Vulnerable Children Act 2014

Compliance Advice for Staff and Departments

Second Edition

July 2018

Contents

Summary

1. Part 3 of the [Vulnerable Children Act 2014](#) (VCA) aims to protect children (those aged under 18) by requiring that people who work with children in New Zealand in certain contexts must be 'safety checked', and by prohibiting those convicted of certain crimes from working in key roles with children.

2. Work can include both paid work, and unpaid work undertaken as part of an educational course, so both University staff and students may be subject to the VCA.

3. The VCA only applies to 'children's workers', defined as those who work:
    –   with children
    –   in a regulated service (e.g. health care, counselling, school-level education, etc.)
    –   with regular or overnight contact with those children without the parent or guardian of each child being present.

    Note: flowcharts are provided on pages 5-7 of this document to assist in determining if the VCA is relevant to particular staff or students.

4. Most University work is not considered a regulated service in this context, but there may be exceptions such as:
    –   regulated services provided within the University or associated entities (e.g. dental clinics, the University childcare facility)
    –   student or staff placements (e.g. in hospitals or schools)
    –   student or staff research activities carried out in the context of regulated services.

5. University staff and students who are considered children's workers will need to be safety checked, which involves:
    –   confirming identity using a prescribed process
    –   considering prescribed information
    –   undertaking a risk assessment.

    Note: see pages 9-16 of this document.

6. Safety-checked children's workers must be rechecked every three years.

7. There are rolling dates for implementation of VCA requirements: as of July 2018 all new children's workers and existing Core Workers must be checked, and all existing non-Core Workers must be checked by 1 July 2019.

8. Under the VCA, it is expected that the University will carry out safety checks on staff and students carrying out work, study or research in external regulated services and the requirements and expectations of these services will need to be taken into account *(see page 8)*.

9. The purpose of this document is:
    –   to assist departments and other units with identifying staff and students who may be considered children's workers, and who will thus need to be safety checked
    –   to provide information to assist with safety checking, and ensure this is carried out in a manner compliant with the VCA
    –   to advise on University systems to support and record VCA safety checks
    –   to provide advice on associated issues.

10. The University has a [Child Protection Policy](#) which includes sections on VCA safety checking, including departmental and divisional responsibilities. This is supported by [Protection of Children webpages](#) with information for various groups. **This document should be read in conjunction with information in the policy and on the webpages.**

Key Terms

The following definitions are used in this document in relation to the relevant parts of the Vulnerable Children Act:

Children	Persons who are aged 17 years or younger
Work	For the purposes of the Act may include paid work, or unpaid work undertaken as part of an educational or vocational training course (i.e. the Act potentially applies to both staff and students)
Children's Worker	A person involved in working in a regulated service with children, with regular or overnight contact with those children, without a parent or guardian of each child being present
Core Worker	A children's worker (as defined above) who has primary responsibility for children in their care, or who is left alone with children without other workers being present
Non-core Worker	A children's worker (as defined above) not in the core worker category
New Children's Worker	A staff member or student newly employed or engaged in a children's worker role
Current Children's Worker	A staff member or student already employed or engaged in a children's worker role
Regulated Service	Particular services covered by the Vulnerable Children Act including welfare, counselling, health and school services in New Zealand
Specified Offence	Particular criminal offences which, barring a special exemption, prevent a person from being a core children's worker

Flowchart for Determining if the VCA applies to a Programme

This flowchart should be used for (non-research) study, which should be considered in terms of the structure and planned activities of the programme. Note the supervised research should be treated on a project-by-project basis and the *Flowchart for Determining if the VCA Applies to a Research Project* should be used.

Will any student(s), at any time in the programme, be carrying out their studies in the context of a regulated service[1]?

→ NO →

↓ YES

Is contact[2] with people aged 17 years or younger, who are receiving this service, possible as part of the students' studies?

→ NO →

↓ YES

The Vulnerable Children Act is not relevant to students in this programme.

Is it possible such contact will be regular[3] or overnight?

→ NO →

↓ YES

Will a parent or guardian of each person aged 17 or younger be physically present, such that they have effective practical oversight of their child or young person at all times?

→ YES →

↓ NO

The Vulnerable Children Act is relevant to students in this programme and appropriate checking process will need to be put in place (see pages 9-16).

1. **Regulated Services** include welfare, counselling, health and school services within New Zealand. University teaching activities are not included except where they involve the delivery of, or take place in the context of another party's delivery of, these services (e.g. teaching in a hospital or school).

2. **Contact** is defined as physical contact, oral communication in person or by telephone, or communication through any electronic medium.

3. **Regular Contact** means that during any defined period (e.g. a placement) a student would be expected to have relevant contact with a child or children at least once per week, or four days per month.

