

Employment Agreements	
Date approved by General Manager and Board of Trustees	May 2024
Reviewed	May 2026
Date for next review	Aug 2028
Compliance lead	General Manager

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OSCAR Standard – The service has a sufficient body of trained and competent staff to deliver and support service. Services are managed competently (including competent financial management).

“At Lifekidz the definition of “Staff” will encompass anyone that Lifekidz relies on to deliver services.

1. Employment Agreements

All staff must sign an employment agreement that includes:

- names of employer and employee
- a job description of their role and responsibilities
- hours of employment and days they are expected to work
- rate of pay
- resolving grievance and employment issues

2. Code of Conduct

Staff will be expected to:

- Dress appropriately for work
- Arrive on time
- Report any health problems which may impact on their employment
- Interact with their assigned participants
- Work collaboratively with other staff
- Be courteous to parents and visitors
- Maintain confidentiality of participants
- Not bring LifeKidz Trust into disrepute
- Follow all lawful instructions
- Provide care and assistance for all participants
- Change and assist participants with personal cares
- Maintain personal hygiene for participants
- Make sure the participant is engaging in a safe activity
- Report to the Centre Supervisor

3. Misconduct

- If the misconduct is not serious then an informal conversation with the Centre Supervisor and/or General Manager can take place. The discussion is documented in the employee's file.
- If the misconduct is more serious, an investigation of the allegations must take place by the General Manager, if there are witnesses, then written statements describing what happened should be taken.
- Set out evidence in a letter to the employee that includes: • details of the allegations (including any witness statements) • excerpts of the relevant clauses in the employment agreement or company policies that may have been breached. A date on which you want to meet with the employee to discuss the allegations (let them know they can bring a support person or representative). Inform them of the consequences of what may happen if the allegations are upheld (e.g. a written warning or dismissal).

4. Grievances and complaints

The Manager/ Centre Supervisor is responsible for undertaking disciplinary action and for ensuring that it is in accordance with all relevant legislation and adheres to the LifeKidz Trust Mission Statement and discipline policy and procedures.

If a staff member is not performing adequately every reasonable effort will be made to help the member of staff to understand the problem and to improve. Staff will be given two verbal warnings and if necessary, followed by one written warning clearly stating the problem, the measures required to improve performance and a time frame in which this is to occur. If there is not sufficient improvement the staff member may be dismissed. A staff member may only be

dismissed with the agreement of the Board.

Staff may be suspended on full pay pending further investigation if they are accused of:

- Striking or sexually abusing a participant
- Failing to observe program rules so that a participant is injured or placed in serious danger.

If the complaint is upheld the staff member may be dismissed. Following a dismissal of this nature the Board of Trustees, in consultation with the General Manager, will prepare a follow-up report recommending any changes needed to avoid the situation recurring.

Staff complaints against other staff members must be referred to the General Manager

Staff grievances against the Centre Supervisor will be resolved in accordance with the provisions of the Employment Relations Act 2000.

Complaint by staff regarding participants or parents the following procedure should be followed:

- Inform the General Manager of concern/s or incident immediately.
- Determine whether parent needs to be contacted or situation to be monitored.
- Manager to speak with parent to seek acceptable resolution.
- If the matter continues, issue verbal warning to parents of non-acceptable behaviors. (2 warnings)
- If continues, written warning issued.
- If continues, child and family asked to leave.

5. Staff performance appraisal

Staff Appraisals will be the responsibility of the General Manager and will be carried out annually, with the sole intention to increase awareness of their performance, development, and to ensure a high standard of care at **LifeKidz Trust Programmes**.

The appraisal will be based on the job description. It will establish individual and group strengths and identify areas for personal and professional development. It will consist of a self-appraisal and interview with the General Manager. Objectives will be set for the next 12 months. All appraisals will be confidential and held on the staff member's personnel file.

6. Volunteers

Supervision of volunteers is the responsibility of the Centre Supervisor.

