

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.

Comment

From July 1 2015, new government safety checking regulations, under the Vulnerable Children Act 2014, will 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 nurses and health care assistants (HCAs). It also applies to unpaid people working with children as part of an educational or vocational training course (eg, student nurses).

Nurses and health professionals 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. See below for further detail.

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.

Part of the safety check will include an identity check and a police check. Any worker who has been convicted of an offence or subject to a formal police warning will have this reported as part of the police check. There are a number of convictions that will automatically preclude an applicant from working with children. A full list of these is found in Schedule 2 of the Vulnerable Children Act 2014 (found at www.legislation.govt.nz). If you have had any conviction or warning at all and work with children, NZNO strongly recommend you check this list. It is possible to apply for an exemption, if you do have a conviction specified in the list. If you are a core worker (are the only children's worker present or have primary responsibility for or authority over the children), have a specified conviction, do not apply for or hold an exemption, and a police check subsequently reveals the conviction (or your organisation suspects you may

have such a conviction), you will be immediately suspended for five days on full pay. At the end of the five days the organisation will terminate your employment if it is confirmed you hold a specified conviction and do not hold an exemption. If you are a new worker, these conditions apply from **July 1 2015**. If you are an existing worker, these conditions apply from **July 1 2016**.

Information on applying for an exemption is available on
<http://www.childrensactionplan.govt.nz/childrens-workforce/the-workforce-restriction/>

The safety checking requirements are being phased in over three to four years to give organisations time to have all of 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.

Safety checks will be repeated every three years on all people who work with children. Members may wish to check their employment contracts to ensure it is the organisation who pays for the checks and not the member.

Summary

In summary, all people who work with children regularly or overnight without parents or guardians present, and are employed by a state-funded organisation, will be subject to a safety check in order to continue to work with children or be employed to work with children. Nurses or other workers who hold a specified conviction and do not hold an exemption will have their employment immediately suspended and subsequently terminated.

Further information

Children's Action Plan: <http://www.childrensactionplan.govt.nz/childrens-workforce/safety-checking-and-the-workforce-restriction/>

Vulnerable Children Act 2014: www.legislation.govt.nz.

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Mission statement

NZNO is committed to the representation of members and the promotion of nursing and midwifery. NZNO embraces Te Tiriti o Waitangi and works to improve the health status of all peoples of Aotearoa/ New Zealand through participation in health and social policy development.

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