

Guidance on Overseas Convictions for Core Workers

Specified organisations cannot employ or engage a person as a core worker who has an overseas conviction equivalent to a Schedule 2 specified offence unless they hold a core worker exemption for that offence. They must take reasonable steps to identify equivalent convictions in order to reduce the harm to children.

1. Decide whether an overseas police certificate is needed

Consider whether an overseas police certificate is required for:

- a preferred candidate for a core worker role
- an existing core worker.

An overseas police certificate may be needed if:

- the person has disclosed an overseas conviction, or
- the person has lived in the same overseas country for a total of 12 months since the age of 16.

Where a professional body regularly obtains and assesses overseas police certificates as part of its registration or certification process, a separate overseas police certificate may not be required.

2. Obtain overseas criminal history information

If an overseas police certificate is needed:

- obtain the overseas police certificate from the relevant police, criminal records, justice or government agency in that country.

If an overseas police certificate cannot be obtained:

- obtain evidence of the attempts made to obtain the certificate
- request a statutory declaration from the person
- consider this information as part of the risk assessment component of the safety checking process.

3. Assess the overseas conviction

If an overseas conviction is identified:

- gather information about the offence
- review relevant overseas legislation
- compare the overseas conviction with offences listed in Schedule 2 of the Children’s Act 2014.

The offence does not need to have the same name or wording as a New Zealand offence.

Focus on:

- the nature of the harm or conduct
- the people affected
- whether the conduct is comparable to a Schedule 2 specified offence.

4. Determine whether the offence is equivalent

Decide whether the overseas conviction would be a specified offence if it had occurred in New Zealand.

Is the overseas conviction an equivalent offence?

Yes

The overseas conviction is considered equivalent to a Schedule 2 specified offence.

Preferred candidate
Advise the person that they cannot be employed or engaged as a core worker unless:

- they hold a Core Worker Exemption, or
- the determination is overturned through a review or appeal process.

Existing core worker

- A core worker who has an equivalent offence may continue working without an exemption until 24 April 2027.
- By 24 April 2027, the worker must hold a Core Worker Exemption or have the determination overturned through a review or appeal process.
- If an exemption is not granted by 24 April 2027, the employer must suspend the core worker and follow the steps in section 28 of the Children’s Act.

No

The overseas conviction is not considered equivalent to a Schedule 2 specified offence.

- Advise the person that the overseas conviction is not considered an equivalent offence
- Continue with safety checking requirements including risk assessment.
- Record the determination and reasons for the decision.

Record keeping

Keep records of:

- information gathered about the overseas conviction
- any additional documents obtained
- the equivalence assessment
- the determination and reasons for the decision

- communication with the person
- the outcome of any review, appeal, or exemption application
- any actions taken as a result of the determination.