

# What are an OSCAR service's obligations under the Vulnerable Children Act 2014?



(Now titled The Childrens Act 2014)

There are two main requirements under the Vulnerable Children's Act (VCA) that OSCAR services should be aware of: 1) children protection policies 2) staff safety checks.

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## Children Protection Policies

Under the VCA, services are required to have a child protection policy that must "contain provisions ...on the identification and reporting of child abuse and neglect in accordance with section 15 of the Children, Young Persons, and Their Families Act 1989." This is entirely consistent with requirements in the MSD Standards for OSCAR.

While we don't see any need for MSD Accredited services to make significant changes to policies at this point, we note that OSCN has recently [reviewed its sample child protection policy](#), in light of up-to-date guidance on best practice.

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## Staff safety checking

The other main requirement under the VCA is for "Children's worker safety checking." Safety checks must include: confirmation of identity, consideration of information and risk assessment. Currently, the core processes for staff safety checking are:

- a written application process;
- background checking through the Police Vetting service;
- appropriate screening during the interview process and
- referee checks.

This process needs to be well-documented. For more guidelines on safe recruitment practices, refer to the [OSCN Employment Tool Box](#)

For the safety check requirements, the VCA refers to "core workers" and "non-core workers". **Core workers** are defined as: "a children's worker whose work ... requires or allows that, when the person is present with a child or children in the course of that work, the person (a) is the only children's worker present; or(b) is the children's worker who has primary responsibility for, or authority over, the child or children present."

We have reviewed the interpretation of this clause and it is our view that all OSCAR staff would be considered "core workers" because they are likely to have, at some times in a session, "primary responsibility for, or authority over" children. Non-core workers might include administrators in your service, reception staff, cleaners and kitchen staff.

- All new core workers must be safety checked prior to starting work (effective from July 1<sup>st</sup> 2015). Existing core workers must all be safety checked by 1<sup>st</sup> July 2018.

- All non-core workers must be safety checked prior to starting (effective from July 1<sup>st</sup> 2016). Existing non-core workers must all be safety checked by 1<sup>st</sup> July 2019.

Safety checks must be repeated at most after a three year period of employment. All of this seems consistent with MSD OSCAR requirements.

For core workers, there are a range of specified offences that, if the person has a conviction for these, they cannot be employed. It should also be noted that nothing in the provisions of the Clean Slate Act can over-ride access to information that is relevant to this part of the VCA.

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