action Plan (CAP). It's designed to deliver the vision described in the White Paper for Vulnerable Children – every child in Aotearoa New Zealand being able to thrive, belong and achieve.

The Children's Action Plan is a framework for New Zealanders to know what action is needed to protect children and when each milestone is reached. It is a living document that will continue to evolve as New Zealanders work together to achieve the fundamental changes contained in the White Paper. It is administered by the Children's Action Plan Directorate.

The *Children's Action Plan* outlines a number of steps to be taken to safeguard children. These include the:

1. development of Children's Teams
2. introduction of the Vulnerable Children Act 2014
3. introduction of child protection policies required under the Act
4. introduction of new obligations for vetting and screening processes, and
5. setting of minimum standards and core competencies for those working with children.

Child protection is everyone's responsibility – including the education sector. Together, the Ministry of Education and our education sector partners are jointly accountable for the wellbeing of children including the identification of and response to those at risk of harm. We are working together to prepare for and implement a number of changes.

The CAP and the VCA together create significant changes to how we protect and improve the wellbeing of children in New Zealand. While some of the legislative changes apply only to paid employees in state-funded organisations (e.g. safety checking), the CAP envisages improvements in practice across the whole workforce.

1.2.1 Children's Teams

Children's Teams model a different way for agencies to work together to support vulnerable children whose needs do not meet the statutory intervention threshold of Child, Youth and Family (CYF).

Ten teams across the country are structured to support practitioners and professionals across different disciplines (e.g. health, education) to bring together services available for vulnerable children into one personalised plan for each child and their family/whānau.

1.2.2 Vulnerable Children Act 2014

On 1 July 2014 the VCA passed into law. It forms a significant part of the measures to protect and improve the wellbeing of vulnerable children and to strengthen our child protection system.

The VCA introduced the requirement for agencies to develop and implement child protection policies and safety checking. It also introduced a definition for people who work with children – 'children's workers' – and extended the responsibility of child protection beyond CYF and the Police to include all government-funded children's services.

1.2.3 Child protection policies

The VCA introduced the requirement for prescribed state services, district health boards, school boards, and certain people with whom those services or boards enter into contracts or funding arrangements to adopt child protection policies.

A child protection policy describes the processes and procedures that an organisation will follow to ensure children are safe so that the potential for abuse and neglect is identified and responded to.

The development of child protection policies is an important opportunity for Services and schools and their communities to reflect on their cultures and begin the process of changing expectations.

1.2.4 Safety checking

The VCA introduced more comprehensive checks, known as safety checks, for children's workers.

Children's workers are classified as either core workers or non-core workers[1]. There are different timeframes to comply with the safety checking requirements for both new and existing core and non-core workers.

There are also restrictions and associated compliance timeframes on people with certain criminal convictions being engaged or employed as core children's workers, subject to a government-run exemptions process.

1.2.5 Core competencies

Children's workers come from a range of disciplines and need to be able to recognise when something isn't right and then know what to do. Together, these workers can be a powerful force acting as a safety net to protect vulnerable children. A shared culture about the attitudes and expectations of ourselves and others is needed.

The Children's Action Plan Directorate, sector representatives and experts are developing a Core Competency Framework that is intended to help children's workers better identify, support and protect vulnerable children. Child protection is everyone's responsibility.

[1] Refer to page 16

1.3 Joint responsibility of agency chief executives

The responsibility for care and protection of children doesn't rest with CYF and the Police alone. To that end, the chief executives of Social Development, Health, Education, Justice, New Zealand Police, Business, Innovation and Employment (Housing) and Te Puni Kōkiri are jointly accountable for achieving positive results for vulnerable children.

These agencies will develop, deliver and report on a cross-agency plan to improve and protect the wellbeing of vulnerable children. These agencies, as well as the organisations they fund to provide children's services, must have child protection policies in place. They must also identify and safety check staff identified as children's workers, within the timeframes set out in the VCA and associated regulations.

1.4 When the requirements come into force

Below are the key dates for requirements under the VCA.

Key dates	Requirements
From 1 July 2014	Early childhood education services and ngā kōhanga reo (Services) must have their child protection policies in place.
From 1 July 2015	All **new core** children's workers in Services and schools and kura (schools) must be safety checked before being employed or engaged from this date. The Workforce Restriction applies to **new core** children's workers, unless an exemption has been granted.
1 July 2016	Schools must have their child protection policies in place as soon as practicable after this date. The Workforce Restriction applies for all **existing core** children's workers, unless an exemption has been granted. All **new non-core** children's workers must be safety checked before being employed or engaged.
By 1 July 2018	All **existing core** children's workers must be safety checked by this date.
By 1 July 2019	All **existing non-core** children's workers must be safety checked by this date.

On the following page is a planning tool to support you to implement the safety checking and child protection policy requirements under the VCA.





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Planning tool: Implementing changes to Safety Checking and developing a Child Protection Policy (Vulnerable Children Act 2014)

Legislation timeline

New Vulnerable Children Act 2014 requirements timeline

1 July 2015
All new core children's workers must be safety checked prior to employment commencing.

Workforce restriction applies from this date: new core workers convicted of specified offences cannot be employed unless they have a Core Worker Exemption.

1 July 2016
Child Protection Policies should be in place.

All new non core children's workers must be safety checked prior to employment commencing.

Workforce restriction applies from this date: existing core workers convicted of specified offences cannot be employed unless they have a Core Worker Exemption.

1 July 2018
All existing core children's workers must be safety checked.

1 July 2019
All existing non core children's workers must be safety checked.

School action timeline

Indicative timeline and actions for implementing changes to Safety Checking and developing a Child Protection Policy

June 2015
Implement processes to commence safety checking of all new core children's workers from 1 July 2015.
From 1 July 2015 workforce restrictions apply to new core workers.
From 1 July 2016 workforce restrictions will also apply to existing core workers. Ensure this is understood by existing staff early so that affected employees have time to apply for a Core Worker Exemption (a decision can take 40 working days).

February – June 2016
Ensure processes are in place to commence safety checking of all new non-core children's workers from 1 July 2016.

February – March 2016
Begin to develop your Child Protection Policy:
- Engage your school community in the process
- Set out a timeline
- Identify resources to support the development and implementation of the Child Protection Policy
- Gather together all school policies and procedures related to student wellbeing, and available resources
- Identify areas that may need to be adapted or developed for your Child Protection Policy
- Engage staff and community in how to address gaps and areas to strengthen
- Determine if there are staff training needs.

Your Child Protection Policy:
- Must contain provisions on the identification and reporting of child abuse and neglect
- Must be written
- Must be made publicly available on the school's website
- Must be reviewed every three years
- Should be adopted by 1 July 2016.

April – May 2016
Consult with school community on your draft Child Protection Policy.
Further develop and finalise the policy.

June 2016
Implement the Child Protection Policy
- Trial and refine the policy
- Provide staff training
- Update resources/websites to reflect the new Child Protection Policy.

1 July 2016
Child Protection Policy should be fully implemented and publicly available.
From 1 July 2016 workforce restrictions apply to existing core workers. From this date if you know a core worker you employ or engage has a conviction for a specified offence and does not have a Core Worker Exemption, you will need to follow the suspension and possible termination process in Section 28 of the Vulnerable Children Act 2014. Ensure workforce restrictions are well understood so that affected employees have time to apply for a Core Worker Exemption (a decision can take 40 working days).

July 2016 – June 2018
Safety check all existing core children's workers. These must be completed by 1 July 2018. Allow 20 working days for police vetting in your plans.

July 2018 – June 2019
Safety check all existing non core children's workers. These must be completed by 1 July 2019. Allow 20 working days for police vetting in your plans.

July 2019
Three yearly review of your Child Protection Policy will be due (requirement under the act).

Tools and information

Quick links to resources available to assist schools

Download resource on safety checking new and existing employees
http://www.education.govt.nz/safety-checking-workers-and-child-protection-policy-for-schools-and-kure

Safety checking and the workforce restriction:
http://childrensactionplan.govt.nz/childrens-workforce/safety-checking-and-the-workforce-restriction/

If you have a query relating to the workforce restrictions or Core Worker Exemptions contact the Children's Action Plan Directorate: Phone: 0800 462 511
Email: Core_Worker_Exemption@msd.govt.nz

Schooling sector requirements under the Act: http://www.education.govt.nz/ministry-of-education/specific-initiatives/childrensactionplanandvulnerablechildrenact/

Schedule of NZSTA workshops covering what a Child Protection Policy means for Boards of Trustees, the importance of effective Child Protection Policies, procedures, safety checking and safe working practices:
http://training.nzsta.org.nz/courses/196-vulnerable-children-act-2014-implications-for-the-board

NZSTA's example Child Protection Policy for a school:
http://www.nzsta.org.nz/employer/vulnerable-children-act-vca-2014

For further assistance please contact your regional Ministry of Education office:
http://www.education.govt.nz/ministry-of-education/contact-us/regional-ministry-contacts/
or email the Ministry:
SSCIProgramme@education.govt.nz
or your local NZSTA HR Adviser:
Phone: 0800STAhelp - 0800 782 435 option 1
Email: headvice@nzsta.org.nz

The Children's Action Plan information on child protection policies:
http://childrensactionplan.govt.nz/childrens-workforce/child-protection-policies/

How the workforce restrictions apply to existing core children's workers:
http://childrensactionplan.govt.nz/childrens-workforce/the-workforce-restriction/information-for-employers/

If you have a query relating to the workforce restrictions or core worker exemptions contact the Children's Action Plan Directorate:
Phone: 0800 462 511
Email: Core_Worker_Exemption@msd.govt.nz

Download Safety checking resources:
http://www.education.govt.nz/safety-checking-workers-and-child-protection-policy-for-schools-and-kure
- *New and Existing Employees: Safety Checking under the Vulnerable Children Act 2014*
- *Trainees on Practicum: Safety Checking under the Vulnerable Children Act 2014*
- *Relieving Teachers: Safety Checking under the Vulnerable Children Act 2014*

This resource does not constitute legal advice and you should obtain your own legal advice on any matter relating to the Vulnerable Children Act 2014

New Zealand Government

1.4.1 Educative approach

The government agencies responsible for enforcing VCA requirements are taking an educative approach. Initially, agencies will place emphasis on offering information, advice and support to build knowledge and workforce capability, rather than prosecute any breaches of the VCA.

However, in cases where the breaches are continuous or serious, charges may be laid.

See more at:

http://www.education.govt.nz/early-childhood/running-an-ece-service/the-regulatory-framework-for-ece/

Resource:

Planning tool: Implementing changes to Safety Checking and developing a Child Protection Policy (Vulnerable Children Act 2014)

Part 2

Children's Teams

2.1 Children's Teams

The Children's Team operating model supports professionals working with vulnerable children and their families and whānau to work together more effectively, making sure the right services are provided at the right time. This means that the different agencies and organisations that support the most vulnerable children are more integrated and work towards common goals. This approach reflects the principles of the CAP by incorporating local expertise and knowledge, with nationally consistent support.

2.1.1 Lead professionals

Children accepted by a Children's Team are allocated a lead professional who is a front-line practitioner working with vulnerable children and their families. This person is the single point of contact for the family and whānau and co-ordinates the group of professionals working with the child. This group is known as the Child Action Network and together they complete an assessment of the child's situation, agree goals and devise a plan to make sure those goals can be achieved.

Educators are likely to be members of Child's Action Networks. Teachers are ideally placed to influence positive change for vulnerable children as members of Child's Action Networks. Participation in these teams is at the discretion of the school principal or Ministry special education service managers but there are many benefits in being part of the information sharing, assessment and planning process that reflects this new way of working.

2.1.2 Children's worker safety checking requirements for Children's Teams

People working with children and their families and whānau, in Children's Teams, must be safety checked to the VCA standard to ensure the safety of children accessing the Children's Team.

Members of each Child's Action Network will also need to be safety checked if they are named in the child's plan, if they will have access to shared personal information about the child, or if they will have access to individual case files within the Vulnerable Kids Information System (ViKI). This requirement applies to all workers in these roles, even if they would otherwise not be subject to the VCA e.g. because they are a volunteer.

Safety checking is the responsibility of the children's worker's employer, and the Children's Team Director will seek the employer's confirmation that the required checking has been done. Following the initial check, these safety checks must be updated by the employer at least every three years.

More information on Children's Teams can be found on the *CAP website*.

