



Safeguarding Children

Tiakina ngā tamariki

Concern for child safety prompts fresh calls for Children's Act overhaul

There are concerns the legislation designed to keep New Zealand children safe is failing them.

Safeguarding Children New Zealand is calling for urgent changes to be made to the Children's Act 2014, after obtaining legal advice from law firm Simpson Grierson on the question of whether any organisation engaging volunteers and private businesses who employ staff are legally obligated under the Children's Act to undertake background checks for volunteering and working with children.

"As it stands, there is no legislative requirement in the Children's Act to police vet volunteers in any organisation and no legislative requirement to police vet employees of non-government funded organisations or private businesses that provide services to children. This means most volunteers and many others who work with children are not legally required under that Act to undergo safety checks, despite the potential for them to engage in unsupervised, one-on-one contact with children," Senior Safeguarding Consultant Ruth Browning says.

Browning says the news will come as a "total shock" to a lot of New Zealanders.

"When we take our children to sport, youth groups or perhaps even private music or math lessons, we would assume the people looking after them have undergone a safety check, including a police vet. What a lot of people don't realise is we are relying on the goodwill and diligence around the health and safety considerations of organisations engaging volunteers and private businesses to do the right thing, because there is no legal requirement in the Children's Act for them to do so."

Browning, who has worked on the frontline as a social worker for more than 20 years, has written to Ministers outlining essential actions that would significantly reduce the potential for harm.

She says legislative change is needed to introduce a specific obligation into the Children's Act, so we ensure those who are unsuitable to work with children are not able to use volunteering roles and private businesses as a way of accessing our most vulnerable. Clarity and full coverage is needed in our legislation.

"This is about protecting our children in settings where they have every right to feel safe, and right now, we're failing them."

Browning refers to the many examples in our media as well as the evidence presented to The Abuse in Care, Royal Commission of Inquiry to highlight that abuse within organisations is a huge issue with deep and persistent impacts. "We need to apply all available prevention methods we have, starting with robust and specific legislation," says Browning.

As well as improving safety checking provisions in the Children's Act 2014, Safeguarding Children wants child protection training to be made mandatory for all people working with children.

"Right now, there is no legal requirement for teachers, GPs, or front-line children's workers in New Zealand to be formally trained in safeguarding or child protection. This is leaving those with a duty of care to children, ill equipped to fulfill that duty." says Browning.

It is also not required by law to report child abuse when it is seen, heard or suspected.

"The workforce that we regularly train is asking for greater clarity in legislation so that the onus is not solely on them to decide what gets reported and when," Browning says.

The following statement has been provided by Simpson Grierson and can be attributed to a firm spokesperson:

"The safety checking requirements in the Children's Act do not presently apply to the majority of volunteers who work with children, and to all private businesses that provide services to children.

Yet we consider it is reasonable to expect all organisations to conduct safety checks on individuals likely to engage in unsupervised, one-on-one contact with children to meet the Health and Safety at Work Act obligations. Broadening the scope of the Children's Act's safety checking obligations would align well to confirm this expectation for organisations conducting work with children."