

## **HS1.3. CHILDREN'S WORKER SAFETY CHECKING PROCEDURE**

### **INTRODUCTION**

#### **SAFETY CHECKS FOR CHILDREN'S WORKERS**

The Vulnerable Children Act 2014 contains definitions that are relevant for this part of the policy. They include:

**Children's worker** – 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 children who are co-workers); and
- b) takes place without a parent or guardian of the child or children being present.

**Core worker** – 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.

**Non-core worker** – a children's worker who is not a core worker.

**Regulated service** – any of the services listed in Schedule 1 of the Vulnerable Children Act.

**Safety check** – the requirements for safety checks for core workers and non-core workers are set out in section 31 of the Vulnerable Children Act and in regulations made under section 32 of the Act.

**Specified offence** – any of the offences against the Crimes Act 1961, the Films, Videos, and Publications Classification Act 1993 and the Customs and Excise Act 1996 and listed in Schedule 2 of the Vulnerable Children Act.

#### **Safety checks for new workers**

Under the Vulnerable Children Act, Far North REAP must ensure that a safety check is completed satisfactorily before any person is engaged or employed as a children's worker.

Far North REAP applies this requirement to the engagement or employment of both core workers and non-core workers. As far as practicable, Far North REAP will also make safety checks of any volunteer whose role is comparable with that of a paid children's worker.

The safety check of every person who is considered for engagement or employment as a children's worker must:

- confirm the identity of the person
- consider specific information as prescribed by regulations made under the Act
- include a risk assessment of the risk that the person would pose to the safety of children if engaged or employed as a children's worker.

Safety checks are to be carried out by the Community Support and HR Manager.

As part of the application process, every applicant for a position as a children's worker must agree in writing to the carrying out of a safety check as required by the Vulnerable Children Act.

Applicants should be advised that the protection against disclosure provided by the Criminal Records (Clean Slate) Act 2004 does not apply to safety checks under the Vulnerable Children Act.

After a safety check has been completed, the Community Support and HR Manager will make a recommendation to the Chief Executive as to whether or not Far North REAP should offer the subject of the safety check engagement or employment as a children's worker.

The Chief Executive must approve an offer of engagement or employment as a children's worker before it is made to the individual concerned.

Far North REAP will ensure that all core workers are subject to a safety check at intervals of not more than two years.

### HS1.3. CHILDREN'S WORKER SAFETY CHECKING PROCEDURE

#### Core worker exemption

Under the Vulnerable Children Act, every core worker must obtain a Core Worker Exemption if that person has a conviction for any specified criminal offence listed in Schedule 2 of the Act.

The Community Support and HR Manager is responsible for ensuring that all core workers engaged or employed by Far North REAP who need a Core Worker Exemption under the Act have obtained that exemption.

New core workers must obtain the exemption before engagement or employment. Existing core workers must make immediate application for an exemption if needed.

Far North REAP will review the engagement or employment of any core worker who has a relevant criminal conviction and who refuses to apply for or fails to obtain a Core Worker Exemption permit. Depending on the circumstances, and having taken advice from relevant authorities, the worker may be assigned to a role which is not that of a core worker or a children's worker, or the engagement or employment may be terminated.

#### Checks required for new children's workers

The following checks must have been completed for all people Far North REAP is seeking to employ or engage as a children's worker (including as a contractor).

Identify confirmation, either by:

1. Use of an electronic identity credential e.g. the RealMe identity verification service, and a search of personnel records to check that the identity has not been claimed by someone else.