Volunteers must undergo the same security checks and induction as employed staff however, they should not be expected to undertake the same level of responsibility as employed staff. The volunteer will have a position description.

Efforts should be made to include volunteers in planning and training as appropriate. Any agreement regarding reimbursement of expenses must be made in writing.

7. Code of Behaviour for staff

LifeKidz Trust expects staff to be supportive, non-abusive and to present themselves as a positive role model. Many participants have affectionate natures and express themselves freely. Regardless of the situation and participants culture and nature, staff must avoid inappropriate physical contact.

In making physical contact with participants, staff should be guided by the principle that they will do so solely to meet the participants physical or emotional needs. Touching should not be initiated to gratify participants or staff needs. Participants should not be expected to take care of adult physical or emotional needs.

If a participant initiates physical contact in the seeking of affection, reassurance or comfort it is appropriate to respond in a manner suitable for those participants developmental stage and needs. It is not appropriate to force any form of unwanted affection or touching on a participant.

The physical contact of participants during changing of clothing or personal cleaning must be for the purpose of that task only and not be more than is necessary. Participants should be encouraged to take care of themselves to the limits of their ability.

Staff should avoid being alone with a participant.

- Staff must be aware of where all participants are at all times.
- Managers should ensure volunteers and visitors are never alone with a participant/s.
- Staff may not smoke or vape in front of the children, in the centre building or programme areas.
- Clothing should facilitate job performance (i.e., be appropriate for participating in activities, be safe, be appropriate for role modelling to participants).
- Personal visitors and telephone calls shall not interfere with responsibilities of supervision.
- Staff must realise their individual emotional and physical limitations and request support and/or relief when necessary.
- Confidentiality must always be maintained.
- Staff medication must be labelled and stored out of reach of the children.
- Participants should not be present when staff use the toilet and bathroom facilities for personal needs.
- "Adult" topics of conversation should not take place within hearing of participants.
- No photos of participants of the After School Program or Holiday Program will be

taken or shared.

- Day Program participants, with parent's consent, maybe shared by the team leader (photos or videos) on the DP What's App only

8. Children's Worker Safety Checking

Requirements for Safety Checking of Children's Worker

Vulnerable Children Act 2014

Requirements for Safety Checking of Children's Worker Regulations 2015

1. Purpose

- 1.1 The policy and procedure for Children's safety checks in New Zealand are primarily governed by the [Children's Act 2014](#) (formerly known as the Vulnerable Children Act 2014) and the Children's (Requirements for Safety Checks of Children's Workers) [Regulations 2015](#). The overarching aim is to ensure the safety and well-being of children by identifying and preventing individuals who may pose a risk from working with them.
- 1.2 A child means a person under the age of 18 years. The Children's Act provides other age interpretations of context.

2. Legislative Framework

- 2.1 Children's Act 2014: This Act mandates safety checks for individuals working with children in state-funded organisations that provide regulated services. It outlines the responsibilities of employers and the requirements for safety checking. The Act also introduced workforce restrictions, preventing individuals with specific serious convictions from core children's worker roles unless they obtain an exemption.
- 2.2 Children's (Requirements for Safety Checks of Children's Workers) Regulations 2015: These regulations detail the specific components of a safety check and the process that specified organisations must follow.

3. Who Needs to be Safety Checked?

- 3.1 All paid employees and contractors who work with children (under 18 years old) in state-funded organisations providing regulated services.
- 3.2 This includes individuals who have regular or overnight contact with children without a parent or guardian present.
- 3.3 The definition of "regular contact" includes:
 - 3.3.1 At least once a week.
 - 3.3.2 At least four days each month.
 - 3.3.3 Overnight contact.
- 3.4 Core children's workers: These are workers who:

- 3.4.1 Are the only children's worker present.
- 3.4.2 Have primary responsibility or authority over a child or children.
- 3.5 Non-core children's workers: These are other paid workers who have the defined level of contact with children.
- 3.6 Unpaid individuals working with children as part of an educational or vocational training course (e.g., student teachers, trainee nurses).

