

**Criteria and Guidance – Home-based**

**HS28 Child Protection**

| Criteria Wording & Intent  | Guidance  |
|--|---|
| <p>There is a written child protection policy that meets the requirements of the Vulnerable Children Act 2014. The policy contains provisions for the identification and reporting of child abuse and neglect, and information about how the service will keep children safe from abuse and neglect, and how it will respond to suspected child abuse and neglect.</p> <p>The policy must be reviewed every three years.</p> <p><b>Documentation required:</b></p> <ol style="list-style-type: none"> <li>A written child protection policy that contains:               <ol style="list-style-type: none"> <li>provisions for the service’s identification and reporting of child abuse and neglect;</li> <li>information about the practices the service employs to keep children safe from abuse and neglect; and</li> <li>information about how the service will respond to suspected child abuse and neglect.</li> </ol> </li> <li>A procedure that sets out how the service will identify and respond to suspected child abuse and/or neglect.</li> </ol> <p><i>Intent:</i><br/> <i>Child protection policies support children’s workers to identify and respond to vulnerability, including possible abuse and neglect.</i></p> | <p>Services must have a child protection policy that meets the Vulnerable Children Act's requirements.</p> <p>The policy must:</p> <ul style="list-style-type: none"> <li>contain provisions on the identification and reporting of neglect and abuse, and</li> <li>be written, and</li> <li>be reviewed every three years.</li> </ul> <p>To be helpful, the policy should contain definitions of neglect and abuse so that staff can apply these consistently when needed.</p> <p>Policies should also contain provision for ensuring children are protected from harm by any person present at the home.</p> <p>Services must make the policy and information about its practices available to parents (Link to GMA1 - Parent access to information).</p> <p><b>Documentation guidance:</b><br/>           The <a href="#">Children’s Action Plan (CAP) website</a> has a publication <a href="#">Safer organisations, Safer children</a> that provides advice on good practice to help organisations draft high quality child protection policies and review their procedures.</p> <p>The guidelines include a review tool to help services identify gaps in current policies, information about what to include in a new policy, as well as example policies including a policy used in an early childhood education setting.</p> <p>The policy needs to be consistent with advice provided by CYFS that can be found in the publication called “Working together to keep children and young people safe”.<br/> <a href="http://www.cyf.govt.nz/documents/about-us/publications/27713-working-together-3-0-45ppi.pdf">http://www.cyf.govt.nz/documents/about-us/publications/27713-working-together-3-0-45ppi.pdf</a></p> <p>Educators and co-ordinators require guidelines and opportunities for training to further develop their knowledge and understanding of:</p> <ul style="list-style-type: none"> <li>the signs and symptoms of child abuse and neglect</li> <li>roles and responsibilities around record keeping and reporting</li> <li>responsibilities to children</li> <li>limitations of their role.</li> </ul> |

**GMA6A Safety Checking**

(subset of Professional Practices)

| Criteria Wording & Intent  | Guidance  |    |                            |             |                                  |             |                                      |
|--|---|----|----------------------------|-------------|----------------------------------|-------------|--------------------------------------|
| <p>All children’s workers who have access to children are safety checked in accordance with the Vulnerable Children Act 2014.</p> <p>Safety checks must be undertaken and the results obtained before the worker has access to children.</p> <p>The results of the safety checks must be recorded and the record kept as long as the person is employed at the service.</p> <p>Every children’s worker must be safety checked every three years. Safety checks may be carried out by the employer or another person or organisation acting on their behalf.</p> <p><b>Documentation required:</b></p> <ol style="list-style-type: none"> <li>A written procedure for safety checking all children’s workers before they have access to children that meets the safety checking requirements of the Vulnerable Children Act 2014; and</li> <li>A record of all safety checks and the results.</li> </ol> <p><i>Intent:</i><br/> <i>Consistent robust safety checking helps assess whether people might pose a risk to children.</i></p> | <p><b>Who needs to be safety checked?</b><br/>           The Vulnerable Children Act specifies who needs to be safety checked. You can read this in <a href="#">section 23 of the Vulnerable Children Act</a>.</p> <p><b>Core children’s worker</b><br/>           In a home-based service both educators and coordinators are core children’s workers. This is because there will be times during the day when their duties require them to have 'primary responsibility for, or authority over' children and/or be the 'only children’s worker present'.</p> <p><b>Non-core children’s worker</b><br/>           A 'non-core children’s worker' would include staff whose main duties do not require them to have 'primary responsibility for, or authority over', children and/or be the 'only children’s worker present', but whose work may include having access to children.</p> <p>All people employed or engaged as children’s workers must be safety checked prior to starting work according to the timeframes specified below. This includes contractors and those whose work is undertaken as part of an educational or vocational training course.</p> <p>All new core children’s workers must be safety checked prior to employment commencing. From 1 July 2016, new non-core children’s workers must be safety checked.</p> <p>Other key dates are:</p> <table border="1" data-bbox="772 2516 1402 2620"> <thead> <tr> <th>By</th> <th>You must safety check all:</th> </tr> </thead> <tbody> <tr> <td>1 July 2018</td> <td>Existing core children’s workers</td> </tr> <tr> <td>1 July 2019</td> <td>Existing non-core children’s workers</td> </tr> </tbody> </table> <p>Periodic rechecking must be done every 3 years.</p> <p><b>Components of the safety check</b><br/>           Full requirements for safety checking are set out in the <a href="#">Vulnerable Children (Requirements for Safety Checks of Children’s Workers) Regulations 2015</a>.</p> | By | You must safety check all: | 1 July 2018 | Existing core children’s workers | 1 July 2019 | Existing non-core children’s workers |
| By   | You must safety check all:  |    |                            |             |                                  |             |                                      |
| 1 July 2018  | Existing core children’s workers  |    |                            |             |                                  |             |                                      |
| 1 July 2019  | Existing non-core children’s workers  |    |                            |             |                                  |             |                                      |

