



EDUCATION REVIEW OFFICE
Te Tari Arotake Mātauranga

Guidelines for Hospital-based Education and Care Assurance
Statement and Self-Audit Checklists
For Services Licensed under 2008 Regulatory Framework

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Education Review Office

P O Box 2799

WELLINGTON

NEW ZEALAND

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Ko te Tamaiti te Pūtake o te Kaupapa

The Child – The Heart of the Matter

Introduction

Hospital-based education and care service means the provision of education or care to 3 or more children under the age of 6 who are receiving hospital care within the meaning of [section 4\(1\)](#) of the Health and Disability Services (Safety) Act 2001.

Licensed hospital-based service (“**licensed hospital-based service**”) means a hospital-based education and care service in respect of which the service provider holds a current licence issued under regulations made under [section 636](#) ¹

Early childhood education in licensed hospital-based services aims to contribute to children’s learning and promote their wellbeing. Key mechanisms for ensuring that services provide a minimum standard of care, and to encourage provision of high quality care and education include:

- The Education (Early Childhood Services) Regulations 2008² setting minimum standards, primarily for curriculum, premises and facilities, health and safety practices, management and administration. The purpose of these minimum standards is to ensure the health, comfort, care, education, and safety of children attending licensed hospital-based services and therefore to establish the level of quality education and care that one would expect to find in a licensed service;
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¹ [Education and Training Act 2020](#)

² Note this Regulations continue to apply under clause 4, [Schedule 1 Transitional, savings, and related provisions](#). Also [note; Schedule 26 Consequential amendments and revocations](#) to the Regulations.

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- Licensing, intended to provide public assurance that a service provider is meeting the standards established in the regulations, and guarding against entry of services below the minimum standard into the early childhood sector;
 - The *Licensing Criteria for Hospital-based Education and Care Services 2008* which are deemed regulations prescribed by the Minister of Education, and that are used by the Secretary of Education to assess compliance with regulated standards of education and care; and
 - The *Early Childhood Education Curriculum Framework* based on *Te Whāriki*, which is New Zealand's curriculum for early childhood education and provides guidelines for consistent and high-quality early childhood programmes;

Another key mechanism used to ensure that licensed hospital-based services meet the minimum regulated standards of education and care is external evaluation by the Education Review Office (ERO). Review reports prepared by ERO are used by staff, management, parents and government officials to inform their understanding of the quality of care and education in licensed hospital-based services and the sector as a whole.

The legal framework described above provides a baseline for all '**service providers**' (*the body, agency, or person who or that provides the hospital-based service*). ERO wants to know that the service provider is taking all reasonable steps to meet the minimum standards with which it must comply in order to ensure the health, comfort, care, education, and safety of children attending the licensed hospital-based service.

High quality evaluation contributing to high quality education

Licensing and Compliance Issues

Hospital-based education and care services must meet licensing criteria as well as other regulatory requirements contained in the regulations in order to gain and maintain a licence and receive government funding.

The Education (Early Childhood Services) Regulations 2008 should therefore be read in conjunction with the *Licensing Criteria for Hospital-based Education and Care Services 2008* and the *Early Childhood Education Curriculum Framework*.

Compliance with regulatory requirements is clearly an integral part of the provision of high quality care and education.

Service providers are asked to provide assurance to ERO about legal compliance. Where there are areas of non-compliance, service providers will be asked to advise what action they are taking to achieve compliance.

In order to help with this process, ERO has developed these *Guidelines for Hospital-based Education and Care Assurance Statement* and *Self-Audit Checklists* containing:

- a brief outline of the regulatory requirements with which licensed hospital-based education and care service providers must comply that are of key interest to ERO;

- checklists to be filled out by service providers as part of a self-review process to assist ERO in determining whether the service provider is complying with regulatory requirements; and
- an assurance statement to be signed by the service that provides evidence of the service's compliance (or not) with regulatory requirements.

The completed checklists and assurance statement are for your own self review, and used by ERO to help the scoping and planning stages of the review. The detailed issues for review are determined at the beginning of the review following a discussion with the service provider.

Note: The *Guidelines for Hospital-based Education and Care Assurance Statement and Self-Audit Checklists* do not cover every legal requirement with which service providers must comply. The *Guidelines* are not intended to be exhaustive of all relevant legislation and requirements (such as those provided in Ministry of Education Circulars and other documents). Information in the *Guidelines* may not represent the official version of Acts, Regulations and other legal requirements. In any situation the full legislation and the requirements themselves should be referred to. Service providers should refer to the Ministry of Education, Early Childhood Education website – www.education.govt.nz, for further guidance.

