

POLICY: POLICE VETTING & SAFETY CHECKING FOR CORE CHILDRENS' WORKERS & NON-CORE CHILDRENS' WORKERS

RATIONALE

The school is required to:

- Ensure that all employees maintain proper standards of integrity and conduct [State Sector Act 1988]
- Provide a safe physical and emotional environment for students [NAG 5 i]
- Comply in full with any legislation currently in force to ensure the safety of students and employees [NAG 5 ii]
- The Education Act 1989 requires that “before appointing a person who is not a registered teacher to a position at the school, the school must obtain a police vet of the person.
- The Vulnerable Children Act 2014 requires that:
 - ❖ From July 1st 2015 all new core children’s workers (see appendix 1) must be safety checked prior to employment commencing. New core workers convicted of specified offences (see appendix 4) cannot be employed unless they have a core worker exemption.
 - ❖ From July 1st 2016 all new non core children’s workers must be safety checked prior to employment commencing and existing core workers convicted of specified offences (see appendix 4) cannot be employed unless they have a core worker exemption.
 - ❖ From July 1st 2018 all existing core children’s workers must be safety checked.
 - ❖ From July 1st 2019 all existing non core children’s workers must be safety checked.

PURPOSE:

- To provide a safe environment for students through the safety checking.

GUIDELINES:

- All non-teaching staff, contractors and caregivers of international students are to be police vetted
- The Principal is responsible for organising and evaluating the police vet
- The correct procedure for applying for an evaluating police vet must be followed [see RLHS Police Vetting Procedures for details]
- Job applicants, contractors, and caregivers of international students’ privacy and rights to be treated fairly must be respected at all times during the vetting process
- All job application forms must have reference to the fact that the appointment will be subject to a police vet, and have appropriate questions relating to any previous convictions

RELEVANT PROCEDURES: See RLHS Police Vetting Procedures for details of the police vetting process

RELEVANT LEGISLATION: Education Act 1989
 State Sector Act 1988
 Vulnerable Children Act 2014

RELEVANT SCHOOL POLICY: Appointments

REVIEW: This policy shall be reviewed according to the Board of Trustees triennial programme of self review in 2019.

DATE CONFIRMED: September 2016

ROTORUA LAKES HIGH SCHOOL POLICE VETTING PROCEDURES

- 1. Police Vetting is required for:**
 - Non teaching staff
 - Contractors and their employees who regularly work in the school during the day
 - Homestay hosts or caregivers of international students

- 2. Police Vetting of other Personnel**
 - Police Vetting will be required for anyone who is not employed by the BOT who may be in the situation as the only adult with a student or group of students.
 - Anyone else who works in conjunction with other adults with a student or group of students may be required to be Police Vetted. Exemptions to this can be granted at the discretion of the BOT or Principal.
 - Contractors who do not regularly work in the school or do not work during the school day do not require Police Vetting, except at the discretion of the BOT

- 3. The Principal's PA is the designated person responsible for**
 - Organising the signing of the forms
 - Receiving the completed vet
 - Keeping records of completed police vets
 - Ensuring police vet forms are disposed of by shredding as necessary

- 4. Employees or Prospective Employees must be vetted in the following situations:**
 - When appointing a new permanent employee, or a casual temporary employee a satisfactory vet will need to be obtained before an appointment is confirmed.

- 5. To obtain a vet for a new employee the school must**
 - Explain the need to obtain a police vet to the person involved during the job interview process. A contractor or employee may choose to decline a police vet and not continue with the job application
 - Then ask the person to fill out the Police Vetting Form and return to the school for processing

- 6. To obtain a vet for a Homestay Host for International students the school must**
 - Ask all members of the household over the age of 18 years to fill out a Licensing & Vetting Service Centre Police Vet form and return to the school for processing

- 7. Procedure for evaluating a police vet**
 - The vet arrives at the school addressed to the designated person
 - The vet is reviewed by the Principal, who has been delegated the task by the BOT
 - If the vet raises concerns requiring further action, the NZSTA Industrial Advisor will be contacted and the issue will be considered by the Board of Trustees
 - If the vet raises no concerns the vet is given to the person vetted, or destroyed.
 - A record must be kept of which option [above] is chosen

- 8. Police Vets that raise concerns**
 - From July 1st 2016 no core children's worker can be employed unless an exemption has been granted (see appendix IV)

- 9. Job Applicant's Rights/Privacy**
 - Applicants have the right to be treated fairly and to have their privacy respected. The information contained in a police vet is confidential and privacy must be safeguarded at all times.

10. Application Forms

- All application for employment forms must have reference to the fact that the appointment will be subject to a satisfactory police vet and have appropriate questions on matters relating to previous convictions.

APPENDIX 1**DEFINITIONS CORE CHILDREN'S WORKERS AND NON CORE CHILDREN'S WORKERS**

- It is the Board of Trustees responsibility to determine whether a children's worker's role is core or non core.
- If a role allows a person to be alone with a child or children, it is a core worker role.
- If a person will never be left alone with children and there will always be another adult present who is more responsible or authoritative, a person will not be a core worker.

APPENDIX 2

SAFETY CHECKS

- **For teachers** - we will use the police vet undertaken by the Education Council, as part of a teacher's registration and practicing certificate process.
- **Teacher Aides and Support Staff** - we can use the police vet under section 78c of the Education Act 1989.
- **Student Teachers on practicum** - we are responsible to obtain in writing from the university / teacher's college / polytech that they complete their safety checks to the standard set out in the Vulnerable Children's Act.
- **Volunteers** – Volunteers (as unpaid workers) are not required to be safety checked under the Vulnerable Children's Act requirements.
- **School Camps** – Parents or other adults volunteering to go on school camps do not need to be safety checked under the Vulnerable Children's Act or Police vetted under the Education Act.
- **Components of a safety check** –
 1. **Identify Confirmation**

One primary form of identification

 - ❖ e.g. NZ passport or overseas passport
 - ❖ NZ full birth certificate that is issued on or after 1 January 1998 with a unique ID number.