Safety checking includes the collection and consideration of a range of information about the person.

A safety check is made up of 7 components:

1. verification of identity (including previous identities)
2. an interview
3. information about work history
4. referee information
5. information from any relevant professional organisation or registration body
6. a New Zealand police vet
7. a risk assessment.

The risk assessment involves an evaluation of all information collected to assess if there is any risk to children's safety. For example, is a driving offence relevant to the requirements of the role or going to pose a risk to children? Would this information mean you should or shouldn't employ or engage the person?

The Children's Action Plan (CAP) publication [Safer recruitment, safer children](#) provides best practice guidance and [Children's worker safety checking under the Vulnerable Children Act 2014 \[PDF, 1.2 MB\]](#) provides advice for organisations interpreting and applying the safety checking regulations.

A safety check of a **new children's worker** requires all 7 components to be completed.

A safety check of an **existing children's worker** requires the following 4 of the 7 components to be completed:

1. verification of identity (including previous identities),
5. information from any relevant professional organisation or registration body,
6. a New Zealand police vet, and
7. a risk assessment.

**Periodic rechecking** of all children's workers requires the following 4 of the 7 components to be completed:

1. that the person hasn't changed their name and if so reconfirmation of their identity,
5. information from any relevant professional organisation or registration body,
6. a New Zealand police vet, and
7. a risk assessment.

#### **Registered teachers**

Coordinators and educators who are registered teachers will be police vetted by the Education Council as part of issuing and renewing the person's practising certificate.

If the Education Council has issued or renewed a practising certificate, they will have considered them to have a satisfactory vet. Services can choose to rely on this or carry out their own police vet.

More information is available on the [Police Vetting page](#).

The service provider will need to carry out all of the other components of the safety checking process for registered teachers.

It must also:

- meet the teacher in person
- check a primary identification document
- check a specified form of photographic identification
- check that the name on the practising certificate matches the name on the person's identity documentation
- check the Education Council's online register (<http://www.educationcouncil.org.nz/search-the-register>) for the latest updates to the teacher's registration and practising certificate status
- undertake a risk assessment.

#### **When do people need to be safety checked?**

You **cannot** employ or engage a person as a new children's worker until the safety check has been completed.

Services cannot rely on a safety check done by a different employer (either current or previous) as the check was not done on their behalf. They must carry out all of the components themselves.

After 1 July 2018 you **cannot** continue to employ an existing core children's worker until the safety check has been completed.

After 1 July 2019 you **cannot** continue to employ an existing non-core children's worker until the safety check has been completed.

Periodic rechecking must be done every 3 years.

#### **Umbrella organisations carrying out safety checks**

If an umbrella organisation carrying out the safety checks is the employer for staff at multiple services, then member services (Playcentres/Kindergartens) can use the children's workers who have been safety checked by that employer.

### **Relying on safety checking completed by another organisation on your behalf**

Where some or all components of the safety check have been completed by another organisation on a service's behalf, the service is responsible for confirming that these components have been completed, and that a full safety check has been done.