Section One - Curriculum Standard Guide

Key Legislation

- The Education and Training Act 2020
- Education (Early Childhood Services) Regulations 2008
- Licensing Criteria for Hospital-based Education and Care Services 2008

Key Documents

- Early Childhood Education Curriculum Framework.

Introduction

Early Childhood Education Curriculum Framework

The Early Childhood Education Curriculum Framework (Curriculum Framework) for licensed services is based on *Te Whāriki: He Whāriki Mātauranga mō ngā Mokopuna o Aotearoa*, which is New Zealand's curriculum for early childhood education. *Te Whāriki* sets out the learning experience goals for children from birth up to school age. It identifies what a child needs to know and use later in life. It is envisioned as a mat with four principles interwoven with five strands.

The four principles are:

- **Empowerment / Whakamana** - giving the child the power to learn and grow
- **Holistic Development / Kotahitanga** - learning as a whole rather than in separate subjects
- **Family and Community / Whānau Tangata** - linking with the child's family and community
- **Relationships / Ngā Hononga** - learning by responding and doing things alongside others.

The five strands are:

- **Well-being / Mana Atua** - having a safe and healthy environment in which to grow and learn
- **Belonging / Mana Whenua** - feeling like they belong
- **Contribution / Mana Tangata** - feeling valued and encouraged to take responsibility
- **Communication / Mana Reo** - learning to express themselves with others in a variety of ways
- **Exploration / Mana Aotūroa** - learning by doing.

The purpose of the Curriculum Framework is to provide the basis and context for specific curriculum regulatory requirements in the Education (Early Childhood Services) Regulations 2008 relating to the standards of education and care and to the associated curriculum criteria. The Curriculum Framework is made up of the English and te reo Māori versions of the principles and strands from - [Te Whāriki](#).

Each licensed hospital-based education and care service will develop its own programmes to implement *Te Whāriki*. The *Licensing Criteria for Hospital-based Education and Care Services* outlines how service providers must comply with the standards.

The service provider of a licensed hospital-based education and care service must implement the principles and strands set out in the Curriculum Framework.³

The service provider is also required to meet the curriculum standard under regulation 43 of the Education (Early Childhood Services) Regulations 2008, and produce specific documentation to demonstrate compliance with the *Licensing Criteria for Hospital-based Education and Care Services 2008* consistent with the prescribed curriculum framework to assess the curriculum standard.

The curriculum standard in regulation 43 of the Education (Early Childhood Services) Regulations 2008 is set out below, followed by a summary of the criteria against which compliance will be assessed.

Regulation 43 - Curriculum standard: general

- (1) The curriculum standard: general is the standard that requires every licensed service provider to whom this regulation applies to—
 - (a) plan, implement, and evaluate a curriculum that is designed to enhance children's learning and development through the provision of learning experiences and that is consistent with any curriculum framework prescribed by the Minister that applies to the service; and that—
 - (i) responds to the learning interests, strengths, and capabilities of enrolled children; and
 - (ii) provides a positive learning environment for those children; and
 - (iii) reflects an understanding of learning and development that is consistent with current research, theory, and practices in early childhood education; and
 - (iv) encourages children to be confident in their own culture and develop an understanding, and respect for, other cultures; and
 - (v) acknowledges and reflects the unique place of Māori as tangata whenua; and
 - (vi) respects and acknowledges the aspirations of parents, family, and whānau; and
 - (b) make all reasonable efforts to ensure that the service provider collaborates with the parents and, where appropriate, the family or whānau of the enrolled children in relation to the learning and development of, and decision making about, those children; and
 - (c) obtain information and guidance from agencies with expertise in early childhood learning and development, to the extent necessary, to—
 - (i) support the learning and development of enrolled children; and

³ Gazetted in the *New Zealand Gazette* No 136 dated 4 September 2008 at page 3617. Refer to the MOE – Early Childhood Education website – www.education.govt.nz, or the Department of Internal Affairs' web-site www.dia.govt.nz and search under *New Zealand Gazette On-line*.

- (ii) work effectively with parents and, where appropriate, family or whānau.
- (2) Each licensed service provider to whom this regulation applies must comply with the curriculum standard: general.

