



Overseas convictions for core children's workers: Q&A

Information for organisations considering overseas convictions when safety checking core children's workers

Understanding the Requirements

What is an overseas police certificate?

Overseas police certificates are documents issued by a relevant overseas agency – such as, police, criminal records, justice, or government agency. They provide information about a person such as any criminal records and are based on official records and checks.

Overseas police certificates may also be called criminal checks, police clearance certificates, or penal records.

Why is there a suggested timeframe for obtaining overseas police certificates?

The Act does not set a threshold for when to seek an overseas police certificate, however, it is suggested in this guidance as good practice. This threshold is intended to help manage the risk that a person may have been convicted of an equivalent offence and focuses on people who have spent a significant period outside New Zealand such as 12 months.

Specified organisations could consider whether it is appropriate to request overseas police certificates for anyone who has lived outside New Zealand for 12 months at any time from the age of 16. They may also choose to apply a different timeframe, for example in the last 10 years. Similar timeframes are used in immigration settings and in some health, education and social-care sectors in New Zealand and internationally.

What is a children's worker?

A children's worker is a person who works in, or provides, a regulated service under the Children's Act, and the person's work—

- (a) may or does involve regular or overnight contact with a child or children (other than with children who are co-workers); and
- (b) takes place without a parent or guardian of the child, or of each child, being present.

Children's workers who are not core workers are sometimes referred to as 'non-core children's workers'.

What is a core worker?

A core worker is a children's worker whose work in or providing a regulated service 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.

Core worker roles are those that involve a higher level of responsibility, authority, trust, influence, or unsupervised engagement with children, such that the worker has a greater ability to affect a child's safety, wellbeing, development, opportunities, or access to services.

Because of this enhanced position of trust and influence, and the greater opportunity for harm to occur without immediate oversight, core children's worker roles present a higher potential risk to children and therefore, warrant stronger workforce assurance requirements.

What is the workforce restriction?

A person may not work as a core worker if they have a conviction for one of the specified offences set out in Schedule 2 of the Act, or a conviction for an equivalent overseas offence, unless they hold a core worker exemption.

During the transition period (24 October 2026 - 24 April 2027), can existing core workers remain in their role while seeking an exemption?

A core worker who has an equivalent offence may continue working without an exemption until 24 April 2027. If an exemption is not granted by this date, the worker must be suspended in line with the process set out in section 28(4) to (8) of the Act.

What checks do I need to do for existing core workers?

You should take reasonable steps to confirm that you have completed checks on existing core workers that are consistent with the requirements for new core workers.

This could include the following steps:

- check your records to confirm the process followed in previous safety checks
- identify and complete any additional steps set out in this guidance
- follow the steps for making a determination where applicable
- for any equivalent offences, follow the steps set out in Section 28 of the Act, as well as your other relevant employment obligations
- record the process.

Does the workforce restriction apply to non-core workers?

No. The workforce restriction for overseas convictions is only relevant to core workers.

Do the safety checking requirements apply to volunteers?

No. Volunteers do not meet the definition of a core worker.

However, specified organisations may choose to apply similar policies and processes to volunteers. This can include considering any potential risks to children where volunteers have regular, overnight, or one-to-one contact with children.

Do the safety checking requirements apply to people undertaking education or vocational training?

Yes. If a person is undertaking unpaid work in a regulated service as part of an educational or vocational training course, then they are considered a children's worker and can be a core worker if they meet the definition. This includes student placements and training programmes.

Why request an overseas police certificate if a conviction has already been disclosed?

An overseas police certificate can help verify the details of a disclosed conviction and provide information that assists in determining whether the offence is equivalent to a Schedule 2 specified offence under the Act.

Can a specified organisation ask a person if they have an overseas conviction?

Yes. For example, as part of the recruitment process the specified organisation could ask the candidate to confirm whether the person has lived overseas and has any overseas conviction.

What if I have received information (e.g. from another person), which suggests a person may have an equivalent offence in another country?

It is important that you apply the principles of natural justice and follow existing good faith employment obligations when dealing with information or allegations of this nature. Tell the person about the information and the requirements in the Act. Ask them to respond (e.g. if they have been convicted of an offence overseas, what type of offence, when it occurred and which country).

Consider whether it is necessary to request an overseas police certificate based on the information about time spent overseas. If you have confirmed an overseas conviction, then you must make an equivalence determination. If you determine that the offence is equivalent to a Schedule 2 specified offence, you must follow the steps set out in Section 28 of the Act, as well as your other relevant employment obligations.

You may wish to seek advice on your employment obligations prior to this process.

What is an equivalent offence?

An equivalent offence refers to an offence under the law of another country or state that, if committed in New Zealand, would be a specified offence as listed in Schedule 2 of the Children's Act.

The offence does not need to have the same name or wording as a New Zealand offence. Specified organisations should focus on the nature of the harm or conduct and the people affected.

Who is responsible for deciding whether an overseas conviction is an equivalent offence?

The specified organisation, as the employer, is responsible for making the determination.

What if a specified organisation is unsure whether a conviction is equivalent?

A specified organisation can seek advice (e.g. from an employment advisor) to assist with making a determination. Where no such support is available, they may contact safety.checking@education.govt.nz for information about the process and requirements but not about specific decisions.

Can a person with an equivalent overseas offence ever work as a core worker?

Yes. People subject to the workforce restriction for Schedule 2 specified offences or equivalent offences can apply for a core worker exemption. If they are granted an exemption, it's no longer unlawful to employ or engage them as a core children's worker.