If it is unclear as to whether the Act is relevant to a given programme, it is recommended advice be sought from the Manager of Policy and Compliance at chris.stoddart@otago.ac.nz

Flowchart for Determining if the VCA applies to a Research Project

This flowchart should be used for student and staff research projects requiring ethical approval. Separate flowcharts exist for coursework in programmes and staff activities other than research.

```
┌──────────────────────────────────────┐        ┌──────┐
│ Will the research be carried out in   │────────│  NO  │────┐
│ the context of a regulated service¹?  │        └──────┘    │
└──────────────────────────────────────┘                    │
              │                                              │
         ┌──────┐                                            │
         │ YES  │                                            │
         └──────┘                                            │
              │                                              │
┌──────────────────────────────────────┐        ┌──────┐    │
│ Will contact² with people aged 17     │────────│  NO  │────┤
│ years or younger, who are receiving   │        └──────┘    │
│ this service, be part of the research?│                    │        ┌──────────────────────────┐
└──────────────────────────────────────┘                    ├───────>│ The Vulnerable Children  │
              │                                              │        │ Act is not relevant to   │
         ┌──────┐                                            │        │ this research project    │
         │ YES  │                                            │        └──────────────────────────┘
         └──────┘                                            │
              │                                              │
┌──────────────────────────────────────┐        ┌──────┐    │
│ Is it possible such contact will be   │────────│  NO  │────┤
│ regular³ or overnight?                │        └──────┘    │
└──────────────────────────────────────┘                    │
              │                                              │
         ┌──────┐                                            │
         │ YES  │                                            │
         └──────┘                                            │
              │                                              │
┌──────────────────────────────────────┐        ┌──────┐    │
│ Will a parent or guardian of each     │────────│ YES  │────┘
│ person aged 17 or younger be          │        └──────┘
│ physically present, such that they    │
│ have effective practical oversight of │
│ their child or young person at all    │
│ times?                                │
└──────────────────────────────────────┘
              │
         ┌──────┐
         │  NO  │
         └──────┘
              │
┌──────────────────────────────────────┐
│ The Vulnerable Children Act is        │
│ relevant to this research and an      │
│ appropriate checking process will     │
│ need to be carried out for the        │
│ relevant researcher(s) (see pages     │
│ 9-16).                                │
└──────────────────────────────────────┘
```
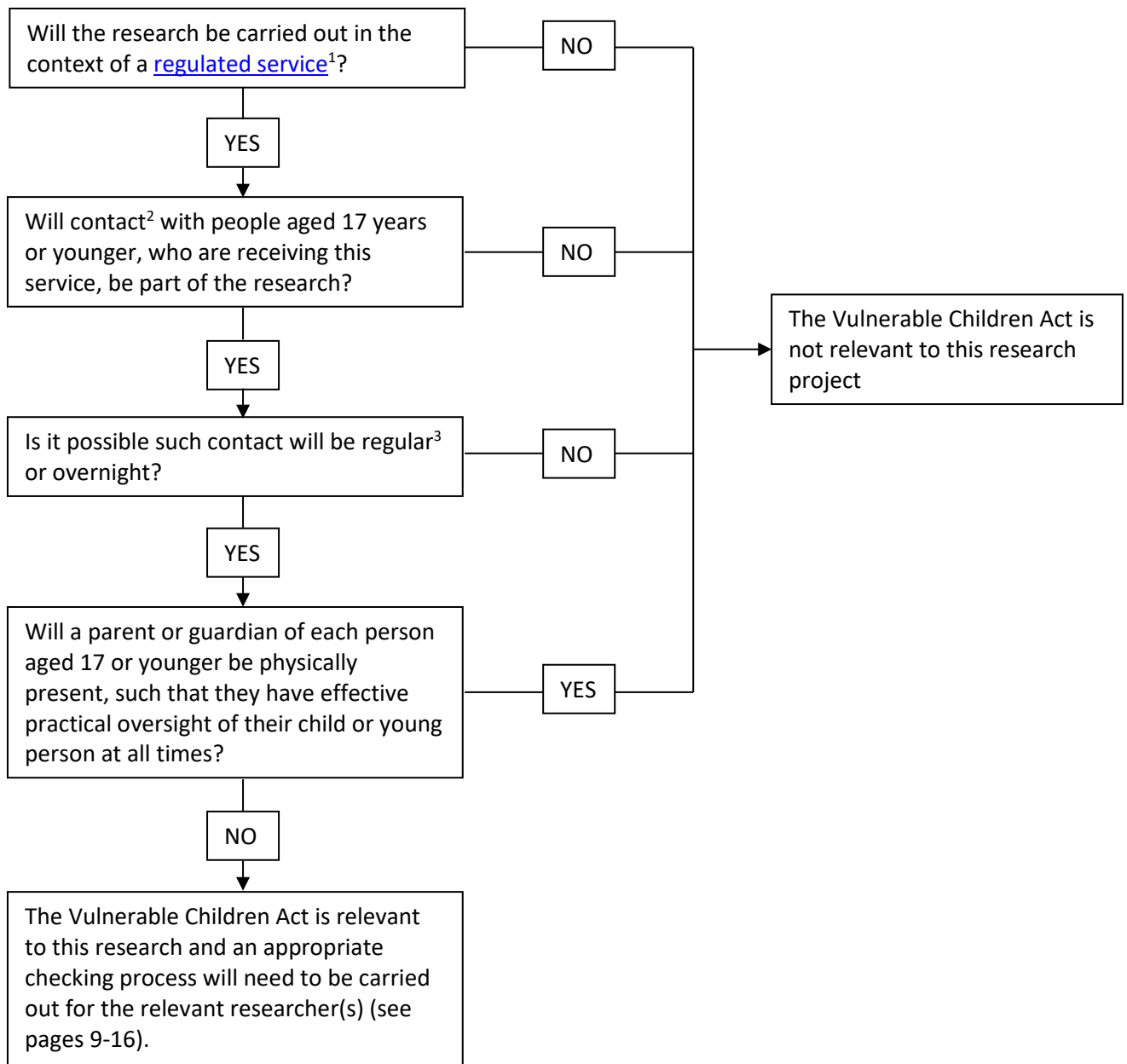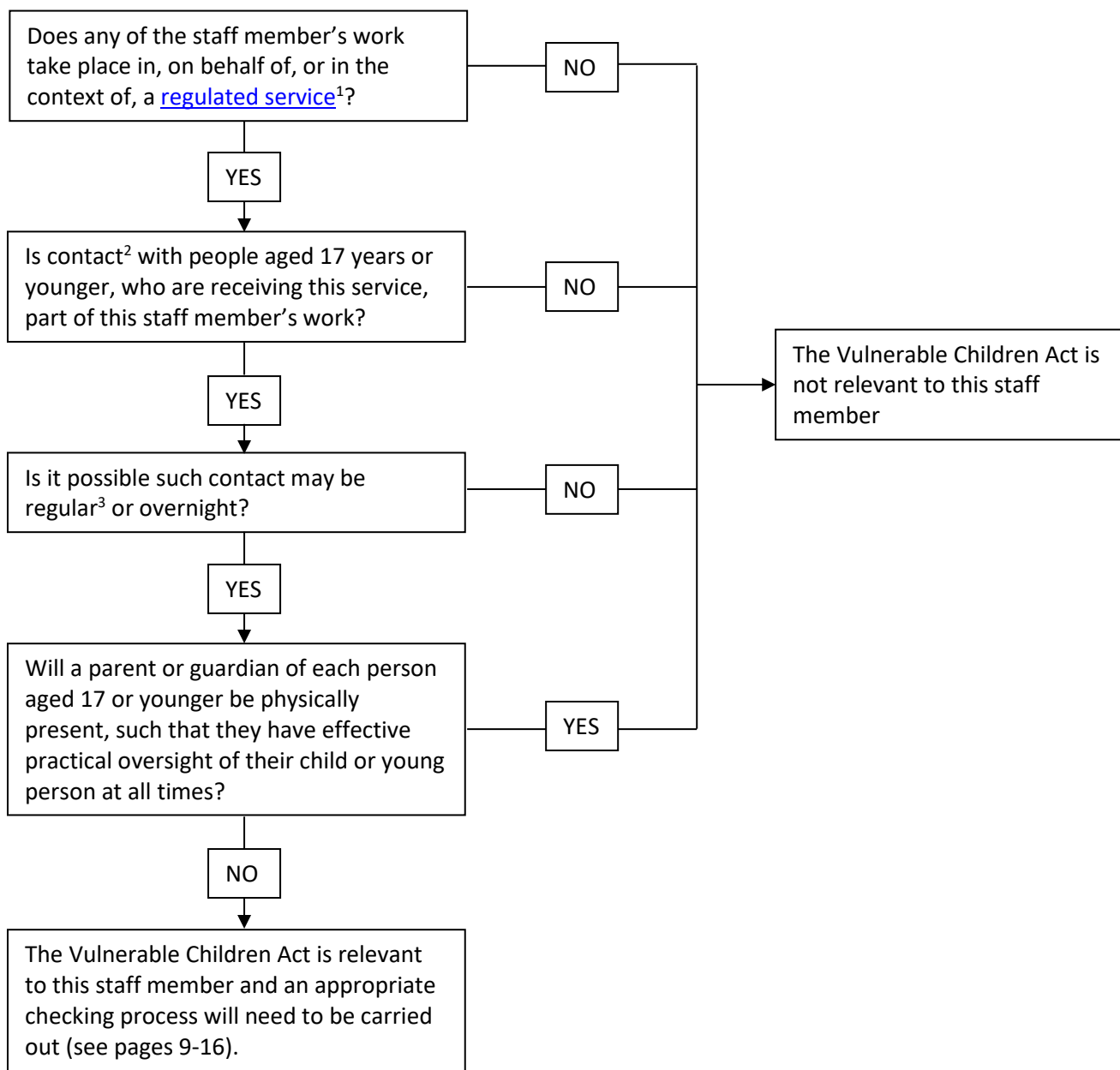
1. **Regulated Services** include welfare, counselling, health and school services within New Zealand. University research activities are not included except where they involve the delivery of, or take place in the context of another party's delivery of, these services (e.g. research in a school or counselling setting).