Key Requirements

Licensing Criteria for Hospital-based Education and Care Services 2008

Clause 4 – Interpretation – for the purpose of these criteria, unless the context indicates otherwise:

- (a) **adults providing education and care** means hospital play specialists, kaiako, teachers, supervisors, parent helpers, kaiāwhina, fa’iaoga, or other adults who have a designated role of providing education and care to children at a service and are included in required adult:child ratios;
- (b) **assessment** means the process of noticing children’s learning, recognising its significance, and responding in ways that foster further learning. It includes documenting some, but not necessarily all, of what and how children are learning in order to inform teaching, and make learning visible;
- (c) **culture** means the understandings, patterns of behaviour, practices, and values shared by a group of people;
- (d) **ECE** means early childhood education;
- (e) **excursion** means –
 - i. being outside the hospital whilst receiving education and care from the service; but
 - ii. does not include an excursion for the purposes of emergency evacuations, drills or the receipt of urgent medical attention
- (f) **parent** means –
 - i. the person (or people) responsible for having the role of providing day to day care for the child; and
 - ii. may include a biological or adoptive parent, step parent, partner of a parent of a child, legal guardian or member of the child’s family, whānau or other culturally recognised family group.
- (g) **philosophy** means a statement that –
 - i. outlines the fundamental beliefs, values and ideals that are important to the people involved in the service – management, adults providing education and care, parents, families/whānau, and perhaps the wider community; and
 - ii. identifies what is special about the service; and
 - iii. is intended to be the basis for decisions about the way the service is managed and about its direction in the future;
- (h) **policy** means a statement intended to influence and determine decisions, actions, and other matters;
- (i) **premises** means the parts of the hospital where children participating in the service receive early childhood education and care;

- (j) **procedure** means a particular and established way of doing something;
- (k) **process** means a goal-directed, interrelated series of actions, events, procedures, or steps;
- (l) **records** means information or data on a particular subject collected and preserved;
- (m) **regulation** means a regulation under the Education (Early Childhood Services) Regulations 2008;
- (n) **required adult:child ratio** means the adult:child ratio with which the service provider is required to comply under regulation 44(1)(b) or any direction by the Secretary under regulation 54(2);
- (o) **service** means a hospital-based education and care service;
- (p) **service curriculum** means all of the experiences, interactions, activities and events – both direct and indirect, planned and spontaneous – that happen at the service. Teaching practices including planning, assessment, and evaluation form part of the service curriculum; and
- (q) **service provider** means the body, agency, or person who or that provides the hospital-based education and care service.

5 Purpose of criteria

(1) The criteria are to be used by the Secretary of Education to assess compliance with the minimum standards set out under regulations 43 and 45 to 47 of the Education (Early Childhood Services) Regulations 2008.

(2) Regulations 43 and 45 to 47 impose minimum standards that each licensed service provider is required to comply with and are set out in these criteria so that readers can see how the regulations and criteria fit together.

Clause 6 - *Criteria to assess Curriculum standard*

In this section

- [Professional practice](#) - Criteria and guidance for C1-C4
- [Culture and identity](#) - Criteria and guidance for C5-C6
- [Children as learners](#) - Criteria and guidance for C7-C10
- [Working with others](#) - Criteria and guidance for C11-C13
- [Documentation required](#) - For curriculum criteria

For good practice guidance refer to www.education.govt.nz.

Section Two - Premises and Facilities Standard Guide

Key Legislation

- Education and Training Act 2020
- Education (Early Childhood Services) Regulations 2008.
- Building Act 2004.
- Fire and Emergency New Zealand Act 2017.
- Fire Safety, Evacuation Procedures, and Evacuation Schemes Regulations 2018
- Health and Safety at Work Act 2015 and regulations.
- Resource Management Act 1991.
- Smoke-Free Environments and Regulated Products Act 1990.

Key Documents

- Licensing Criteria for Hospital-based Education and Care Services 2008.
-

Introduction

The service provider of a licensed hospital-based education and care service is required to meet the premises and facilities standard: general under regulation 45 of the Education (Early Childhood Services) Regulations 2008. In addition, the service provider must produce supporting documentation to demonstrate compliance with the *Licensing Criteria for Hospital-based Education and Care Services 2008 - Premises and facilities*. The minimum premises and facilities standard: general in regulation 45 of the Education (Early Childhood Services) Regulations 2008 is set out below, followed by a summary of the criteria against which compliance will be assessed.

