

First Years Learning Centre

Kaupapa here / Policy: Children's Act

Whakakeko / Aim:

To ensure First Years is compliant with the Children's Act while ensuring all who need to complete these task are aware of the process, how to undertake it and what to document.

Waeture / Regulations

GMA7A

- All children's workers who have access to children are safety checked in accordance with the Children Act 2014.
- Safety checks must be undertaken and the results obtained before the worker has access to children.
- The results of the safety checks must be recorded and the record kept as long as the person is employed at the service.
- Every children's worker must be safety checked every three years. Safety checks may be carried out by the employer or another person or organization acting on their behalf.

Children Act 2014.

Te Whāriki

Well-Being/Mana Atua

Tamariki experience an environment where they are kept safe from harm.

Hātepe / Procedure:

What we are required to uphold under this law:

- The CA requires safety checking of all paid employees and contractors, employed or engaged by government-funded organisations, who work with children. The requirements for safety

checking also apply to people undertaking unpaid children's work as part of an educational or vocational training course.

- The CA also contains a restriction on the employment of people with convictions for certain offences in some children's worker roles, subject to a government-run exemptions process
- 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 CA. Organizations that do not carry out the required checking process place children at avoidable risk, and this may result in prosecution.
- The required checks are based on existing good practice, and are intended to be flexible. Organizations need to follow the right process, including completing a risk assessment based on the information gathered. The CA does not prescribe what decisions organizations should make. It is an expectation that decision-making will be reasoned, based on evidence, and put the child at the centre safety as paramount.

Components of the safety check

Non Registered Teachers and on Employment:

Safety checking includes the collection and consideration of a range of information about the person.

A safety check is made up of 7 components:

- verification of identity (including previous identities)
- an interview
- information about work history
- referee information
- information from any relevant professional organisation or registration body
- a New Zealand police vet
- a risk assessment.

The risk assessment involves an evaluation of all information collected to assess if there is any risk to the children's safety. For example, is a driving offence relevant to the requirements of the role or going to pose a risk to children? Would this information mean you should or shouldn't employ or engage the person?

Periodic rechecking of all children's workers requires the following 4 of the 7 components to be completed:

1. That the person hasn't changed their name and if so reconfirmation of their identity,
- 5 Information from any relevant professional organization or registration body,

6. A New Zealand police vet, and
7. A risk assessment.

Registered kaiako

Person's responsible and teaching staff who are registered teachers will be police vetted by the Education Council as part of issuing and renewing the person's practicing certificate.

If the Education Council has issued or renewed a practicing certificate, they will have considered them to have a satisfactory vet. Centers/services can choose to rely on this or carry out their own police vet.

The service provider or centre will need to carry out all of the other components of the safety checking process for registered teachers.

It must also:

- Meet the teacher in person
- Check a primary identification document
- Check a specified form of photographic identification
- Check that the name on the practicing certificate matches the name on the person's identity documentation
- Check the Education Council's online register (<http://www.educationcouncil.org.nz/search-the-register>) for the latest updates to the teacher's registration and practicing certificate status
- Undertake a risk assessment.

When do people need to be safety checked?

- You cannot employ or engage a person as a new children's worker until the safety check has been completed.
- Centers/services cannot rely on a safety check done by a different employer (either current or previous) as the check was not done on their behalf. They must carry out all of the components themselves.
- Periodic rechecking must be done every 3 years.

Safety checking relief kaiako

- Sometimes centers/services use relief teachers to cover short-term staff absences. These people must be safety checked.

- Where some components of the safety check have been completed by another organization on their behalf, the centre/ service is responsible for confirming that these components have been completed, and that a full safety check has been done.
- We recommend that the centre/service itself always completes the identity check and risk assessment for all children's workers, even if these have already been completed by another organization.

Agency relief kaiako

- Agencies providing relief teachers are likely to be completing some components of the safety check. Centres /services can agree with the agency that it will complete those components on their behalf.

Independent relief kaiako

- Centres /services that engage a relief teacher independently (ie, not through an agency) will need to complete the safety check. Once this has been done, the completed check can be relied on for up to 3 years by the centre/service.

Safety checking of trainees / students on practicum

- Under the Children Act, the requirements apply to unpaid work that is undertaken as part of an educational or vocational training course (e.g. a student teacher undertaking and practicum placement).
- Providers of educational or vocational training courses may have completed some of the components of the safety check as part of their enrolment process. For example an interview, reference check and police vet.
- Centres /services need to agree in advance with the training provider what components of the safety check it will complete on their behalf. The centre/service must then get a letter from the training provider stating the student's name, what components of the safety check have been completed, and that they have been done to the standard set out in the Vulnerable Children Act 2014.
- The centre/ service **must still** complete the identity check and risk assessment for all children's workers, even if these have already been completed by another organization.

Short-term emergencies

- Centres/services may employ a children's worker they have previously police vetted and whose vet is current, without completing the remaining components of the safety check, to manage short-term emergencies.
- If a centre/service considers that an emergency or unexpected situation has arisen that increases risks to children, they may engage or employ a children's worker to reduce those risks

without completing all components of the safety check, for up to 5 consecutive working days, as long as the employee has a current police vet.

- However, in the interests of children's safety, we recommend that centre/service begin the full safety checking process as soon as possible in an emergency or unexpected situation.

Documentation guidance:

- Under Section 39(3) of the Children Act, service providers are required to be able to provide details on any safety check done on a person and their work history including:
 - how their identity was confirmed
 - all information provided during the safety check
 - the risk assessment, and
 - the date or dates on which the person was engaged or employed by the organization, and
 - the nature of the work the person is/was engaged in.
- The result of the safety check is confidential and the service provider and only those staff delegated with responsibilities that would require them to access the information should be able to do so.
- Information needs to be stored appropriately. Typically, screening information will be kept on a person's personnel file. Files should be stored in a secure location with access only available for appropriate staff.
- The information can be retained for as long as it is required for a lawful purpose but once it is no longer needed, should either be destroyed or returned to the person (as appropriate).

Best Practice Guidelines:

- At First Years under the Children's Act it is up to the centre manager / Owner to make the decision based on the risk assessment, police vet and interview whether the applicant is a risk to children and if they can engage in employment at First Years
- We want to ensure all children are kept safe from harm, through the risk assessment, we will make sure that the applicant engages in appropriate behaviours with children and use appropriate language.

Policy Linking:

- Employment – Induction – Exit Policy
- Child Protection policy

Tātaritanga / Review Process:

Date Implemented: January 2021

Approved: By Management

Reviewed by: Staff and Parents via News letter

Next review: January 2021