



NEW ZEALAND
CHIROPRACTIC BOARD
TE POARI KAIKOROHITI O AOTEAROA

GUIDELINES:

The Children's Act 2014 and the
children's worker safety checks.

*Approved for publication: March 2024
by Te Poari Kaikorohiti o Aotearoa | the Chiropractic Board*

Te Poari Kaikorohiti o Aotearoa | the Chiropractic Board (Board) occasionally receives enquiries regarding the requirements of the Children's Worker Safety Checks (CWSC) under the [Children's Act 2014](#) which has been in place since 2015.

The Children Act 2014 requires safety checks aimed to reduce the risk of harm to children by making it easier to identify the small number of people who are a risk to children. This guideline aims to inform and guide chiropractors on the safety checks required under the Children's Act 2014¹.

Key terms under the Children's Act

A children's worker: means a person who provides a regulated service, that may or does involve regular (or overnight) contact with a child or children **and** takes place without a parent or guardian of the child being present.

Regulated services: include services provided by health practitioners (including chiropractors).

Regular contact means: at least once each week, or on at least 4 days each month.

Contact means: physical contact, oral communication whether in person or by telephone, or any electronic medium, including by way of writing or visual images.

Child means: a person who is under the age of 18 years.

FREQUENTLY ASKED QUESTIONS:

Why do we now need to conduct worker safety checks?

The checks are required to help assess if a person in contact with children poses a risk.

What is a Children's Worker Safety Check?

In Aotearoa New Zealand, the Children's Act makes it mandatory to carry out a CWSC for all workers who have regular or overnight contact with children without parents or guardians being present. The purpose is to ensure a safe and skilled workforce capable of recognising and safeguarding children. These checks are designed to identify and prevent individuals who may pose a risk to children from working in roles involving care or support when a parent or guardian may not be present.

What is the difference between a core and non-core children's worker'?

A core children's worker refers to a practitioner providing a regulated service that mandates or permits them to be present with a child or children during their work, under the following conditions:

- the only person present; or
- is the children's worker who has primary responsibility for, or authority over the child or child or children present.

A non-core children's worker is a children's worker who is not a core worker. For example, in a practice setting, receptionists would be considered non-core children's workers.

¹ This statement provides high level guidance for chiropractors on their obligations under the Children's Act, it is not legal advice. If a chiropractor has any concerns about their obligations under the Act, they should seek their own legal advice.

Who needs to apply for a Children's Worker Safety Check?

Employers are accountable for ensuring safety checks are completed. The Act also applies to self-employed people and sole practitioners if they are:

- Contracted by a state service (for example ACC, Te Whatu Ora);
- Contracted by an organisation that receives funding from a state service to provide regulated services. The funded organisation is required to ensure safety checking is done. This includes self-employed or sole practitioners who have formed a separate legal entity and are employed or engaged by that entity.

The Board expects that most chiropractors practising in Aotearoa New Zealand will be required to complete the CWSC, particularly those that provide ACC funded services. Compliance is a personal responsibility for each chiropractor, and their employer.

If you are a practice principal chiropractor, employer or engage other persons under a contract for services, you will have two levels of compliance:

1. Yourself as the principal chiropractor in the practice; and
2. The employees and associates employed or practising in your clinic.

How do I obtain a Children's Worker Safety Check?

You cannot conduct your own safety check. You can complete a safety check for your employees, and anyone you engage internally within your organisation, or externally via [CV Check](#), endorsed by Manatū Hauora | the Ministry of Health as a third-party provider of Safety Checking for children's workers.

Accredited versus non accredited options:

When your role requires you to hold registration with a regulatory authority mandated under the Health Practitioners Competence Assurance Act 2003 or Social Workers Registration Act 2003 and to hold an annual practising certificate, you are deemed to be "accredited."

Therefore, as a chiropractor you would choose the accredited option.

Requirements:

For **new** children's workers or children's workers who **have not previously been safety checked**:

- ✓ ID Verification
- ✓ NZ children's worker police vet (the 'Clean Slate Act' does not apply to offences specified in the Children's Act 2014)
- ✓ Professional membership check (registration and annual practising certificate.
- ✓ At least one employment or personal reference
- ✓ Employment or work history
- ✓ Interview with the applicant
- ✓ Risk assessment based on these checks.

Rechecking for children's workers who have **had a previous check in the last three years requires a fresh**:

- ✓ ID Verification

- ✓ NZ children's worker police vet (the 'Clean Slate Act' does not apply to offences specified in the Children's Act 2014)
- ✓ Professional membership check (registration and annual practising certificate)
- ✓ Risk assessment based on these checks.

All aspects of the check must be completed before the person commences work, or for existing children's workers before they may continue to work after the relevant date.

How much does police vetting cost?

Regulations set an initial fee of \$8.50 + GST per vetting request to cover the actual and reasonable costs of a vetting request.

How will a New Zealand police vet provide information on overseas practitioners?

Police vetting will only be limited to New Zealand. However, it is recommended good practice to seek such information from candidates where practical. You are not required to conduct an overseas police vet.

How often does screening need to be done?

Every three years, the following checks must be completed for each person an organisation continues to employ or engage as either a core or non-core children's worker:

1. Confirmation that the children's worker has not changed their name from the name on the documents produced during the initial identity confirmation.
2. Seeking information from any relevant professional organisation, licensing authority, or registration authority, including (but not limited to) confirmation that the potential children's worker is currently a member of the organisation, or currently licensed or registered by the authority.
3. Obtaining and considering information from a New Zealand Police vet, unless at least three-yearly New Zealand Police vetting is already a condition of the potential children's worker holding professional registration or a practicing certificate (and the specified organisation has confirmed that the registration or certificate is current).
4. Evaluation of the above information to assess the risk the potential children's worker would pose to the safety of children if employed or engaged.

Do I need a potential employee's consent before conducting a police vet?

Yes, police vetting requires the consent of the candidate. You can download a New Zealand Police Vetting Service Request and Consent Form from the [New Zealand Police website](#). It would be advisable to get the candidate to complete this form as part of the interview process.

Is there a difference if we employ someone as an independent contractor rather than an employee?

No, they are subject to safety checking in the same way.

What about short term locums— do we have to conduct a safety check for them?

Yes, however the legislation allows for organisations to rely on checks completed by third parties, as you are only required to ensure a check has been done to the required standard. The Ministry of Health set up the Cross Agency Independent Safety Checking Service for the provision of safety checking those who are self-employed. The service is run by CV Check and includes all the

requirements prescribed under the Act. A completed safety check by CV Check is valid for three years and is portable so can accepted by other organisations the practitioner may work. For more information on CV Check see <https://cvcheck.com/nz>.

What happens if I don't complete the Children's Worker Safety Check?

You could potentially be in breach of the law.

Although the Board does not gather CWSC certifications, it has a responsibility to protect the health and safety of the public by ensuring that all chiropractors are competent and fit to practise.

If the Board receives a complaint or notification that a chiropractor has failed to comply with the Children's Act 2014, it may consider what (if any) steps may be necessary to assess that complaint, including its professional standards process.

NEED MORE INFORMATION?

For more information on the Children's Act requirements and instructions for placing your CWSC order, ACC has published detailed guidelines:

- [Information for ACC Service Providers: Children's Act Requirement](#)