Regulation 45 – Premises and facilities standard: general

- (1) The premises and facilities standard: general is the standard that requires every licensed service provider to whom this regulation applies—
 - (a) to use premises and facilities that, having regard to the number and age range of the children attending the premises, provide sufficient and suitable space for a range of activities, facilities for food preparation, eating, sleeping, storage, toileting, and washing, and sufficient and suitable heating, lighting, noise control, ventilation, and equipment to support—
 - (i) appropriate curriculum implementation by the service provider; and
 - (ii) safe and healthy practices by the service provider; and
 - (b) to comply with the requirements of Schedule 4 (which relates to activity spaces).

- (2) Each licensed service provider to whom this regulation applies must comply with the premises and facilities standard: general.

Key Requirements

Licensing Criteria for Hospital-based and Care Services 2008

Clause 7 - Criteria to assess Premises and facilities standard

In this section

- [General](#) - Criteria and guidance for PF1-PF6
- [ECE activity room](#) - Criteria and guidance for PF7-PF12

Building Act 2004

The Building Act establishes a series of minimum safety standards (building regulations), which must be complied with. The purpose of these regulations is to ensure all new buildings and alterations are constructed to a standard that ensures the safety of the occupants.

The purposes of the Building Act 2004 (Section 3) are to provide for the regulation of building work, the establishment of a licensing regime for building practitioners, and the setting of performance standards for buildings, to ensure that-

- (a) people who use buildings can do so safely and without endangering their health; and
- (b) buildings have attributes that contribute appropriately to the health, physical independence, and well-being of the people who use them; and
- (c) people who use a building can escape from the building if it is on fire; and
- (d) buildings are designed, constructed, and able to be used in ways that promote sustainable development.

Sections 118 to 120 of the Building Act require building owners to ensure access, facilities and signage are in place to cater for the needs of disabled staff, children and visitors when constructing a new building or altering any building.

Useful Resources

(<http://www.education.govt.nz/early-childhood/running-an-ece-service/the-regulatory-framework-for-ece/licensing-criteria/hospital-based-ece-services/>). – Refer under *Hospital-based ECE Services, - Premises and facilities*.

New Zealand Standard (NZS) 4121:2001: Design for access and Mobility: Buildings and Associated Facilities

(<http://shop.standards.co.nz/catalog/4121%3A2001%28NZS%29/view>)

Section Three - Health and Safety Practices Standard Guide

Key Legislation

- Education and Training Act 2020
- Education (Early Childhood Services) Regulations 2008.
- Building Act 2004.
- Fire and Emergency New Zealand Act 2017
- Fire Safety, Evacuation Procedures and Evacuation Schemes Regulations 2018
- Health and Safety at Work Act 2015
- Health (Immunisation) Regulations 1995
- Human Rights Act 1993.
- Smoke-Free Environments and Regulated Products Act 1990.
- Children’s Act 2014
- Children’s (Requirements for Safety Checks of Children’s Workers) Regulations 2015
- COVID-19 Public Health Response Act 2020
- COVID-19 Public Health Response (Vaccinations) Order 2021.

Key Documents

- Licensing Criteria for Hospital-based Education and Care Services 2008
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Introduction

The service provider of a licensed hospital-based education and care service is required to meet the health and safety practices standard under Regulation 46 of the Education (Early Childhood Services) Regulations 2008. In addition the service provider must comply with the certification criteria and produce supporting documentation as set out in the *Licensing Criteria for Hospital-based Education and Care Services 2008 – Health and safety*.

The minimum health and safety practices standard: general in regulation 46 of the Education (Early Childhood Services) Regulations 2008 is set out below, followed by a summary of the criteria against which compliance will be assessed.

Regulation 46 Health and safety practices standard: general

- (1) The health and safety practices standard: general is the standard that requires every licensed service provider to whom this regulation applies to—

- (a) take all reasonable steps to promote the good health and safety of children enrolled in the service; and
 - (b) take all reasonable precautions to prevent accidents and the spread of infection among children enrolled in the service; and
 - (c) take all reasonable steps to ensure that the premises, facilities, and other equipment on those premises are—
 - (i) kept in good repair; and
 - (ii) maintained regularly; and
 - (iii) used safely and kept free from hazards; and
 - (d) take all reasonable steps to ensure that appropriate procedures are in place to deal with fires, earthquakes, and other emergencies.
- (2) Each licensed service provider to whom this regulation applies must comply with the Health and safety practices standard: general.