A secondary form of official identification

 - ❖ e.g. NZ driver's licence
 - ❖ IRD number
 - ❖ Community services card

One of the forms of identification must include a photo
 2. **Police Vet**

For previous convictions and concerns the police have in any context, including family violence, even if these have not been charged, charges have been withdrawn or dismissed, the Vulnerable Children's Act has amended the criminal records (clean slate) Act 2004 and any convictions for offences specified in schedule 2 of the Vulnerable Children's Act will be disclosed in the vetting result. Employment cannot begin until police vet results are received and considered (at least 21 working days).
 3. A chronological summary of the applicant's work history for the preceding five years including the position they held in the organisation.
 4. Any licence relevant to the activity e.g. driver's or bus licence if driving is part of their role.

5. Proof of Teacher Registration

6. Interview

7. Reference Checking

Contact at least one referee but where possible three.

Periodic Safety Checks

Every three years for all staff:

These 3 yearly checks must:

- ❖ Confirm whether the employee has changed their name since the last safety check.
- ❖ Complete a police check for any non-teaching employees.
- ❖ Check for current practicing certificate.

Record Keeping

- ❖ We must keep accurate records about the safety-checking process, including when each aspect of the check was completed.
- ❖ If a safety check was done by someone outside our organization, our records will need to provide assurance that the check was adequately conducted, including assessment of the risk the person would pose if employed as a children's worker. This can be asked for (orally or in writing) by other schools etc about our staff e.g. RTLB.

APPENDIX 3

Template of Risk Assessment Form kept on all staff members to ensure they do not pose a risk to the safety of children and showing the results of necessary actions etc we have completed.

APPENDIX 4**THE WORKFORCE RESTRICTION AND THE CORE WORK EXEMPTION**

The Vulnerable Children's Act 2014 includes the Workforce Restriction, which prohibits the employment of people with certain serious criminal convictions as core children's workers, unless they hold a Core worker Exemption.

The list of convictions are attached and will show up on children's workers' Police Vet during their safety check. From July 1st 2016 this applies to all staff employed by RLHS Board as core children's workers unless an exemption has been granted.

It is up to the individual to apply for a core worker exemption. The process is administered by the Ministry of Social Development. It remains the Board's decision if they wish to employ a person with a core worker exemption.

LIST OF CONVICTIONS

An offence against any of the following sections of the Crimes Act 1961 is a specified offence:

1. section 98 (dealing in slaves):
2. section 98AA (dealing in people under 18 for sexual exploitation)
 - section 124A (indecent communication with young person under 16):
3. section 128B (sexual violation):
4. section 129 (attempted sexual violation and assault with intent to commit sexual violation):
5. section 129A (sexual conduct with consent induced by certain threats):
6. section 130 (incest):
7. section 131 (sexual conduct with dependent family member):
8. section 131B (meeting young person following sexual grooming, etc):
9. section 132 (sexual conduct with child under 12):
10. section 133 (indecenty with girl under 12):
11. section 134 (sexual conduct with young person under 16):
12. section 135 (indecent assault):
13. section 138 (sexual exploitation of person with significant impairment):
14. section 139 (indecent act between woman and girl):
15. section 140 (indecenty with boy under 12):
16. section 140A (indecenty with boy between 12 and 16):
17. section 141 (indecent assault on man or boy):
18. section 142A (compelling indecent act with animal):
19. section 143 (bestiality):
20. section 144A (sexual conduct with children and young people outside New Zealand):
21. section 144C (organising or promoting child sex tours):
22. section 154 (abandoning child under 6):
23. section 172 (punishment of murder):
24. section 173 (attempt to murder):
25. section 177 (punishment of manslaughter):
26. section 178 (infanticide):
27. section 182 (killing of unborn child):
28. section 188 (wounding with intent):
29. section 189(1) (injuring with intent to cause grievous bodily harm):
30. section 191 (aggravated wounding or injury):
31. section 194 (assault on child):
32. section 195 (ill-treatment or neglect of child or vulnerable adult):
33. section 195A (failure to protect child or vulnerable adult):
34. section 198 (discharging firearm or doing dangerous act with intent):
35. section 204A (female genital mutilation):
36. section 204B (further offences relating to female genital mutilation):
37. section 208 (abduction for purposes of marriage or sexual connection):
38. section 209 (kidnapping):
39. section 210 (abduction of young person under 16).

2. An offence that is equivalent to an offence against any section of the Crimes Act 1961 referred to in clause 1, but that was committed against a provision of the Crimes Act 1961 that has been repealed, is a specified offence.

3. An attempt to commit any offence referred to in clause 1 or 2, where the offence is not itself specified as an attempt and the provision does not itself provide that the offence may be completed on an attempt, is a specified offence.

4. A conspiracy to commit any offence referred to in clause 1 or 2 is a specified offence.

5. An offence against any of the following sections of the Films, Videos, and Publications Classification Act 1993 is a specified offence for the purpose of Part 3:

- a) section 124 (offences relating to objectionable publications, involving knowledge):
- b) section 127(4) (exhibition to persons under 18):
- c) section 131A (offences relating to possession of objectionable publications, involving knowledge).

6. An offence against section 209(1A) of the Customs and Excise Act 1996 is a specified offence for the purpose of Part 3.