2. **Contact** is defined as physical contact, oral communication in person or by telephone, or communication through any electronic medium.

3. **Regular Contact** means that during the research or some period of it (which period may or may not yet be specifically identifiable), the researcher would be expected to have contact with a child or children, in relation the research in question, at least once per week across multiple successive weeks, or at least four days per month.

If it is unclear as to whether the Act is relevant to given research, it is recommended advice be sought from the Manager of Academic Committees at gary.witte@otago.ac.nz

Flowchart for Determining if the VCA applies to a Staff Member

This flowchart should be used to determine the relevance of the Vulnerable Children Act to staff activities except for research projects requiring ethical approval. Such research projects should be considered on a case-by-case basis using the *Flowchart for Determining if the Vulnerable Children Act applies to a Research Project*.

```
┌─────────────────────────────────┐
│ Does any of the staff member's  │         NO
│ work take place in, on behalf   │──────────────────────┐
│ of, or in the context of, a     │                      │
│ regulated service[1]?           │                      │
└─────────────────────────────────┘                      │
              │ YES                                       │
              ▼                                           │
┌─────────────────────────────────┐                      │
│ Is contact[2] with people aged  │         NO           │
│ 17 years or younger, who are    │──────────────────────┤
│ receiving this service, part of │                      │
│ this staff member's work?       │                      │
└─────────────────────────────────┘                      ▼
              │ YES                        ┌────────────────────────────┐
              ▼                            │ The Vulnerable Children    │
┌─────────────────────────────────┐       │ Act is not relevant to     │
│ Is it possible such contact may │  NO   │ this staff member          │
│ be regular[3] or overnight?     │──────▶│                            │
└─────────────────────────────────┘       └────────────────────────────┘
              │ YES                                       ▲
              ▼                                           │
┌─────────────────────────────────┐                      │
│ Will a parent or guardian of    │                      │
│ each person aged 17 or younger  │         YES          │
│ be physically present, such     │──────────────────────┘
│ that they have effective        │
│ practical oversight of their    │
│ child or young person at all    │
│ times?                          │
└─────────────────────────────────┘
              │ NO
              ▼
┌─────────────────────────────────┐
│ The Vulnerable Children Act is  │
│ relevant to this staff member   │
│ and an appropriate checking     │
│ process will need to be carried │
│ out (see pages 9-16).           │
└─────────────────────────────────┘
```

1. **Regulated Services** include welfare, counselling, health and school services within New Zealand. University research, teaching and administrative activities are not usually included except where they involve the delivery of, or take place in the context of another party's delivery of, these services.

2. **Contact** is defined as physical contact, oral communication in person or by telephone, or communication through any electronic medium.

3. **Regular Contact** means that the staff member would be expected to have contact with a child or children as part of their University work at least once per week or at least four days per month.

If it is unclear as to whether the Act is relevant to a given staff member, it is recommended advice be sought from the Manager of HR Services at helen.mason@otago.ac.nz. **Human Resources will coordinate the safety checking of staff members.**

Liaison with External Organisations

In many instances in which the University carries out VCA safety checks on staff and students, such staff or students will be working with children in the context of external organisations. These organisations will need to be satisfied that University processes for safety checking are robust.

In the majority of cases, particularly where contact is not part of an ongoing programme or initiative, it may be sufficient for the external organisation to know that all relevant staff or students are safety checked. Where more information is required, an open approach in discussing the University's safety checking processes is encouraged. In this context the following may be useful:

- Directing to the University's Child Protection Policy, Protection of Children webpages, and this guide.
- Detailing specific safety checking processes which have been established (see the 'Safety Checking' sections on pages 9-16 of this Guide).
- Providing information on the staff that are responsible for making risk assessments as part of the safety checks carried out in your area.
- Providing information on criteria applied in determining safety and any additional checking processes which are carried out when a risk is identified.

While openness is encouraged in discussing safety checking processes with relevant external organisations, privacy law means that details of individual applicants should never be shared with external organisations without the consent of the applicant first being obtained. If there is concern about an individual during the safety checking process and liaison with external organisations about their specific case is deemed necessary, the applicant's explicit written consent is required for this to occur. Note that Police vetting information cannot legitimately be shared.

For ongoing programmes and initiative which involve agreement with a number of different external institutions, coordination of agreements and processes is recommended. Where wide-ranging agreements are necessary, these should preferably be sought with higher-level bodies rather that individual institutions.

Note that Human Resources or other areas may have already established agreements with external groups. For example, HR are involved in the recruitment process of Joint Clinical staff and will coordinate who is responsible for checking with the relevant DHB. Helen Mason, HR Services Manager (helen.mason@otago.ac.nz) can provide information on DHB and similar agreements already in place.

Safety Checking

Safety checking: summary of requirements

The following table summarises the safety checking requirements in different cases and may be used to ensure all required steps have been carried out or included in planned processes.

- **New Children's Workers** are staff or students newly employed or engaged in children's worker roles.
- **Current Children's Workers** are staff or students already employed or engaged in children's worker roles.
- **Rechecking Requirements** are for staff or students who have been previously checked by the University and who need to have their safety-checked status renewed.

A staff member who is already employed by the University in a non-children's worker role, who, within the context of their current role, begins working with children (for example an academic staff member who initiates a research project with children to which the VCA applies) may be treated as a Current Children's Worker in terms of the safety checking requirements outlined below. That is, the person need not supply a five-year work history, and interview and referee checks are not required. This provision can also be applied to currently-enrolled postgraduate research students in some instances (see page 16).

Safety checks must be completed **before** the person commences work as a children's worker, or continues such work (subject to the implementation schedule – see point 7 on page 3).

