

**VULNERABLE CHILDREN'S ACT PROCEDURE****RATIONALE**

The Children's Act 2014 defines an employee/applicant as someone who works in or provides a regulated service, their work may or does involve regular or overnight contact with a child or children (other than children who are co-workers). This work takes place without a parent or guardian of the child or of each child being present.

Boards of Trustees (as the employers), or the Principal acting on their behalf must ensure that all employee/applicants in their school are safety checked in accordance with the VCA Regulations before they start.

PROCEDURE***New employees:***

- 1 July 2015 – all new core workers must be safety checked before starting employment or engagement as an employee from this date
- 1 July 2016 – all new non-core workers must be safety checked before starting employment or engagement as an employee from this date

Existing employees:

- 1 July 2018 – all existing core workers must have been safety checked by this date
- 1 July 2019 – all existing non-core workers must have been safety checked by this date

The entire state-funded children's workforce is required to be safety checked by 1 July 2019 and is required to be rechecked every three years.

Use of electronic identity credential

Educators/Teaching staff are vetted by the Teachers Council every three years as part of renewing teaching practice certificates.

Support staff are vetted by electronic means through the use of an electronic identity credential as defined in the Electronic Identity Verification Act 2012, such as the RealMe identity verification service

Use of appropriate regulatory process

Appropriate identification documents are provided:

• New Zealand Passport	Department of Internal Affairs
• Overseas passport (may include New Zealand immigration visa or permit issued by the Ministry of Business, Innovation or Employment (Immigration New Zealand))	Overseas authority
• New Zealand emergency travel document	Department of Internal Affairs
• New Zealand refugee travel document	Department of Internal Affairs
• New Zealand certificate of identity (issued under the Passports Act 1992 to non-New Zealand citizens who cannot obtain a passport from their country of origin)	Department of Internal Affairs
• New Zealand certificate of identity (issued under	Ministry of Business,

Immigration Act 1987 to people who have refugee status)	Innovation or Employment (Immigration New Zealand)
• New Zealand Firearms license	New Zealand Police
• New Zealand full birth certificate issued on or after 1 January 1998 carrying a unique identification number	Department of Internal Affairs
• New Zealand citizenship certificate	Department of Internal Affairs

Wesley College will establish that the identity is a living identity by means of:

• New Zealand driver licence	NZ Transport Agency
• 18+ Card	Hospitality New Zealand Incorporated
• Community services card	Ministry of Social Development
• SuperGold Card	Ministry of Social Development
• Veteran SuperGold Card	Ministry of Social Development
• New Zealand student photo identification card	New Zealand educational institution
• New Zealand employee/applicant photo identification card	Employer
• New Zealand electoral roll record	Electoral Enrolment Centre of New Zealand Post Limited
• Inland Revenue number	Inland Revenue Department
• New Zealand issued utility bill, issued not more than six months earlier	
• Steps to Freedom form	Department of Corrections

Wesley College will establish that the employee/applicant is sole claimant of an identity

Wesley College will establish the uniqueness of the claimed identity of the employee/applicant by conducting a search of its personnel records (if any) to ascertain whether the claimed identity is being used by another person employed or engaged (either currently or in the past) by Wesley College.

Identity verification for periodic rechecking / identity verification is required for three-yearly rechecking:

Wesley College will confirm that an employee/applicant has not changed their officially recorded name from the name on the documents produced during the initial identity confirmation (i.e., the presented primary or secondary document).

Where there has been a change to the employee/applicant's officially recorded name since he/she was last safety checked, the employee/applicant must reconfirm his/her identity by producing supporting name change documentation relating to his/her name change.

Where no such name change has occurred, no further action is required.

Verifying documentary evidence

All documentation sighted for identification purposes must be original.

Where someone can only supply copies during the recruitment process, they must provide original documentation before commencing work as an employee.

Documentation will be checked for authenticity. Warning signs include; rips, tears, discolouration or other damage, inconsistencies in lettering and inconsistent spelling of names or other details. Checks should be made across the same document and between documents. For more information see the Department of Internal Affairs *Evidence of Identity Standard Factsheets* available at www.dia.govt.nz.

