

Children's Act 2014: Children's worker safety checking regulations

June 2015 (updated
March 2019)

The Children's Act 2014 (formerly titled the Vulnerable Children Act 2014) introduced measures that will ensure children can be better protected from abuse and neglect both in their homes and in the community. This factsheet provides information on the new regulations for children's worker safety checks that came into force on 1 July 2015.

Worker safety checks

Worker safety checking can help assess whether people pose a risk to children and provides a way of preventing unsafe people from entering the children's workforce. All state services and organisations that are funded either directly or indirectly by state services (which provide regulated services) must undertake worker safety checks on core children's workers.

Worker safety checks 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.
- Third party checks with their professional registration body or licensing authority (as appropriate).
- Police vet – Police vetting forms are 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.

Police vet

Details on how to obtain an appropriate Police vet are on the New Zealand Police website at <https://www.police.govt.nz/advice/businesses-and-organisations/vetting>.

Who has to be safety checked and when?

All paid employees and contractors who work with children (up to 18 years of age) for state-funded organisations that provide regulated health services. The safety checks apply to new and existing employees and contractors and are split between core and non-core children's workers.

Core workers are those who have regular contact with children who work unsupervised or alone with children and have primary responsibility for children, eg, doctors, dental health professionals, nurses, paediatricians, youth counsellors, care and support workers. Under the Act, regular is defined as, at least once a week or at least four days each month or overnight.

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.

Timing of safety checks

The key dates for conducting the safety checks have been:

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 needs to have been safety checked by 1 July 2019 and needs to be rechecked every three years.

Who does not have to be safety checked?

- Employees and contractors in businesses, unfunded non-government organisations.
- Employees and contractors in organisations providing regulated services but who do not meet the definition of children’s workers.
- Volunteers unless that unpaid work is part of an educational or vocational training course (eg, trainee doctor or student nurse on placement as part of their medical/education qualification) are not legally obligated to undertake safety checks under the Children’s Act.
- Parents, guardians, caregivers or people with care of a child receiving individualised funding to secure regulated services for their child eg, a parent employing a person to care for their disabled child with funding from the Ministry of Health.

Although these people are not legally obligated to undertake safety checks under the Act, organisations are being encouraged to voluntarily adopt these new standards for these groups as part of their ongoing recruitment process. Parents employing people to look after their child or children are advised to undertake their own safety checks of individuals.

Workforce restrictions

Under the Children’s Act people who have been convicted of serious offences (specified in [Schedule 2 of the Act](#)) are prohibited from being employed as a children’s worker.

Core Worker Exemption

Under the Act, people convicted of these certain offences can apply for a Core Worker Exemption if they want to start work in a new role as a core children’s worker. The exemption removes the prohibition set out in the workforce restriction so means it is not against the law to employ that person as a core child worker.

What is the process for the exemption?

It is the responsibility of the individual to apply for the exemption by submitting the required application form and providing supporting documentation. It is also up to the individual to provide enough evidence and information to demonstrate that they would not pose an undue risk to the safety of children. The Core Worker Exemption process is administered by the Ministry of Social Development on behalf of the Ministries of Social Development, Health, Justice and Education.

Each application is considered by a panel represented by these key agencies. The panel makes the recommendation to accept or decline the application after considering a range of factors, including for example, the offence, how long ago the conviction was and the age of the individual at the time, parole and sentencing conditions, steps taken to rehabilitate or address the behaviour.

The final decision will be made by the Chief Executive of the Ministry of Social Development or by a person with the Chief Executive's Delegated Authority as agreed by the agencies.

However, it is still up to the employer to decide whether a person with a Core Worker Exemption is suitable for the role they are applying for. The employer needs to be confident that the person does not pose any risk to the safety of children considering the information the exemption was based on including strong evidence of rehabilitation. An employer is advised to seek outside expert advice if they have any concerns. For more information about the workforce restriction and the Core Worker Exemption process, go to [Oranga Tamariki's website](#).

For more information please visit [Oranga Tamariki's website](#) or find out how to contact the Ministry of Health directly on our [Contact Us](#) page.

Standard safety checking requirements

Specified organisations are going to be required to undertake new standard safety checks of children’s workers they employ or engage. This means they’ll need to ensure that:

- **A:** Children’s workers they employ or engage (including contractors) are safety checked to the required standard.
- **B:** Three-yearly rechecking is done for all children’s workers they continue to engage.
- **C:** They do not employ or engage any person as a core worker (see definition 3 below) who has a specified offence, unless they have an exemption.

There are three steps to applying the Act.

Step 1: Is it a ‘specified organisation’?	Step 2: Are the specified organisation’s employees or contractors ‘children’s workers’?	Step 3: Are the specified organisation’s employees or contractors ‘core children’s workers’?
<p>A specified organisation:</p> <ul style="list-style-type: none"> • is a state service (section 2 State Sector Act 1988) • receives money from a state service to provide regulated services¹ (unless it’s receiving money via individualised funding arrangements) • employs or engages children’s workers to perform a regulated service. 	<p>Children’s workers are people:</p> <ul style="list-style-type: none"> • who provide a regulated service • whose work may or does involve regular or overnight² contact³ with a child or children and this takes place without a parent or guardian of the child, or of each child, being present. 	<p>Core children’s workers are children’s workers whose work requires or allows them to be:</p> <ul style="list-style-type: none"> • the only children’s worker present; or • the children’s worker who has primary responsibility for, or authority over, the child or the children present.
Specified organisations are subject to the Act.	These workers need to be safety checked.	Workers in these roles cannot have specified convictions unless they have an exemption.

¹ A regulated service is one that is listed in Schedule 1 of the Act (see below).

² Regular or overnight: at least once a week; or on at least four days each month, or overnight.

³ Contact: physical, oral communication or via electronic communication.

What are the regulated health services?

1. Services provided at a public hospital.
2. Services provided at a publicly-funded medical practice or facility, including blood and cancer centres, treatment centres, outreach clinics, and mental health services.
3. Services provided through medical practices belonging to primary health organisations (PHOs).
4. Services provided by health practitioners.
5. Well Child / Tamariki Ora services (eg, Plunket).
6. Home-based disability support services.
7. Residential disability support services.
8. Ambulance services.
9. Maternity services, including lead maternity carers and midwives.