

Core Worker Exemption Application Guidance for Individuals

About this guide

This guide will help you to complete the [Core Worker Application Form](#). It provides information about the Core Worker Exemption process, and outlines the information required when submitting your application.

You should read this guide before completing the application form. The guide gives you information about:

- use and disclosure of personal information
- the evidence and identification you need to provide with your application
- supporting documentation you may wish to consider including with your application.

Do you need to apply for a Core Worker Exemption?

You will need to apply for a Core Worker Exemption if:

- you have been convicted of a specified offence under the Vulnerable Children Act 2014
- you want to be employed or engaged (including in unpaid work as part of a training or educational course) as a core worker with a specified organisation

Section 28 of the Vulnerable Children Act 2014 (the workforce restriction) prohibits certain organisations from employing or engaging people with certain serious criminal convictions as core workers, unless they hold a Core Worker Exemption.

The offences (which involve offences against children and/or violent behavior, for example, ill-treatment or neglect of a child and sexual offending) are specified in Schedule 2 of the Vulnerable Children Act 2014. A list of offences is on page 8.

Core workers are employed or engaged by state sector or local government (and those agencies funded by them) to provide regulated services and work alone with, or have primary responsibility or authority over, children.

When do I need to apply for a Core Worker Exemption?

From 1 July 2016, the workforce restriction applied to all State Sector core workers (including those organisations that they fund).

As from 1 September 2017 the workforce restriction applied to all new core workers seeking employment with Local Authorities (and those agencies funded by them).

This means that people with a conviction for a specified offence currently employed or seeking a core worker role within the State Sector must hold a Core Worker Exemption.

General Information

What is a Core Worker Exemption?

A Core Worker Exemption lifts the prohibition set out in the workforce restriction. This means that if an individual holds a Core Worker Exemption, specified organisations may employ the person as a core worker.

A Core Worker Exemption is not role-specific, so, subject to any conditions on the exemption, a Core Worker Exemption holder can legally be employed in any core worker role. However, it is still up to the employer to decide whether or not a person with a Core Worker Exemption is suitable for the role they are applying for.

Core Worker Exemption process

After your application is received, the Ministry of Social Development will request additional information from the New Zealand Police, Ministry for Vulnerable Children, Oranga Tamariki (formally Child Youth & Family), and the Department of Corrections.

A panel representing the Ministries of Social Development, Health, Education, Justice, and Oranga Tamariki, plus the New Zealand Police, will then review your application considering whether:

“the applicant does not pose an undue risk to the safety of children if employed or engaged as a core worker?”

Panel members will consider and discuss all the supplied information, including:

- Proximity of the conviction (how long ago the offence was, and age at the time)
- Circumstances of the conviction (aggravating factors eg alcohol, violence issues)
- Steps taken to address offending behaviour (eg counselling or rehabilitation)
- Employer references (preferably from your current employer)
- Documents from professional bodies and other court documents (detailing your character, and suitability in your role)

The panel will make a recommendation to grant or decline your Core Worker Exemption to the Decision Maker. The Decision Maker in regard to your application will be one of the five Chief Executives of the Ministries of Social Development, Health, Education, Justice, and Oranga Tamariki. Your decision will be made by the Chief Executive of the sector you work in. For example, if you are a nurse, the decision in regard to your

	<p>application will be made by the Chief Executive of Health.</p> <p>The Decision Maker makes the final decision to grant or decline an application.</p> <p>The Decision Maker will consider your application, and the recommendation from the panel, before deciding whether to grant or decline an application. The Decision Maker can only grant an exemption if satisfied that you would not pose an undue risk to the safety of children if employed as a core worker.</p> <p>Please remember that the onus is on you, the applicant to show the Decision Maker and the panel that you do not pose an undue risk to the safety of children if employed as a core worker.</p>
<p>Guide to completing the application form</p>	<p>Section 1– Applicant Details</p> <p>Please write clearly, and in BLOCK CAPITALS. Incomplete or illegible forms will be returned.</p> <p>Fill in your personal and contact details as accurately and clearly as possible.</p> <p>Please list your current occupation, and the organisation that employs you. If you're not currently employed, leave blank as you can still apply for an exemption. In your cover letter, please indicate what sector you wish to work in.</p> <p>We understand that the nature of the material you are providing to us is personal and sensitive. We keep your application as private as possible. To assist us with this, please let us know the best way to communicate with you.</p> <p>Many people at some time in their life have had, or used, different names. Please list all the aliases or alternate names you have been known by. This should also include any names you have used that do not appear on your official documentation, such as driver's licence or passport.</p> <p>Please list your current address, and three previous addresses. Please also include the length of time spent at each place. If you have lived outside of New Zealand, please indicate where and when in the provided box</p> <p>Section 2– Statutory Declaration Regarding Convictions</p> <p>Please provide specific details surrounding your specified offence. This section must also be witnessed and signed by a Justice of the Peace, or other person authorised to take a statutory declaration. This section is a requirement under the Vulnerable Children Act 2014. Please specify the convicted</p>

Sections 4 and 5 – Consent to Disclosure – New Zealand Police, Department of Corrections, and Ministry for Vulnerable Children, Oranga Tamariki.