Part 3

The Vulnerable Children Act 2014

3.1 The Vulnerable Children Act 2014

The new requirements of the VCA apply to early childhood education services, ngā kōhanga reo and playgroups (Services), schools and kura (schools) because they have direct contact with children, as well as some people or organisations contracted by them.

There are two key requirements for the education sector under the VCA. These are to safety check all those who work regularly with children and whose work is paid (or unpaid as part of an educational or vocational training course); and to have child protection policies in place.

Anyone convicted of a specified offence cannot be employed or engaged as a core children's worker unless they have an exemption (workforce restriction).

The VCA also allows for the introduction of the *Vulnerable Children (Requirements for Safety Checks of Children's Workers) Regulations 2015* (the Regulations) under section 32 which provide detail on the various components of a safety check.

3.2 Scope of the VCA

All children's workers who work in a regulated service need to be safety checked within the timeframes outlined in the legislation[2].

There are three steps to applying the VCA to figure out whether it applies to an organisation:

1. Is the organisation a specified organisation?
   - Is it any of the state services in section 2 of the State Sector Act 1988?

     or

   - Is it receiving money from a state service to provide regulated services (unless it's receiving money via individualised funding arrangements)?

     and

   - Does it employ or engage children's workers to perform a regulated service?
2. Are the specified organisations' employees or contractors 'children's workers'?
3. Are any of the specified organisations' employees or contractors 'core children's workers'?

[2] Refer to page 12

3.2.1 Regulated service

Regulated services are government -funded services provided to children or adults in respect of children and are listed in *Schedule 1* of the VCA.

In the education sector, a regulated service includes education services provided at, by, or on behalf of Services and schools. This includes any person or organisation contracted by a Service or school, to provide an education service.

3.2.2 Children's workers

The VCA describes a children's worker as a person who works in, or provides, a regulated service, and the person's work:

- may or does involve regular or overnight contact with a child or children (other than with children who are co-workers); and
- takes place without a parent or guardian of the child, or of each child, being present.

Regular or overnight contact means at least once a week, or on at least four days each month, or overnight.

Children's workers are classified as either core workers or non-core workers.

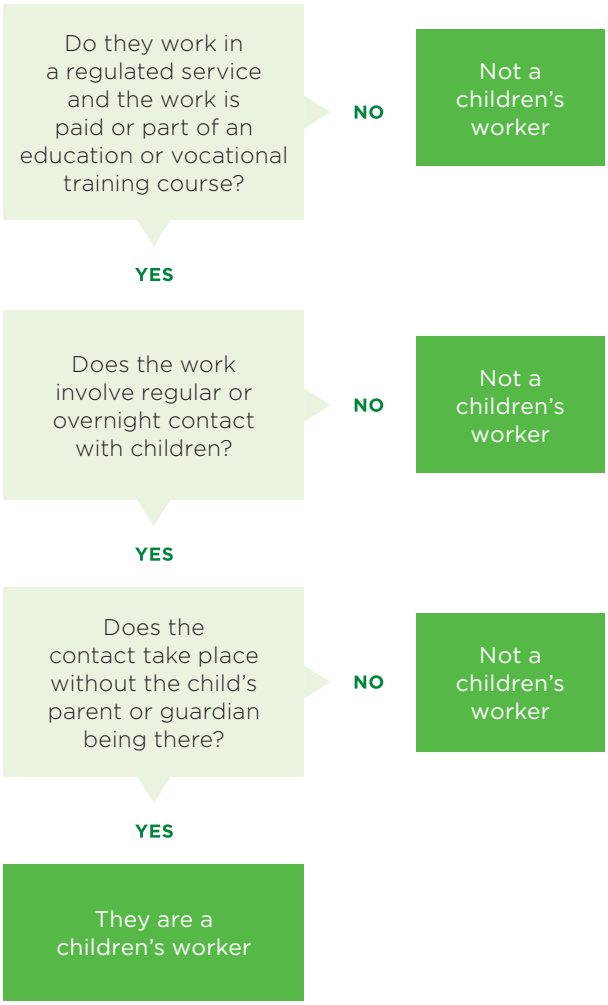
Core worker

A core worker is a children's worker whose work in a regulated service means they are either the only person present or they have primary responsibility or authority over the child (or children) present.

Workers who have specified convictions cannot be employed in these roles unless they have an exemption.

Non-core workers

Non-core workers are not core workers and have regular, but limited, child contact and are never alone with children.



3.2.3 How do you know if a children's worker is a core worker or a non-core worker?

In a school, it is the board's responsibility to determine whether a children's worker's role is core or non-core, based on the particular circumstances of each worker's role and each school.

For Services, all staff who have access to children would be considered a core worker, as there will be times during the day when their duties require them to have 'primary responsibility for, or authority over', children. For example in teacher-led Services, teachers would be considered core workers; in home-based Services, educators would also be considered core workers.

Safety checking requirements are the same for all children's workers, except that core workers may also be subject to a Workforce Restriction if they have a specified conviction. Core workers need to be informed about this so they can follow the exemption process if necessary.

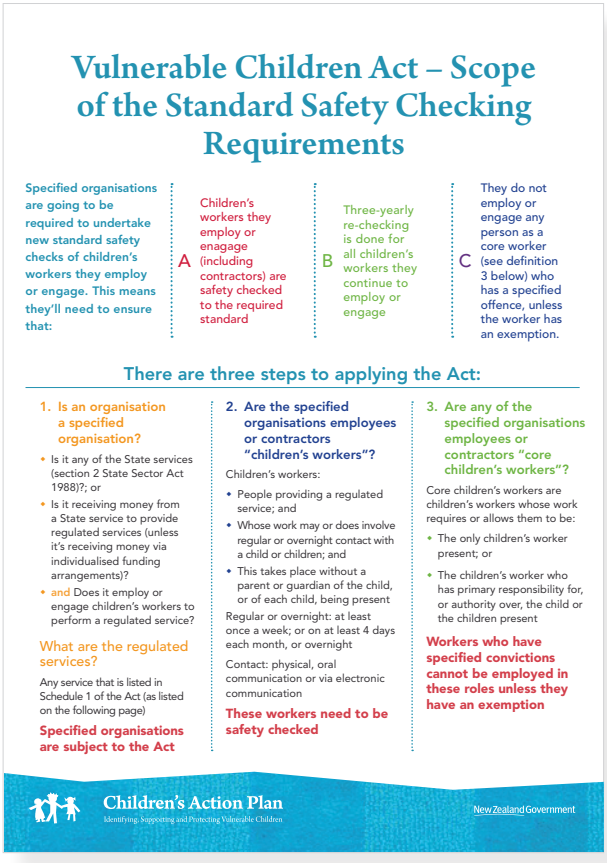
When applying the legislative definition of a core or non-core worker, the following considerations may be helpful:

- If a role allows a person to be alone with a child or children, it is a core worker role.
- Being the children's worker with 'primary responsibility for, or authority over', the child or children present, apply the ordinary meaning of those words. When considering 'primary responsibility', think about whether a role makes a person accountable for the child/children, or creates a duty or obligation towards the child/children. When considering 'authority over', think about whether the role gives power – the right to provide guidance to, set behavioural boundaries, for making decisions about or applying appropriate behaviour management techniques to the child/children present.

Remember, responsibility or authority must be 'primary'. If a person will never be left alone with children and there will always be another adult present who is more responsible or authoritative, a person will not be a core worker.

3.2.4 Summary of the scope of the safety checking requirements

Below is a summary of the Scope of the Standard Safety Checking Requirements factsheet.



Resource:

Vunerable Children's Act – Scope of the Standard Safety Checking Requirements

Part 4

What checks do you need to do on people in your Service or school?

In order to ensure the safety of children, early childhood education services, ngā kōhanga reo and playgroups (Services), schools and kura (schools) have a number of different obligations under the Education Act 1989 and the VCA:

1. VCA – Safety check all staff employed or engaged in your Service or school whose work involves regular or overnight contact with children.
2. VCA – Consent to other organisations doing a safety check on your behalf by completing a Memorandum of Understanding (MoU) or similar as well as an identity check and risk assessment e.g. students on practicum or relieving teacher agency.
3. Request confirmation (orally or in writing) of the safety checking status of children's workers employed by other organisations who are hosted in your school or Service (such as public health nurses or dental therapists) from those organisations.
4. Not legislated – Consider undertaking some or all components of a safety check on volunteers as good practice.
5. VCA – Provide confirmation of the safety checking status of your own staff working in other environments (such as in Children's Teams).
6. Education Act – Requirement to Police vet non-teaching and unregistered staff as well as contractors.
7. Education Act – Requirement to Police vet anyone 17 years of age or above who lives in a home where home-based Services takes place.
8. No requirements under the Health and Safety at Work Act 2015.

4.1 Staff you employ or engage

It is likely that most workers delivering education services in Services and schools will be core children's workers.

Responsibility for safety checking employees and contractors always rests with the employer or contracting organisation. This includes identifying whether each role in your organisation is a core children's worker or non-core children's worker role[3].

4.1.1 Teachers

It is the responsibility of Services and schools to ensure that a safety check has been completed for the staff they employ.

You can rely on the Police vet undertaken by the Education Council, as part of a teacher's registration and practising certificate process, to fulfil the Police vetting component of the safety check.

4.1.2 Teacher aides and other support staff delivering education services

You can rely on the Police vet you have undertaken under section 78C of the Education Act 1989 to fulfil the Police vetting component of the safety check.

[3] Refer to page 16

4.1.3 Relieving teachers

Relieving teachers (relievers) need to be safety checked because they meet the VCA definition of a children's worker. We expect that all relieving teachers will be core children's workers, but employers still need to determine this on a role-by-role basis to make sure any decisions reflect the nature of the role and keep the safety and wellbeing of children foremost in their assessments.

Boards and Services (as the employers), or a principal or manager acting on their behalf, must ensure that a reliever in their school or Service is safety checked in accordance with *the VCA* before they start any new contract, as they will be new children's workers. An agency can complete the check on behalf of the board.[4]

Schools that engage a relief teacher independently (i.e. not through an agency) will need to complete the safety check themselves. Once this has been done, the completed check can be relied on for up to three years. A safety check for relief teachers can be completed at any time before they are employed.

4.1.4 Relievers you've previously safety checked

If you want to use a reliever you have previously employed, you may rely on your previous safety check provided the check was made to the VCA standard and was carried out within the last three years.

4.2 Relying on a safety check done by someone else on your behalf

Under the VCA, organisations may rely on safety checks that have been conducted by others on their behalf. Where some or all components of the safety check have been completed by another organisation on your behalf (such as by an agency providing relief teachers, or a teacher training provider placing students on practicum in your Service or school), you are responsible for confirming that these components have been completed and that a full safety check has been done.

Some type of formal agreement or acknowledgement is required to establish the safety check is being done on behalf of the specified organisation. For example, this could be an MoU, or letter of intent.

If you choose to rely on a safety check completed on your behalf, we recommend that you:

- seek permission from the person who is being safety checked for the information to be shared. This permission could be sought by the person or organisation completing the safety check before it is undertaken or by you prior to requesting the information.
- prior to the safety check, obtain confirmation from the person or organisation that they are undertaking the safety check on your behalf.
- obtain in writing from the person or organisation completing the safety check that they have done this to the standard set out in the VCA.
- complete a separate identity check and risk assessment for all children's workers, even if these have already been completed by another person or organisation.
- keep records about the safety checking of all children's workers you engage or employ.

[4] Refer to section 4.2



Responsibility for safety checking always rests with the employing or contracting organisation. This means Services or schools should exercise due diligence when relying on checks undertaken by others.

Both the Tertiary Education Commission (TEC) and Universities New Zealand have developed guidance about safety checking, including an implementation framework. Information is available on the *TEC* and *Universities New Zealand* websites.

4.2.1 Relying on checks done previously

Services or schools can rely on checks that they completed themselves up to three years previously (i.e. for previous employees returning to the same school or Service or contractors starting in a new role/contract), as long as these checks meet the VCA standard.

The regulations also specifically allow for organisations to rely on the Police vet done by registration bodies (e.g. the Education Council), as long as it is done at least every three years. You can confirm this by checking the children's worker's registration is current.

4.2.2 Short-term emergencies

If an emergency or unexpected situation occurs that increases risks to children, you may engage or employ a children's worker to reduce those risks without completing all components of the safety check, for up to five consecutive working days, as long as the employee has a current Police vet, which is a requirement of the Education Act 1989.

