

Several new Acts and standards are coming into force in 2015 and 2016 that early childhood education (ECE) services, kōhanga reo and playgroups need to know about. This sheet gives an overview of the new requirements, the effective dates, and tells you where to find more information and guidance on:

- ❖ **Vulnerable Children Act 2014**
- ❖ **Health and Safety at Work Act 2015**
- ❖ **Food Act 2014**

### Vulnerable Children Act 2014



The Vulnerable Children Act aims to protect and improve the wellbeing of vulnerable children and strengthen our child protection system. The new requirements apply to any organisation the Ministry of Education contracts or funds to provide a regulated service to children.

The two key requirements for ECE sector organisations are to have a **child protection policy**, and to **safety check** all those who work regularly with children and whose work is paid (or unpaid as part of an educational or vocational training course).

Anyone convicted of a specified offence cannot be employed or engaged as a core children's worker, unless they have an exemption (**workforce restriction**).

Guidelines are available to help organisations meet the new requirements. The ECE licensing criteria will be amended later this year to be consistent with the new requirements.



Child protection policies must be in place **now**.

From **1 July 2015** - All **new core** children's workers must be safety checked prior to employment commencing. The workforce restriction applies to **new core** children's workers

From **1 July 2016** - All **new non-core** children's workers must be safety checked prior to employment commencing. The workforce restriction applies to **existing core** children's workers

By **1 July 2018** - All **existing core** children's workers must be safety checked

By **1 July 2019** - All **existing non-core** children's workers must be safety checked



The **Ministry website** has information on ECE sector requirements under the Act, including Q&As and links to the Children's Action Plan website and guidelines:

<http://www.education.govt.nz/early-childhood/ministry-priorities/vulnerable-children/>

For information on **how the workforce restriction applies to existing core children's workers**, see <http://www.childrensactionplan.govt.nz/childrens-workforce/the-workforce-restriction/information-for-employers/>

New information for sector will be announced in **He Pānui Kōhungahunga – The Early Learning Bulletin**: <http://www.education.govt.nz/early-childhood/ministry-priorities/early-learning-bulletin/>

Email your questions to [ECE.info@education.govt.nz](mailto:ECE.info@education.govt.nz)



Requirements under the Vulnerable Children Act and the Health and Safety at Work Act both contribute to improving the well-being of all children.

The purpose of the Vulnerable Children Act safety checking requirements is to keep children safe from abuse and neglect. This aspect of the Act relates specifically to recruitment and human resource policies and practices.

The purpose of the Health and Safety at Work Act is to keep workers and others in the workplace safe. It relates to the safe practices that people use to carry out their responsibility.

For more information go to: [www.education.govt.nz/ministry-of-education/specific-initiatives/childrensactionplanandvulnerablechildrenact/childrens-action-plan-and-vulnerable-children-act-2014-questions-and-answers/](http://www.education.govt.nz/ministry-of-education/specific-initiatives/childrensactionplanandvulnerablechildrenact/childrens-action-plan-and-vulnerable-children-act-2014-questions-and-answers/)

#### UPDATES TO COME:

- ❖ Harmful Digital Communications Act
- ❖ Update of the Education Act
- ❖ Playground Surfacing and Equipment Standard

## Health and Safety at Work Act 2015



Under the new Act, **everyone in a workplace is responsible for health and safety**. The Act focuses attention on what is reasonable for a business to do, and on how work is carried out, not just where it happens. It clarifies responsibilities and accountabilities, strengthens worker participation, and creates expectations for effective risk management that are proportionate to the risk.

Things you can do now to prepare:

- familiarise yourself with the key concepts of the Act and regulations (eg, PCBU, due diligence)
- review your health and safety policies and practices
- identify health and safety risks in your ECE service, kōhanga reo or playgroup, and take steps to prevent these from causing harm
- make health and safety part of your workplace culture.

**Until the new Act comes into effect, the Health and Safety in Employment Act 1992 remains in force.**



**4 April 2016** – the Health and Safety at Work Act 2015 comes into effect

The regulations underpinning the Act will be phased in after that date. They are currently draft and going through Parliamentary process.



**Ministry for Business, Innovation and Employment:** <http://www.mbie.govt.nz/info-services/employment-skills/workplace-health-and-safety-reform>

**WorkSafe New Zealand:** <http://www.business.govt.nz/worksafe/about/reform>

**For an education perspective, including factsheets and guidance:**

<http://www.education.govt.nz/ministry-of-education/specific-initiatives/health-and-safety/> or **email your questions to:** [healthandsafety.info@education.govt.nz](mailto:healthandsafety.info@education.govt.nz)

## Food Act 2014



The Food Act 2014 makes sure the food that businesses sell is safe and suitable to eat. It also provides tools for businesses to manage their food safety. Under the Act, anyone who sells or provides food needs to make sure it is safe and suitable to eat. This means 'safe food' won't make people sick and 'suitable food' meets compositional, labelling and identification requirements and is in the right condition for its intended use.

For ECE, **only education and care centres and kōhanga reo that provide meals to children** are affected. These centres must operate under National Programme – Level 2.

Requirements will include:

- 2 yearly registration with the local Territorial Authority
- an initial visit from the Territorial Authority to ensure requirements are being met
- follow-up visits depending on performance (from 6 months to 3 years)
- additional process and documentation requirements.

Home-based services, hospital-based services and centres that only carry out minimal food handling (ie, cutting fruit, providing crackers and spreads etc for morning tea) and centres where children bring lunch boxes **are exempt**, and only need to ensure the food they provide is safe and suitable to eat.

ECE licensing criteria **will not change**.

The Ministry is working with the Ministry for Primary Industries to identify areas where additional requirements exist and guidance is needed, and to establish at what stage in the ECE licensing process centres and kōhanga reo must register and be verified.



From **1 March 2016** - **new** ECE centres and kōhanga reo opened on or after this date must meet the requirements

By **30 June 2017** - **existing** ECE centres and kōhanga reo must be meeting the requirements



More information on **National Programmes** is available at <http://mpi.govt.nz/food-safety/food-act-2014/national-programmes/>

For information on sausage sizzles and **fundraising activities:** <http://mpi.govt.nz/food-safety/food-act-2014/community-food/>

For detailed information and examples of **how the Food Act applies to education** providers: <http://mpi.govt.nz/food-safety/food-act-2014/resources/>

For information on **marae food:** <http://mpi.govt.nz/food-safety/food-act-2014/marae-food/>