



Mount Eden Normal

PRIMARY SCHOOL

Te Whare Akoranga o Maungawhau

POLICY

POLICE VETTING

Rationale

The Mt Eden Normal Primary School Board of Trustees is responsible for taking reasonable measures to protect students from harm. The Education Act, 2020 requires that the board of a State school must:

Section 9: Police vetting of non-teaching and unregistered employees at school

- 1) The board of a State school and the managers of a private school must obtain a Police vet of every person
 - (a) whom the board appoints, or intends to appoint, to a position at the school; and
 - (b) who is to work at the school during normal school hours; and
 - (c) who is not
 - (i) a registered teacher who holds a current practising certificate; or
 - (ii) a holder of a limited authority to teach.

- (2) The board must;
 - (a) obtain the Police vet required by subclause (1) before the person begins work at the school; and
 - (b) consider the information contained in the Police vet to assess whether the person would pose a risk to the safety of children if the person were to carry out work at the school.

(3) In carrying out an assessment under subclause (2)(b), the board must take into account any guidelines on risk assessments issued by the Ministry.

Section 10: Police vetting of contractors and their employees who work at schools

(1) The board must obtain a Police vet of every contractor, or employee of a contractor, who has, or is likely to have, unsupervised access to students at the school during normal school hours.

(1A) The board must—

- (a) obtain the Police vet required by subclause (1) before the contractor, or employee of a contractor, has, or is likely to have, unsupervised access to children at the school; and
- (b) consider the information contained in the Police vet to assess whether the contractor, or employee of a contractor, would pose a risk to the safety of children if they had unsupervised access to children at the school.

(1B) In carrying out an assessment under subclause (1A)(b), the board must take into account any guidelines on risk assessments issued by the Ministry.

Police vetting by the Board is not required for teaching staff with current Teaching Council certification.

Definitions

‘Contractor’ means a person who works at a school under a contract for services.

‘Unsupervised access’ means access to any student at the school during normal school hours when the worker is not directly supervised by a school employee or the student’s parent.

This applies to every school-managed or Ministry-managed construction project, and any contractors that require access to the school during school hours, such as those carrying out Building Warrant of Fitness (BWof) inspections.

Purpose

1. To reduce the likelihood of pupils/staff coming in to direct contact with others with criminal convictions that may compromise their safety, or that of the school.
2. To ensure transparency and fairness to all involved in the process.

Requirements

1. A police vet is part of a screening process – not a selection criteria
2. A police vet will be carried out for all non-teaching employees and all contractors who work regularly at the school during school hours
3. All Police vetting information will be treated in the strictest confidence and subject to law, including the Privacy Act, 1993, the Clean Slate Act, 2004, the Children’s Act, 2014 and the Children’s Requirements of Safety Checks of Children’s Workers Regulations, 2015
4. A Police Vet requires consent of the employee or prospective employee. Staff employed by or contracted to the school withholding consent will not be allowed access to students, and employment advice sought from NZSTA
5. Though not required by the Education Act, a police vet may be sought for any person(s) ‘working’ on a voluntary basis within the school or working within the school outside normal school hours. This is at the discretion of the Principal
6. The person being vetted shall be advised of the right to sight and validate the information received. This shall be done by providing each person with a copy of the police vet
7. Once a police vet has been received, a further one will be requested prior to the third anniversary of the previous police vet
8. The information shall be received by the Principal in the first instance.
9. The information obtained through a police vet is confidential to the Principal, the Board of Trustees, members of the appointment committee for any application and any employee tasked with handling the information
10. Once consideration of the police vet is completed, it shall be retained in the employee’s/contractor’s personal file
11. If a police vet reveals criminal convictions or concerns by the police then consideration needs to be given as to whether the information should affect employment at, or access to, the school. Factors taken into consideration may include seriousness of the offence, time since the offending, if a sentence has been served, if there is a pattern of offending, how the offence relates to the employee’s/contractor’s role in the school etc. *See ‘Guidelines to Relevant Offences’ as attached to this policy
12. The result of a police vet may raise employment/access issues. In the first instance these shall be considered by the Principal, who will refer the matter to the Board for consideration
13. If the Board decides that the information gained indicates they must act, a fair process and all related legislation will be followed
14. In the event a staff member receives a Schedule 2 conviction thereby rendering them unable to be employed in a school as a children’s worker between police checks, the Board’s expectation is that the employee will disclose the conviction to the Board. This is essential in order for the school to meet its obligations under the Children’s Act and to ensure a culture of transparency, trust and good faith

Related Policies

Access to Students

Privacy Policy

Signed: Annette Quesado
Presiding Member, Mt Eden Normal Primary Board of Trustees

Policy review details

Version / date: Nov, 2023 (V3.0)

Review cycle: Triennial

Date for next review: Nov, 2026

Appendix 1: Guidelines to 'Relevant Offences' *(Attachment to 'Police Vetting Policy')*