	New Children's Workers	Current Children's Workers	Rechecking Requirements
Identity verification using prescribed process	✓	✓	
Confirmation of no name change since last check/name change process			✓
Consideration of five-year work history	✓		
New Zealand Police vet	✓	✓	✓
Interview	✓		
Referee check	✓		
Seeking information from any relevant professional organisation, licencing or registration authority	✓	✓	✓
Risk Assessment	✓	✓	✓

A template checklist to assist in ensuring VCA requirements have been met is provided on page 19.

Safety checking: eVision functionality for managing student safety checks

eVision functionality has been put in place to assist with managing and recording safety checks and rechecks for students. For student privacy reasons, access to this functionality is limited, and staff requiring access will need to request it through the appropriate channels.

Programmes and papers which require safety checking can be flagged in eVision, so as to activate safety checking functionality. There is flexibility to allow for different approaches to safety checking, including safety checking prior to commencing a programme, safety checking during a programme (e.g. before entering a particular year of the programme), safety checking in relation to particular papers, and safety checking initiated by a staff member independent of enrolment. It is expected that eVision safety checking will be used for all relevant students and programmes for 2019 enrolment.

This guide does not provide detailed information on eVision functionality, but does identify where eVision functionality may assist with processes as described below.

Safety checking: core workers versus non-core workers
Safety checking requirements are the same for core workers (children's workers who have primary responsibility for children in their care, or who are left alone with children without other workers being present) and non-core children's workers. However, Police vetting information is more comprehensive for core worker checks and risk assessments may differ. It is noted that people who have been convicted of a specified offence may not be employed as core workers.

For staff it will usually be clear whether their role is that of a core worker or non-core worker. For students this can be less clear. As a general recommendation, Core Worker safety checking is recommended for students who will be training for Core Worker roles. Such an approach reduces risk (in case a student is left unsupervised with children for a period of time) and reflects that the training is eventually aimed at producing a Core Worker. However, Non-core Worker checks may be more appropriate if it is guaranteed that students will not fall under the aforementioned Core Worker definition during their studies (e.g. they will be supervised at all times and so forth), and particularly if their programme of study is not necessarily aimed at later work with children.

Programmes flagged for safety checking in eVision are standardly set to record such checks as core-worker checks, but may be adjusted to default to recording non-core worker checks.

Safety checking: required information from applicants
To initiate safety checking, it is recommended that information and authorisations be collected from the staff member or student in question. Human Resources will coordinate the collection of information for staff during the recruitment process (contact helen.mason@otago.ac.nz).

Required information is as follows:

Information	Type/notes
Name	Administrative
Student/Staff ID	Administrative
Details of any convictions	Required
Authorisation for a New Zealand Police vet on appropriate documentation	Required for all checks
International Police certificates for any country in which the applicant has lived across the last five years	Recommended (not required by VCA)
Identity verification documentation*	Initial checks only
Confirmation of no name change since last check or name change verification documentation	Rechecks only
List of professional organisations, licencing and/or registration authorities of which the applicant is a member	Required for all checks
Five year work history	New Children's Workers only
The name of a referee or referees who can be contacted, who must not be related to the applicant or a member of their extended family	New Children's Workers only

*   Because of the requirement for original identity documents under the VCA (see below) it may not always be practical for applicants to provide the required documentation as part of their application. In such cases the applicant should be required to declare that they will provide such documentation before commencing their work with children.

Safety checking: identity verification

Identity verification may be carried out through an electronic identity verification service such as RealMe (www.realme.govt.nz), but is expected this won't be available for most applicants. For this reason document checking will normally be used. Identity documents must be **originals presented in person**, and must include:

- A primary document to establish the identity exists (passport, NZ citizenship certificate, NZ birth certificate issued after 1 January 1998 with unique ID number, etc.)
- A secondary document to establish the identity is a living identity (NZ drivers licence, student photo ID card, employee photo ID card, etc.)

The list of permitted ID documents is prescribed in legislation. Note that expired passports may not be used for VCA identity checking.

The staff member receiving the identity documents should take copies of these and verify that they have sighted the originals; this should include their name and the date on the copy. These should be kept as part of the safety check file for the applicant in question. For staff these will be held by Human Resources. The applicant's identity must be linked to the identity provided. This requires that at least one of the forms of ID provided contains a photo.

For distance or other off-campus students, presentation in person may be to an acceptable agent of the University, such as a Justice of the Peace, who could then provide communication to the University confirming that the originals were duly produced to them. In such cases it is important to establish that the person to whom the documents have been produced confirms that they sighted the originals on behalf of the University and the University will need to be satisfied that reliance on that person for this purpose is appropriate. Solely receiving certified copies is not sufficient to meet these purposes.

It must also be established that the applicant is the sole claimant of the identity within the organisation. For any enrolled student, this will have been carried out centrally as part of admission processes. For staff it will be carried out by Human Resources as part of the recruitment process. No additional checks are required by departments.

Note that Police vetting also requires identity verification. Advice on practical processes for meeting both identity verification requirements is provided on pages 15 and 16 below.

Safety checking: name change process

Identity checks are not required when three-yearly rechecking is carried out. Identity documentation is only required if a student or staff children's worker has changed their name since the last check. Admissions and Enrolment (students) and Human Resources (staff) have complying processes in place to record legal names changes, which include collecting appropriate documentation. Name changes can thus be verified through eVision for students or by contacting HR for staff.