The Ministry of Social Development will request information relevant to your application, including a Police vet and court records, from the New Zealand Police and Department of Corrections. They will also request information that is relevant to the care and/or protection of children from Oranga Tamariki (formally Child Youth & Family). This information is provided directly to the Ministry of Social Development's Core Worker Exemption team and supplied to the panel and Decision Maker for consideration.

Please fill out the included vetting forms (pages 5 and 6), as we're required to fulfil our own vetting requirements.

Please tick the box in Section 5 and 6. This authorises Oranga Tamariki and the Department of Corrections to release information to the Core Worker Exemption team.

If you refuse to consent to collection of information from Police, Corrections or Oranga Tamariki, MSD will not receive any information from those agencies. However, you should be aware that the Core Worker Exemption Panel and the Decision Maker generally need that information to be able to make a decision. Refusing consent may therefore mean your application will not succeed.

Section 7 – Additional Information

The onus is on you, the applicant, to show the decision-maker that you do not pose an undue risk to the safety of children if employed or engaged as a core worker. To assist with this, there are a number of additional sources of information you can provide.

We **strongly recommend** you supply as much additional information as possible to assist the panel and Decision Maker. Supporting material may include:

- **A cover letter** outlining why you wish to be considered for an exemption. Try to be as specific as possible: When did your offending occur? What happened at the time? Were there any other influencing factors?
This letter should also detail any rehabilitative measures you have undertaken such as what life changes have you made since your conviction? Have you attended any programmes?

- **A written reference from your employer.** This should indicate that your employer is aware of your offending. Your employer should also include any special provisions for support or supervision in your workplace. It should also indicate your employer's risk management policies and any other training undertaken.
- **Judge's sentencing notes.** To obtain these, you will need to contact the court that you were sentenced at. The details of all courts can be found at the following link:
<http://www.justice.govt.nz/contact-us/find-us/>
 Your request should be made in writing and should include:
 - your full name and date of birth
 - if your name was different when you were sentenced, that name
 - your contact details, including an address where documents can be sent
 - the date on which you were sentenced (if known) and the specified offences you were sentenced for
 - a statement indicating that:
 - you were the defendant in the proceedings for the specified offence(s)
 - you're asking for a copy of the Judge's sentencing notes to assist in an application for an exemption under the Vulnerable Children Act 2014.

Part 6 of the Criminal Procedure Rules 2012 applies to requests for copies of documents from criminal proceedings. The Registrar may need to seek permission of the Judge before being able to provide you with a copy (eg if suppression applies). If there are no written sentencing notes, the Registrar will advise you.
- **Evidence of any rehabilitation** undertaken. This can be programmes such as alcohol or drug based training certificates. This can also take the form of a letter from a counsellor or psychologist detailing the duration of counselling and a view on your character or suitability to work with children.
- **Letters from professional bodies** or tribunals, such as the Education or Nursing Council. If you have been before a professional body such as a disciplinary tribunal, or you've received a letter regarding your employment due to your offending, attach this to your application as it can help direct the Decision Maker.

	<ul style="list-style-type: none"> • Personal references from community members, such as friends, neighbours, church members, or sports team members. These should attest to your character, and should preferably be from people who have known you during your offending. Where possible, references should cover any changes or rehabilitative measures you have undertaken. Please note that we only accept references under two years old. • Any other supporting information you think is relevant. Any other court documentation that you hold or relevant qualifications to your rehabilitation or employment can also be useful for the panel. <p>Section 8 – Privacy Statement</p> <p>We take your privacy very seriously. Information received as part of your application will be managed with sensitivity, and using government security and privacy protocols.</p> <p>All individuals directly involved in the Core Worker Exemption process have received privacy and information security training to support their role.</p> <p>You will need to sign and date the form, indicating you understand and agree to the statement.</p>
<p>Proof of Identity Form</p>	<p>This is an additional form found here.</p> <p>You will only need to fill this out if you do not have an official form of identification, such as a driver’s licence, passport, or firearms licence.</p> <p>If you cannot supply one of these forms of identification, you need to ask someone who can confirm your identity to fill in this section. If you are unable to get someone to confirm your identity, then you need to make an identity statutory declaration. This can be carried out at your local District Court.</p> <p>The person who confirms your identity must:</p> <ul style="list-style-type: none"> • have known you for more than 12 months • be aged 18 years of over • have a daytime telephone number and be contactable during normal business hours • not be a relative (a relative is a person connected by blood or marriage), and not live at the same address.