4.2.3 Relieving agencies[5]

Agencies that provide relief teachers should have completed some components of the safety check as part of their employment and screening processes and are therefore well placed to complete safety checks 'on behalf of' a Service or school. You can agree with the agency that it will complete those components on behalf of your Service or school.

4.2.3.1 SUMMARY OF SAFETY CHECKING FOR RELIEVERS

Following is a summary of the safety checking requirements for employing or engaging relievers in your Service or school.



MINISTRY OF EDUCATION
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Relieving Teachers
Safety Checking under the Vulnerable Children Act 2014

A relieving teacher (reliever) is considered to be a new core worker each time they begin a new assignment, even if they have worked in your school before.
However, once a reliever has been safety checked and is on your list, you can rely on a previous safety check you have undertaken provided it was carried out within the preceding three years.

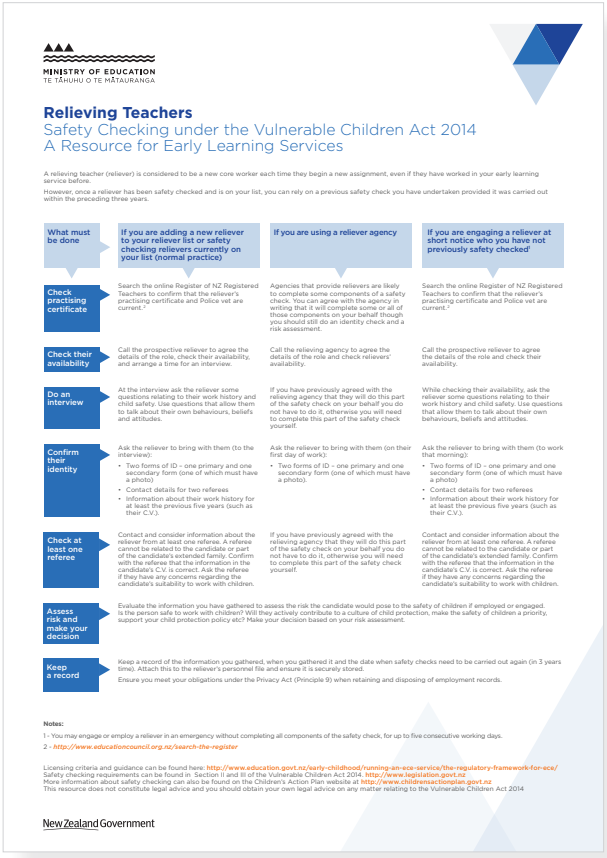
What must be done	If you are adding a new reliever to your reliever list or safety checking relievers currently on your list (normal practice)	If you are using a reliever agency	If you are engaging a reliever at short notice who you have not previously safety checked[2]
Check practising certificate	Search the online Register of NZ Registered Teachers to confirm that the reliever's practising certificate and Police vet are current.	Agencies that provide relievers are likely to complete some components of a safety check. You can agree with the agency in writing that it will complete some or all of those components on your behalf though you should still do an identity check and a risk assessment.	Search the online Register of NZ Registered Teachers to confirm that the reliever's practising certificate and Police vet are current.
Check their availability	Call the prospective reliever to agree the details of the role, check their availability, and arrange a time for an interview.	Call the relieving agency to agree the details of the role and check relievers' availability.	Call the prospective reliever to agree the details of the role and check their availability.
Do an interview	At the interview ask the reliever some questions relating to their work history and child safety. Use questions that allow them to talk about their own behaviours, beliefs and attitudes.Example questions can be found here[2]	If you have previously agreed with the relieving agency that they will do this part of the safety check on your behalf you do not have to do it, otherwise you will need to complete this part of the safety check yourself.	While checking their availability, ask the reliever some questions relating to their work history and child safety. Use questions that allow them to talk about their own behaviours, beliefs and attitudes. Example questions can be found here[1]
Confirm their identity	Ask the reliever to bring with them (to the interview): • Two forms of ID – one primary and one secondary form (one of which must have a photo) • Contact details for two referees • Information about their work history for at least the previous five years (such as their C.V.).	Ask the reliever to bring with them (on their first day of work): • Two forms of ID – one primary and one secondary form (one of which must have a photo).	Ask the reliever to bring with them (to work that morning): • Two forms of ID – one primary and one secondary form (one of which must have a photo) • Contact details for two referees • Information about their work history for at least the previous five years (such as their C.V.).
Check at least one referee	Contact and consider information about the reliever from at least one referee. A referee cannot be related to the candidate or part of the candidate's extended family. Confirm with the referee that the information in the candidate's C.V. is correct. Ask the referee if they have any concerns regarding the candidate's suitability to work with children.	If you have previously agreed with the relieving agency that they will do this part of the safety check on your behalf you do not have to do it, otherwise you will need to complete this part of the safety check yourself.	Contact and consider information about the reliever from at least one referee. A referee cannot be related to the candidate or part of the candidate's extended family. Confirm with the referee that the information in the candidate's C.V. is correct. Ask the referee if they have any concerns regarding the candidate's suitability to work with children.
Assess risk and make your decision	Evaluate the information you have gathered to assess the risk the candidate would pose to the safety of children if employed or engaged. Is the person safe to work with children? Will they actively contribute to a culture of child protection, make the safety of children a priority, support your child protection policy etc? Make your decision based on your risk assessment.		
Keep a record	Keep a record of the information you gathered, when you gathered it and the date when safety checks need to be carried out again (in 3 years time). Attach this to the reliever's personnel file and ensure it is securely stored. Ensure you meet your obligations under the Privacy Act (Principle 9) and Public Records Act 2005[3] when retaining and disposing of employment records.		

Note:
1 - You may engage or employ a reliever in an emergency without completing all components of the safety check, for up to five consecutive working days, as long as you have searched the online Register. http://www.educationcouncil.org.nz/search-the-register
2 - Visit http://www.education.govt.nz/safety-checking-workers-and-child-protection-policy-for-schools-and-kura
3 - Visit http://www.education.govt.nz/circular-200619-school-records-retention-and-disposal/ and http://www.education.govt.nz/archiving-and-disposing-of-school-records/

Download **Implementation of the Vulnerable Children Act 2014 in schools - Overview of requirements of the Act** and other resources:
http://www.education.govt.nz/safety-checking-workers-and-child-protection-policy-for-schools-and-kura
- *Safety checking trainees on practicum*
- *Safety checking new and existing employees*

Safety checking requirements can be found in Section II and III of the Vulnerable Children Act 2014. http://www.legislation.govt.nz
More information about safety checking can also be found on the Children's Action Plan website at http://www.childrensactionplan.govt.nz
This resource does not constitute legal advice and you should obtain your own legal advice on any matter relating to the Vulnerable Children Act 2014

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Relieving Teachers
Safety Checking under the Vulnerable Children Act 2014
A Resource for Early Learning Services

A relieving teacher (reliever) is considered to be a new core worker each time they begin a new assignment, even if they have worked in your early learning service before.
However, once a reliever has been safety checked and is on your list, you can rely on a previous safety check you have undertaken provided it was carried out within the preceding three years.

What must be done	If you are adding a new reliever to your reliever list or safety checking relievers currently on your list (normal practice)	If you are using a reliever agency	If you are engaging a reliever at short notice who you have not previously safety checked[2]
Check practising certificate	Search the online Register of NZ Registered Teachers to confirm that the reliever's practising certificate and Police vet are current.[2]	Agencies that provide relievers are likely to complete some components of a safety check. You can agree with the agency in writing that it will complete some or all of those components on your behalf though you should still do an identity check and a risk assessment.	Search the online Register of NZ Registered Teachers to confirm that the reliever's practising certificate and Police vet are current.[2]
Check their availability	Call the prospective reliever to agree the details of the role, check their availability, and arrange a time for an interview.	Call the relieving agency to agree the details of the role and check relievers' availability.	Call the prospective reliever to agree the details of the role and check their availability.
Do an interview	At the interview ask the reliever some questions relating to their work history and child safety. Use questions that allow them to talk about their own behaviours, beliefs and attitudes.	If you have previously agreed with the relieving agency that they will do this part of the safety check on your behalf you do not have to do it, otherwise you will need to complete this part of the safety check yourself.	While checking their availability, ask the reliever some questions relating to their work history and child safety. Use questions that allow them to talk about their own behaviours, beliefs and attitudes.
Confirm their identity	Ask the reliever to bring with them (to the interview): • Two forms of ID – one primary and one secondary form (one of which must have a photo) • Contact details for two referees • Information about their work history for at least the previous five years (such as their C.V.).	Ask the reliever to bring with them (on their first day of work): • Two forms of ID – one primary and one secondary form (one of which must have a photo).	Ask the reliever to bring with them (to work that morning): • Two forms of ID – one primary and one secondary form (one of which must have a photo) • Contact details for two referees • Information about their work history for at least the previous five years (such as their C.V.).
Check at least one referee	Contact and consider information about the reliever from at least one referee. A referee cannot be related to the candidate or part of the candidate's extended family. Confirm with the referee that the information in the candidate's C.V. is correct. Ask the referee if they have any concerns regarding the candidate's suitability to work with children.	If you have previously agreed with the relieving agency that they will do this part of the safety check on your behalf you do not have to do it, otherwise you will need to complete this part of the safety check yourself.	Contact and consider information about the reliever from at least one referee. A referee cannot be related to the candidate or part of the candidate's extended family. Confirm with the referee that the information in the candidate's C.V. is correct. Ask the referee if they have any concerns regarding the candidate's suitability to work with children.
Assess risk and make your decision	Evaluate the information you have gathered to assess the risk the candidate would pose to the safety of children if employed or engaged. Is the person safe to work with children? Will they actively contribute to a culture of child protection, make the safety of children a priority, support your child protection policy etc? Make your decision based on your risk assessment.		
Keep a record	Keep a record of the information you gathered, when you gathered it and the date when safety checks need to be carried out again (in 3 years time). Attach this to the reliever's personnel file and ensure it is securely stored. Ensure you meet your obligations under the Privacy Act (Principle 9) when retaining and disposing of employment records.		

Notes:
1 - You may engage or employ a reliever in an emergency without completing all components of the safety check, for up to five consecutive working days.
2 - *http://www.educationcouncil.org.nz/search-the-register*

Licensing criteria and guidance can be found here: http://www.education.govt.nz/early-childhood/running-an-ece-service/the-regulatory-framework-for-ece/
Safety checking requirements can be found in Section II and III of the Vulnerable Children Act 2014. http://www.legislation.govt.nz
More information about safety checking can also be found on the Children's Action Plan website at http://www.childrensactionplan.govt.nz
This resource does not constitute legal advice and you should obtain your own legal advice on any matter relating to the Vulnerable Children Act 2014

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[5] Refer to section 4.2

Resources:

Relieving Teachers: Safety Checking under the Vulnerable Children Act 2014

Relieving Teachers: Safety Checking under the Vulnerable Children Act 2014 – A Resource for Early Learning Services

4.2.4 Students on practicum

The new safety checking requirements under the VCA also apply to those undertaking unpaid work as part of an educational or vocational training course. This includes students on practicum.

It is the responsibility of the Service or school to ensure that a safety check has been completed for students on practicum.

Safety checking needs to be completed before a person starts work as a children's worker. As they are starting in a new role, students will be considered as new children's workers when determining the check required. Students working in *core workforce roles* will need to be safety checked from 1 July 2015. This extends to non-core children's workforce roles from 1 July 2016.

Initial Teacher Education providers/ Tertiary Education Organisations

Providers of teacher training courses (ITEs) should have completed some of the components of the safety check as part of their enrolment process (e.g. an interview, reference check and Police vet) and so are best placed to complete safety checks on behalf of host organisations.

You can agree with the ITE that it will complete those components on your behalf through an MoU or similar (a letter of intent, for example).

If you choose to rely on a safety check completed by someone else on your behalf, you should:

- confirm that the person or organisation doing the safety check is doing it on your behalf. This should be done before the checking is done. This can be covered in an MoU or similar.
- confirm in writing with the organisation doing the safety check that it has been done to the standard set out in the VCA. This could be covered in an MoU or similar.
- complete the required separate identity check and risk assessment.