Key Requirements

Licensing Criteria for Hospital-based Education and Care Services 2008

Clause 8 - Criteria to assess Health and safety practices standard

In this section

- [General](#) - Criteria and guidance for HS1-HS7
- [ECE activity room](#) - Criteria and guidance for HS8-HS11
- [Child protection](#) - Criteria and guidance for HS12-HS16

Children’s Act 2014 – Child Protection Policy

The Children’s Act 2014 requires state sector agencies who work with children, and the organisations they fund, to have child protection policies. As ECE services are funded by the Ministry of Education, service providers will need to work towards meeting these requirements. The policy needs to contain provisions on the *identification and reporting of child abuse* and neglect. New guidelines have been launched to help service providers.⁴ The guidelines include a review tool to help identify gaps in current policies, information about what to include in a new policy, and example policies.

Health Immunisation records

⁴ *Safer Organisations, Safer Children* from Children’s Action Plan website – www.childrensactionplan.govt.nz; [Children’s Act 2014 - a practical guide](#); [Children’s \(Requirements for Safety Checks of Children’s Workers\) Regulations](#)

Service providers are required to keep immunisation registers to record matters relating to the Health (Immunisation) Regulations 1995, for children aged 15 months and over attending the centre.

Refer -[Immunisation Guidelines for Early Childhood Services and ...](#)

COVID-19 Public Health Response Act 2020

The COVID-19 Public Health Response Act 2020 was passed as standalone legislation to provide a different legal framework for responding to COVID-19. The Act allows the Minister of Health (or the Director-General of Health in specified circumstances) to make orders under section 11 to give effect to the public health response to COVID-19 in New Zealand.

- [COVID-19 Public Health Response Act 2020](#)

Operating under the COVID-19 Protection Framework

Under the COVID-19 Protection Framework all early learning services can open as long as they can operate within the public health measures and any specified controls.

There will be different considerations depending on which colour of the framework setting you are at – Green, Orange or Red. These different considerations enable your service to make decisions on how you will operate based on the needs of your community.

To do this you need to consider how to operate in a way that reduces the risk of transmission of COVID-19.

A first step is to update your **COVID-19 Safety Plan** following consultation with your staff and then share with your parents, caregivers and whānau.

To support you we have developed a **COVID-19 things to consider checklist** that can be found on our [website under resources](#).

Also refer

[Early Learning Bulletin](#)

Section 654 - Power of Secretary to direct education entities⁵

(1)The Secretary may direct the governing body of an education entity (or the governing bodies of a class of education entities) to comply with any specified requirements—

⁵ [Education and Training Act 2020](#)

(a) to close or open the education entity or any part of it (including in relation to any specified category, class, or year group of students):

(b) to close or open the education entity for physical attendance or instruction, or both:

(c) to set restrictions on the attendance of students and those working at an education entity, having regard to any relevant employment or health and safety legislation:

(d) to operate, control, or manage the education entity:

(e) to provide education or instruction through the education entity in any specified ways.

(2) The Secretary may renew, amend, or revoke a direction while the relevant state of emergency, transition period, or epidemic notice is in force.

(3) [Schedule 25](#) provides for directions in relation to COVID-19.

Directions

[653 Application and purpose of sections 654 to 658](#)

[654 Power of Secretary to direct education entities](#)

[655 Effect of directions](#)

[656 Publication of directions](#)

[657 Expiry of directions](#)

From MOE website:

Advice for early learning services

- [COVID-19 Protection Framework advice for early learning services](#)
- [Public health measures and vaccination requirements](#)
- [Funding settings under the new traffic light system](#)
- [Useful information and links](#)
- [Frequently Asked Questions](#)

Useful Resources

[Children's Act 2014 - a practical guide](#) [PDF, 5.2 MB]

[Factsheets for schools, kura, early childhood education \(ECE\) services, kōhanga reo and playgroups on the key components of a health and safety system](#)

Section Four - Governance, Management and Administration

Standard Guide

Key Legislation

- Education and Training Act 2020
- Education (Early Childhood Services) Regulations 2008.
- Privacy Act 2020.
- Children’s Act 2014
- Children’s (Requirements for Safety Checks of Children’s Workers) Regulations 2015

Key Documents

- Licensing Criteria for Hospital-based Education and Care Services 2008
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Introduction

The service provider of a licensed hospital-based education and care service is required to meet the governance, management and administration standard under regulation 47 of the Education (Early Childhood Services) Regulations 2008. In addition the service provider must comply with the certification criteria and produce certain documentation as set out in the *Licensing Criteria for Hospital-based Education and Care Services 2008 - Governance, management and administration*.

