

The volunteer workforce and private businesses - how safe are your children?

“Convicted sex offender acted as 'Santa' at childcare centre's Christmas parties” – a headline from December 2020 that would cause any parent to sit up and be alarmed for the safety of their children.



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Volunteers are the life blood of many of our organisations across Aotearoa New Zealand – children’s sports clubs, after school programmes, fund-raising events, church groups – without the time and dedication of these amazing people, our children would have fewer opportunities to engage in meaningful activities.

But how sure are you when you send your children or grandchildren to their dance group or their music teacher that they will be safe? Surely a person working with children would have been vetted for their safety?

The truth is, while headlines like the above are not an everyday occurrence and most of our volunteers are worth their weight in gold, all too frequently a seemingly innocent yet convicted child abuser is exposed. Worse, many are never found out and continue to volunteer for organisations, while parents

remain unaware of the risk to their child’s safety. Why is this?

One major reason is that the loopholes in Aotearoa New Zealand’s legislation means there is no obligation to undertake checks on volunteers; and even those organisations who insist on doing so, receive little support from a system that is not set up for vetting volunteers.

We need to insist that government strengthens legislation so that all organisations, whether government funded or not, need to check all people engaged to work with children, paid or not, because this is the right thing to do!

How at risk are children?

When Safeguarding Children recently ran an extensive nationwide campaign on Facebook stating that the Children’s Act 2014 does not

require volunteers to be safety checked/police vetted, we received responses from a wide section of Aotearoa New Zealand society – many stated that we had it wrong, and that volunteers were of course required to be checked.

This feedback confirmed to us that the facts regarding checking of volunteers are not well understood by many in our community. Clearly, there is a strong assumption that all volunteers and people in roles working with children undergo checks.

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This is far from the reality. We at Safeguarding Children know that only a small proportion of people in roles working with children are legally required to be checked. Because of our unique position in providing training, advice and support to those very organisations when they are trying to protect children and do the right thing, we also understand that organisations struggle to manage safety checking of volunteers and processing the results of police vets.

What does the legislation say?

The Children’s Act 2014 does not require any agency that is privately funded i.e., does not receive any government funds, to safety check anyone they engage to work with children, paid staff or volunteers. So that could be a private swim school, a private music or math teacher, a private sports massage business, a church youth worker.

This is different to government funded organisations, where checks are a mandatory requirement for those in paid jobs like schoolteachers, Early Childhood Education teachers, GPs, social workers and healthcare practitioners.

In addition, the Children’s Act 2014 does not require any volunteers for any agency working with children, whether they receive government funds or not, to be safety checked. This includes volunteers at schools, volunteers at ECEs, volunteer-run sports groups/clubs or youth groups.

Imagine this scenario; a prospective volunteer has a previous conviction for a serious offence against children that precludes them from being legally employed as a ‘children’s worker’ i.e., as a paid member of staff in a government funded organisation.

That person could volunteer with children for a charity, youth group, school, ECE, or set up a private business working with children, without breaking any law. Therein lies a major loophole in the existing legislation, which needs to change to protect our children.

This is no hypothetical situation. We know this is happening now because we have advised people who have uncovered this in their own organisations, having upped their safeguarding practices to include volunteers. With little knowledge, they are suddenly faced with having to deal with this and manage this risk.

Overseas, the requirements are far more stringent. For example, in many states in Australia it is mandatory for volunteers and staff to undergo safety checks. In Victoria, Working with Children Checks are a requirement for volunteers in certain child-related work.

While some might argue we don’t have the resources and time needed to check all volunteers in New Zealand, and trying to do so could sink an organisation, the success in Australia proves this is not the case. In fact, it can prove more efficient as well as watertight. The Victoria Working with Children Check is valid for five years and transferable between organisations. This ultimately reduces the number of checks required as volunteers can easily move between organisations under a single check – a bit like having a passport.

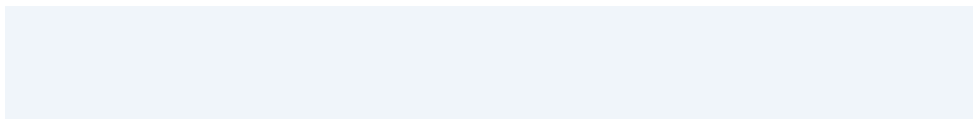
So, what’s stopping us doing the same here? Despite legislation not requiring them to do so, there are many organisations in New Zealand that do undertake safety checks of volunteers and non-government funded staff; usually because they know it’s the right thing to do. That is fantastic!