We are currently working with education sector partners to put in place good processes and tools to ensure that the safety checking requirements are being met, and that appropriate information can be safely shared as easily as possible.

What about the Workforce Restriction?

The person at the ITE responsible for a relevant educational or vocational training course may need to verify that the student is the holder of a Core Worker Exemption. Confirmation of an individual's status will only be released to employers or training institutions with the confirmed consent of the individual in question.

Lecturers visiting students on practicum

You are not likely to need to safety check ITE lecturers who come to visit students on practicum, as they are unlikely to meet the definition of a children's worker under the VCA.

Lecturers should have their university/ institution's identification with them and they should be accompanied or chaperoned by a member of your staff while on the Service or school premises.

4.2.5 Work experience

Some schools may offer work experience placements for students, such as those offered through Gateway.

Even if a student meets the definition of a child under the VCA (under 17), their colleagues do not need to be safety checked under the VCA, as providing work experience does not count as providing a regulated service.

Under the VCA, the definition of 'children's worker' specifically excludes people who work with children who are colleagues.

However, some students on placement may be children's workers if they meet the definition in the VCA:

- Working in or providing a regulated service (e.g. a hospital or Service); and
- Having regular or overnight contact with children (at least once a week or on at least four days per month); and
- Having contact with children without their parents or guardians being present; and
- Undertaking the placement as part of an education or vocational training course.

Organisations taking students on work experience should start by assessing whether the work experience role is a children's workforce role.

While the VCA defines children as those who are under 17, rather than under 18, there is no age limit on being a children's worker. In other words, children can be children's workers.

Depending on the nature of the work placement, it may be necessary to safety check the student if they will be placed in a children's worker role.

If the student will be placed in a role which is not in a regulated service, they don't need to be safety checked.

Further information about work experience requirements is set out in a *Gazette Notice* issued under section 71(2) of the Education Act.

4.2.6 Work experience not in a regulated service

If a student has a work experience placement in a business which is not a regulated service:

- the Education Act Police vetting requirements **don't apply** to either the workers or the students as the workers/students are not at the school
- the VCA safety checking requirements **don't apply** as the business is not a regulated service.

4.2.7 Work experience in a regulated service

If a student has a work experience placement in a (non-education) regulated service as a children's worker:

- the Education Act Police vetting requirements **don't apply** to either the workers or the students as they are not in a Service or school
- the VCA safety checking requirements **do apply** as the organisation is a regulated service.

If a student has a work experience placement in a Service or school or as a children's worker:

- the Education Act police vetting requirements **do apply** to the workers but won't apply to students as they are not deemed to be an employee or a contractor under the Education Act
- the VCA safety checking requirements **do apply** to workers.

4.2.8 Safety checking students coming to your Service or school on work placements

If you run a regulated service and you employ or host children as children's workers, you will need to ensure that a safety check has been completed for the children if you haven't arranged for their school to safety check them on your behalf before they arrive.

If they meet the definition of 'children's worker' they will need to be safety checked.

4.2.9 Gateway

The purpose of Gateway is to enable schools to provide senior students (year 11 and above) with opportunities to access structured workplace learning that has:

- a formalised learning arrangement set in the workplace
- specified knowledge and skills that a student will attain
- specified assessment methods (workplace learning).

The new safety checking requirements under the VCA apply to paid children's workers and also those whose work is unpaid as part of an educational or vocational training course. This may include students on placements through Gateway, depending on where they will be placed (regulated service), the length and regularity of the placement and whether they are paid. *Refer to CAP website for further information*.

4.2.10 Secondary School Employer Partnerships (SSEP)

SSEP is an initiative that involves local industry employers working alongside teachers and students in a teaching and learning context.

As these employers are not paid for their involvement in this programme, this makes them volunteers. As such they don't have to be safety checked under the VCA. They're also not contractors so don't need to be Police vetted under the *Education Act* though that doesn't mean they can't put good practice processes in place to safeguard the students.

A school could choose to develop an MoU with employers who agree to be involved in SSEP. This could state that any employer who will be part of the programme will be Police vetted if they are likely to have unsupervised access to students.

4.2.11 Summary of safety checking for students on practicum

Following is a summary of the safety checking requirements for students on practicum in your Service or school.



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Trainees on Practicum
Safety Checking under the Vulnerable Children Act 2014

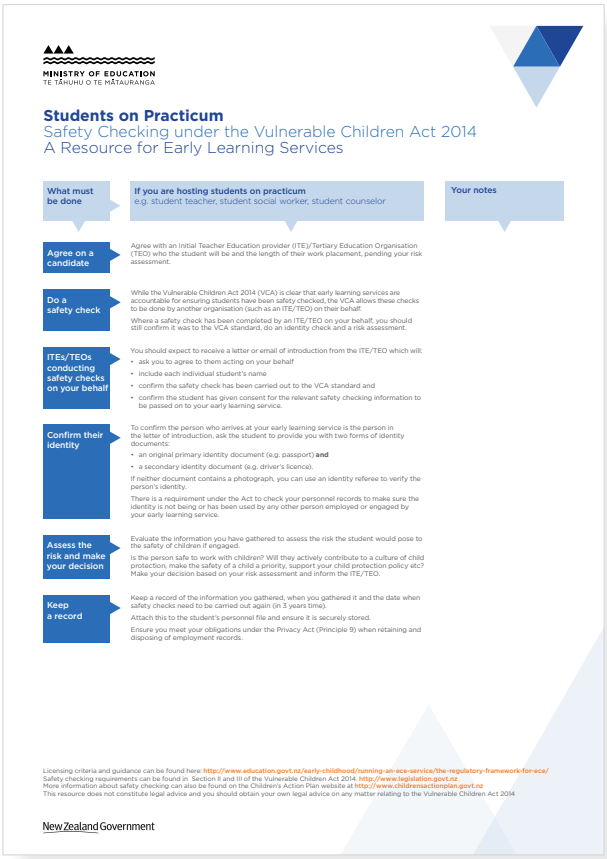
What must be done	If you are hosting trainees on practicum e.g. trainee teacher, trainee social worker, trainee counselor	Your notes
Agree on a candidate	Agree with an Initial Teacher Education provider (ITE)/Tertiary Education Organisation (TEO) who the trainee will be and the length of their work placement, pending your risk assessment.	
Do a safety check	While the Vulnerable Children Act 2014 (VCA) is clear that schools and kura are accountable for ensuring trainees have been safety checked, the VCA allows these checks to be done by another organisation (such as a ITE/TEO) on their behalf. Where a safety check has been completed by a ITE/TEO on your behalf, you should still confirm it was to the VCA standard, do an identity check and a risk assessment.	
ITEs/TEOs conducting safety checks on your behalf	You should expect to receive a letter or email of introduction from the ITE/TEO which will: • ask you to agree to them acting on your behalf • include each individual student's name • confirm the safety check has been carried out to the VCA standard and • confirm the trainee has given consent for the relevant safety checking information to be passed on to your school or kura.	
Confirm their identity	To confirm the person who arrives at your school or kura is the person in the letter of introduction, ask the trainees to provide you with two forms of identity documents: • an original primary identity document (e.g. passport) **and** • a secondary identity document (e.g. driver's licence). If neither document contains a photograph, you can use an identity referee to verify the person's identity. There is a requirement under the Act to check your personnel records to make sure the identity is not being or has been used by any other person employed or engaged by your school.	
Assess the risk and make your decision	Evaluate the information you have gathered to assess the risk the trainee would pose to the safety of children if engaged. Is the person safe to work with children? Will they actively contribute to a culture of child protection, make the safety of a child a priority, support your child protection policy etc? Make your decision based on your risk assessment and inform the ITE/TEO.	
Keep a record	Keep a record of the information you gathered, when you gathered it and the date when safety checks need to be carried out again (in 3 years time). Attach this to the trainee's personnel file and ensure it is securely stored. Ensure you meet your obligations under the Privacy Act (Principle 9) and Public Records Act 2005[1] when retaining and disposing of employment records.	

Note:
1 - Visit http://www.education.govt.nz/circular-200619-school-records-retention-and-disposal/ and http://www.education.govt.nz/archiving-and-disposing-of-school-records/

Download *Implementation of the Vulnerable Children Act 2014 in schools - Overview of requirements of the Act* and other resources: *http://www.education.govt.nz/safety-checking-workers-and-child-protection-policy-for-schools-and-kura*
- *Safety checking new and existing employees*
- *Safety checking relieving teachers*

Safety checking requirements can be found in Section II and III of the Vulnerable Children Act 2014, http://www.legislation.govt.nz
More information about safety checking can also be found on the Children's Action Plan website at http://www.childrensactionplan.govt.nz
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Students on Practicum
Safety Checking under the Vulnerable Children Act 2014
A Resource for Early Learning Services

What must be done	If you are hosting students on practicum e.g. student teacher, student social worker, student counselor	Your notes
Agree on a candidate	Agree with an Initial Teacher Education provider (ITE)/Tertiary Education Organisation (TEO) who the student will be and the length of their work placement, pending your risk assessment.	
Do a safety check	While the Vulnerable Children Act 2014 (VCA) is clear that early learning services are accountable for ensuring students have been safety checked, the VCA allows these checks to be done by another organisation (such as an ITE/TEO) on their behalf. Where a safety check has been completed by an ITE/TEO on your behalf, you should still confirm it was to the VCA standard, do an identity check and a risk assessment.	
ITEs/TEOs conducting safety checks on your behalf	You should expect to receive a letter or email of introduction from the ITE/TEO which will: • ask you to agree to them acting on your behalf • include each individual student's name • confirm the safety check has been carried out to the VCA standard and • confirm the student has given consent for the relevant safety checking information to be passed on to your early learning service.	
Confirm their identity	To confirm the person who arrives at your early learning service is the person in the letter of introduction, ask the student to provide you with two forms of identity documents: • an original primary identity document (e.g. passport) **and** • a secondary identity document (e.g. driver's licence). If neither document contains a photograph, you can use an identity referee to verify the person's identity. There is a requirement under the Act to check your personnel records to make sure the identity is not being or has been used by any other person employed or engaged by your early learning service.	
Assess the risk and make your decision	Evaluate the information you have gathered to assess the risk the student would pose to the safety of children if engaged. Is the person safe to work with children? Will they actively contribute to a culture of child protection, make the safety of a child a priority, support your child protection policy etc? Make your decision based on your risk assessment and inform the ITE/TEO.	
Keep a record	Keep a record of the information you gathered, when you gathered it and the date when safety checks need to be carried out again (in 3 years time). Attach this to the student's personnel file and ensure it is securely stored. Ensure you meet your obligations under the Privacy Act (Principle 9) when retaining and disposing of employment records.	

Licensing criteria and guidance can be found here: http://www.education.govt.nz/early-childhood/running-an-ece-service/the-regulatory-framework-for-ece/
Safety checking requirements can be found in Section II and III of the Vulnerable Children Act 2014, http://www.legislation.govt.nz
More information about safety checking can also be found on the Children's Action Plan website at http://www.childrensactionplan.govt.nz
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Resources:

Trainees on Practicum: Safety Checking under the Vulnerable Children Act 2014

Students on Practicum: Safety Checking under the Vulnerable Children Act 2014 – A Resource for Early Learning Services



4.3 Confirmation of safety checking status of other children's workers who work with children in your Service or school

4.3.1 People who work with children in your Service or school or early learning centre that you don't employ

Responsibility for safety checking employees and contractors always rests with the employer or contracting organisation. This means that you only need to safety check staff or contractors that you employ or engage.

People who work in your school but who are employed or engaged as a children's worker by another organisation (such as dental therapists or Resource Teachers Learning and Behaviour [RTLB] when not employed by your school) should be safety checked by their employing organisation.

You may wish to confirm with the employing organisation that the check has been completed satisfactorily, in line with the requirements and timelines of the VCA, for people who do work in your school. This can be done orally or in writing.

There may be people who work in your school and are not employed by you but who are paid directly by parents, such as private tutors or private music teachers. You do not need to safety check them under the VCA because they don't meet the definition of 'children's worker' but you may wish to consider doing some form of safety checking as good practice.

4.3.2 Responsibility for safety checking self-employed people who work with children

The VCA applies to some, but not all, self-employed persons or sole practitioners:

- If you contract a self-employed person or sole practitioner to work with children, then you will need to safety check that person if they fall within the definition of a children's worker.
- Similarly, if a self-employed person or sole practitioner is contracted by a Service or school to provide regulated activities, the school or Service will be required to ensure that a safety check of the practitioner is done.