4. Who Generally Does Not Need to be Safety Checked by Law?

- 4.1 Volunteers, unless their unpaid work is part of a formal educational or vocational training course. However, organisations are encouraged to consider safety checks for volunteers with regular, overnight, or one-on-one contact with children.
- 4.2 Privately employed children's workers such as nannies and babysitters (though individual families are advised to conduct their own checks).
- 4.3 Parents, guardians, or individuals with care of a child receiving funding to secure services for their child.

5. Components of a Children's Worker Safety Check

A thorough safety check involves several components:

- 5.1 Identity Verification: Confirming the individual's identity through documents like a passport or driver's license or using electronic verification services like RealMe.
- 5.2 Police Vetting: Obtaining a criminal history check from the New Zealand Police Vetting Service. The "Clean Slate Act" does not apply to offenses specified in the Children's Act 2014.
- 5.3 Reference Checks: Gathering information from at least one referee (who is not related to the applicant and understands the purpose of providing the reference) about their suitability to work with children.
- 5.4 Employment verification for the previous five years is also often included.
- 5.5 Employment Verification Checks: Confirming the applicant's work history.
- 5.6 Professional Membership Checks: Verifying registration and good standing with relevant professional and regulatory bodies or licensing authorities (if applicable).
- 5.7 Interviews: Conducting documented interviews with the applicant to assess their understanding of safe practices and their suitability for working with children.

- 5.8 Risk Assessment: Evaluating all the gathered information to determine if the individual poses any risk to the safety of children.

6. Responsibilities of Organisations:

- 6.1 Develop and implement a child protection policy and safety checking procedures.
- 6.2 Ensure that all relevant employees and contractors undergo safety checks before commencing work.
- 6.3 Maintain records of all safety checks and their outcomes.
- 6.4 Ensure that safety checks are repeated **every three years** for all children's workers.
- 6.5 Take appropriate action based on the results of safety checks, including not employing individuals who pose an unacceptable risk.
- 6.6 Be aware of workforce restrictions regarding the employment of individuals with specific serious convictions.

7. The Role of the Ministry of Social Development (MSD):

- 7.1 MSD is one of the government agencies responsible for overseeing the implementation of the Children's Act 2014.
- 7.2 They administer the Core Worker Exemption process for individuals with specified convictions who wish to work in core children's worker roles.
- 7.3 MSD has also partnered with approved screening services like [CVCheck](#) to provide a standardised process for Children's Worker Safety Checks for various sectors, including those funded by MSD.

8. How to Obtain a Children's Worker Safety Check:

- 8.1 Individuals typically do not conduct their own full safety checks if they are employees or contractors. This is usually the responsibility of the employing organisation.
- 8.2 Organisations can conduct safety checks internally, provided they meet the requirements outlined in the Act and regulations.
- 8.3 Organisations and individuals can also use approved third-party providers like CV Check (NZ) Ltd to conduct the checks. This often involves creating an account, ordering the appropriate checks, providing personal details and identification, and making payment.

- 8.4 The specific process and required checks may vary slightly depending on the sector (e.g., health, education, social services).

9. Consequences of Non-Compliance:

- 9.1 Failure to conduct safety checks on children's workers is an offense under the Children's Act 2014 and can result in significant penalties, including fines.
- 9.2 In the early learning sector, the Ministry of Education may reclassify a license as provisional, suspend it, or even cancel it for non-compliance with safety checking requirements.
- 9.3 It's crucial for organisations and individuals working with children in New Zealand to understand and comply with the Children's Act 2014 and its associated regulations to ensure a safe environment for children. Organisations should have clear policies and procedures in place for conducting safety checks and responding to any potential risks identified.

END

Approved: May 2025

Update Aug 2028