



The Vulnerable Children Act and health worker safety checks

Purpose

The purpose of this document is to provide information and guidance to members regarding the requirements for safety checks under the Vulnerable Children Act 2014.

Background

From July 1 2015, new government safety checking regulations, under the Vulnerable Children Act 2014, require all paid employees and contractors who work with children for state-funded organisations to be safety checked.

The legislation covers all workers who have regular or overnight contact with children without parents or guardians being present, including physiotherapists and assistants. It also applies to unpaid people working with children as part of an educational or vocational training course (eg, physiotherapy students).

The new safety checking regulations are intended to make it easier to identify the small number of people who are a risk to children.

The state-funded organisations required to ensure their children's workers are safety checked include public hospitals, 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.

A 'child' means a person who is under the age of 14 years or a young person between 14 and 17 years who is not married or in a civil union (sections 15 and 23 of the Act).

Conducting safety checks on children's workers

The safety checking requirements are being phased in over three to four years to give organisations time to have their children's workforce checked.

- From July 1 2015, new core children's workers starting a job or contract must be safety checked before they start work
- From July 1 2016, new non-core children's workers starting a job or contract must be safety checked before they start work
- By July 1 2018, existing children's core workers (ie: those currently employed, or engaged as a contractor) must have been safety checked
- By July 1 2019, all existing non-core children's workers must have been safety checked.

Convictions and police warnings

Health professionals (including physiotherapists, assistants and students) who carry a conviction or formal police warning on their records with the justice system or police will potentially be limited or likely have reduced ability to be employed to practice in settings which provide care and treatment for children under state care or in state funded organisations.

What does screening and vetting involve?

Safety checks required for new children's workers include:

1. **Identity confirmation.** An effective safety check depends on individuals being who they say they are. Organisations must confirm an individual's identity either through an electronic identity credential or through original identity documents (the individual must provide both a primary and secondary identity document).
2. **An interview**, which should be face to face, but may be via telephone or other communications technology
3. **Work history** – consider the previous five years
4. **At least one referee** – consider the information from other referees where possible
5. **Seek information** from any relevant professional organisation, licensing authority or registration authority and confirmation that the person is registered by the authority.
6. **New Zealand Police vet.** To use the Police Vetting Service, agencies and individuals need to 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).
7. **Assessment of the risk** the potential children's worker would pose to the safety of children if employed or engaged by evaluating the above information.

For children's workers who are already employed or engaged by the organisation, fewer checks are required: confirmation of identity, checks with the relevant professional registration body or licensing authority, a fresh NZ Police vet, and a risk assessment based on these checks.

Periodic rechecking every three years requires: confirmation of any changes of 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 aspects of the check must be completed before the children's worker commences work, or continues work after the relevant date for existing children's workers.

To avoid committing an offence which could result in a fine it is important for organisations to meet the safety check requirements.

Further information

- [Vulnerable Children Act 2014](#)
- [Vulnerable Children \(Requirements for Safety Checks of Children's Workers\) Regulations 2015](#)
- [Safety checking](#) (Children's Action Plan website)
- [Children's worker safety checking under the Vulnerable Children Act 2014](#) (Children's Action Plan, 29 May 2015)
- [Safer recruitment, safer children: guidance for choosing safe people to work with children](#) (Children's Action Plan, March 2015)
- [Safer organisations, safer children](#) (Children's Action Plan, February 2015)
- [Workforce safety checking and child protection policies](#) (Ministry of Health)
- [Ask for Police vetting](#) (New Zealand Police)
- [New Zealand Police Vetting Service: Purpose statement and agency approval criteria](#)
- [About RealMe](#)