<p>Submitting Your Application</p>	<p>Completed application forms and all supporting documentation should be either:</p> <ul style="list-style-type: none"> • Scanned and submitted via email to core_worker_exemption@msd.govt.nz <p>OR</p> <ul style="list-style-type: none"> • Posted to: The CWE Advisor Social Services Accreditation Ministry of Social Development PO Box 1556 Wellington 6140 <p>Ensure you have included the following information:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Completed application form (including signed Police Vetting form) <input type="checkbox"/> Australian Police Check Form (if applicable) <input type="checkbox"/> Copy of identification <input type="checkbox"/> Cover letter <input type="checkbox"/> Employer reference <input type="checkbox"/> Sentencing notes <input type="checkbox"/> Letters from Professional Bodies <input type="checkbox"/> Personal references <input type="checkbox"/> Psychologist/counsellor letter <input type="checkbox"/> Any other supporting information <p>If you have any further queries, or require more information, please: Email: core_worker_exemption@msd.govt.nz</p> <p>OR</p> <p>Phone: 0800 462 511</p>
<p>Schedule 2 Specified offences</p>	<p>1 An offence against any of the following sections of the Crimes Act 1961 is a specified offence for the purpose of Part 3:</p> <p>(1) section 98 (dealing in slaves):</p> <p>(2) section 98AA (dealing in people under 18 for sexual exploitation):</p> <p>(2A) section 124A (indecent communication with young person under 16):</p> <p>(3) section 128B (sexual violation):</p> <p>(4) section 129 (attempted sexual violation and assault with intent to commit sexual violation):</p> <p>(5) section 129A (sexual conduct with consent induced by certain threats):</p>

	<p>(6) section 130 (incest):</p> <p>(7) section 131 (sexual conduct with dependent family member):</p> <p>(8) section 131B (meeting young person following sexual grooming, etc):</p> <p>(9) section 132 (sexual conduct with child under 12):</p> <p>(10) section 133 (indecenty with girl under 12):</p> <p>(11) section 134 (sexual conduct with young person under 16):</p> <p>(12) section 135 (indecent assault):</p> <p>(13) section 138 (sexual exploitation of person with significant impairment):</p> <p>(14) section 139 (indecent act between woman and girl):</p> <p>(15) section 140 (indecenty with boy under 12):</p> <p>(16) section 140A (indecenty with boy between 12 and 16):</p> <p>(17) section 141 (indecent assault on man or boy):</p> <p>(18) section 142A (compelling indecent act with animal):</p> <p>(19) section 143 (bestiality):</p> <p>(20) section 144A (sexual conduct with children and young people outside New Zealand):</p> <p>(21) section 144C (organising or promoting child sex tours):</p> <p>(22) section 154 (abandoning child under 6):</p> <p>(23) section 172 (punishment of murder):</p> <p>(24) section 173 (attempt to murder):</p> <p>(25) section 177 (punishment of manslaughter):</p> <p>(26) section 178 (infanticide):</p> <p>(27) section 182 (killing of unborn child):</p> <p>(28) section 188 (wounding with intent):</p> <p>(29) section 189(1) (injuring with intent to cause grievous bodily harm):</p> <p>(30) section 191 (aggravated wounding or injury):</p> <p>(31) section 194(a) (assault on child):</p> <p>(32) section 195 (ill-treatment or neglect of child or vulnerable adult):</p> <p>(33) section 195A (failure to protect child or vulnerable adult):</p> <p>(34) section 198 (discharging firearm or doing dangerous act with intent):</p>
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	<p>(35) section 204A (female genital mutilation):</p> <p>(36) section 204B (further offences relating to female genital mutilation):</p> <p>(37) section 208 (abduction for purposes of marriage or sexual connection):</p> <p>(38) section 209 (kidnapping):</p> <p>(39) section 210 (abduction of young person under 16).</p> <p>Schedule 2 clause 1(2A): inserted, on 7 May 2015, by section 4 of the Vulnerable Children (Children’s Worker Safety Checking—Indecency Offence) Amendment Act 2015 (2015 No 46).</p> <p>Schedule 2 clause 1(31): replaced, on 17 December 2016, by section 110 of the Statutes Amendment Act 2016 (2016 No 104).</p> <p>2 An offence that is equivalent to an offence against any section of the Crimes Act 1961 referred to in clause 1, but that was committed against a provision of the Crimes Act 1961 that has been repealed, is a specified offence.</p> <p>3 An attempt to commit any offence referred to in clause 1 or 2, where the offence is not itself specified as an attempt and the provision does not itself provide that the offence may be completed on an attempt, is a specified offence.</p> <p>4 A conspiracy to commit any offence referred to in clause 1 or 2 is a specified offence.</p> <p>4A An accessory after the fact to any offence referred to in clause 1 or 2 is a specified offence.</p> <p>Schedule 2 clause 4A: inserted, on 14 July 2017, by section 10 of the Vulnerable Children Amendment Act 2017 (2017 No 32).</p> <p>5 An offence against any of the following sections of the Films, Videos, and Publications Classification Act 1993 is a specified offence for the purpose of Part 3:</p> <p>(a) section 124 (offences relating to objectionable publications, involving knowledge):</p> <p>(b) section 127(4) (exhibition to persons under 18):</p> <p>(c) section 131A (offences relating to possession of objectionable publications, involving knowledge).</p> <p>6 An offence against section 209(1A) of the Customs and Excise Act 1996 is a specified offence for the purpose of Part 3.</p>
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