

## The Children's Act and health worker safety checks

### *Preamble*

In Aotearoa New Zealand, Te Tiriti o Waitangi guides our approach to health and social services, ensuring that equity and cultural safety are at the forefront of our work. This commitment extends to all areas, including safeguarding vulnerable populations, which the recent findings of the Royal Commission of Inquiry into Abuse in Care have tragically highlighted. The past's lack of adequate safeguarding mechanisms led to significant harm, demonstrating the critical need for rigorous protections and culturally informed practices across all sectors, including health, education, disability and justice. As we strive to improve outcomes, these lessons remind us of the importance of upholding the rights and well-being of all communities, with particular attention to the voices and needs of Māori under the articles of Te Tiriti.

### The Children's Act 2014

Under the Children's Act 2014, all employees and contractors working with children for state-funded organisations and involving regular or overnight contact with children without parents or guardians present must be safety-checked.

Whilst this goes beyond legislative requirements, NZSTA believes that everyone who works with children should be safety checked regardless of whether they work for a state-funded organisation or not.

The legislation covers all workers, including speech-language therapists and assistants. It also applies to unpaid people working with children as part of an educational or vocational training course (e.g., speech-language therapy students).

The safety checking regulations are intended to help identify anyone considered a potential risk to children.

State-funded organisations required to ensure their children's workers are safety checked include public hospitals, education facilities/schools, medical practices belonging to primary health organisations, publicly funded providers of social or support services, schools, early childhood services, school bus services, and providers of services approved under legislation to work with children.

Children's workers are 'core workers' if they work alone with children or have primary responsibility for children. This means whether a practice sees one unaccompanied minor several times or a number of unaccompanied minors once.

A 'child' means a person who is under the age of 18 years (sections 15 and 23 of the Act).

## Convictions and police warnings

Health professionals (including speech-language therapists, assistants, and students) who have a conviction or formal police warning on their records with the justice system or police may potentially be limited or likely have reduced ability to be employed to practice in settings that provide care and treatment for children under state care or in state-funded organisations (including, for example, ACC). Here is a link to [specified offences in the Act](#).

## What does screening and vetting involve?

Safety checks must be undertaken before a children's worker is employed or in work and repeated every three years. These checks must include:

- 1. Identity confirmation.** An effective safety check depends on individuals being who they say they are. Organisations must confirm an individual's identity through an electronic identity credential or original identity documents (the individual must provide both a primary and secondary identity document).
- 2. Work history** – consider the previous five years.
- 3. At least one referee** – consider the information from other referees where possible.
- 4. Seek information** from any relevant professional organisation, licensing authority, or registration authority and confirm that the person is registered by the authority.
- 5. New Zealand Police vet.** To use the Police Vetting Service, agencies and individuals must meet the required criteria and obtain approval from the NZ Police.

(If you meet the required criteria, you can seek approval to use the Police Vetting Service via a secure email).

Sole traders cannot conduct these safety checks themselves; they need an independent source. For an independent third-party safety check on children's workers, consider <https://cvcheck.com/nz/>.

- 6. Evaluation of all of the above information to assess the risk** the potential children's worker would pose to the safety of children if employed or engaged.

**Periodic rechecking every three years** requires confirmation of any changes in an officially recorded name, updating the checks with the relevant professional body or licensing authority, a fresh NZ Police vet, and a risk assessment based on these checks.

All check aspects must be completed before the children's worker commences work or continues work after the relevant date for existing children's workers.

A practice may choose not to conduct these checks; however, it would only do so in circumstances where that practice never expected to see or treat an unaccompanied minor. If this is a likely rare occurrence and the practice chooses not to conduct the safety checks, the practitioner must insist that a parent or guardian accompany the minor.

Organisations must meet the safety check requirements to avoid committing an offence that could result in a fine.

**Additional Checks for Overseas Candidates:** Organisations may be required to conduct additional checks for individuals who have spent significant time overseas, such as verifying overseas work history and references and obtaining overseas police certificates. However, these are considered supplementary to the required New Zealand Police vetting.

**New Employer:** According to the **Children's Act 2014**, every organisation that employs someone working with children must conduct its own safety check. This applies even if you recently underwent a safety check with a previous employer. Safety checks are generally not transferable between employers.

## Child Protection Policy

Publicly funded agencies must also ensure that any contracted service providers interacting with children have a child protection policy.

## Definitions: Police Vetting Vs Safety Checks

In Aotearoa New Zealand, police vetting and safety checks are essential to ensuring children's safety, especially in accordance with the Children's Act 2014 (formerly known as the Vulnerable Children Act 2014). Here's a clarification of each:

### Police Vetting

Police vetting involves checking a person's criminal history and other relevant information held by the New Zealand Police. Organisations, such as schools, healthcare providers, or employers, typically request the vetting process to ensure that individuals who work with children or vulnerable people do not pose a risk. Police vetting checks for:

- Criminal convictions (including spent convictions).
- Any charges that have not resulted in a conviction.
- Information that suggests a person may pose a risk to children, such as records of violence or inappropriate behaviour.

### Safety Check

A safety check is a broader process mandated by the Children's Act 2014. It is required for anyone who works or may work, with children. The safety check is a comprehensive process that includes:

1. Identity Verification: Ensuring the person is who they say they are.
2. Police Vetting: As described above.
3. Reference Checks: Gathering information from previous employers or other relevant sources.
4. Work History Check: Reviewing the person's previous employment history, especially in roles involving children.
5. Interview: Assessing the person's suitability through interviews.
6. Risk Assessment: Evaluating any risks the person might pose to children based on all gathered information.

## Summary

- Police Vetting: A check of a person's criminal history and other relevant information by the NZ Police.
- Safety Check: Under the Children's Act 2014, a broader process is required, which includes police vetting, identity verification, reference checks, work history checks, interviews, and risk assessment.

Both processes are essential for protecting children and ensuring that individuals working with them are thoroughly vetted.

## Further information

- [ACC and CVcheck](#): Information for ACC Service Providers: Children's Act Requirement
- [MSD and CVcheck](#): Information for Sole Traders: Vulnerable Children's Act Requirement
- [Health NZ/Te Wahtu Ora and the Children's Act](#): Children's worker safety checking and child protection policies.
- [Oranga Tamariki Safety checking](#)
- [Children's Act 2014](#)
- [Children's \(Requirements for Safety Checks of Children's Workers\) Regulations 2015](#)
- [Children's Action Plan, \(May 2015\)](#). Advice for interpreting and applying the Vulnerable Children Act 2014 and the Vulnerable Children (Requirements for Safety Checks of Children's Workers) Regulations 2015.
- [Ask for Police vetting](#) (New Zealand Police)
- [New Zealand Police Vetting Service: Purpose statement and agency approval criteria](#)
- [About RealMe](#) RealMe is the most trusted way to prove that you are you online.
- [Safeguarding Children Resources](#) for a range of affordable and free resources to help you effectively safeguard and protect children in your care and support those looking after them.
- <https://cvcheck.com/nz/> Independent third-party safety checks on children's workers to help individuals and employers comply with their obligations under the Act.