4.4 Safety checking (or Police vetting) volunteers

Volunteers in your Service or school may include educators, parent helpers, club leaders and sports coaches. Volunteers (as unpaid workers) are not required to be safety checked under the new VCA requirements.

The only unpaid workers who will need to be safety checked are those working in Services or schools, as part of an educational or vocational training course e.g. student teachers on practicum.

4.4.1 Playcentres

All **paid** children's workers in playcentres are required to be safety checked before they commence work.

Volunteer parents in playcentres are not required to be safety checked, unless they are enrolled in the playcentre adult education programme. This is because safety checks are required for all children's workers whose work is undertaken as part of an educational or vocational training course.

It is up to each playcentre to determine whether the adults attending need to be safety checked. We worked with the NZ Playcentre Federation to determine how the safety checking requirements apply for adults in the playcentre setting.

We recommend playcentres contact the NZ Playcentre Federation or their local regional association for support and advice to ensure they meet their requirements under the VCA.

4.4.2 School camps

Parents or other adults volunteering to go on school camps do not need to be safety checked under the VCA or Police vetted under the Education Act.

4.4.3 Billeting

Parents who support their children's schools by billeting children on school trips are volunteers and therefore they are not required to be safety checked under the VCA or Police vetted under the Education Act.

School boards have the primary duty to care for and manage risks to the health and safety of workers and others (including students) arising from the work of the school. This means that schools must take reasonable steps to ensure that the accommodation the school is providing for their students and staff on school trips, including in private homes (while under their care and responsibility), is healthy and safe.

Specific guidance for community and volunteer organisations is available in *Safer Recruitment, Safer Children* on the CAP website.



4.5 Providing confirmation of the safety checking status of your own staff working in other environments

There may be some situations where you are asked by other organisations to confirm the safety checking status of members of your staff.

An example of this could be when the Director of a Children's Team asks you to complete an *Employer Endorsement Form*, which confirms that the staff member who will be part of a Child's Action Network does not pose a risk to the safety of children.

Another example of this in the schooling sector may include where you are the host school for a Resource Teacher Learning and Behaviour (RTLB) and another school in the cluster asks you to confirm that you have undertaken a safety check. Confirmation can be done orally or in writing.

4.6 Police vetting under the Education Act 1989

The Education Act 1989 has always required the Police vetting of all staff and contractors who work at Services or schools. Boards, or the person with the delegated authority, are required to complete these for all staff.

4.6.1 Teaching staff

The Education Council undertakes Police vets as part of a teacher's registration and practising certificate process. You can rely on this to fulfil the Police vetting component of a safety check.

4.6.2 Non-teaching and unregistered employees

Services and schools are required under sections 78C and 319D of the Education Act to undertake a Police vet of non-teaching and unregistered employees who are appointed by the Service or board and who will work during normal opening hours and are not a registered teacher or holder of a limited authority to teach.

You can rely on the Police vet which you completed during your safety check to meet this requirement.

4.6.3 Contractors – builders, plumbers, electricians etc – who do not work with children

Services and school boards are required under sections 78CA and 319E of the Education Act to undertake a Police vet of every contractor who has, or is likely to have, unsupervised access to students at the school during normal opening hours.

Unsupervised access means access anywhere on site for any period of time (no matter how brief) to any student/child on site during normal school/opening hours that is not supervised. Supervised means by:

- a registered teacher or holder of a limited authority to teach
- an employee of the school who has been Police vetted within the last three years to the standard set out in the VCA
- a parent of the student.

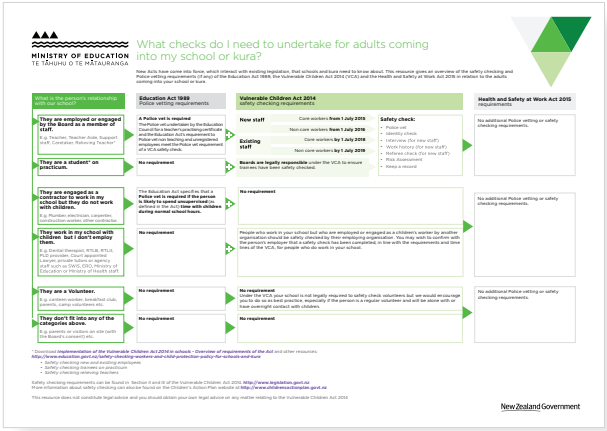
It is unlikely contractors and tradespeople will be children's workers who need to be safety checked under the VCA, but it is your responsibility as the employer to determine this according to the circumstances at your Services or school.

4.6.4 Over 17 year olds in home-based Services

Anyone 17 years of age or above who lives in a home where a home-based Service takes place must be Police vetted. The Police vet must be obtained before the adult is, or is likely to be, present when the service is being provided.

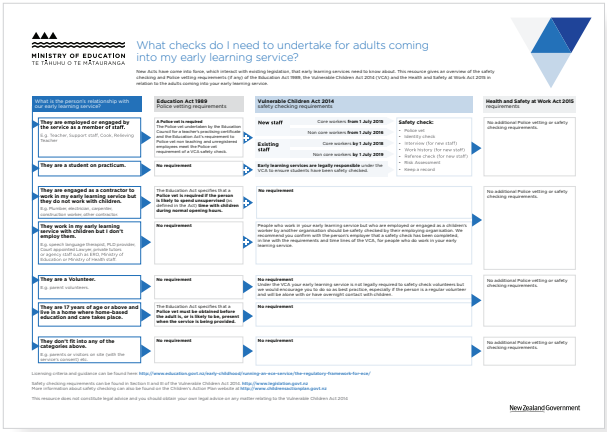
4.7 Summary of checking requirements for Services and schools

Below is a summary of the checking requirements for adults coming into your Service or school. It gives an overview of the Police vetting requirements of the Education Act and the safety checking requirements of the VCA.


MINISTRY OF EDUCATION
TE TĀHUHU O TE MĀTAURANGA

What checks do I need to undertake for adults coming into my school or kura?

New Zealand Government


MINISTRY OF EDUCATION
TE TĀHUHU O TE MĀTAURANGA

What checks do I need to undertake for adults coming into my early learning service?

New Zealand Government

Resources:

What checks do I need to undertake for adults coming into my school or kura

What checks do I need to undertake for adults coming into my early earning service

Screening service

An independent screening service is available to safety check self-employed children's workers e.g. early learning service owner operators. There is a cost for accessing this service. You can find more information about the screening service on our website.

Part 5

Components of a safety check

The following are the key components of a safety check as set out in the Regulations.

Identity confirmation *s5 – (VCA regulations)*	What do you need to do to ensure that someone is who they say they are?
Information about previous criminal convictions (if any) *s6 – (VCA regulations)*	A Police vet will identify any criminal convictions that would prevent someone from working at your school.
Other information *s7 – (VCA regulations)*	› For example: is there anything in a person's previous work history that identifies any concerns (if new employee)? › Information from organisations with which the person has a professional membership, licensing or registration authority › Referee checks (if new employee) › Interview (if new employee)
Risk assessment *s8 – (VCA regulations)*	› Does the person pose any risk to the safety of children? › What do we need to do to make sure a person is safe to work with children?
Periodic safety checks *part 2 – (VCA regulations)*	How do we ensure ongoing commitment to child safety?

The main elements of the safety check are (i) identity verification, (ii) candidate interviews, (iii) collecting information about work history, (iv) reference checking, (v) information from any relevant professional organisation or registration body and (vi) Police vetting. These elements are used to inform (vii) a risk assessment to inform your employment decisions.

5.1 Identity confirmation

There have been cases in education settings where people have been employed by using someone else's identification and qualifications. Without verifying their identity, any other information you gather is unreliable.

You need:

- one primary form of identification, for example:
  - NZ or overseas passport
  - NZ full birth certificate that is issued on or after 1 Jan 1998 with a unique ID number
- a secondary form of official identification, for example:
  - NZ driver's licence
  - Community Services Card
  - IRD number
- one of the forms of identification must include a photo
- you can also use electronic identification, for example RealMe.

If the name of the person differs from the name on the documentation they provide (e.g. marriage or deed poll), they will need to produce a supporting document that shows evidence of the name change.

If it is identified that a name has been used by another person, please contact NZSTA for further advice.



5.1.1 Information about previous criminal convictions (if any) – Police vet

A New Zealand Police vet must be obtained for all children's workers being safety checked. This is to contribute to public safety and particularly to the protection of vulnerable children.

5.1.2 Police vetting as part of a safety check under the VCA

Police vetting requires the consent of the children's worker. Children's workers should be provided with a *New Zealand Police Vetting Service Request and Consent Form* to complete and sign.

The processing period for Police vetting may be up to 20 working days (although in periods of peak demand processing times may be longer). You must consider the results of the Police vet prior to the person commencing work as a children's worker.

5.1.3 Police vetting results

The results from a Police vet will provide details about any convictions, including the location of the court, the date of the offence and the sentence imposed. It also provides information other than convictions and may give:

- information on active charges and warrants to arrest
- information about any concerns the Police have in any context, including family violence, even if there have not been charges, charges have been withdrawn or dismissed, or the person has been acquitted (found not guilty) of a charge
- any other relevant information received or obtained by the Police.

The criminal history section of the vetting result will set out, in a clearly labelled table, any VCA specified offence convictions where these convictions are disclosed i.e. a core worker vetting request where the applicant has such convictions.

5.1.4 The Criminal Records (Clean Slate) Act 2004

Some criminal records will not be available because of the Criminal Records (Clean Slate) Act 2004. Under this Act, eligible offenders will be able to have their criminal record or information concealed (including Police Vetting Service and criminal records checks).

The VCA has amended the Criminal Records (Clean Slate) Act 2004 to facilitate the operation of the Workforce Restriction. Where a person has a conviction for a specified offence, and is applying for (or continuing in) a role as a core children's worker, any convictions for offences specified in Schedule 2 of the VCA will be disclosed in the vetting result.

5.1.5 Overseas criminal convictions

In addition to obtaining an NZ Police vet, it is recommended that you ask children's workers who have lived overseas to provide you with copies of Police certificates from their countries of citizenship and from any country where they have lived for one or more years, within the last 10 years.

If they cannot provide you with a Police certificate (some overseas jurisdictions do not provide these), they will need to give you proof of their attempts to obtain a certificate. They should also make a statutory declaration (as per the form in Schedule 1 of the Oaths and Declarations Act 1957) that states whether they have any overseas criminal convictions.

If a person is not recorded as having a criminal record, this does not necessarily mean they have not engaged in behaviour that is an offence in New Zealand. Some things that are illegal in New Zealand are not illegal in other jurisdictions. Similarly, some overseas convictions may be for behaviour that is not illegal in New Zealand.

The New Zealand Police have a service which enables you to make an optional request for an Australian criminal history check. You must complete the sections of the Police Vetting Request and Consent Form for an Australian criminal history check. The Police vetting service in Australia charges a fee for this service and the Police will pass this fee on to your Service or school.

5.2 Other information

To undertake a comprehensive risk assessment as part of a safety check, you need to obtain the following information:

- A chronological summary of the applicant's work history for the preceding five years including the position they held in the organisation (such as a CV).
- Any professional organisations they are a member of if it is relevant to the role e.g. a school counsellor may belong to the New Zealand Association of Counsellors.
- Any licence relevant to the activity e.g. driver's or bus licence if driving is part of their role.
- Any registration authority that has issued a registration or practising certificate e.g. teacher registration.
- Any other information that the board or person with the delegated authority considers to be relevant in the assessment of the person e.g. where possible, qualifications should be verified. The Education Council should have checked the first qualification issued to a teacher as part of their checks e.g. an undergraduate degree but may not have a record of any subsequent qualifications such as a Masters degree.



5.2.1 Interview

You must interview any applicant who you may wish to employ or engage. This should be done face to face but can be conducted by Skype (or equivalent).

Below are some examples of questions you could use in an interview to check the candidate's attitude to child safety and whether they would pose a risk to children.

Example interview questions

Questions that provide information about the children's worker themselves

- Whether complaints have ever been made about their professional practice and how they have responded to them.
- Whether they have ever been convicted of an offence.
- Whether they have ever been the subject of a complaints procedure during their employment.
- Reasons for leaving previous jobs.