The list of permitted name change documents is prescribed in legislation.

Safety checking: Police vetting

Police vetting is required for safety checking of <u>all</u> children's workers.

However, under the legislation, a new Police vet need not be sought:

- where it can be confirmed that the person in question belongs to a professional organisation or licencing or registration authority which has carried out a Police vet in the last three years and routinely carries out Police vetting of members at intervals of not more than three years, or
- where the University has received a Police vet for the person in question within the last three years.

While these exceptions exist and may apply in some circumstances, it is generally advisable to seek a new Police vet whenever a safety check is carried out.

The ability to seek Police vets is limited to designated staff at the University:

- For vetting of staff, please contact Helen Mason or Nicola Moeahu in Human Resources.
- Programmes and papers with ongoing/standard vetting requirements will have designated staff who are able to seek Police vets in relation to those programmes/papers.
- Where vetting is required for a student who is not in a programme or paper with standardised vetting requirements (e.g. vetting of a research student in relation to a research project), staff should contact their Divisional Office, who will be able to assist with organising a Police vet.

Note that the University seeks to limit the number of staff who are authorised to seek Police vets. However, if a department or other unit has extensive checking needs, it may be possible to nominate a departmental staff member for this. Please contact the Manager of Policy and Compliance (chris.stoddart@otago.ac.nz) to discuss if necessary.

Police vetting has its own identity verification and consent processes, which are described at http://www.police.govt.nz/advice/businesses-and-organisations/vetting/vetting-process. Applicants are required to complete a consent form which also has sections for the University to complete. The form is available at http://www.police.govt.nz/advice/businesses-and-organisations/vetting/forms. Further advice on identity verification for both the VCA and Police vetting is provided on page 16 below.

If seeking a Police vet via a designated staff as above, departments shall normally be responsible for receiving the Police vet consent form and verifying identity before sending to the designated staff member to formally seek information from the Police. The vetting process is described in more details at http://www.police.govt.nz/advice/businesses-and-organisations/vetting/vetting-process

Vetting information has the Government security classification 'in confidence' and must be securely stored and destroyed (including deletion of electronic copies) once no longer needed. The normal retention period is no longer than 12 months, but a Police vet may be retained to support a current safety check. After the safety check expires the vetting information must be securely destroyed.

It is noted that Police vetting may take up to 20 days (or longer at peak periods); this should be considered in terms of planning.

Students/staff who have not previously lived in New Zealand (e.g. international students) are still required to be New Zealand Police vetted. It is recommended that such students/staff be asked to provide copies of Police certificates from any country in which they have lived across the last five years. If such certificates cannot be obtained, they should be required to make a declaration that they have sought but cannot obtain such certificates. Note that Police vetting requires a New Zealand residential address, so international applicants may not be able to seek a Police vet until living in New Zealand. In such cases they should confirm as part of their application that they have not previously lived in New Zealand, and the Police vet should be completed at a later time but **prior to their commencing their work with children**.

Police vetting is subject to agreements made with the New Zealand Police Vetting Service. Individual agencies within the University are responsible for ensuring they adhere to the terms of these agreements.

Safety checking: interview

All New Children's Workers must be interviewed. This can be carried out face-to-face or via telephone or other communications technology (e.g. Skype). The interview may be incorporated into existing interviews, and the level of questioning may be based on an initial assessment of risk from information provided by the applicant, Police vetting and referee checks.

At a minimum, something like the following question should be asked:

> *Is there any reason why we should have concerns about your suitability for working with children?*

Further questions may be asked if necessary, either due to concerns arising from an initial risk assessment or from the answer to this question.

Safety checking: referee checking

Referee checks are required for all New Children's Workers. Written references are recommended but telephone references are also acceptable, so long as a written record of the conversation is kept. It is strongly recommended that reference be made to the VCA and to the applicant's needing to work with children in communications with referees. Questions should be relatively open-ended and, as for the interview, should be centred on a question such as:

> *Is there any reason why the University should have concerns about the applicant's suitability for working with children?*

Safety checking: professional organisation checking

Where an applicant has identified that they belong to any professional organisations, licencing or registration authorities, the University must, for at least one of these:

1. confirm that the applicant is a currently a member of the organisation or currently licenced or registered by the organisation (which may be done via public records online);

AND/OR

2. seek information from the organisation or authority relevant to the applicant's suitability for working with children.

If an applicant has identified that they belong to a body which has carried out a New Zealand Police vet of them in the last three years, and which routinely carries out Police vetting of members at intervals of not more than three years, this body can be contacted to confirm this and this will technically meet VCA requirements. However, particularly for student applicants, it is recommended that a new Police vet be sought to ensure claims made by the applicant about any convictions or lack thereof can be independently verified by the University.

Safety checking: risk assessment

Risk assessment following the collection of all information involves a professional judgement. It is noted that a risk-averse approach may be favoured to ensure the safety of children. Countering this, care must be taken not to prevent people from working or studying where risks are minimal. Ultimately, the question to be considered for each applicant is:

> *Would this person pose an undue risk to children in the child worker role they plan to undertake?*

The following should be taken into consideration:

1. The VCA contains a list of [specified serious offences](). It is **unlawful** for a an organisation to employ or engage person who has been convicted of one of these offences as a 'Core' children's worker (that is a children's worker who has primary responsibility for the children in their care, or who will be the only children's worker present with children at any time).