1. The offences that the board might consider relevant are a function of the specific position in which a paid employee or volunteer person will serve
2. For positions that require substantial direct contact with children, personal safety concerns are paramount. Therefore the focal points of criminal history record checks (for these positions) are crimes against persons
3. Individuals would generally be disqualified from holding any position requiring contact with children if their criminal records include any of the following;
 - Past history of sexual abuse of children.
 - Conviction for any crime in which children were involved.
 - History of any violence or sexually exploitative behaviour.
4. For other positions, the criteria may relate to matters pertaining to the type of work. EG. If involved in financial matters relating to the school then previous convictions relating to fraud would be relevant
5. Specific offences pinpoint the areas of concern and do not necessarily disqualify applicants
6. Though the main part of the screening process is based upon convictions (not arrest information), the board may consider any arrests for which final decision is pending. This is especially true for individuals who have charges pending for which they could be disqualified if a guilty verdict were to be rendered
7. The Board may take into account details on arrests, convictions or police concerns that it sees fit
8. It is important to note that as each circumstance is unique, and the Board will consider all information known to it in making a decision. If the safety of the children, staff or school may be compromised through the persons association with the school, (in the opinion of the Board), the employment/access rights will be withdrawn and due process followed

Appendix 2: Schedule 2 Specified Offences - Children's Act, 2014

1 An offence against any of the following sections of the Crimes Act 1961 is a specified offence for the purpose of Part 3:

- (1) section 98 (dealing in slaves):
- (2) section 98AA (dealing in people under 18 for sexual exploitation):
(2A) section 124A (indecent communication with young person under 16):
- (3) section 128B (sexual violation):
- (4) section 129 (attempted sexual violation and assault with intent to commit sexual violation):
- (5) section 129A (sexual conduct with consent induced by certain threats):
- (6) section 130 (incest):
- (7) section 131 (sexual conduct with dependent family member):
- (8) section 131B (meeting young person following sexual grooming, etc):
- (9) section 132 (sexual conduct with child under 12):
- (10) section 133 (indecenty with girl under 12):
- (11) section 134 (sexual conduct with young person under 16):
- (12) section 135 (indecent assault):
- (13) section 138 (sexual exploitation of person with significant impairment):
- (14) section 139 (indecent act between woman and girl):
- (15) section 140 (indecenty with boy under 12):
- (16) section 140A (indecenty with boy between 12 and 16):
- (17) section 141 (indecent assault on man or boy):
- (18) section 142A (compelling indecent act with animal):
- (19) section 143 (bestiality):
- (20) section 144A (sexual conduct with children and young people outside New Zealand):
- (21) section 144C (organising or promoting child sex tours):
- (22) section 154 (abandoning child under 6):
- (23) section 172 (punishment of murder):
- (24) section 173 (attempt to murder):
- (25) section 177 (punishment of manslaughter):
- (26) section 178 (infanticide):
- (27) section 182 (killing of unborn child):
- (28) section 188 (wounding with intent):
- (29) section 189(1) (injuring with intent to cause grievous bodily harm):
- (30) section 191 (aggravated wounding or injury):
- (31) section 194(a) (assault on child):
- (32) section 195 (ill-treatment or neglect of child or vulnerable adult):
- (33) section 195A (failure to protect child or vulnerable adult):
- (34) section 198 (discharging firearm or doing dangerous act with intent):
- (35) section 204A (female genital mutilation):
- (36) section 204B (further offences relating to female genital mutilation):
- (37) section 208 (abduction for purposes of marriage or sexual connection):
- (38) section 209 (kidnapping):
- (39) section 210 (abduction of young person under 16).

Schedule 2 clause 1(2A): inserted, on 7 May 2015, by section 4 of the Vulnerable Children (Children's Worker Safety Checking—Indecency Offence) Amendment Act 2015 (2015 No 46).

Schedule 2 clause 1(31): replaced, on 17 December 2016, by section 110 of the Statutes Amendment Act 2016 (2016 No 104).

2 An offence that is equivalent to an offence against any section of the Crimes Act 1961 referred to in clause 1, but that was committed against a provision of the Crimes Act 1961 that has been repealed, is a specified offence.

3 An attempt to commit any offence referred to in clause 1 or 2, where the offence is not itself specified as an attempt and the provision does not itself provide that the offence may be completed on an attempt, is a specified offence.

4 A conspiracy to commit any offence referred to in clause 1 or 2 is a specified offence.

4A An accessory after the fact to any offence referred to in clause 1 or 2 is a specified offence.

Schedule 2 clause 4A: inserted, on 14 July 2017, by section 10 of the Vulnerable Children Amendment Act 2017 (2017 No 32).

5 An offence against any of the following sections of the Films, Videos, and Publications Classification Act 1993 is a specified offence for the purpose of Part 3:

(a) section 124 (offences relating to objectionable publications, involving knowledge):

(b) section 127(4) (exhibition to persons under 18):

(c) section 131A (offences relating to possession of objectionable publications, involving knowledge).

6 An offence against section 390 of the Customs and Excise Act 2018 is a specified offence for the purpose of Part 3.

Schedule 2 clause 6: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).