Questions that explore the children's worker's attitudes

Whether there has ever been a time when they have had to deal with the following situations, including the process and outcome. If that situation has not arisen, what they would do if:

- a child or young person disclosed abuse
- a child or young person was cheeky
- a child or young person hit them
- they discovered two children fighting or engaged in sexual play or who had stolen property
- a child or young person invited them to become involved in intimate or touching behaviour
- a child or young person threatened to make a false allegation of abuse about them.

Questions that indicate the children's worker's views on child safe practice

- How they believe children should be disciplined.
- Their thoughts on being alone on the job with children and young people.
- The chances of an abuse allegation being made about them, if they were accepted for the job.

Questions that describe the children's worker's experiences and relationships in working with children

- What rewarding experiences they have had working with children.
- What they think constitutes professional practice when working with children.
- Other relationships they have with children outside the working or volunteer environment.
- The reason they think they get along with children or children like them.
- The kind of relationships they hope to develop with the children and families in this organisation.

5.2.2 Reference checking

Reference checking allows you to find out if there are any gaps or differences from what the candidate has told you and is a valuable source of information.

You must contact at least one referee but where possible three referees should be contacted. Referees must not be related to the person or be part of their extended family.

Referees should be contacted in person – usually by phone. When a referee is involved with a business or organisation, it is safer to contact that person on a business phone number (rather than mobile number) to confirm they genuinely work for that employer.

Referees should be able to answer questions about the applicant's safety to work with children, in relation to the role the applicant held in their organisation. If you can't contact their most recent manager, at least one of the referees selected should be a previous direct line manager.

You may need to remind the referees you speak to that they should be honest and shouldn't misrepresent the applicant's performance or conduct. Any allegations or disciplinary action disclosed in the conversation should be treated with caution and the safety of children should be your primary concern. Sometimes it may be difficult or impossible to reply to historical allegations, especially if there is a lack of firm evidence or if they have never heard the information previously. To be as fair as possible to the applicant, you should consider other sources of information that can help you in reaching an overall decision about their safety to work with children.

The applicant should be given an opportunity to provide an explanation and their response should be considered in the light of to the explanation provided by the referee.

5.2.3 Risk assessment and making a decision

Once you have gathered all the information from the identity verification, Police vet, and any other information, you must consider all relevant information gathered during the safety checking process to inform your final decision about whether the person would pose any risk to the safety of children if they were to be employed.

Ultimately you should be satisfied that the applicant would not pose a risk to the safety of children if employed or engaged.

- Use your professional judgement to identify patterns of concerning attitudes or behaviours as these patterns can be subtle, and wider than the presence (or absence) of relevant criminal convictions.
- Consider indicators in context, as information about a criminal conviction, gaps in employment history, or a negative reference can paint different pictures.
- Follow up on potential indicators. For example, if people talk about rehabilitation, the interviewer should ask for evidence. Possible evidence in this case may include programmes entered into, periods without re-offending and the name of a qualified person who can testify to the children's worker's suitability to work with children.



You should consider whether you need to seek outside expert advice, further referees (or seek more information from previously contacted referees) and to raise any issues with the applicant, including clarification where information is unclear or inconsistent, giving them the opportunity to respond to concerns about their suitability.

If the person is applying for a core worker role and has been convicted of *an offence specified under Schedule 2 of the VCA*, you cannot employ them unless they have a Core Worker Exemption. Even if the applicant does have a Core Worker Exemption, the final decision about whether a person is safe to work with children remains the sole responsibility of the Service or school, who should act at all times in the best interests of children.

5.3 Periodic safety checks

Periodic checks must be completed on anyone who is employed or engaged at the early childhood education services, ngā kōhanga reo and playgroups (Services), schools and kura (schools) within three years of their last safety check.

As part of this check the Service or school must:

- confirm whether the employee has changed their name since the last safety check
- complete a Police check for any non-teaching employees
- obtain the names of any professional organisation, licensing authority or registration authority they belong to and check with these organisations or authority that the person is currently registered with them e.g. verify with the Education Council that teachers have a current practising certificate.

The board or delegated person must then complete a risk assessment to ensure that this person does not pose a risk to the safety of children. A school board may seek advice from NZSTA.



5.4 Record-keeping and audit requirements

Record-keeping

You should keep accurate records about the safety checking process, including when each aspect of the check was completed.

If a check was done by someone else on behalf of your organisation, your records will need to provide assurance that the check was adequately conducted, including assessment of the risk the person would pose if employed as a children's worker.

If you wish to check whether the children's workers who look after your children have been safety checked, you can ask their supervisor or employer (e.g. the principal, Service manager, or GP practice manager) for confirmation orally or in writing.

Public Records Act 2005

Schools need to be sure they meet their obligations under the *Public Records Act 2005 and Circular 2006/19 – school records retention and disposal* when retaining and disposing of employment records.

Services are not subject to the Public Records Act.

Privacy Act 1993

Services and schools need to meet their obligations under the *Privacy Act 2005 (Principle 9)* when retaining or disposing of employment records.

If you have conducted a Police vet as part of a safety check, such as with your non-teaching staff, you may have been advised by the Police to destroy Police-supplied vetting information after a period of 12 months, unless required to retain it for auditing purposes or under the Public Records Act. If you destroy the vetting information, you will still need to keep a record of the dates on which every person has been Police vetted. We recommend that this includes the date of the initial vet, the date of the most recent vet, when the next vet is due, and whether the results were satisfactory or unsatisfactory.

5.4.1 ERO reviews

The Education Review Office (ERO) asks Services and schools to attest that they take all reasonable steps to meet their statutory obligations. Review teams use a self-audit checklist completed by the Service management or school board of trustees to check and discuss with key personnel specific details with respect to:

- emotional safety (including positive guidance and child protection)
- physical safety (including supervision; sleep procedures; accidents; medication; hygiene; excursion policies and procedures)
- suitable staffing (including qualification levels; Police vetting; teacher registration; ratios)
- evacuation procedures and practices for fire and earthquake.

If significant issues or risks arise, these will be discussed during the review and referred to other agencies as appropriate.



MINISTRY OF EDUCATION
TE TĀHUHU O TE MĀTAURANGA

New and Existing Employees
Safety Checking under the Vulnerable Children Act 2014

What must be done	If you are employing a NEW staff member	If you are safety checking an EXISTING staff member	Your notes
Confirm their identity	The following will need to be checked as part of the candidate's application: • an original primary identity document (e.g. passport) **and** • a secondary identity document (e.g. driver's licence) If neither of these contain a photograph, use an identity referee. There is a requirement under the Act to check your school records to make sure the identity has not been claimed by anyone else.	Ask the staff member to provide you with the following for checking: • an original primary identity document (e.g. passport) **and** • a secondary identity document (e.g. driver's licence) If neither of these contain a photograph, use an identity referee. There is a requirement under the Act to double check your school records to make sure the identity has not been claimed by anyone else.	
Do an interview	Interview the candidate and ask specific questions to allow them to talk about their own attitudes, beliefs and behaviours. Example questions can be found here[1]	Not required	
Ask for a work history	Ensure the candidate provides you with their work history ideally for the last five years. This should be contained in the candidate's C.V. or on the candidate's employment application form.	Not required	
Check at least one referee	A referee cannot be related to the candidate or part of the candidate's extended family. Confirm with the referee that the information in the candidate's C.V. is correct. Ask the referee if they have any concerns regarding the candidate's suitability to work with children.	Not required	
Get more information	Seek information from any relevant professional organisation, licensing authority, or registration authority to confirm if the candidate is a current member or licensed or registered by the authority. For teachers you must do this by confirming with the Education Council that they have a current practising certificate.		
Do a Police vet	You will need to Police vet all staff however if the candidate is a teacher who holds a current practising certificate their Police vet will already have been done. If required, allow up to 20 working days for a Police vet to be completed.	You will need to Police vet all staff you have not vetted within the last three years. If the staff member is a teacher who holds a current practising certificate their Police vet will already have been done. If required, allow up to 20 working days for a Police vet to be completed.	
Assess the risk and make your decision	Evaluate all the information you have gathered to assess the risk the candidate would pose to the safety of children if employed or engaged. Is the person safe to work with children? Will they actively contribute to a culture of child protection, make the safety of children a priority, support your child protection policy etc? Make a decision based on your assessment.		
Keep a record	Keep a record of the information you gathered, when you gathered it and the date when safety checks need to be carried out again (in 3 years time). Attach this to the employee's personnel file and ensure it is securely stored. Ensure you meet your obligations under the Privacy Act (Principle 9) and Public Records Act 2005[2] when retaining and disposing of employment records.		

Note:
1 - Visit *http://www.education.govt.nz/safety-checking-workers-and-child-protection-policy-for-schools-and-kura*
2- Visit http://www.education.govt.nz/circular-200619-school-records-retention-and-disposal/ and http://www.education.govt.nz/archiving-and-disposing-of-school-records/

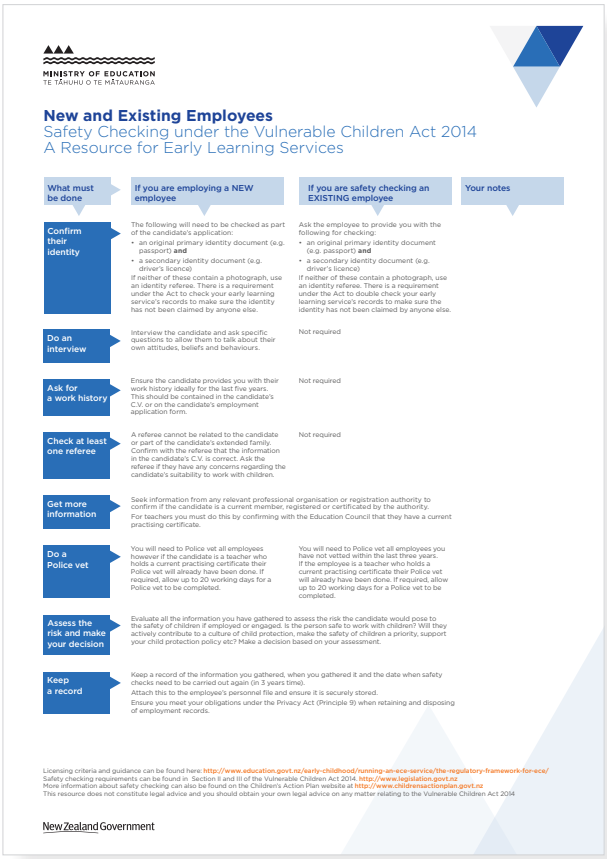
Download ***Implementation of the Vulnerable Children Act 2014 in schools - Overview of requirements of the Act*** and other resources: ***http://www.education.govt.nz/safety-checking-workers-and-child-protection-policy-for-schools-and-kura***
- *Safety checking trainees on practicum*
- *Safety checking relieving teachers*

Safety checking requirements can be found in Section II and III of the Vulnerable Children Act 2014, http://www.legislation.govt.nz
More information about safety checking can also be found on the Children's Action Plan website at http://www.childrensactionplan.govt.nz
This resource does not constitute legal advice and you should obtain your own legal advice on any matter relating to the Vulnerable Children Act 2014

New Zealand Government

5.5 Summary of safety checking for new and existing employees

Following is a summary of the safety checking requirements for new and existing employees in your Service or school.



