

## Care of Children

Community venues often run different kinds of activities involving children, or hire their premises out to groups that run programmes for children. In these instances, the community venue becomes an umbrella organisation to the different groups that operate out of the centre.

### Early childhood centre programmes

For early childhood centres, the Wellington City Council lease policy requires organisations to be a trust or an incorporated society. Those wishing to establish an early childhood centre may apply for a grant from the Ministry of Education. Funding from the Ministry of Education is only available for community-based providers and only for services on community-owned land or buildings.

### Assessment criteria

The Wellington City Council will assess requests for provisions of land or buildings.

An early childhood centre:

- must be a community-based provider and be eligible for Ministry support
- will be given priority if it makes full use of any land or buildings
- must have a demonstrated need for the proposed service and no feasible alternative for provisions
- must be sustainable and able to provide evidence of good governance

Contact the Ministry of Education for more information on being a community-based early childhood provider.

## **Leasing arrangements**

Early childhood centres can enter into formal leasing arrangements with the community venue.

Both parties should be aware of their leasing obligations. The lease should also comply with the council's policy requirements for land designation, property legislation and building compliance requirements. Clauses which reflect the parties' specific needs can also be included.

If the council/lessor owns the community venue building, they will be responsible for:

- the exterior and deferred maintenance
- costs of compliance with the Building Act 2004
- building insurance

The lessee/tenant is responsible for:

- interior maintenance
- outgoings
- legal and advertising costs for preparing a new lease with the council (when the lease expires or is varied)

## **After school and holiday programmes – Out of School Care and Recreation (OSCAR)**

OSCAR is a provider of before and after school care and holiday programmes for children aged between five and thirteen. If a community organisation would like to establish out of school care or holiday care, they must make an application to the Ministry of Social Development to become an OSCAR provider.

### **OSCAR's standards**

To get approval from MSD, OSCAR programmes have to meet the special OSCAR standards, which deal with issues like supervision of children and drop-offs/pick-ups. They also have to meet MSD's more general approval standards – about things like vetting staff, health and safety, and finances – that cover all organisations that get funding from MSD to provide social services.

## **Specific OSCAR standards about supervision, drop-offs/pick-ups**

Your programme has to meet specific OSCAR standards in a range of areas, including:

- **Supervising children** – There has to be competent and adequate supervision at all times. The guidance for this standard specifies some minimum levels for staff numbers and staff-to-child ratios.
- **Enrolment practices** – You must have adequate enrolment processes, with for example parents providing two emergency contacts, and a clear record of on what days and sessions the child goes to the programme.
- **Drop-offs & pick-ups** – Your programme has to make sure children are safe when they're being dropped to or picked up from the programme. For example, there have to be written procedures for preventing unauthorised people from collecting a child.
- **Accidents & incidents** – Your programme has to respond effectively to accidents and incidents, including keeping appropriate records of all accidents and incidents.
- **Emergency & evacuation drills** – Your organisation should carry out regular emergency and evacuation drills, and have written evacuation and emergency procedures.
- **Sick children** – You have to show that parents and guardians are made aware of their responsibilities when their child is sick, that they're contacted when this happens, and that sick children are dealt with appropriately, like having a special quiet area where they can rest.
- **Written procedures & policies** – These need to be kept onsite and made available to parents and guardians if they ask to see them.

## **Safety-checking and police vetting of staff**

Your programme will also have to meet the more general MSD approval standards that apply to all types of social service providers, not just OSCAR programmes – these relate to areas like staffing, health and safety, management, finances and complaint processes.

Your staffing policies and procedures have to comply with all relevant laws, including the safety checking rules under the Vulnerable Children Act 2014, which requires safety checking of “core workers”. This means childcare workers who will at times be alone with children or have main responsibility for them. New core workers have to be safety-checked before they start, while your existing core workers have to be safety-checked by **1 July 2018**. Other workers – that is, those who have contact with children but not the main responsibility in any situation – also

have to be checked before they start work, while existing ones have to be checked by **1 July 2019**. Safety checks under the Vulnerable Children Act have to be repeated every three years.

Also, no-one can be employed as staff or a volunteer if they've been convicted of a sexual crime, or any crime where harm or exploitation of children is involved, or any of the other offences specified in the Vulnerable Children Act. The "clean slate" scheme in the Criminal Records (Clean Slate) Act 2004, which allows job applicants to not disclose criminal convictions in some cases, doesn't override access to any information that's relevant to the safety checking process.

The MSD's standards impose some more specific vetting requirements on top of the Vulnerable Children Act's safety-checking requirements. Your programme must have a clear and transparent process for vetting staff, and this has to include, but isn't limited to, vetting them through the [NZ Police vetting service](#). Your process also has to include, among other things, written applications, confirmation of identity, referee checks, qualifications checks and a clear work history.

To use the Police vetting service you must be a service that provides care to children, older people or vulnerable members of society in New Zealand. You'll need to register your organisation with the vetting service. For each particular vet, you'll need to get permission from the job applicant first.

### **Other standards your children's programme will have to meet**

As well as standards around management, finances, health and cultural safety, your programme will also have to meet standards in the following areas:

- **Whānau-centred practices** – These should be central to your programme, and could include things like including parents in reviews and continuous improvement processes, being responsive to new patterns and trends among your parents and children, and making sure your services are accessible.
- **Making children's wellbeing paramount** – You have to show your programme is consistent with the principle in the Oranga Tamariki Act that the child's wellbeing is the first and most important issue – for example, that you have written policies and procedures that describe positive and preventive behaviour management, including behaviour support plans, and that identify the interventions that can and can't be used.
- **Allegations of abuse** – You must have effective processes for dealing with allegations of abuse and with any incidents that raise safety concerns. This will include, for example, processes for reporting cases of harm to the police or another agency.

## **Application to become an OSCAR provider**

Fill out an application form and attach the requisite documents, including:

- copies of all policies and procedures
- abuse recording/reporting forms
- agreement with other parties regarding facilities and responsibilities
- company registrations
- relevant deeds
- enrolment forms
- employment agreement forms
- medication consent form
- position descriptions
- programme plans and brochures
- proposed budgets
- registration with the police licensing and vetting services
- registration and attendance forms
- completed risk assessment management form
- staff code of behaviour

If the application form is filled out successfully, then an approvals assessor will arrange a site visit to the community venue. If there are any requirements that are unsatisfied, the assessor will provide written advice. Once the written advice is complied with, they may inform the assessor. The assessor will then grant approval depending on how well the advice was complied with.

## **Useful Links and Resources**

For more about OSCAR standards see ['OSCAR Standards for approval and provider guidelines'](#)

## **Child protection**

The Oranga Tamariki Act 1989 (Children and Young People's Well-being Act 1989) aims to protect the wellbeing of children and their families. The Act concerns those who care for children and young people and have their care and interests in mind. The standard of care for children and young persons is separate from adults and institutions. Children and young persons are vulnerable and are afforded more protection than adults.

## **Punishment/discipline**

Section 139A of the Education Act 1989 prohibits corporal punishment in registered schools and early childhood services. This law protects attendees of children's programmes that are run by the centres.

## **Reporting of child abuse**

There is no mandatory reporting of child abuse but the Oranga Tamariki Act 1989 does state that no person who reports abuse shall be subject to any civil, criminal or disciplinary proceeding as a result of their reporting, or the way they report it, unless the information is disclosed in bad faith.

## **Parents/guardians**

The parent/caregiver of any child enrolling in a programme needs to state who is allowed to pick up the child and whether the child is the subject of any parenting or protection orders. The parent should be notified immediately if an unauthorised person calls to see or collect a child.