An exemption doesn't guarantee the right to a job, it's still up to the employer to decide if the person is suitable for the role. A full safety check, including a risk assessment, must still be completed for an applicant who holds a core worker exemption.

What if the overseas conviction happened a long time ago?

The age of a conviction does not determine whether it is equivalent to a Schedule 2 specified offence.

All overseas convictions are relevant regardless of when they happened. Once the decision has been made to request an overseas police certificate, you should request that the certificate covers the full period since the person turned 16-years of age.

Are older overseas police certificates acceptable (for example, checks obtained three years ago)?

You should consider how recently the overseas police certificate was obtained. If the person has not travelled or lived overseas since the certificate was issued, an older certificate may provide sufficient assurance about the relevant period of criminal history.

You should also consider the reliability of the information provided, including whether:

- it was obtained directly from the issuing authority
- a verification portal or tracking number is available
- there is an email from the issuing authority.

Do overseas police certificates need to be obtained every three years as part of ongoing safety checking?

It is likely that specified organisations will not need to repeat the check for equivalent offences during the periodic safety check for existing staff except for staff members who have lived overseas for a significant period since the initial check was completed.

Can a specified organisation rely on an equivalence determination from another specified organisation e.g. short-term contract workers?

Specified organisations cannot rely on the equivalence determination made by other employers but can make use of the same information if it is already on hand via the applicant (e.g. they already have a recent overseas police certificate, etc).

Obtaining an Overseas Police Certificate

Do specified organisations need to ask all existing or potential core workers who have been overseas (e.g. on holiday or lived overseas for a short time) to obtain an overseas police certificate?

We are recommending that an overseas police certificate is only requested when a person has lived overseas for a significant period, or if the employer has reason to believe a worker could have an overseas conviction. The proposed timeframe aligns with those used in immigration settings and in some health, education, and social-care sectors both in New Zealand and overseas.

A specified organisation could request that overseas police certificates are obtained by core workers and preferred candidates who:

- have disclosed an overseas conviction; or
- lived in the same overseas country for a total of 12 months or more at any time since the age of 16.

However, the specified organisation may decide to request an overseas police certificate from any person that has been overseas, if they wish to do so.

How do people obtain an overseas police certificate?

The process varies between countries. Typically, they should contact:

- a national police agency
- a government criminal records office
- a justice department
- another authorised government agency.

Immigration New Zealand provides up-to-date guidance on where to obtain police certificates:

[Police certificates | Immigration New Zealand](#)

There are also specialist providers that can obtain overseas police certificates on an individual.

How long will it take to get an overseas police certificate?

The time required varies between countries. If the person is applying directly, they should contact the issuing agency to find out current processing times.

Specialist providers may be able to obtain certificates more quickly than a person can themselves, but fees will usually apply.

What if the overseas police certificate is not in English?

If an overseas police certificate or supporting documents are not in English, a translation should be completed by an independent professional translation service. You may wish to ask the applicant to arrange and/or pay for the translation.

What happens if an overseas police certificate cannot be obtained?

In some countries, overseas police certificates or criminal history information may not be available or accessible.

In these circumstances, specified organisations should:

- keep records of the attempts made to obtain the information and the reasons it could not be provided;
- ask the person to provide a statutory declaration about their overseas criminal history [see template]; and
- consider other information obtained through the safety check, such as work history, CV, interviews, and reference checks from the relevant country.

All information gathered should form part of the overall safety checking and risk assessment process.

Will specified organisations need to continue to obtain overseas police certificates for existing core workers?

By 24 April 2027 you should have taken reasonable steps to determine whether any existing core workers have an equivalent Schedule 2 specified offence and if needed, whether the person obtained a core worker exemption. From that date you will only need to consider people you are intending to employ or engage as a core worker or where existing core workers have lived overseas and returned to New Zealand.

Reviews, Appeals and Exemptions

What if a person disagrees with the specified organisation's determination?

A person who disagrees with a determination that their overseas conviction is equivalent to a Schedule 2 specified offence may apply for a review.

The review decision is made by the chief executive of one of the five key agencies listed in the Act (Ministry of Social Development, Ministry of Health, Ministry of Education, Ministry of Justice, and Oranga Tamariki). It is likely that the decision will be made by the chief executive of the agency most closely associated with sector in which the applicant works or is seeking to work.

If the review upholds the determination, the person may appeal to the High Court.

Specified organisations should advise affected individuals of their right to seek a review and, where applicable, to appeal.

How does a person apply for a core worker exemption?

A person with an overseas conviction that has been determined by the specified organisation to be an equivalent offence can apply to Te Kāhui Kāhu for a core worker exemption. Information about the process can be found on Te Kahui Kahu's [website](#).

Record-Keeping

What records should specified organisations keep?

Specified organisations should keep records of:

- any criminal history information obtained, including court records
- any additional information considered, including statutory declarations
- any equivalence assessments completed
- the decisions made and the reasons for those decisions
- communications with the person about the decision
- the outcome of any review, appeal, or core worker exemption application, and
- any actions taken as a result of those outcomes.

New specified offences added to Schedule 2

With the new offences added to Schedule 2 from 24 October 2026, what do specified organisations need to do?

The New Zealand Police Vetting Service will advise specified organisations if existing core workers who have been vetted previously have been convicted of any of the offence under sections 20-22 of the Prostitution Reform Act 2003.