Other specific services that may be available to Wesley College wishing to verify documents include the Department of Internal Affairs Identity Information Confirmation Service, which allows registered organisations to validate the information in official identity documentation, and the Immigration New Zealand VisaView service, which allows registered organisations to verify the information in immigration documentation, including passports.

Name changes

Where the officially recorded name of an employee/applicant has changed, such that there is inconsistency across the identity documents provided, Wesley College must sight evidence of the change of name.

The following table of documents/records that may be used to evidence a change of name:

Document/record	Issuing agency
New Zealand birth certificate (issued for the purpose)	Department of Internal Affairs
Change of name by statutory declaration	Department of Internal Affairs
Change of name by deed poll	Department of Internal Affairs
New Zealand name change certificate	Department of Internal Affairs
New Zealand marriage certificate	Department of Internal Affairs
New Zealand civil union certificate	Department of Internal Affairs
New Zealand order dissolving marriage or civil union	Ministry of Justice
New Zealand order declaring marriage or civil union void	Ministry of Justice

Carrying out interviews

- All new employee/applicants must be interviewed as part of the safety checking process.
- Interviews should be face-to-face.
- Where face-to-face interviews are not possible it may be conducted via telephone or other communications technology.
- Wesley College will follow up and clarify any issues identified.
- Reference and other checks will be carried out for applicants.
- A small panel of Senior Management will interview new applicants allowing for multiple perspectives.
- Senior Management will be chosen carefully for their experience, knowledge and skills, with at least one having broad child protection knowledge.

Conducting the interview

The interview will have a definite structure and include planned, open questions that invite a descriptive response. Open questions are ones that start with words like *what, where, who or how*.

Consideration will be given to:

- A time and location for the interview that is likely to be comfortable for the employee/applicant.
- Senior Management is confident and comfortable asking questions about child safety.
- Senior Management will use a pre-planned question programme designed to get employee/applicants to describe their own past behaviours, beliefs and attitudes.

- Senior Management will avoid using too many closed questions. These are questions that invite a yes or no answer and generally start with words like *did* or *have*. Yes or no answers seldom provide useful insights into someone's safety.

Example questions

The following example questions will be considered as a guide to the types of questions that are helpful to ask during an interview.

Questions that provide information about the employee/applicant themselves:

- Whether complaints have ever been made about their professional practice and how they have responded to them.
- Whether they have ever been convicted of an offence.
- Whether they have ever been the subject of a complaint procedure during their employment.
- Reasons for leaving previous jobs.

Questions that explore the employee/applicant's attitudes:

Whether there has ever been a time when they have had to deal with the following situations, including the process and outcome. If that situation has not arisen, what they would do if:

- A child or young person disclosed abuse.
- A child or young person was cheeky.
- A child or young person hit them.
- They discovered two children fighting or engaged in sexual play or who had stolen property.
- A child or young person invited them to become involved in intimate or touching behaviour.
- A child or young person threatened to make a false allegation of abuse about them.

Questions that indicate the employee/applicant's views on child safe practice:

- How they believe children should be disciplined.
- Their thoughts on being alone on the job with children and young people.
- The chances of abuse allegations being made about them, if they were accepted for the job.

Questions that describe the employee/applicant's experiences and relationships in working with children:

- What rewarding experiences they have had working with children.
- What they think constitutes professional practice when working with children.

Other relationships they have with children outside the working or volunteer environment.

- The reason they think they get along with children or why children like them.
- The kind of relationships they hope to develop with the children and families in this organisation.

Reference checking and other information from third parties

- Applicants must supply at least three referees.

- Referees must not be related to the person or part of their extended family.
- Referees will be contacted in person – usually by telephone (or equivalent technology).
- If not possible, questions may be given to a referee to be answered in writing. Written questions should be followed-up by telephone.
- Referees will be chosen for their ability to answer questions about the employee/applicant's safety to work with children, for their recent knowledge and understanding of the person, and for the role they held in relation to them.
- The current or immediate prior manager or supervisor of the applicant should be contacted with the applicant's consent. If an immediate prior manager cannot be contacted, at least one of the referees selected should be a previous direct line manager.
- Where a referee is involved with a business or organisation, it is safer to contact that person on a business telephone number (rather than a mobile phone) to confirm they genuinely work for that employer.