MINISTRY OF EDUCATION
TE TĀHUHU O TE MĀTAURANGA

New and Existing Employees
Safety Checking under the Vulnerable Children Act 2014
A Resource for Early Learning Services

What must be done	If you are employing a NEW employee	If you are safety checking an EXISTING employee	Your notes
Confirm their identity	The following will need to be checked as part of the candidate's application: • an original primary identity document (e.g. passport) **and** • a secondary identity document (e.g. driver's licence) If neither of these contain a photograph, use an identity referee. There is a requirement under the Act to check your early learning service's records to make sure the identity has not been claimed by anyone else.	Ask the employee to provide you with the following for checking: • an original primary identity document (e.g. passport) **and** • a secondary identity document (e.g. driver's licence) If neither of these contain a photograph, use an identity referee. There is a requirement under the Act to double check your early learning service's records to make sure the identity has not been claimed by anyone else.	
Do an interview	Interview the candidate and ask specific questions to allow them to talk about their own attitudes, beliefs and behaviours.	Not required	
Ask for a work history	Ensure the candidate provides you with their work history ideally for the last five years. This should be contained in the candidate's C.V. or on the candidate's employment application form.	Not required	
Check at least one referee	A referee cannot be related to the candidate or part of the candidate's extended family. Confirm with the referee that the information in the candidate's C.V. is correct. Ask the referee if they have any concerns regarding the candidate's suitability to work with children.	Not required	
Get more information	Seek information from any relevant professional organisation or registration authority to confirm if the candidate is a current member, registered or certificated by the authority. For teachers you must do this by confirming with the Education Council that they have a current practising certificate.		
Do a Police vet	You will need to Police vet all employees however if the candidate is a teacher who holds a current practising certificate their Police vet will already have been done. If required, allow up to 20 working days for a Police vet to be completed.	You will need to Police vet all employees you have not vetted within the last three years. If the employee is a teacher who holds a current practising certificate their Police vet will already have been done. If required, allow up to 20 working days for a Police vet to be completed.	
Assess the risk and make your decision	Evaluate all the information you have gathered to assess the risk the candidate would pose to the safety of children if employed or engaged. Is the person safe to work with children? Will they actively contribute to a culture of child protection, make the safety of children a priority, support your child protection policy etc? Make a decision based on your assessment.		
Keep a record	Keep a record of the information you gathered, when you gathered it and the date when safety checks need to be carried out again (in 3 years time). Attach this to the employee's personnel file and ensure it is securely stored. Ensure you meet your obligations under the Privacy Act (Principle 9) when retaining and disposing of employment records.		

Licensing criteria and guidance can be found here: http://www.education.govt.nz/early-childhood/running-an-ece-service/the-regulatory-framework-for-ece/
Safety checking requirements can be found in Section II and III of the Vulnerable Children Act 2014, http://www.legislation.govt.nz
More information about safety checking can also be found on the Children's Action Plan website at http://www.childrensactionplan.govt.nz
This resource does not constitute legal advice and you should obtain your own legal advice on any matter relating to the Vulnerable Children Act 2014

New Zealand Government

Resources:

New and Existing Employees: Safety Checking under the Vulnerable Children Act 2014

New and Existing Employees: Safety Checking under the Vulnerable Children Act 2014 – A Resource for Early Learning Services

5.6 The Workforce Restriction and the Core Worker Exemption

The Vulnerable Children Act 2014 includes the Workforce Restriction, which prohibits the employment of people with certain serious criminal convictions as core children's workers, unless they hold a Core Worker Exemption. These convictions are specified in *Schedule 2 of the VCA* and will show up on children's worker's Police vet during their safety check.

As the Workforce Restriction applies to core children's workers, it is important to carefully identify whether each role in your organisation is core or non-core. The Workforce Restriction is being phased in and applies to new core workers from 1 July 2015, and to existing core workers from 1 July 2016.

Key dates	Requirements
From 1 July 2015	The Workforce Restriction applied to everyone applying for a new role in the core children's workforce unless they have an exemption from the Workforce Restriction.
From 1 July 2016	The 12 month transition period expires and the Workforce Restriction applies to everyone currently employed as core children's workers unless an exemption has been granted.

5.6.1 The Workforce Restriction

All existing and new core workers with certain child abuse, sexual or violence convictions can't be appointed to a **new core children's worker role**, unless they have applied for and received a Core Worker Exemption, and from 1 July 2016 the Workforce Restriction applies to all **existing core workers**.

The offences which trigger the Workforce Restriction involve child victims and/or violent behaviour, including child abuse and sexual offending and are specified in 5.6.3 below. It is illegal to hire or continue to hire anyone in a core worker role (in line with the timeframes) if they have a conviction for one of the specified offences and do not hold a workforce exemption.

If you believe that a worker you're employing or engaging has a conviction for a specified offence, the Service manager or school board must immediately:

- suspend the worker from all duties that require or enable them to act as a core worker, and continue to pay the worker as though they have been suspended on the grounds of serious misconduct
- state the period of suspension, which must be not less than five working days (but may be extended from time to time). The period of suspension is a question for the school or service to determine – a longer suspension will give the person more time to seek an exemption or establish that they do not have a specified offence, but suspensions will need to be paid as though he or she had been suspended on the grounds of serious misconduct
- tell the worker the reason and the grounds for the suspension.



Once a worker is suspended, the employer must not terminate the worker's employment or engagement until at least five working days after the suspension begins (unless the person's employment or engagement is terminated sooner for reasons unrelated to that suspension).

At the end of the period of suspension, if it is not extended the employer must terminate the worker's employment or engagement as a core worker if the employer believes on reasonable grounds that the restriction applies to that person.

You can find more information about this process on the *CAP website*.

People who are affected by the Workforce Restriction can apply for an exemption from that restriction.

5.6.2 The Core Worker Exemption

The Core Worker Exemption lifts the ban set out in the Workforce Restriction. This means it is no longer against the law to employ that person as a core children's worker if they have been granted a Core Worker Exemption. This process exists because people can change. Mitigating circumstances or rehabilitation are examples of factors that might be taken into account.

It is up to the individual to apply for a Core Worker Exemption and they can apply for a Core Worker Exemption during training to work in the children's workforce, before they are employed, or while they are already employed in a core children's workforce role.

The process is administered by the Ministry of Social Development. The final decision-maker is the chief executive of the most appropriate government agency, who will consider an application, supporting information and the recommendation from the panel, before deciding whether to grant or decline an application. The decision-maker can only grant an exemption if satisfied that the applicant would not pose an undue risk to the safety of children if employed or engaged as a core worker.

The Core Worker Exemption applies to the person and is not role-specific so, subject to conditions, a Core Worker Exemption holder can legally be employed in any core children's workforce role. If granted, it will last indefinitely, unless it is revoked.

It is still up to the employer to decide whether or not the Core Worker Exemption holder is suitable for the role they are applying for.

5.6.2.1 HOW DOES THE CORE WORKER EXEMPTION AFFECT TEACHERS?

From 1 July 2015 the Education Amendment Act 2015 requires the Education Council to cancel registration of a teacher where the Council is satisfied on reasonable grounds that the teacher no longer satisfies the requirements for registration. This could include evidence that the teacher has been convicted of a specified conviction under the VCA unless an exemption has been granted.

5.6.3 Schedule 2 Specified offences under the VCA

1. An offence against any of the following sections of the Crimes Act 1961 is a specified offence for the purpose of *Part 3*:
    1. *section 98* (dealing in slaves):
    2. *section 98AA* (dealing in people under 18 for sexual exploitation):
        a. *section 124A* (indecent communication with young person under 16):
    3. *section 128B* (sexual violation):
    4. *section 129* (attempted sexual violation and assault with intent to commit sexual violation):
    5. *section 129A* (sexual conduct with consent induced by certain threats):
    6. *section 130* (incest):
    7. *section 131* (sexual conduct with dependent family member):
    8. *section 131B* (meeting young person following sexual grooming, etc):
    9. *section 132* (sexual conduct with child under 12):
    10. *section 133* (indecency with girl under 12):
    11. *section 134* (sexual conduct with young person under 16):
    12. *section 135* (indecent assault):
    13. *section 138* (sexual exploitation of person with significant impairment):
    14. *section 139* (indecent act between woman and girl):

15. *section 140* (indecency with boy under 12):
16. *section 140A* (indecency with boy between 12 and 16):
17. *section 141* (indecent assault on man or boy):
18. *section 142A* (compelling indecent act with animal):
19. *section 143* (bestiality):
20. *section 144A* (sexual conduct with children and young people outside New Zealand):
21. *section 144C* (organising or promoting child sex tours):
22. *section 154* (abandoning child under 6):
23. *section 172* (punishment of murder):
24. *section 173* (attempt to murder):
25. *section 177* (punishment of manslaughter):
26. *section 178* (infanticide):
27. *section 182* (killing of unborn child):
28. *section 188* (wounding with intent):
29. *section 189(1)* (injuring with intent to cause grievous bodily harm):
30. *section 191* (aggravated wounding or injury):
31. *section 194* (assault on child):
32. *section 195* (ill-treatment or neglect of child or vulnerable adult):
33. *section 195A* (failure to protect child or vulnerable adult):
34. *section 198* (discharging firearm or doing dangerous act with intent):
35. *section 204A* (female genital mutilation):
36. *section 204B* (further offences relating to female genital mutilation):
37. *section 208* (abduction for purposes of marriage or sexual connection):
38. *section 209* (kidnapping):
39. *section 210* (abduction of young person under 16).

2. An offence that is equivalent to an offence against any section of the Crimes Act 1961 referred to in clause 1, but that was committed against a provision of the *Crimes Act 1961* that has been repealed, is a specified offence.
3. An attempt to commit any offence referred to in clause 1 or 2, where the offence is not itself specified as an attempt and the provision does not itself provide that the offence may be completed on an attempt, is a specified offence.
4. A conspiracy to commit any offence referred to in clause 1 or 2 is a specified offence.
5. An offence against any of the following sections of the *Films, Videos, and Publications Classification Act 1993* is a specified offence for the purpose of *Part 3*:
    a. *section 124* (offences relating to objectionable publications, involving knowledge):
    b. *section 127(4)* (exhibition to persons under 18):
    c. *section 131A* (offences relating to possession of objectionable publications, involving knowledge).
6. An offence against *section 209(1A)* of the Customs and Excise Act 1996 is a specified offence for the purpose of *Part 3*.

Part 6

Child protection policies

6.1 Child protection policies

Sometimes children's vulnerability to abuse or neglect goes unrecognised. Child protection policies encourage early identification and referral of suspected child abuse or neglect. They also help build a strong culture of child protection in your workplace.

The VCA introduces new requirements for key government agencies, early childhood education services, ngā kōhanga reo and playgroups (Services), schools and kura (schools), and some organisations that they contract with to have a child protection policy. You will need to ensure that all providers of children's services you contract or fund have child protection policies in place as well.

6.2 Child protection policies timeframes

Legislation now requires all Services and schools to have their child protection policy in place. The Ministry of Education is also required to have child protection policies in place and this information is available on our *website*.

6.3 Developing child protection policies

The interests and protection of the child must be paramount at all times. Child protection policies describe the processes and procedures that your Service or school will follow to ensure children are safe, and that incidents of suspected and potential child abuse and neglect are identified and responded to appropriately.

Developing a child protection policy is an important opportunity for a Service or school to reflect on its current culture and begin the process of changing expectations, attitudes or behaviour to ensure the safety of children is the top priority. While the development of the policy is the responsibility of the board or Service manager, involving other people in its development will help to change the culture of the whole community including staff, parents, students and children.

To do this you could:

- involve school leaders/kaumatuā in the process
- involve the community (parents, whānau and the wider community)
- ensure success by introducing easy-to-implement strategies quickly e.g. notify everyone that a child protection policy exists
- provide additional support staff if needed
- make child safety a regular discussion point at meetings and in announcements
- ensure child safety is included as part of the induction process. Empower staff by providing professional development opportunities
- attend a professional development workshop in your area.

6.3.1 The requirements of child protection policies

A child protection policy is a mandatory requirement for Services and school boards under the VCA. A child protection policy must:

- be written down and in use
- say how suspected neglect and abuse will be identified and reported
- be reviewed every three years.

In addition, schools must make the policy available on their website or on request.

6.3.2 Guidelines on writing high quality policies

High-quality policies include:

- a purpose statement about why the policy is needed
- clarity about who the policy applies to – workers, visitors, clients etc
- clearly stated principles for making decisions concerning child protection
- definitions of key terms and concepts
- detailed guidance on identifying possible abuse or neglect
- specific instructions on how to respond to suspected abuse or neglect
- guidelines on how to respond to disclosures made by children
- guidelines on what to do if concerns are raised about workers
- guidance for workers about confidentiality and information sharing
- ongoing commitment to appropriate training, development and supervision in child protection.



6.3.3 Who should it apply to?

Your child protection policy should cover all those who are employed or engaged as children's workers in your Service or school. It can also be expanded to include:

- staff members who are volunteers
- unpaid workers undertaking educational or vocational training courses
- itinerant teachers (such as RTLB, RTLit, RTM etc)
- volunteers
- statutory appointees
- contractors
- parents
- visitors.



6.4 Examples of education sector child protection policies

6.4.1 Example child protection policy for Services

An example of a child protection policy for Services is included as an appendix in the CAP resource *Safer Organisations, Safer Children*, available on the CAP website.

