

CONDUCTIVE EDUCATION WAIKATO

Early Intervention and Habilitation Provider

SAFETY CHECKING POLICY

Purpose

The purpose of this operational policy is to ensure that there is detailed information and a clear process to ensure all those working at our childcare centre meet the safety check requirements specified in the Children's Act 2014 and the Children's (Requirements for Safety Checks of Children's workers) Regulations 2015, as well as the Education and Training Act 2020 and requirements from all our centre's funders.

This policy also contributes to the human resource management policies operated by this centre and ensures we comply with the Ministry of Education's Early Childhood Education Licensing Criteria, specifically GMA7a and HS31.

Position Statement

Our centre ensures the safety of children through a robust staff selection process. We want our staff to:

- be safe to work with our children;
- understand the needs and development of children and know how to act to ensure these are met;
- actively contribute to our culture of child protection; to support and adhere to our child protection policy
- be prepared to make child safety at our centre their top priority.

A breach of this policy will be regarded as serious misconduct and subject to disciplinary action.

Issue Outline

Not all children have the support and protection of a trusted adult, but they must do at our centre. The risks to our children and their families would be severe and permanent. The risks to our reputation would shut us down.

Policy principles

To ensure our children are safe, we undertake a series of safety checking steps when appointing Children's Workers at this centre, as prescribed by the Children's Act 2014 and associated legislation. These steps will be undertaken before the Children's Worker has access to children and will be repeated every three years.

Safety checks at our centre will be carried out by the Centre Manager during the employment process and every 3 years thereafter.

Elements of the safety check are (see our centre's safety check procedure for details):

- verification of identity
- recruitment interview
- information about work history
- referee information
- information from the Teaching Council
- acceptance of a Police vet check report.

On the basis of these safety checking steps, the Centre Manager will then assess whether the person considered for employment at our centre poses any risk to the safety of children as a Children's Worker and this risk assessment is critical for forming a view about the suitability of the person to work as a "Children's Worker" under the Act (a Risk Assessment). This risk assessment will be kept on the Children's Worker's personnel file.

The assessment must be completed before the person is employed or engaged.

Education and Training Amendment Bill (No.3)

Changes to the Education and Training Act 2020 clarify the Police vetting provisions for non-teaching employees and contractors in licensed early childhood services and adults living in a home where home-based education and care is provided.

The clarification of the existing law makes it explicit that service providers of licensed ECE services **will need to consider** the Police vet obtained for their non-teaching employees and contractors, and adults living in homes where home-based ECE is provided, to assess any risk to the safety of children before those employees begin work or in the case of contractors, before they have unsupervised access to children.

This has a direct impact on ECEs risk assessments based on Police vets: ECE services will need to take into account any guidelines provided by the Ministry of education: <https://www.education.govt.nz/early-childhood/licensing-and-regulations/police-vetting-for-early-learning-services/>

Detail

Children's Worker – definition

Under the Children's Act 2014

- A children's worker is a person whose work "*may or does involve regular or overnight contact with a child or children, and takes place without a parent/guardian of the child, or of each child, being present*". This will include all people on site in an early learning service when the service is operating, irrespective of whether or not a person is paid, voluntary, or trialling for a role. It is the nature of work with children without parental supervision which is most important. A visitor with unsupervised access to children in a centre is not allowed. Van drivers for pick-up/drop-off services are children's workers.
- Work means paid, or unpaid as part of educational or vocational training service
- Regular or overnight contact means overnight, or at least once each week, or on at least 4 days each month.

Under the Education and Training Act 2020

- If a person will, or may have unsupervised access to children, then they will need to be police vetted as the Education and Training Act 2020 requires this (see sections 319D-FE)

If neither of these requirements applies, the person is a visitor to our centre.

- Visitors are required to provide details and sign our Visitors' Book and are chaperoned by a Person Responsible throughout their visit on centre premises. Visitors are not permitted to have unsupervised access to children on centre premises.
- Independent relief teachers are fully safety checked (7 steps) by our centre prior to employment.
- Agency Relief teachers: Agencies are the employer and will have carried out a safety check. Our centre will obtain written confirmation from agencies that this has been carried out in accordance with the Children's Act 2014 requirements. Our centre will confirm the identity of the reliever and carry out a risk assessment, based on all available information. For documentation purposes, the manager will take copies of ID, evidence of certification if applicable and take copies, which are dated and signed and kept on file.
- Trainees / students on practicum: our centre will confirm in advance with the training providers that a safety check has been completed, in accordance with the Children's Act 2014. The centre will confirm the identity, take a copy of the student's ID and request a written confirmation of the education provider and keep the records on file.

- ERO, MoE or MoH staff are public servants and are safety checked by their respective government agencies. PLD providers, speech language therapists: people who work in our centre but are employed or engaged as a Children's Worker by another organisation should be safety checked by their employing organisation. This will be confirmed with their employer in writing and a risk assessment will be carried out. Copies of IDs will be kept on file and kept in accordance with the Privacy Act 2020.
- Centre owner operators who are Children's Workers must go through a safety check. For this purpose, either use the Ministry of Education screening service or engage an independent third party to carry out a safety check.
- Centre owners: Centre operators / owners undertake a safety check as part of the initial licensing process, as well as a periodic recheck.
- Each individual who applies for a license OR who is involved in the governance of the proposed service must be a fit and proper person (Education (Early Childhood Services) Regulations 2008).