The applicants consent will be obtained before referees are contacted.

If general consent is given it is good practice to advise the applicant before contacting someone they have not provided as a referee. This ensures their privacy is respected and they can opt out of the application process at this time if they wish or explain why they believe that referee is inappropriate.

Any disciplinary action regarding child safety should be investigated fully. The applicant should be given an opportunity to provide an explanation and their response should be compared to the explanation provided by the referee.

All allegations should be treated with caution and the safety of children should be the primary consideration. Sometimes it may be difficult or impossible to reply to historical allegations, especially when firm evidence is lacking, or they have never heard the information previously. To be as fair as possible to the potential employee/applicant, you should consider other sources of information that can help you in reaching an overall decision about their safety to work with children.

Referees may need to be reminded that they should be honest and ensure they do not make misrepresentations. They should also be asked, preferably at the beginning of the conversation, whether they are willing for their comments to be shared with the employee/applicant. Be aware that referees are entitled to ask that the reference be given in confidence.

Written references

Where possible, written references should not be used: referees are likely to be more explicit in person and on the telephone than in writing.

Where written references are relied upon, organisations should assess:

- How recent the reference is.
- How specific the reference is to the issue of suitability to work with children.
- Whether there is opportunity to follow up with the referee and to clarify comments or gain further information.
- How the referee describes the relationship with the potential employee/applicant.

References provided by a referee who is a close friend or relation of the employee/applicant will be less useful. Similarly, references supplied by someone who knows little about the employee/applicant will not necessarily be reliable. Work relationships that occurred as close to the current day as possible are preferred.

Written references should be clearly dated with the name of the referee, role and contact details.

Developing questions

Wesley College will ask referees questions that clearly relate to the applicant's suitability for the job.

Useful questions are open ended and relate specifically to the potential employee/applicants' attitudes and past behaviours in the employment context and to how they relate to children. However, closed questioning of referees, asking for specific information (e.g., whether the person has been disciplined for misconduct involving children) can also provide useful information.

Example questions during a reference check:

- Whether the referee considers the employee/applicant suitable for the role and if not, why not.
- Whether they consider the employee/applicant suitable to work with children and if not, why not.
- Details, including duties, position, and job title, about the employee/applicant's employment.
- Specific evidence that the referee can verify, about the employee/applicant's performance during employment.
- The specific reason that the person left that role.
- Details of any disciplinary procedures that resulted in formal action against a employee/applicant.
- Details of any concerns relating to the safety and welfare of children, or the employee/applicant's behaviour towards children.
- Whether there were any sanctions relating to the safety and welfare of children, including whether or not such sanctions have expired.
- Whether they would employ the employee/applicant again.

Examples of specific questions:

- Do you trust the employee/applicant in roles of responsibility over children, and if not, why not?
- Have you ever had reason to suspect the employee/applicant's honesty?
- Has the employee/applicant ever misled you about a matter relating to a child?
- Has the employee/applicant ever been disciplined for misleading or fraudulent conduct relating to a child?
- How would you describe the way the employee/applicant acts around children?
- Was the employee/applicant ever subject to formal disciplinary actions or complaints regarding their behaviour towards children?
- Do you think the employee/applicant should be unsupervised around children?
- Was the employee/applicant ever subject to formal disciplinary action or complaints regarding their disciplinary techniques?
- How well do you think the employee/applicant understands children?

Seeking information from relevant professional organisations, licensing authorities, or registration authorities

As part of checking, Wesley College will seek information from any relevant professional organisations, licensing authorities, or registration authorities. The information available will vary based on the body, and there is no requirement on these bodies that any particular information be provided.

Wesley College may satisfy this requirement by contacting the organisation or by searching public records (e.g., an online register).

Wesley College may also satisfy this requirement by confirming that the employee/applicant is currently a member of the organisation, or is currently licensed or registered by the authority.

This procedure was issued by the Principal November 2021.

This procedure will be reviewed on / before November 2024.

PRINCIPAL

11 November 2021

DATE: