

# Vulnerable Children Act – Scope of the Standard Safety Checking Requirements

Specified organisations are going to be required to undertake new standard safety checks of children’s workers they employ or engage. This means they’ll need to ensure that:

**A** Children’s workers they employ or engage (including contractors) are safety checked to the required standard

**B** Three-yearly re-checking is done for all children’s workers they continue to employ or engage

**C** They do not employ or engage any person as a core worker (see definition 3 below) who has a specified offence, unless the worker has an exemption.

## There are three steps to applying the Act:

### 1. Is an organisation a specified organisation?

- ♦ Is it any of the State services (section 2 State Sector Act 1988)?; or
- ♦ Is it receiving money from a State service to provide regulated services (unless it’s receiving money via individualised funding arrangements)?
- ♦ **and** Does it employ or engage children’s workers to perform a regulated service?

### What are the regulated services?

Any service that is listed in Schedule 1 of the Act (as listed on the following page)

**Specified organisations are subject to the Act**

### 2. Are the specified organisations employees or contractors “children’s workers”?

Children’s workers:

- ♦ People providing a regulated service; and
- ♦ Whose work may or does involve regular or overnight contact with a child or children; and
- ♦ This takes place without a parent or guardian of the child, or of each child, being present

Regular or overnight: at least once a week; or on at least 4 days each month, or overnight

Contact: physical, oral communication or via electronic communication

**These workers need to be safety checked**

### 3. Are any of the specified organisations employees or contractors “core children’s workers”?

Core children’s workers are children’s workers whose work requires or allows them to be:

- ♦ The only children’s worker present; or
- ♦ The children’s worker who has primary responsibility for, or authority over, the child or the children present

**Workers who have specified convictions cannot be employed in these roles unless they have an exemption**



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## What are the regulated services?

### Welfare, support, and justice services

1. services provided (including the performance or exercise of functions and powers) under the [Children, Young Persons, and Their Families Act 1989](#) by the department responsible for the administration of that Act, or by any care and protection co-ordinator or youth justice co-ordinator
2. services provided at, or in relation to the operation of, any residence within the meaning of [section 2\(1\)](#) or [364](#) of the Children, Young Persons, and Their Families Act 1989 (excluding, for the avoidance of doubt, services provided by an individual with whom a child is placed under [section 362](#) of that Act)
3. services provided by any person, organisation, or body approved under [section 396](#) or [403](#) of the Children, Young Persons, and Their Families Act 1989
4. services provided (including the performance or exercise of functions and powers) under any order, direction, or recommendation of a court made under the [Children, Young Persons, and Their Families Act 1989](#), the [Care of Children Act 2004](#), or the [Adoption Act 1955](#) by—
  - a. (i) the department responsible for the administration of the [Children, Young Persons, and Their Families Act 1989](#); or
  - b. (ii) any other person, organisation, or body
5. services provided by any person, body, or organisation pursuant to any decision, recommendation, or plan made by a family group conference under the [Children, Young Persons, and Their Families Act 1989](#)
6. services provided at prisons, secured facilities, and children's health camps
7. services provided as part of a condition of bail made under the [Bail Act 2000](#)
8. services and facilities of the kind referred to in [sections 4\(a\)](#) and [7\(2\)\(b\)\(i\)](#) of the Children, Young Persons, and Their Families Act 1989
9. social or support services, including (but not limited to) victim support services, drug and alcohol rehabilitation services, and childcare services
10. mentoring and counselling services
11. youth services and youth work
12. participating in a telephone communication service that is likely to be used wholly or mainly by children
13. moderating an electronic interactive communication service that is likely to be used wholly or mainly by children (but a person does not moderate a public electronic interactive communication service unless he or she has access to the content of the matter or contact with users of the service)

14. services provided to escort, track, or transport children for the purposes of the [Children, Young Persons, and Their Families Act 1989](#)
15. out-of-school care and recreational services

### Health services

16. services provided at a public hospital
17. services provided at a publicly funded medical practice or facility, including blood and cancer centres, treatment centres, outreach clinics, and mental health services
18. services provided through medical practices belonging to primary health organisations (PHOs)
19. services provided by health practitioners
20. Well Child Tamariki Ora (WCTO) services (eg, Plunket)
21. home-based disability support services
22. residential disability support services
23. ambulance services
24. maternity services, including lead maternity carers and midwives
27. education services provided by a trades academy, a service academy, or an alternative education provider for or on behalf of a school
28. education services provided at any off-site location for or on behalf of a registered school or early childhood service, including teen parent units, school camps, and learning centres
29. services provided to ensure enrolment and attendance at school in accordance with [sections 20](#) and [25](#) of the Education Act 1989
30. services provided at a playgroup (as defined in [section 309](#) of the Education Act 1989)
31. services provided at any location on behalf of a limited child care centre (as defined in [section 2\(1\)](#) of the Health and Safety in Employment Act 1992)

### Transport services

32. work driving a vehicle that is being used only for the purpose of conveying children and any persons supervising or caring for the children (for instance, school bus services)

### Policing services

33. specialist child and family policing services provided by Police employees (as defined in [section 4](#) of the Policing Act 2008)

### Education services

25. education services provided at a registered school (as defined in [section 2\(1\)](#) of the Education Act 1989)
26. early childhood services (as defined in [section 309](#) of the Education Act 1989)

