

Children's Act 2014: Information for dentists and dental practices contracted under the Combined Dental Agreement

Children's Act 2014 (formerly titled the Vulnerable Children Act 2014)

The purpose of Part 3 of the Children's Act 2014 (the Act) is to reduce the risk of harm to children by requiring people employed or engaged in work that involves regular contact with children to be safety checked.

Under the Act, all state services and organisations that are funded either directly or indirectly by state services (which provide regulated services) must conduct worker safety checking on all people who work with children. Regulated services include oral health services provided to children and adolescents.

Dentists and dental practices contracted under the Combined Dental Agreement (CDA)

Dentists and dental practices contracted under the Combined Dental Agreement (CDA) are funded by District Health Boards for the provision of oral health services to children and adolescents. In June 2015, District Health Boards agreed with CDA agreement holders that the individual agreement holders would be responsible for meeting the requirements of the Act including the safety checking regulations. Some dentists who manage their own practices will not have employers to undertake checks for them and will need to be checked via other means.

The Cross Agency Independent Safety Checking Service

The Cross Agency Independent Safety Checking Service (the Service) has been established to enable children's workers, who do not have usual employment arrangements and who are considered self-employed, to be safety checked as they do not have an employer to carry out the safety checks for them. Included in this group are owner/operator GP, locums and dentists contracted under the Combined Dental Agreement and LMCs funded under section 88 of the Primary Maternity Services notice (the Notice).

CV Check (NZ) Ltd has been contracted to provide the Service. CV Check currently provide a range reference and background checking services for a variety of employers in New Zealand. They are well equipped to ensure that all checks carried out as part of this Service meet the full safety checking requirements under the Act.

The service provided by CV Check (NZ) Ltd is also available to and provides a convenient means of meeting safety checking obligations for employers of children's workers.

What does the safety check involve?

Workforce safety checks involve gathering a range of key information about the person and evaluating this information to assess whether the person poses any risk in working with children. Most organisations and training providers are already doing some form of safety checking as part of their pre-employment or pre-registration checking. The new regulations for the safety checks are based on existing safety checking practices, but have been strengthened to be more robust.

Information for safety checks will include the following components:

- Identity verification – confirmation of the identity of the children’s worker, sighting required documents, eg, passport, driver’s licence or by using an electronic service, such as the RealMe identity verification service.
- Reference checks – obtaining information from two or three referees about the person’s recent work experience.
- Interviews with the person and gathering information about their work history.
- Employment Verification - verifying the person’s employment history directly with the employer’s Human Resources – or a suitable person if there’s no Human Resources.
- Third party checks with their professional registration body or licensing authority (as appropriate).
- Police vet – Police vetting forms available from www.police.govt.nz.
- Risk assessment – assessing the risk the person would pose to the safety of children if employed in a core children’s worker role.

Cost

The Service is a ‘user pays’ service, ie, the children’s worker using the Service will be required to pay for their safety check. The cost of the Service will vary from between \$120 (incl GST) for existing children’s workers and \$360 (incl GST) for new children’s workers. The costs vary because different safety checking requirements are undertaken for new and existing children’s workers. Under the Act, safety checks for children’s workers are required every three years and the cost of a re-check is less than the initial costs.

Following the completion of a safety check, each applicant will be provided with a report regarding the outcome of their check. The applicant will then be required to provide confirmation to their employer that a full and robust safety check, that meets the requirements of the Act, has been completed.

Timing requirements for safety checks

The requirements for safety checks to be completed differ according to whether a children’s worker is a core worker, a non-core worker, and whether they are currently employed or engaged by specified organisation (ie, ‘new’ and ‘existing’ children’s workers), and for periodic rechecks (required every three years).

New employees:

- 1 July 2015 – all new core children’s workers must be safety checked before starting employment or engagement as a children’s worker from this date
- 1 July 2016 – all new non-core children’s workers must be safety checked before starting employment or engagement as a children’s worker from this date

Existing employees:

- 1 July 2018 – all existing core children’s workers must have been safety checked by this date
- 1 July 2019 – all existing non-core children’s workers must have been safety checked by this date.

The entire state-funded children’s workforce is required to be safety checked by 1 July 2019 and workers need to be rechecked every three years.

Core and non-core workers

The Act has created two categories for children’s workers, core and non-core children’s workers. Core children’s workers are those who regularly work along with children unsupervised or have primary responsibility children, eg, doctors, dental health professionals, nurses, paediatricians, youth counsellors.

Under the Act core workers are defined as:

- a children’s worker who work in or provides a regulated service
- who has primary responsibility or authority for a child or children (up to the age of 17)
- involves regular or overnight contact with a child or children
- works alone with a child or children – work must take place without a parent or guardian of the child being present.

Non-core workers are those who have regular but limited child contact eg, general hospital staff, dental assistants or other staff working under supervision with children. Note that there is no difference in the cost for safety checking core or non-core workers.