The minimum governance, management and administration standard in regulation 47 of the Education (Early Childhood Services) Regulations 2008 is set out below, followed by a summary of the criteria against which compliance will be assessed.

Regulation 47 – Governance, management and administration standard: general

- (1) The governance, management, and administration standard: general is the standard that requires every licensed service provider to whom this regulation applies to ensure that—
 - (a) the service is effectively governed and is managed in accordance with good management practices; and
 - (b) the service provider regularly collaborates with—
 - (i) parents and family or whānau of children enrolled in the service; and
 - (ii) the adults responsible for providing education and care as part of the service; and

- (c) appropriate documentation and records are—
 - (i) developed, maintained, and regularly reviewed; and
 - (ii) made available where appropriate—
 - (A) at any reasonable time on request by a parent of a child enrolled in the service; and
 - (B) at any time on request by any person exercising powers or carrying out functions under Part 26 of the Act; and
 - (d) adequate information is made available to parents of enrolled children and, where appropriate, to the families or whānau of those children about the operation of the service; and
 - (e) all reasonable steps are taken to provide staff employed or engaged in the service with adequate professional support, professional development opportunities, and resources.
- (2) Each licensed service provider to whom this regulation applies must comply with the governance, management, and administration standard: general.

Key Requirements

Licensing Criteria for Hospital-based Education and Care Services 2008

Clause 9 - Criteria to assess Governance, management and administration standard.

In this section

- [Parent involvement and information](#) - Criteria and guidance for GMA1-GMA4
- [Professional practices](#) - Criteria and guidance for GMA5-GMA7A
- [Planning and documentation](#) - Criteria and guidance for GMA8-GMA12

Children’s worker – Safety Checks

Children’s worker safety checks became law in the Children’s Act 2014 (the CA), and applies to new workers in core children’s workforce roles from 1 July 2015.

Briefly, the following checks must have been completed where the service provider is seeking to employ or engage a new children’s worker⁶ (including as a contractor) from 1 July 2015 for core children’s workforce roles, and from 1 July 2016 for non-core children’s workforce roles:

- Identity verification - proof people are who they say they are, including previous identities
- Information requirement – reliable information about history and behaviour, which may include

⁶ Example: teachers, person responsible, support staff who have regular contact with children

reference checks, interviews, and Police vetting

- Risk assessment – considered judgement based on the information collected
- Periodic re-checking – information to be updated and reassessed every three years.

The CA prohibits people with certain child abuse, sexual offending, or violence convictions from working in core worker roles. These are specified in the Act. Anyone convicted of the offences listed in the Act will not be able to work in core worker roles unless they are granted an exemption. The Ministry of Social Development manages applications for exemptions.

The following resources will help you meet your safety checking requirements:

- [New and existing employees](#)
- [Students on practicum](#)
- [Relievers](#)
- [Adult checks](#)

Police Vetting of Non-teaching and Unregistered Employees/Contractors

[Schedule 4](#)

[Police vetting](#)

[25 Police vetting in respect of early childhood services](#) of Education and Training Act 2020

1 Police vetting of non-teaching and unregistered employees at licensed early childhood services

The service provider of a licensed early childhood service must obtain a Police vet of every person—

- (a) whom the service provider appoints, or intends to appoint, to a position at the early childhood service; and
- (b) who is to work at the service during normal opening hours; and
- (c) who is not a registered teacher or holder of a limited authority to teach.

2 Police vetting of contractors and their employees who work at licensed early childhood services

(1) The service provider of a licensed early childhood service must obtain a Police vet of every contractor, or employee of a contractor, who has, or is likely to have, unsupervised access to children at the service during normal opening hours.

(2) In this clause, **contractor** means a person who works at a licensed early childhood service under a contract for services.

3 Police vet must be obtained before person has unsupervised access to children

(1) A Police vet required under clause 1 or 2 must be obtained before the person has, or is likely to have, unsupervised access to children at the service during normal opening hours.

