



Child Protection Policy

1. Purpose

The purpose of this Child Protection Policy is to ensure Unitec fulfils its role in safeguarding New Zealand children by taking steps to prevent child abuse and neglect. In particular, Unitec is committed to reducing the risk of harm to children by requiring all staff whose work involves regular or overnight contact with children to be safety checked. This policy is also designed to ensure that Unitec is compliant with the Vulnerable Children Act 2014 ("**VCA**").

To avoid doubt, nothing in this policy and outlined procedures limits any rights and obligations under legislation.

2. Scope

This is a Unitec-wide policy and, except as otherwise provided in their employment agreement, applies to all staff.

3. Policy Statement(s)

In compliance with the VCA, Unitec has implemented workforce restrictions preventing people with certain serious convictions from working in positions that involve working alone, with, or with primary responsibility for, children. Generally, Unitec will not employ or engage, or continue to employ or engage a children's worker that has been convicted of a specified offence. This restriction is subject to the exemptions process under the VCA.

4. Associated Procedures

Safety Checking Process

As part of its safety checking process, Unitec will:

- Perform identity verification by seeking proof the person is who they say they are, including by requiring information on former identities, if any.
- Seek information about the person, including reliable data about history and behaviour, and Police vetting.
- Seek to ascertain if the person has been convicted of any specified offence.
- Perform a risk assessment based on the information obtained.
- Periodically re-assess staff members to update the information every three years.

5. Who will be safety checked?

All Academic positions, and any other position found to fall into the definition of children's worker at Unitec, will require safety checking in the recruitment process.

a. New children's workers

- i. Unitec will perform a Ministry of Justice criminal record and traffic convictions check and a safety check on all newly appointed children's workers. Any offer of employment will be conditional on Unitec being satisfied with the results of these checks. It is also an ongoing condition of employment that they remain eligible to work under the terms of the VCA.

b. Existing children's workers

- i. Unitec will perform safety checking on every children's worker who is employed or engaged by Unitec by 1 July 2018.

6. Process if a children's worker is found to have been convicted of a specified offence?

A children's worker who has been convicted of a specified offence will not be employed or engaged, or continue to be employed or engaged at Unitec if they have already commenced employment, unless they have been granted an exception under section 35 of the VCA.

7. Process if a children's worker is believed by Unitec to have been convicted of a specified offence?

If Unitec believes that a children's worker it employs or engages has been convicted of a specified offence, it will immediately suspend the children's worker from all duties in accordance with the Disciplinary Policy & Procedure.

At the end of the period of suspension, Unitec will terminate the children's worker's employment or engagement as a children's worker if it believes on reasonable grounds that the person has been convicted of a specified offence and does not hold an exemption. In accordance with the VCA, no compensation or other payment will be payable in respect of the termination and the termination is deemed to be a justifiable dismissal for the purposes of part 9 of the Employment Relations Act 2000.

8. Responsibilities

Role	Responsibilities
Manager	<ul style="list-style-type: none"> Managers in partnership with a HR Business Partner are responsible for assessing whether a role is defined as a children's worker role, ensuring recruitment is compliant with this policy, and ensuring the requisite safety checking processes have occurred in respect to all children's workers in their team.
Employee	<ul style="list-style-type: none"> All staff are responsible for informing Unitec if they have been convicted of any offence. All staff are responsible for informing Unitec if they believe another staff member has been convicted of any offence.

9. Definitions as per the Vulnerable Children Act 2014

Term	Definition
Children's Worker	<p>A person who works in, or provides, educational services at Unitec (whether paid or unpaid), and whose work may or does involve regular or overnight contact with a child or children that takes place without a parent or guardian of the child, or of each child, being present.</p> <p>Regular contact with children means the person has contact (other than merely incidental contact) with a child or children at least once each week or on at least 4 days each month. Contact means any of the following:</p> <ul style="list-style-type: none"> • physical contact; • oral communication, whether in person or by telephone; or • communication through any electronic medium, including by way of writing or visual images.
Core children's worker	A children's worker whose work requires or allows that, when the person is present with a child or children in the course of that work, the person is the only children's worker present; or is the children's worker who has primary responsibility for, or authority over, the child or children present.
Non-core children's worker	A children's worker who is not a core children's worker.
All staff	<p>All staff includes the following:</p> <ul style="list-style-type: none"> • Permanent /Tenured • Fixed term/ Limited tenure • Casual/ Part-time hourly paid • Contract for Service • Person of Interest (named individual working on behalf of Unitec)
Specified Offence	<p>1. An offence against any of the following sections of the Crimes Act 1961, including an attempt to commit any offence and/or a conspiracy to commit any offence or an offence under the Crimes Act 1961 that is equivalent to these offences but has been repealed:</p> <ul style="list-style-type: none"> • section 98 (dealing in slaves); • section 98aa (dealing in people under 18 for sexual exploitation); • section 124a (indecent communication with young person under 16); • section 128b (sexual violation); • section 129 (attempted sexual violation and assault with intent to commit sexual violation); • section 129a (sexual conduct with consent induced by certain threats);

	<ul style="list-style-type: none"> • section 130 (incest); • section 131 (sexual conduct with dependent family member); • section 131b (meeting young person following sexual grooming, etc.); • section 132 (sexual conduct with child under 12); • section 133 (indecenty with girl under 12); • section 134 (sexual conduct with young person under 16); • section 135 (indecent assault); • section 138 (sexual exploitation of person with significant impairment); • section 139 (indecent act between woman and girl); • section 140 (indecenty with boy under 12); • section 140a (indecenty with boy between 12 and 16); • section 141 (indecent assault on man or boy); • section 142a (compelling indecent act with animal); • section 143 (bestiality); • section 144a (sexual conduct with children and young people outside New Zealand); • section 144c (organising or promoting child sex tours); • section 154 (abandoning child under 6); • section 172 (punishment of murder); • section 173 (attempt to murder); • section 177 (punishment of manslaughter); • section 178 (infanticide); • section 182 (killing of unborn child); • section 188 (wounding with intent); • section 189(1) (injuring with intent to cause grievous bodily harm); • section 191 (aggravated wounding or injury); • section 194 (assault on child);
	<ul style="list-style-type: none"> • section 195 (ill-treatment or neglect of child or vulnerable adult); • section 195a (failure to protect child or vulnerable adult); • section 198 (discharging firearm or doing dangerous act with intent); • section 204a (female genital mutilation); • section 204b (further offences relating to female genital mutilation); • section 208 (abduction for purposes of marriage or sexual connection); • section 209 (kidnapping); and/or • section 210 (abduction of young person under 16). <p>2. An offence against any of the following sections of the Films, Videos, And Publications Classification Act 1993:</p> <ul style="list-style-type: none"> • section 124 (offences relating to objectionable publications, involving knowledge); • section 127(4) (exhibition to persons under 18); and/or

	<ul style="list-style-type: none"> section 131a (offences relating to possession of objectionable publications, involving knowledge). <p>3. an offence against section 209(1a) of the Customs And Excise Act 1996.</p>
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Reference Documents

- Vulnerable Children Act 2014

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