2. Other offending, and concerns from interviews or reference checking, should be considered in the context of the work the applicant will be doing.   The time since any conviction, and the age of the applicant at the time of the offence, may also be taken into account.

3. Where there are concerns about the suitability of an applicant to be a children's worker, the applicant may be asked to provide further information.

4. If an applicant has deliberately provided misleading or incorrect information, this should usually be taken as a strong indication that they should not be considered suitable to be employed or engaged as a children's worker.

Senior staff should undertake risk assessments. The use of a panel of staff members is recommended to ensure consistency of decisions and lack of bias. Appropriate processes for risk assessment will need to be developed in each relevant area.

For the safety checking of students, there is capacity to record the overall risk assessment in eVision. This is secure and will only be available to authorised users.

Advice on planning and carrying out safety checking and rechecking

The following advice might be taken into account in planning and executing safety checking processes:

Integration with existing processes

Where possible, safety checking requirements should be integrated with existing processes, including existing recruitment, admission and interview processes.

Information provision

Where programmes require students to be safety checked, it is recommended information on this is provided in material relating to the programme. This might state something like the following:

> *As students in this programme will be required to work with children in a regulated service as part of their training, safety checking (including a New Zealand Police vet, interview, reference check and risk assessment) of all applicants shall be carried out as required under the Vulnerable Children Act 2014.*

A link might also be provided to relevant webpages on the University's Protection of Children website.

Safety checking requirements should also be made clear in recruitment advertising and during the recruitment process for University children's worker jobs. Contact the HR Recruitment team in relation to advertised vacancies or the relevant client HR Administrator in HR Services for direct-to-offer vacancies.

Communication processes

Processes should be put in place to communicate the outcome of safety checks. This can be integrated into existing processes if possible. Functionality in eVision is designed to support this.

Timing of processes

Timeframes for receiving Police vetting information should be considered in setting application dates etc. Police vetting may take up to 20 working days in non-busy periods and longer at peak periods. The VCA will also increase pressure on Police vetting services. Sufficient time (at least 6 weeks is recommended) should be allowed for this part of the process.

Consideration should also be given to the best time to run safety checking processes, particularly for students who may not have contact with children immediately in their programme (checks must be carried out before contact with children takes place). Generally assessment at admission is best, but for long programmes with contact only late in the programme, later checking may avoid a need to recheck students. This needs to be weighed against the risk of a student who has already completed a significant part of the programme not being able to complete their studies. See also the section on postgraduate research students below.

Interviews for students

If interview questions for students cannot be added to an existing interview process, interviews may be best conducted over a one or two day period on a rolling basis, particularly if student numbers are high. This could be combined with identity verification processes (see below).

Interviews for staff

It is expected interview questions for staff who are considered children's workers as part of their ongoing key work would be asked as part of the recruitment interview. The Recruitment team in Human Resources can provide advice on appropriate questions to ask. For staff who are already employed and who begin working with children in their current role, interviews are not required.

Identity verification

Identity verification processes are required both to initiate Police vetting and to complete VCA checking. These have similar but slightly different ID requirements. VCA requirements will meet Police requirements, so if the applicant is on campus it is recommended that they provide documentation as required by the VCA early in the process to permit both vetting and VCA approval (see 'Safety checking: identity verification' on page 11). For those who are off-campus (e.g. student applicants) and who live in New Zealand, or have previously lived in New Zealand, the following approach is recommended:

1. The applicant provides copies of a primary and secondary forms of ID. These should be verified by an identity referee ([see the New Zealand Police Vetting Service Guide to completing the Vetting Request and Consent Form](#)). This allows for Police vetting to take place.

2. For VCA purposes, the applicant then brings in original copies of their primary and secondary forms of ID for checking. This could be combined with interview processes. These need not be the same documents as those provided as verified copies (for vetting purposes) previously, but must meet VCA requirements.

Note that original ID documentation as prescribed by the VCA must be sighted before an applicant begins working with children.

For distance students (and others who cannot present ID on campus) it is acceptable to use an agent (such as a JP or similar person) who could confirm to the University that the original documents had been produced to them and that they had acted on behalf of the University in sighting these. Alternatively, original documents could be mailed to the University for sighting and then returned to the student (see page 11).

International applicants and Police vets

For those who have not previously lived in, or are not currently living in, New Zealand, current processes mean that a New Zealand Police vet will not be able to be sought until they have a residence in New Zealand. In such cases it is recommended:

- The applicant declare that they have never lived in New Zealand, and acknowledge that if they provide false information about this they will be disqualified from study or work at the University.
- The applicant agree to consent to a Police vet once in New Zealand.
- The applicant not be permitted to work with children until all VCA requirements (including a NZ Police vet) are completed.

All other VCA safety checking processes, including a risk assessment, can proceed prior to the Police vet being sought (on the assumption that this will show no convictions).