But through the work we do at Safeguarding Children, we know that many do not. There are several reasons why – one being the lack of appropriate systems and knowledge to do so.

A consequence of volunteers and non-government funded organisations being exempt from undertaking checks is that the systems set up as per the Children’s Act 2014 are limited to supporting those organisations who are required to do so. These systems do not transfer well to support those trying to safety check volunteers.

First, we should acknowledge those carrying out police vetting do an amazing job and are incredibly helpful. However, they are neither set up to manage the vetting of all volunteers, nor have the capacity to do so.

Through the current systems, organisations who engage volunteers are not given the support to assess or manage risks; to have conversations with prospective volunteers who have offences; or to make informed decisions based on their assessment; nor do they know how to manage the information they know of offending.



We need a system in place that ensures those organisations who run on volunteers are not overwhelmed by the task of checking volunteers and instead feel empowered to do so.

How do organisations deal with volunteers who have past offences?

Even those organisations who attempt to ‘work with’ a system not designed to support volunteering are faced with challenges that are just too hard. Little wonder that many simply avoid doing checks – after all, they are not legally required to do so.

There is a lack of legislative guidance available and no framework in place for organisations to assess the risk from a volunteer’s past offences.

For example, if a person with a serious previous offence wants to gain paid employment with children in government funded organisations, the system allows them to apply for a core children’s worker exemption. This involves a robust process carried out by a panel from relevant ministries to assess and approve or deny that person’s ability to work with children, based on time and behaviour since the offence, and any treatment or rehabilitation completed.

However, for volunteers there is no such system. If a serious previous offence comes up on a volunteer’s police vet, that organisation can choose not to engage the volunteer, but can that person ever volunteer again? What is their future?

Alternatively, if a person knows they are likely to fail the process described above for government funded organisations, they can instead choose to go to the next organisation, who may not ask for a safety check or a police vet. That way, they just keep on volunteering to avoid such scrutiny, while children remain at risk.

What information can organisation share, if any?

Rightly so, the Privacy Act 2020 restricts organisations ability to share concerning information about a person’s previous offending that may have been revealed in police vets.

For example, organisation A completes a police vet, and it comes back with serious offences against children, so they do not engage that person as a volunteer. Undeterred, that person goes on to volunteer for another organisation B, who does not do police vets, most likely for some of the



reasons described earlier. Despite organisation A having completed a vet, they are prevented from passing on that information to organisation B. Thus, the only way organisations will know this information is if they require a police vet themselves and without being legally required to check, many do not and many cannot because the system is not set up to support them to do so.

This is not good enough. The law needs to change so individuals with past offences cannot use volunteering to bypass the safety checking system.

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So where does this leave us?

There is no doubt most volunteers are amazing people with good intentions to help our children and ensure they can engage in meaningful activities. However, every parent wants to send their child off to their music or sports club, knowing and trusting they are in safe hands.

The Children’s Act 2014 is the law that protects children within the organisations they spend time in. Yet it is full of loopholes that are being knowingly exploited by those with previous serious offences against

children, unwittingly overlooked by trusting organisations and trusting parents. It needs to be strengthened so that all organisations whether government funded or not, need to check all people engaged to work with children, paid or not, because this is the right thing to do!

We don’t want organisations running on volunteers to be any more burdened, we want the law to support them with a requirement for volunteer checks and a system that enables that like a passport so that all organisations need to do is ask to see it.

We also encourage parents to ask all organisations your child spends time in if all their staff and volunteers are safety checked and then make an informed choice about engaging their child in that space.

We want organisations to complete safety checks on all staff and volunteers, whether the law requires it or not.

There is much you can do – close the loopholes the law leaves, protect all children, all of the time, and in all the places they spend time.

Ruth Browning is a senior consultant at Safeguarding Children and a passionate advocate for finding and implementing practical solutions to improve the lives of tamariki and rangatahi. She is a registered social worker with a MSc in Social Research and has worked with children, young people and their families for 23 years.