(2) The service provider of a licensed early childhood service that is required under clause 1 to obtain a Police vet of a person must apply for the vet no later than 2 weeks after the person begins work at the service.

4 Procedures relating to Police vets under clause 1 or 2

The service provider of a licensed early childhood service that applies for a Police vet of a person under clause 1 or 2—

- (a) must ensure that strict confidentiality is observed for Police vets; and
- (b) may not take adverse action in relation to the person who is the subject of a Police vet until—
 - (i) the person has validated the information contained in the vet; or
 - (ii) the person has been given a reasonable opportunity to validate the information, but has failed to do so within a reasonable period.

5 Police vetting of adult members of household where licensed home-based education and care service provided

(1) The service provider of a licensed home-based education and care service must obtain a Police vet of every adult who lives in a home—

- (a) where the service is being provided; and
- (b) where at least 1 child to whom the service is being provided does not live in the home.

(2) In this clause, **adult** means a person who is aged 17 years or over.

6 When Police vet under clause 5 must be obtained

(1) A Police vet required under clause 5 must be obtained,—

- (a) in the case of a home that is to be used as a licensed home-based education and care service, before the home is used as a licensed home-based education and care service; and
- (b) in the case of a home that is being used as a licensed home-based education and care service, before the adult begins to live in the home.

(2) The Police vet must be obtained even if the person is unlikely to be present when the licensed home-based education and care service is provided.

7 Procedures relating to Police vets under clause 5

The service provider of a licensed home-based education and care service that applies for a Police vet of a person under clause 5—

- (a) must ensure that strict confidentiality is observed for Police vets; and
- (b) may not take adverse action in relation to the person who is the subject of a Police vet until—
 - (i) the person has validated the information contained in the vet; or

(ii) the person has been given a reasonable opportunity to validate the information, but has failed to do so within a reasonable period.

8 Further Police vets to be obtained every 3 years

(1) The service provider of a licensed early childhood service must obtain a further Police vet of every person—

- (a) on whom a Police vet has already been obtained under this schedule by that service provider; and
- (b) who still works at the service or lives in the home.

(2) A further Police vet required under subclause (1) must be obtained on or about every third anniversary of any Police vet that has been previously conducted on the person.

(3) The requirement for a further Police vet under this clause does not apply to a person on whom a Police vet under clause 1 or 2 would not be required if the person were about to be appointed to a position at the licensed early childhood service or to work at the service at the time that the further Police vet would otherwise be required.

Mandatory Reporting

The person or body who appoints staff at the centre/service as the ‘employer’ must immediately report to the Teaching Council when (among other things) the employer dismisses a person responsible (who is registered) for any reason, or has reason to believe that the person responsible has engaged in serious misconduct or has not reached the required level of competence. Service providers should refer to :

Mandatory reporting

[489 Mandatory reporting of dismissals and resignations](#)

[490 Mandatory reporting of complaints received about former employees](#)

[491 Mandatory reporting of possible serious misconduct](#)

[492 Mandatory reporting of failure to reach required level of competence](#)

[493 Mandatory reporting of convictions](#)

Individual and collective employment agreements

Management should ensure they are familiar with the terms and conditions of any employment agreement that governs their relationship with their employees.

The Teaching Council is responsible for the issue and renewal of practising certificates under **Part 5, Subpart 4—Teaching Council** of the Education and Training Act 2020.

*The Code of Professional Responsibility*⁷ applies to all certified teachers and those who have been granted a Limited Authority to Teach, in every role and teaching context. It is a set of aspirations for professional behaviour, and is binding on all teachers who hold a practicing certificate and all authorised persons.

Privacy Act 2020

Service providers must ensure that they are familiar with the principles of the Privacy Act 2020 including mandatory notification of privacy breaches when it applies from 1 December 2020, and that there are policies and procedures in place to ensure personal information is collected, stored, used and disclosed in accordance with those principles.

Useful Resources

[Children’s Act 2014](#)

[Children’s Act 2014 - a practical guide](#)

[Safer organisations, Safer children \[PDF; 1.06MB\]](#)

[Police vetting for early learning services](#)

[Emergencies and traumatic incidents](#); Also refer [Early Childhood Education Services Emergency Planning Guidance \(external link\)](#)

⁷ Code of Professional Responsibility and Standards for the Teaching Profession.