

Managing Conflicts of Interest

Safety checking guidance for sole traders/ self-employed individuals.

This guidance is for sole traders and self-employed individuals required to undergo accreditation with Te Kāhui Kāhu, who are classified as core or non-core Children’s Workers, in accordance with the Children’s Act (2014).

The purpose of this guidance is to ensure that your safety check process supports the purpose identified in the Act -to reduce the risk of harm to children. The Children’s (Requirements for Safety Checks of Children’s Workers) Regulations 2015 and the Social Sector Accreditation (Staffing) Standard require you to complete all safety check and risk-assessment steps, before engaging in the role of a children’s worker, and again within each 3-year period.

For Te Kāhui Kāhu to be confident that you meet the current ‘Staffing’ standard requirements (all levels), we must be satisfied that you use a clear, transparent and open process in completing your safety check. This includes a robust decision-making process on the results of a safety check.

Our expectations for sole-traders/self-employed individuals is that you will make reasonable arrangements to address any conflicts of interest in meeting your obligations under the Children’s Act.

- Extra steps may be needed for sole traders/ self-employed persons to complete New Zealand Police Vetting. This is because only New Zealand Police-approved vetting agencies can request vetting services to be done for individuals.
- Once you have your vetting results, you need to evidence a completed risk-assessment. A conflict of interest is present if you conduct a risk assessment for yourself. As a work-around, we recommend you engage a third-party screening service to conduct the risk assessment. More information on these services can be found here [Te Kāhui Kāhu -Staffing Standard Resources](#)

See the following table for clarity;

Safety Check – Third-party services you <i>may</i> use to complete elements of the safety check process.	When is use of a third-party screening service useful?	
	Sole trader/ self-employed	Organisation with staff
...police vetting	Useful <i>-however, alternatively setting yourself/ business up as an approved vetting agent to complete vetting is advised if you intend to grow the business.</i>	Available ¹ <i>-however, this is an avoidable cost. Organisations with staff are recommended to set the organisation up as an approved vetting agency.</i> <i>*Go to Register for New Zealand Police Vetting New Zealand Police</i>
...risk-assessment	Useful <i>-recommended</i>	Available <i>-however, this is an avoidable cost if your organisation has staff (and no known conflict of interest). Note that the recruiting/ employing organisation remains responsible for decision-making, and appointments in accordance with the Children’s Act 2014.</i>

The risk-assessment must satisfactorily meet criterion one (1) of the Social Sector Accreditation ‘Staffing’ Standard:

- (1) The organisation’s staffing and staff relations policy and procedures comply with the relevant legislation. (The Children’s Act and subsequent Regulations made under the Act are considered relevant to this criterion)

The guidelines in the below table clarify Te Kāhui Kāhu expectations and support version 5.5.2 of the Social Sector Accreditation Standards (2021) and any subsequent revisions unless otherwise specified.

¹ A specified organisation must arrange to obtain from the New Zealand Police Vetting Service a Police vet of a person in respect of whom a safety check is being undertaken under this Part, Children’s (Requirements for safety checks of Children’s Workers) Regulations 2015, clause 6(1).



<p>REQUIREMENTS</p>	<p>Sole-trader/ self-employed individuals -confirmed as either a Core or Non-core Children’s Worker.</p>
<p>Safety Check -Information Required <i>Requirements for safety checks of Children’s Workers Regulations 2015 (5-8)</i></p>	<p>Provision and Verification of the following;</p> <ul style="list-style-type: none"> • Identity Confirmation • New Zealand Police Vetting • a work history for the previous five years • membership, licensing or registration with a professional organisation of whom you may be a part • completion of at least two referee checks (at least one referee not related to the person/ known for at least 12 months, over 16 years of age/ does not reside with). <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Note: the Staffing Standard requires two referee checks.</p> </div>
<p>Safety Check</p>	<p>Challenge: Sole traders/ self-employed individuals cannot make a vetting application for themselves unless they are registered as an approved vetting agency with the New Zealand Police. The New Zealand Police vetting Service will only process vetting applications submitted by approved agencies.</p> <p>Solution: <i>recommended for sole traders/ self-employed individuals who may grow to employ staff in the future:</i></p> <ol style="list-style-type: none"> a) register your legal entity as an approved vetting agency with the vetting service. The vetting-agency registration process is completed online at https://www.police.govt.nz/advice-services/businesses-and-organisations/vetting/register-new-zealand-police-vetting -then acting as an approved vetting agency, you can submit a New Zealand Police Vetting application for yourself (as the sole employee), OR b) you may choose to purchase the services of a third-party screening service that offers a police-vetting and risk-assessment service.
<p>Risk Assessment -Information Required <i>Requirements for safety checks of Children’s Workers Regulations 2015 (8 and 13)</i></p> <p><i>Social Sector ‘Staffing’ Standard: Criterion 1: The organisation’s staffing and staff relations policy and procedures comply with the relevant legislation.</i></p>	<p>An evaluation of the items above, to determine that you pose no risk to the safety of children.</p> <p>The risk assessment must be carried out;</p> <ol style="list-style-type: none"> (i) by the individual; or (ii) by a person or an organisation acting on behalf of the individual; or (iii) in part by the individual and in part by a person or an organisation acting on behalf of the individual
<p>Risk Assessment</p>	<p>Challenge: Sole-traders/ self-employed individuals cannot carry out their own risk-assessment without creating a conflict of interest.</p> <p>Solution: Sole-traders/ self-employed individuals may use an independent agency that provides a risk-assessment service, purchasing that service.</p>