

FACT SHEET

## VETTING LIMITED ATTENDANCE CHILDCARE CENTRE WORKERS

This fact sheet describes the requirements for persons conducting a business or undertaking (PCBUs) when vetting limited attendance childcare centre workers as required in the Health and Safety at Work (General Risk and Workplace Management) Regulations 2016 (the GRWM Regulations).

Workers at limited-attendance child-care centres must be checked by police.

**Limited-attendance child-care centres** are any premises used regularly for the care of three or more children under six years old (this doesn't include the children of the persons providing the care, or being provided with care before or after school) where:

- > the children don't stay for more than two hours per day
- > the children's parents or caregivers:
  - are in close proximity to the children and are able to be contacted and
  - able to resume responsibility for the children at short notice.

These may include gym or shopping mall crèches.

PCBUs who operate limited-attendance child-care centres have the following duties.

They must:

- > ensure, so far as is reasonably practicable, that every worker who is employed or engaged to care for children at the centre is suitable for that role
- > obtain a Police vet of every centre worker (or prospective worker) who is to work during normal business hours and is not a teacher or holds a limited authority to teach.

A **Police vet** is a search of the Police database for information about a person including criminal history. It may also include information about other interactions with the police (eg as a complainant or victim).

The Police vet must be **applied for** no later than two weeks after the worker begins working at the centre. PCBUs applying for a Police vet must ensure that strict confidentiality is observed.

The Police vet must be **obtained** before the worker has, or is likely to have, unsupervised access to children at the centre during normal opening hours.

**Note:** if limited-attendance child-care centres receive public funding they must comply with the Vulnerable Children Act 2014. Under this Act, a Police vet must be obtained before a worker starts work.

In relation to the findings of a Police vet, PCBUs must not take adverse action<sup>1</sup> against a worker until the worker has:

- > validated the information contained in the vet **or**
- > been given a reasonable opportunity to validate the information, but has failed to do so within a reasonable period.

For further information about police vetting of workers go to:

- > The Ministry of Education website: [www.education.govt.nz](http://www.education.govt.nz)
- > The New Zealand Police website: [www.police.govt.nz](http://www.police.govt.nz)

### **FURTHER INFORMATION**

For information about the other GRWM Regulation requirements, see the following WorkSafe guidance:

- > Interpretive Guidelines *General Risk and Workplace Management – Requirements for remote or isolated work, atmospheres with potential for fire or explosion, raised and falling objects, loose material in enclosed spaces and substances hazardous to health.*
- > Interpretive Guidelines *General Risk and Workplace Management – Requirements for workplaces and facilities, information, training, instruction and supervision, personal protective equipment, monitoring, first aid, emergency plans and young people.*
- > Fact sheet *Providing Information, Training, Instruction or Supervision for Workers.*

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<sup>1</sup> This is any action that may adversely affect the rights, benefits, privileges, obligations, or interests of any specific individual. See section 97 of the Privacy Act for the full definition [www.legislation.govt.nz/act/public/1993/0028/latest/DLM297916.html](http://www.legislation.govt.nz/act/public/1993/0028/latest/DLM297916.html)