Or

Following the regulatory process to provide confidence that:

- the identity exists i.e. that it is not fictitious by **checking an original primary identity document**
  - the identity is a 'living' identity and the potential children's worker uses that identity in the community by **checking an original secondary identity document**
  - the potential children's worker links to the identity either by checking an identity document that contains a photo, or by using an **identity referee**
  - searching **personnel records** to check that the identity has not been claimed by someone else.
2. An **interview** of the potential children's worker   
The interview may be conducted via telephone or other communications technology.
3. Obtaining and considering a **work history**, covering the preceding five years, provided by the potential Children's worker.
4. Obtaining and considering information from at least one **referee**, not related to the potential children's worker or part of their extended family.
5. **Seeking information** from any relevant professional organisation, licensing authority, or registration authority, including (but not limited to) confirmation that the potential children's worker is currently a member of the organisation, or currently licensed or registered by the authority.
6. Obtaining and considering information from a **New Zealand Police vet**, unless at least three-yearly New Zealand Police vetting is already a condition of the potential children's worker holding professional registration or a practicing certificate (and the specified organisation has confirmed that the registration or certificate is current).

### HS1.3. CHILDREN'S WORKER SAFETY CHECKING PROCEDURE

7. Evaluation of the above information to **assess the risk** the potential children's worker would pose to the safety of children if employed or engaged, taking into account whether the role is a core children's worker or non-children's worker role.

#### Checks required for an existing children's worker

The following checks must have been completed for all people who are already employed or engaged as a children's worker (including as a contractor).

1. Identify confirmation, either by:

Use of an **electronic identity credential** e.g. the RealMe identity verification service, and a search of personnel records to check that the identity has not been claimed by someone else.

Or

Following the regulatory process to provide confidence that:

- the identity exists i.e. that it is not fictitious by **checking an original primary identity document**
- the identity is a 'living' identity and the potential children's worker uses that identity in the community by **checking an original secondary identity document**
- the potential children's worker links to the identity either by checking an identity document that contains a **photo**, or by using an **identity referee**
- searching **personnel records** to check that the identity has not been claimed by someone else.

2. **Seeking information** from any relevant professional organisation, licensing authority, or registration authority, including (but not limited to) confirmation that the person is currently a member of the organisation, or currently licensed or registered by the authority.

3. Obtaining and considering information from a **New Zealand Police vet**, unless at least three-yearly New Zealand Police vetting is already a condition of the children's worker holding professional registration or a practicing certificate (and the specified organisation has confirmed that the registration or certificate is current).

4. Evaluation of the above information to **assess the risk** the potential children's worker would pose to the safety of children if employed or engaged, taking into account whether the role is a core children's worker or non- children's worker role.

#### Checks required for periodic checking

Every three years following their checks at the required standard, the following checks must be completed for each person an organisation continues to employ or engage as either a core or non-core children's worker.

1. Confirmation that the children's worker has not changed their name from the name on the documents produced during the initial identity confirmation (i.e. the presented primary or secondary document).

If there has been a change to the person's name since he or she was last safety checked, the person must reconfirm his or her identify by producing a supporting name change document relating to his or her name change.

### **HS1.3. CHILDREN'S WORKER SAFETY CHECKING PROCEDURE**

2. **Seeking information** from any relevant professional organisation, licensing authority, or registration authority, including (but not limited to) confirmation that the person is currently a member of the organisation, or currently licensed or registered by the authority.
  
3. Obtaining and considering information from a **New Zealand Police vet**, unless at least three-yearly New Zealand Police vetting is already a condition of the children's worker holding professional registration or a practicing certificate (and the specified organisation has confirmed that the registration or certificate is current).
  
4. Evaluation of the above information to **assess the risk** the potential children's worker would pose to the safety of children if employed or engaged, taking into account whether the role is a core children's worker or non-children's worker role.