EVERYONE ELSE WORKING IN AN EARLY LEARNING SERVICE MUST BE POLICE VETTED.

- Contractors such as plumbers or bus drivers are not Children's Workers and do not need to be safety checked. However, a police vet must be obtained for anyone else appointed to work during normal opening hours who may, or is likely to have, unsupervised access to children. The police vet must be obtained before the person has unsupervised access to children. ***If a vet is not obtained then the person must be supervised at all times by a certificated teacher or another employee who has a current satisfactory police vet.***

Parent volunteers are not legally required to be safety checked under the Children's Act 2014. However, volunteers can be required to undertake police vets in accordance with an ECE service's policies.

Safety Check Elements – for more detail see our safety check procedure

Verification of identity

We require two forms of photo identity from prospective staff when applying for roles with us.

Recruitment interview

All prospective staff are expected to participate in a full recruitment interview. The interview not only examines the background of the candidate, but also their suitability to demonstrate the values of our centre and in a manner that meets the expectations of this policy.

Information about work history

We look for a work history that is clear and transparent. Any issues will be noted on the work history and referred to the employment interview.

Referee information

We undertake a minimum of two telephone referee checks, one of which must be with a recent employer, and will examine matter of safe practices as part of the discussion.

Any issues will be discussed with the candidate prior to employment.

Information from the Teaching Council

For all teaching staff with a current practicing certificate, we will check with the Teaching Council to ensure there are no records of complaints or competence issues that reflect concerns over the safe practice with children.

Acceptance of a Police vet check report

We accept a certificated teacher's current practicing certificate as evidence that a current Police vet check report has been obtained by the Teaching Council and that this has met their criteria for being of good character and fit to be a teacher, until we can obtain our own Police vet check. We will obtain a current Police vet check report for all other staff at our centre to identify any issue in the individual's recent background that would reflect children at our centre might be at risk.

- **Records to keep: copies of all the Police checks, copies of Teaching Council cover letters and certificates (only where provided).**

All staff will be required to pass a Police vet check every three years and for new candidates this will be completed prior to their appointment and commencing work at our centre. Where a police vet report is obtained, this will be checked for any issues likely to impact on the ability of the staff member to function as a children's worker in our centre. Such issues will be noted in the person's file.

Risk Assessment

We will complete a risk assessment to verify that any issues raised during the gathering of safety check information have been discussed with the candidate and that, if appropriate, the employer is satisfied that the candidate/staff member meets the requirements to be a children's worker in our centre.

Repeating safety checks every three years

We will repeat the safety checks on all staff every three years. Specifically, we will:

- Seek supporting name change documentation if there has been a name change
- We will not seek to review the work history, interview or referee checks

- We will expect all registered, certificated teachers to maintain their certification with the Teaching Council and ensure a copy of the current practicing certificate is held on file.
- We will ensure we have a current police vet report every three years
- We will complete a reviewed risk assessment for all staff every three years.

Personnel records

We retain information gathered to comply with this Safety Checking Policy in individual personnel files. Police vet check reports, where gathered, are retained for three years until replaced with a more current version. All personnel records are kept strictly confidential in secure storage for up to seven years following the cessation of employment.

The Manager will:

- Always prioritise the safety and wellbeing of the child.
- Carry out staff safety checking (including Police Vetting) in accordance with the Children's (Requirements for Safety Checks of Children's Workers) Regulations 2015.
- Maintain appropriate records.

Staff will:

- Always prioritise the safety and wellbeing of the child.
- Familiarise themselves with this centre policy.
- Maintain confidentiality.

Protected Disclosure

When a staff member or associate brings a case of child abuse to the attention of the center or the authorities, our centre will not disclose the name of the person without their permission unless it is to Oranga Tamariki or the Police and is necessary to do so in the interests of the child.

Alignment with Other Policies

- Child Protection Policy.
- Safety Checking of Children's Workers Procedure

Relevant Background (including legislation/regulation references)

Education (Early Childhood Services) Regulations 2008

Ministry of Education Early Childhood Education Licensing Criteria Governance and Management GMA7a

Children's Act 2014 and associated regulations.

Impacts of Policy on Staff, Parents, Children

Comprehensive safety checking of all staff will give assurance to parents, staff and children that our centre takes child protection seriously and that our centre is a safe centre for children.

Alignment with the Centre Philosophy

This policy is aligned with the centre's philosophy.

Implications and/or Risks

In making an appointment we apply a risk assessment by weighing up all of the information gathered and select a person who we believe;

- is a safe person to work with children.
- understands the needs and development of children and knows how to act to ensure these are met.
- supports and adheres to our child protection and child abuse policies
- will make the safety of children at our centre a priority.

Implementation

The implementation of this policy influences the centre's recruitment and HR policies and will form part of all staff induction and in-service training.

Review

Review annually or when there is a significant change in the area of the policy topic.

REVIEWED: August 2024

REVIEW DATE CYCLE: August 2025

Centre Manager: _____