As for any applicant who has lived overseas, it is recommended that these applicants also be asked to provide overseas Police certificates from the country or countries where they have lived in the last five years. It is possible they will already have obtained these for their NZ Immigration application.

Postgraduate research students

It is acknowledged that research students at PhD and Master's level may need to be safety checked after admission and prior to commencing the research phase of their project. In such cases, and where the student is known to their supervisor (recommend enrolled for a minimum of three months in their current degree), the checking processes for Current Children's Workers can be applied (i.e. there is no need to seek a five-year work history, interview the student, or seek further references).

However, if it is known that the student's research project clearly requires that they work with children and that the VCA will apply, it is recommended that VCA checking be carried out as early as possible (and preferably prior to admission) to ensure that the research project does not need to be amended.

Documentation and Oversight

Documenting safety checks

It is important that safety checks are well documented for auditing purposes and to assist with rechecking as required. Details of student safety checks shall be recorded in eVision and details of staff safety checks shall be recorded in the central HR database.

Departments are responsible for securely holding on file documents relating to safety checks for individual students. This includes:

- Application information
- Referee reports
- Verified copies of identity documents
- Notes relating to risk assessment

Information provided for Police vetting must be securely stored and destroyed (including deletion of electronic copies) once no longer – see page 12.

HR will securely hold documents relating to staff safety checks.

The management of all records should be carried out in accordance with relevant legislation and University policy, particularly the University's Records Management Policy and Policy on Access to, and use of, Personal Information.

Planning re-checks for students and staff continuing in child worker roles

Processes need to be put in place to ensure that students or staff who continue to work with children are rechecked very three years.

- Where student safety checks are recorded in eVision, staff with appropriate access will be able to search on students in relevant programmes whose safety checks are due to expire soon, and where necessary, initiate the recheck process.

- Human Resources will manage staff records and initiate the recheck process with relevant departments.

In all cases, any rechecks must be completed before expiry of the previous check, if the student or staff member is to continue working with children without interruption.

Note that safety checks are valid for three years from the date that the final risk assessment is made (not the date of the Police vet or other initial components of the checking process).

Reporting requirements

- Where a new or amended paper or programme involves relevant child contact, this must be reported to the Board of Undergraduate or Graduate Studies (via normal paper/programme submission processes), along with confirmation that appropriate safety checking processes shall be in place.

- Where planned research involves relevant child contact, this must be reported to the relevant Ethics Committee, along with confirmation of safety checking of the relevant researchers.

- Where any other new initiative not covered above involves relevant child contact by staff, this must be discussed with Human Resources to ensure appropriate safety checking processes are in place.

Further Information

The following staff can provide assistance and advice in relation to the Vulnerable Children Act:

- Helen Mason, HR Services Manager (helen.mason@otago.ac.nz) for general queries relating to staff
- Chris Stoddart, Manager, Policy and Compliance (chris.stoddart@otago.ac.nz) for general queries relating to students and queries about the University's [Child Protection Policy](#)
- Gary Witte, Manager, Academic Committee (gary.witte@otago.ac.nz) for queries relating to research

Addition information is available online via the University's:

- [Child Protection Policy](#)
- [Protection of Children website](#)

[Police vetting information](#) is also available online.

For source legislation, see:

- [Vulnerable Children Act 2014](#)
- [Vulnerable Children (Requirements for Safety Checks of Children's Workers) Regulations 2015](#)

Checklist for Vulnerable Children Act Safety Check

Name: _____

ID Number: _____

Details of work with children (position title, programme, etc):	

Type (circle one): Core Worker   Non-Core Worker

Status (circle one): New Children's Worker   Current Children's Worker

Checklist *(tick boxes as required)*	New Children's Worker	Current Children's Worker	Recheck
Identity verification using prescribed process (two prescribed forms of ID including photo)			N/A
Confirmation of no name change since last check/name change process	N/A	N/A	
New Zealand Police vet information received (and any relevant overseas Police information)			
Five-year work history considered		N/A	N/A
Interview conducted		N/A	N/A
Referee check conducted		N/A	N/A
Information from relevant professional organisation, licencing or registration authority sought			

Risk Assessment
(circle one)

Pass   Pass with restrictions *(detailed in notes below)*   Fail

Notes:

Completed by

Name: _____   *Date:* _____

Signature: _____

Attach relevant documentation. See overleaf for definitions of key terms.

Definitions

Children's Worker

A person involved in working in a regulated service with children, with regular or overnight contact with those children, without the parent or guardian of each child of parent being present

Core Worker

A children's worker who has primary responsibility for children in their care, or who is left alone with children without other workers being present

Non-core Worker

A children's worker not in the core worker category

New Children's Worker

A staff member or student newly employed or engaged in a children's worker role

Current Children's Worker

A staff member or student already employed or engaged in a children's worker role. For checking purposes this may include current staff who within their current role begin working with children, or postgraduate research students who have been enrolled for at least three months and then seek ethical approval to work with children as part of their research.

Risk Assessment: Pass

Risk assessment conducted and applicant cleared to work with children

Risk Assessment: Pass with Restrictions

Risk assessment conducted and applicant cleared to work with children but with certain restrictions in place (may need to be supervised, e.g. non-core worker)

Risk Assessment: Fail

Risk assessment conducted and applicant not permitted to work with children