

Wellington City Mission Policy Document

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Background and child safety checks

"I can trust the people my family and I work with"

Intent

We take reasonable care to engage people who can be entrusted to work safely with others.

Due diligence and background checks are carried out during recruitment. This includes child safety checks for staff who regularly work with tamariki and young people. We update the information periodically.

Where background checks indicate risks, we consider how and if the risks can be eliminated or safely managed. We ensure the safety and best interests of tamariki are given paramount consideration.

Definitions

"Children's worker" refers to a team member who may have regular contact with a child or rangatahi without their parent or guardian being present.

"Contact" means physical contact, oral communication (whether in person or by phone), or communication through an electronic medium.

"Core children's worker" - refers to a Children's worker role that involves work with a child/tamariki without another adult present, or primary responsibility for, or authority over, the child or children we are working with (see here).

"Disqualifying offence" is an offence in Schedule 2 of the Children's Act 2014 for a core children's worker role for which an exemption (under s35 Children's Act) has not been obtained. WCM may identify other disqualifying conditions for particular roles.

"Regular" means at least once a week or at least four days a month.

"Staff or staff member" refers to kaimahi, an employee, contractors, board members, volunteer/kaiawhina, student on placement or other trainee.

"Vulnerable person/people" includes an "adult at risk of harm, abuse and neglect who because of circumstance (eg in care, or detention) is unable to protect themselves from harm.

Responsibilities

The board (ie delegate or officer) will ensure that all its members and management are background checked to meet applicable legal and policy criteria.

Management will:

- keep adequate records of initial and periodic background checks and risk assessments
- ensure background check information is kept confidential and secure.

Staff must participate in periodic checks and keep management informed of any event, including a criminal charge, relevant to their role and position within the organisation.

Requirements

Remember: Definition of "staff member" and "staff" above means the following applies to paid and unpaid positions.

Background checks for recruitment of staff and board

Background checks will be conducted before a person is employed or appointed as a staff or board member, as follows:

- confirm the person's identity (RealMe verification or documentary- license, passport as reflected in Police Vetting Request and Consent form)
- obtain the person's consent to background checks -
 - police vetting for all Children's Worker roles and for other direct work with people who are at risk of harm - elderly, disabled people
 - Ministry of Justice criminal history check for other roles eg Board members
- verify qualifications
- contact at least two referees for information about the person's suitability for the role
- for a Children's Worker role or work with other vulnerable people:
 - check for any concerns or issues from any professional organisation or licensing or registration authority the person belongs to
 - check the chronological work history (for the last 5 years) including any gaps in the history
- for driving-related work, the level and nature of traffic convictions will be checked
- for positions with a financial delegation, budget responsibility or requiring cash handling, a credit/financial check may be done
- for prospective caregivers -information required by National Care Standards (regulations 51, 48, 52, 54, 55).

As below, risks identified through these checks must be assessed. An appointment will not proceed if:

- the risks cannot be adequately mitigated and managed, or
- there is a disqualifying condition.

Periodic checks

Criminal history checks and Police vetts will be repeated at least once every three years. In addition, for a Children's Worker role:

- where a person has changed their name since the first safety check, the name change must be verified
- arrange a police vet with the consent of the person unless one has been undertaken within the last 3 years
- get relevant updates from any professional organisation or licensing or registration authority the person belongs to.

Police Vetting

A Police Vetting Service Request and Consent form can be downloaded from the NZ Police website.

If periodic Police vetting is already a condition of a staff member's professional registration or their practising certificate, it will not be necessary to complete another vetting provided their registration or certificate is confirmed as current.

Offending during employment or appointment

Staff must inform management of any pending charge(s) or current investigation for offending while they are employed. Similarly, a board member must inform the board chair. The following procedure will apply:

- Details of the alleged offence and relevant documentation to be obtained, if available.
- Assess risks to determine relevance to child safety and others and prioritise safety of tamariki and others.
- Contact Police where appropriate, for further information.
- Consider risk mitigations eg re-assignment of position, temporary suspension, advise kaimahi and provide right of reply.
- Decide next steps based on risk assessment (risks to safety and wellbeing of tamariki, organisational kaupapapa & reputation) and the kaimahi's reply
- Agree on alternative duties (if available and suitable)
- Respect kaimahi rights.

If a staff member fails to disclose a relevant charge, investigation or conviction while employed, they will be subject to disciplinary action.

A conviction for a disqualifying offence will be grounds for dismissal, termination of contract or volunteering arrangement, board membership (whichever is applicable).

Risk assessment

Risks indicated by any background checks on a staff member will be assessed using these forms:

- Child Safety Checking - Initial Cover Sheet
- Child Safety Periodic Checks Cover Sheet

- Background checks - Risk Assessment/Management (assess and manage risks below).

Risks associated with a criminal history/other checks will be assessed having regard to:

- length, type and recency of offending
- circumstances of offending
- issues from professional/Referee checks
- the best interests of tamariki/rangatahi (for a Children's Worker role)
- the needs and interests of vulnerable clients
- level and severity of risk given responsibilities of role.

Risk management

Prospective staff will be notified that their appointment depends on the satisfactory completion of background and child safety checks. If risks are indicated by the checks, the person's appointment or ongoing engagement will depend on if:

- the risks indicated by a criminal history or police vet can be safely managed ie the risks can be avoided or minimised, and
- arrangements to manage the risks are agreed with the person, including how the risks and controls will be monitored and reviewed, and
- these arrangements are incorporated in their employment terms or,
- in the case of an existing staff member, reflected in their performance agreement or variation of employment terms.

Review and update

Arrangements agreed upon between governance, management and the person concerned may involve restriction on activities, controls, increased monitoring, supervision or vetting.

Arrangements will be implemented, monitored, regularly reviewed and updated as necessary.

Record keeping

A record must be kept of:

- the background check results and any notifications of pending charges, investigations
- the risk assessment
- decisions and responses (including the person's agreement to controls)
- when and how the risks and controls are monitored and reviewed
- changes made to safety management arrangements and reasons for changes.

The record must be kept confidential and secure.

See Staff file checklist.

Compliance

Social Sector Accreditation Standards Level 2, Staffing 5.0-6.0

Social Sector Accreditation Standards Level 4, 4.0; Level 3, 4.0-6.0

NZS 8134 :2021 Service Management Criteria 2.4.1, 2.4.3, 2.4.6

The Children's Act 2014

Children's (Requirements for Safety Checks of Children's Workers) Regulations 2015

Helpful links

- Child Safety Checking - Initial Cover Sheet
- Child Safety Periodic Checks Cover Sheet
- Background checks - Risk Assessment & Management.
- Identity Verification Criteria
- Board and volunteer checklist (record of checks)
- New Zealand Police Vetting Forms and Guidance
- Ministry of Justice criminal history checks
- Te Kāhui Kāhu, Safety Checking and vetting of staff
- Children (Requirements for Safety Checks of Children's Workers) Regulations 2015

Review

Date: July 2024

Next review: June 2026

Responsibility: Chris Stewart

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