#### **Far North REAP Safety Checking Process**

1. Relevant Leadership Team member completes New Zealand Police Vetting Form (Vetting Form) and sights originals of identification (as per Identity Confirmation). Copies are taken of the originals and are signed as being sighted by the relevant Manager and dated.
2. Vetting Form and identification copies given to Far North REAP Community Support and HR Manager for submitting.
3. Vetting Application submitted online via <https://www.police.govt.nz/advice/businesses-and-organisations/vetting>  
The Community Support and HR Manager is registered to police vet on behalf of Far North REAP Society Inc.
4. Vetting submission date is recorded by the Community Support and HR Manager, for:
  - a. Employees – Far North REAP Employees Data Spreadsheet
  - b. Contractors – All Staff documents/ Course and Tutor Pack/ Tutor Contract MOU Vetting Tracker Spreadsheet.
5. Results of vetting are emailed direct to the Community Support and HR Manager.
  - a. In the case of no result the Community Support and HR Manager records date received on Spreadsheet (as per 4a or 4b above).
  - b. In the case of a result received the Community Support and HR Manager notifies the Chief Executive and determine next steps. If Chief Executive decides to proceed with hiring of potential employee/ contractor then a formal discussion is held between Chief Executive and the potential employee/ contractor about the results and a record of this is kept on their Human Resources file by the Community Support and HR Manager.

#### **Carrying out interviews**

All new children's workers must be interviewed as part of the safety checking process.

Questions that provide information about the children's worker themselves must be included in the interview guide:

- 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

### **HS1.3. CHILDREN'S WORKER SAFETY CHECKING PROCEDURE**

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 abuse allegations 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 why children like them
- The kind of relationships they hope to develop with the children and families in this organisation

#### **Reference checking and other information from third parties**

Referees are a valuable source of information and must be used to confirm information given by potential children's workers.

Referees must be telephoned by the relevant Manager and/or the Chief Executive prior to hiring and the conversation noted down on the Far North REAP Reference Checking Form.

Example questions to ask the Referee:

- Whether the referee considers the children's worker suitable for the role and if not, why not
- Whether they consider the children's worker suitable to work with children and if not, why not
- Details, including duties, position and job title, about the children's worker's employment
- Specific evidence that the referee can verify, about the children's worker's performance during employment
- The specific reason that the person left that role
- Details of any disciplinary procedures that resulted in formal action against a children's worker
- Details of any concerns relating to the safety and welfare of children, or the children's worker's behaviour towards children
- Whether there were any sanctions relating to the safety and welfare of children, including whether or not such sanctions have expired
- Whether they would employ the children's worker again
- Do you trust the children's worker in roles of responsibility over children, and if not, why not?
- Have you ever had reason to suspect the children's worker's honesty?

**HS1.3. CHILDREN’S WORKER SAFETY CHECKING PROCEDURE**

- Has the children’s worker ever mislead you about a matter relating to a child?
- Has the children’s worker ever been disciplined for misleading or fraudulent conduct relating to a child?
- How would you describe the way the children’s worker acts around children?
- Was the children’s worker ever subject to formal disciplinary actions or complaints regarding their behaviour towards children?
- Do you think the children’s worker should be unsupervised around children?
- Was the children’s worker ever subject to formal disciplinary action or complaints regarding their disciplinary techniques?
- How well do you think the children’s worker understands children?

Far North REAP must also seek information from relevant professional organisations, licensing authorities, or registration authorities.


*Parts of this Procedure have been created utilising the Children’s worker safety checking under the Vulnerable Children Act 2014 - Children’s Action Plan – Identifying, Supporting and Protecting Vulnerable Children*

**OTHER RELEVANT POLICIES AND PROCEDURES**

- HR2.16. Misconduct Procedure
- HR2.17. Workplace Investigation Procedure
- HS1. Child Protection Policy
- HS1.1. Child Protection Procedure
- HS1.2. Child Protection Reporting Form
- HS2.1. Employee Assistance Procedure
- HS3.1. Health, Safety & Environment Procedure

**RELEVANT LAW**

- Care of Children Act 2004
- Oranga Tamariki Act 1989
- Domestic Violence Act 1995
- Employment Relations Act 2000
- Health and Safety at Work Act 2015
- Privacy Act 2020
- Victims’ Rights Act 2002
- Vulnerable Children Act 2014

Adopted by Far North REAP Leadership Team & Employees:	Date adopted: 30.03.2023
Chief Executive Signature: 	Review date: 30.03.2026
Responsibility for initiating the review:	Community Support & HR Manager