If the service chooses to rely on a safety check completed on their behalf, we recommend that they:

- Seek permission from the person who is being safety checked for the information to be shared. Permission could be sought by the person or organisation completing the safety check **before** it is undertaken, or by the ECE service 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 Vulnerable Children Act 2014.
- Complete the 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 children's workers they engage or employ.

Responsibility for safety checking always rests with the employing or contracting organisation. This means services should exercise due diligence when relying on checks undertaken by others. Things to consider include:

- How long ago the safety check was done
- The purpose of the safety check that was done (for example what role).

### **Safety checking relief teachers**

Sometimes home-based services use relief teachers to cover short-term coordinator absences. These people must be safety checked.

Where some components of the safety check have been completed by another organisation on their behalf, the service is responsible for confirming that these components have been completed, and that a full safety check has been done.

We recommend that the service itself always completes the identity check and risk assessment for all children's workers, even if these have already been completed by another organisation.

### Agency relief teachers

Agencies providing relief teachers are likely to be completing some components of the safety check. Services can agree with the agency that it will complete those components on their behalf.

### Independent relief teachers

Services that engage a relief teacher independently (i.e. not through an agency) will need to complete the safety check. Once this has been done, the completed check can be relied on for up to 3 years by that service.

### **Safety checking of trainees / students on practicum**

Under the Vulnerable Children Act, the requirements apply to unpaid work that is undertaken as part of an educational or vocational training course (e.g. a student teacher undertaking and practicum placement).

Providers of educational or vocational training courses may have completed some of the components of the safety check as part of their enrolment process. For example an interview, reference check and police vet.

Services need to agree **in advance** with the training provider what components of the safety check it will complete on their behalf. The service must then get a letter from the training provider stating the student's name, what components of the safety check have been completed, and that they have been done to the standard set out in the Vulnerable Children Act 2014.

The service must still complete the identity check and risk assessment for all children's workers, even if these have already been completed by another organisation.

### **Police vetting**

In addition to safety checking children's workers under the Vulnerable Children Act, services still need to meet their police vetting obligations under [Sections 319D-319FE of the Education Act 1989](#).

Further information is available on the [Police vetting](#) page of the Education website.

### **Workforce restriction and core worker exemption**

The Vulnerable Children Act introduces a new children's workforce restriction, which prohibits services from employing or engaging people with a specified offence as core workers, unless they hold a Core Worker Exemption.

A specified offence means an offence identified in [Schedule 2 of the Vulnerable Children Act 2014](#).

You can read more about the workforce restriction here <http://childrensactionplan.govt.nz/childrens-workforce/the-workforce-restriction/>

Individuals prohibited from being employed or engaged in a core worker role under the workforce restriction can apply for a Core Worker Exemption.  
<http://childrensactionplan.govt.nz/childrens-workforce/the-workforce-restriction/applying-for-a-core-worker-exemption/>

Employers will be able to confirm whether a person holds a Core Worker Exemption .  
<http://childrensactionplan.govt.nz/childrens-workforce/the-workforce-restriction/information-for-employers/>

**Short-term emergencies**

Home-based services may employ a children's worker they have previously police vetted and whose vet is current, without completing the remaining components of the safety check, to manage short-term emergencies.

If a home-based service considers that an emergency or unexpected situation has arisen that increases risks to children, they may engage or employ a children's worker to reduce those risks without completing all components of the safety check, for up to 5 consecutive working days, as long as the person has a current police vet.

However, in the interests of children's safety, we recommend that home-based services begin the full safety checking process as soon as possible in an emergency or unexpected situation.

**Documentation guidance:**

Under [Section 39\(3\) of the Vulnerable Children Act](#), service providers are required to be able to provide details on any safety check done on a person and their work history including:

- a) how their identity was confirmed
- b) all information provided during the safety check
- c) the risk assessment, and
- d) the date or dates on which the person was engaged or employed by the organisation, and
- e) the nature of the work the person is/was engaged in.

The result of the safety check is confidential and the service provider and only those staff delegated with responsibilities that would require them to access the information should be able to do so.

Information needs to be stored appropriately. Typically, screening information will be kept on a person's personnel file. Files should be stored in a secure location with access only available for appropriate staff.

The information can be retained for as long as it is required for a lawful purpose but once it is no longer needed, should be either destroyed or returned to the person (as appropriate).