6.4.2 NZSTA's example child protection policy

The New Zealand School Trustees Association (NZSTA) has developed an example of a child protection policy to support boards of trustees.

This policy outlines the board's commitment to child protection and recognises the important role and responsibility of all our staff in the protection of children. It includes the board's expectations when child abuse is reported or suspected by us.

All staff members (including contractors and volunteers) are expected to be familiar with this policy, its associated procedures and protocols and abide by them.

The board of trustees has an obligation to ensure the wellbeing of children in our care so they thrive, belong and achieve. We are committed to the prevention of child abuse and neglect and to the protection of all children. The safety and wellbeing of the child is our top priority. Advice will be sought through appropriate agencies in all cases of suspected or alleged abuse.

In line with section 15 of the Children, Young Persons, and Their Families Act, any person in our schools or kura who believes that any child or young person has been, or is likely to be, harmed (whether physically, emotionally, or sexually), ill-treated, abused, neglected, or deprived must follow school procedures and may also report the matter to a social worker or the local police.

Although ultimate accountability sits with the board, the board delegates responsibility to the principal to ensure that all child safety procedures are implemented and available to all staff, contractors, volunteers and parents. Therefore, the principal must:

1. Develop appropriate procedures to meet child safety requirements as required and appropriate to the school
2. Comply with relevant legislative requirements and responsibilities
3. Make this policy available on the school's internet site or available on request
4. Ensure that every contract, or funding arrangement, that the school enters into requires the adoption of child protection policies where required
5. Ensure the interests and protection of the child are paramount in all circumstances
6. Recognise the rights of family/whānau to participate in the decision-making about their children
7. Ensure that all staff are able to identify the signs and symptoms of potential abuse and neglect, deal with disclosures by children and allegations against staff members and are able to take appropriate action in response
8. Support all staff to work in accordance with this policy, to work with partner agencies and organisations to ensure child protection policies are understood and implemented
9. Promote a culture where staff feel confident they can constructively challenge poor practice or raise issues of concern without fear of reprisal
10. Consult, discuss and share relevant information, in line with our commitment to confidentiality and information sharing protocols, in a timely way regarding any concerns about an individual child with the board or designated person
11. Seek advice as necessary from NZSTA advisors on employment matters and other relevant agencies where child safety issues arise
12. Make available professional development, resources and/or advice to ensure all staff can carry out their roles in terms of this policy
13. Ensure that this policy forms part of the initial staff induction programme for each staff member

Review schedule: Within 3 years

Part 7

Education sector responsibilities under the VCA

The following table provides information on the requirements that the education sector now has under the VCA. Responsibility for the safety checking requirements under the VCA always rests with the employer. In the education sector, this means the early childhood education service, ngā kōhanga reo, playgroup or board of trustees. The Ministry of Education also has responsibilities for the children's workers that they employ.

Child protection is everybody's responsibility and people who work with children are uniquely placed to be able to respond to children's needs. Children's workers also have a role to play in supporting safety checking and child protection policies.

Different organisations in the education system have a part to play in supporting the sector to implement these new requirements. The table below provides information on what these organisations are doing to help to keep children safe and ensure that they thrive, belong and achieve.

Who	Required actions	Key supporting information
Boards of trustees and early childhood education services and ngā kōhanga reo (Services)	› Adopt a Child Protection Policy that contains provisions on the identification and reporting of child abuse and neglect. › Identify which employees are children's workers, and which of these are core workers. › Ensure that staff and contractors are safety checked to the VCA specified standard. › Follow the process set out in the VCA for dealing with staff affected by the Workforce Restriction for core workers.	The VCA has been written in a way that enables Services and schools to develop safety checking processes and child protection policies that respond to their particular circumstances. Comprehensive guidelines for both *safety checking* and developing *child protection policies* have been produced to help organisations work through the process of getting these in place. These guidelines include checklists, exemplars and advice to support Services and schools and ensure that they are meeting their obligations under the VCA.
Ministry of Education (in the role of employer of children's workers)	*As above*	*As above* In addition, we have made changes to our pre-employment screening policy to incorporate the VCA into our existing recruitment process. We have also developed resources to support safety checking information for managers. The Ministry has developed an internal child protection policy which applies to all staff. This is available on our website.

Who	Required actions	Key supporting information
Ministry of Education (in its role as steward of the system) The Ministry of Education is one of the key agencies under the VCA. The Secretary of Education, along with counterparts in the other social sector agencies, has new accountabilities for achieving the Government's priorities for vulnerable children. The Ministry has a stewardship role in supporting the sector to meet its obligations under the VCA.	› Provide support and advice to the sector on the implementation of the VCA.	**National office:** We provide information on the VCA through our website, mailbox and the Early Learning Bulletin and Ministry Bulletin for School Leaders. We are working closely with our sector and cross-agency partners to develop operational policy, support and guidance for the education sector. **Education Teams will:** › provide information on VCA resources and support to Services and boards/ principals, as part of business as usual. **Special Education Teams will:** › provide input to the Children's Teams, as required.
Children's workers (Children's workers across all government organisations)	› Provide information and documents as requested by their employer as part of a safety check. › Identify and respond to child abuse and neglect as directed by their employer's child protection policy. › Apply for a Core Worker Exemption if they are affected by the Workforce Restriction.	Children's workers will be able to get more information from their employer on the specific policies and processes they should follow. The VCA specifies a list of criminal convictions that restrict someone from holding a core worker role. This restriction is already in place for new core workers and comes into effect for existing core workers on 1 July 2016. An exemption process is available for anyone who is affected.
New Zealand School Trustees Association NZSTA is the key organisation responsible for supporting boards of trustees. The Ministry of Education has an agreement with NZSTA to fulfil this role.	› Provide support and advice to boards of trustees to fulfil their obligations under the VCA.	NZSTA is developing a web space with information on the VCA. This is expected to include key resources developed specifically for schools. Schools can also contact NZSTA directly with any questions that aren't answered through the resources that have been prepared.

Who	Required actions	Key supporting information
Education Council The VCA includes requirements for employers to obtain a Police vet and to seek information from any relevant registration body regarding practising certificates etc.	› Obtain Police vets, as part of the renewal of teachers' practising certificates, that employers can rely on as part of a VCA safety check. › Maintains the online database of registered teachers to support employers in fulfilling their VCA requirement to seek information from relevant registration bodies.	The Education Council is working with sector and cross-agency partners to develop operational policy, support and guidance for the education sector with respect to teachers (including trainee teachers).
The Education Review Office ERO asks Services and schools to attest that they take all reasonable steps to meet their statutory obligations.	› Review teams use a self-audit check list completed by Service management or school board of trustees to check and discuss specific details as per 5.4.1 of this document.	Refer to *www.ero.govt.nz*
Early learning sector organisations	› Provide support and advice to their member services to fulfil their obligations under the VCA.	*ECE sector organisations* provide training and support for their member services to meet the VCA requirements. This includes workshops and developing resources, tools and templates. The Ministry works with representatives from early learning sector organisations through the *Early Childhood Advisory Committee (ECAC)* to support the sector to implement the requirements.

Part 8

Related resources, information and guidelines

All resources are hyperlinked

Resources

Planning Tool: Implementing changes to Safety Checking and developing a Child Protection Policy (Vulnerable Children Act 2014)

Safety checking workers and child protection policy for schools and kura

Early learning sector requirements under the Vulnerable Children Act

Police vetting requirements for early learning services

Licensing criteria for ngā kōhanga reo and early learning education services

Certification criteria for playgroups

Relieving Teachers: Safety Checking under the Vulnerable Children Act 2014

Relieving Teachers: Safety Checking under the Vulnerable Children Act 2014 – A Resource for Early Learning Services

Trainees on Practicum: Safety Checking under the Vulnerable Children Act

Students on Practicum: Safety Checking under the Vulnerable Children Act

What checks do I need to undertake for adults coming into my school or kura

What checks do I need to undertake for adults coming into my early earning service

Example of a child protection policy for a school (NZSTA)

How the Workforce Restrictions apply to existing core children's workers (CAP)

Vulnerable Children's Act – Scope of the Standard Safety Checking Requirements

Information on child protection policies (CAP)

Key documents

The Vulnerable Children Act 2014

Vulnerable Children (Requirements for Safety Checks of Children's Workers) Regulations 2015

Safer Organisations, Safer Children (CAP)

Safer Recruitment Safer Children, Guidance for choosing Safe People to work with Children

Children's worker safety checking under the Vulnerable Children Act (CAP)

Further assistance

For further assistance please contact your *regional Ministry of Education office*

Email questions to:
ssci.programme@education.govt.nz

Early childhood education and ngā kōhanga reo (Services) can email:
ece.info@education.govt.nz

New information for the schooling sector will be announced in *He Pitopito Kōrero – The Ministry Bulletin for School Leaders*

New information for the early learning sector will be announced in *He Pānui Kōhungahunga – The Early Learning Bulletin*

You can also contact your local NZSTA HR Adviser:

Phone: 0800STAhelp – 0800 782 435 option 1
Email: *hradvice@nzsta.org.nz*

If you have a query relating to the Workforce Restrictions or Core Worker Exemptions, contact the Children's Action Plan Directorate:

Phone: 0800 462 511
Email: *Core_Worker_Exemption@msd.govt.nz*

Part 9

Glossary

Definitions in Vulnerable Children Act 2014

Term	Interpretation in the Act
Child	Child means a person who is— a. a child as defined in section 2(1) of the Children, Young Persons, and Their Families Act 1989 (because the person is a boy or girl under the age of 14 years); or b. a young person as defined in section 2(1) of the Children, Young Persons, and Their Families Act 1989 (because the person is— i. a boy or girl of or over the age of 14 years but under 17 years; and ii. not a person who is or has been married or in a civil union)
Children's services	**Children's services** means services that are any of the following: a. services provided to 1 or more children: b. services to adults in respect of 1 or more children: c. services provided to adults living in households that include 1 or more children, and that— i. do or may affect significantly any 1 or more aspects of the well-being of those children; and ii. are for the time being prescribed under subsection (2): d. services provided in respect of children that are for the time being prescribed under subsection (3)
Children's worker	**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

Term	Interpretation in the Act
Core worker	**Core worker** means a children's worker whose work in or providing a regulated service requires or allows that, when the person is present with a child or children in the course of that work, the person— a. is the only children's worker present; or b. is the children's worker who has primary responsibility for, or authority over, the child or children present
Incidental contact Child	When determining whether contact is incidental, organisations should consider whether the contact is minor, ancillary or secondary to the work the person is employed or engaged for. If contact with children is an ordinary and expected part of the work, it is unlikely to be incidental.
Independent person	Independent person, in relation to a prescribed State service and its chief executive, a board of a DHB, or a school board, means a person who is neither of the following: a. a member of the board: b. an employee or officer of the service or its chief executive, or the board
Non-core worker	**Non-core worker** means a children's worker who has regular, but limited, child contact,
Regular or overnight contact	Regular or overnight contact means the person has contact (other than merely incidental contact) with a child or children overnight, at least once each week, or on at least four days each month. It does not matter whether the regular or overnight contact is with the same or a different child or children each time.
Regulated services for the purposes of Part 3 of the Act	(25) education services provided at a registered school (as defined in section 2(1) of the Education Act 1989): (26) early childhood services (as defined in section 309 of the Education Act 1989): (27) education services provided by a trades academy, a service academy, or an alternative education provider for or on behalf of a school: (28) education services provided at any off-site location for or on behalf of a registered school or early childhood service, including teen parent units, school camps, and learning centres.

Term	Interpretation in the Act
	(29) services provided to ensure enrolment and attendance at school in accordance with sections 20 and 25 of the Education Act 1989: (30) services provided at a playgroup (as defined in section 309 of the Education Act 1989): (31) services provided at any location on behalf of a limited child care centre (as defined in section 2(1) of the Health and Safety in Employment Act 1992).
Safety checked	**Safety checked**, in relation to a person at a particular time, means that a safety check that complies with section 31 has been completed for the person within the previous 3 years
School board	School board means a board or body that is, or 1 or more managers who are,— a. a board as defined in section 60, and for the purposes of Part 7 (control and management of State schools), of the Education Act 1989; or b. a sponsor of a partnership school kura hourua (as those terms are defined in section 2(1) of that Act); or c. the manager or managers of a private school that is registered under section 35A of that Act.

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