



NEW STAFF EMPLOYMENT SAFETY PROVISIONS PROCEDURE

RATIONALE:

Children's Worker Safety Checking

Implications in schools for Employment Provisions required in the *Vulnerable Children's Act*

- People who have abused children, or who could do so in the future, may seek to work with children. Consistent, robust safety checking helps assess whether people might pose a risk.
- The children's worker safety check is a legislative requirement in the VCA. Organisations that do not carry out the required checking process place children at avoidable risk, and this may result in prosecution.
- The VCA describes the required safety checks broadly – the details are in the *Vulnerable Children (Requirements for Safety Checks of Children's Workers) Regulations 2015*.

GUIDELINES:

1. The required checks are based on existing good practice, and are intended to be flexible. Organisations need to follow the right process, including completing a risk assessment based on the information gathered.
2. The VCA does not prescribe what decisions organisations should make (except when applying the Workforce Restriction).
3. It is an expectation that decision-making will be reasoned, based on evidence, and put the child at the centre.
4. Whether you are a core children's worker or not is a **decision for the Board of Trustees in each school in which you are to be employed to fulfil their obligations as a specified organisation under the VCA**.
5. The Ministry's view is that it would be prudent for anyone working in a school to be regarded as a **core worker**, given that they may on occasions be alone with, or have primary responsibility or authority over, a child or children.
6. **Core children's workers starting in new roles from 1 July 2015 need to be safety checked to the VCA requirements.**

APPOINTMENT PROCEDURES:

If the guidelines above apply to a prospective employee, the Board employing them needs to ensure safety checking is completed before they start work. As detailed in [Children’s worker safety checking under the Vulnerable Children Act 2014](#) on page 11 the elements of safety checking required are as follows:

- *Confirmation of the identity of the children’s worker, either by using an appropriate manual process (including physically sighting the required documents), or by using an electronic service, such as the **RealMe** identity verification service.*
- *Collection and consideration of a range of information about the children’s worker, including a work history, a referee check, and an interview of the children’s worker. In addition, third party checks with their professional registration body or licensing authority (as appropriate) and a New Zealand Police vet are required.*
- *Evaluation of this information and assessment of the risk the person would pose to the safety of children if employed or engaged as a children’s worker, including consideration of whether the role is a core children’s workforce or non-core children’s workforce role.*

Note: The Board can meet this requirement by relying on the police vet that was done as part of a teacher’s practising certificate, if issued within the last 3 years.

- The Ministry of Education advises that the identity check should always be undertaken by the potential employer.
- It is important to note that the responsibility for safety checking always rests with the employing or contracting organisation - see [Children’s worker safety checking under the Vulnerable Children Act 2014](#) page 12.
 - ☐ **The *Vulnerable Children Act* recognises there may be circumstances where it will not be possible to complete the full safety check before a new core children’s worker starts work.**
 - ☐ In these circumstances, the worker may be engaged or employed to deal with an emergency or unexpected situation that increases the risks to children in a school or service without completing a safety check first - but for **no more than 5 consecutive working days.**
 - ☐ Another suitable (safety checked) person may be engaged or employed to work alongside the reliever whenever they are in the presence of children until the required processes are complete.

CONCLUSION:

In the course of their work, teachers and support staff may have contact with or influence over students therefore clear employment safety procedures prior to the commencement of work in a school must be in place for the protection of staff and students.

Review Responsibility: *Principal, DP, Staff Rep. OM, BOT Chairperson*

Date Confirmed: 6 May 2021

Principal: *Karla Mitchell*