

Screening and suitability – child safety policy

This is a mandated policy under the operational policy framework. Any edits to this policy must follow the process outlined on the [creating, updating and deleting operational policies](#) page.

Overview

The *Child Safety (Prohibited Persons) Act 2016* operates to minimise risk to children posed by those who work or volunteer with them by:

- providing for the screening of persons who want to work or volunteer with children;
- providing for a system of accountability for persons working or volunteering with children;
- prohibiting those who pose an unacceptable risk to children from working or volunteering with children; and
- providing for a central assessment unit to undertake screening of persons who want to work or volunteer with children.

This Act requires people to have a current working with children check if they are working with children, undertaking child-related work or in prescribed positions, as defined in the Act.

The Department for Education (the department) also requires additional persons employed, providing services or volunteering in a department site or persons providing services directly to children and young people not on a department site to maintain a valid working with children check, even where this is not required by the Act.

This position has been taken to support the department in meeting its paramount responsibility for the safety of children and young people involved with its sites and services.

Scope

This policy applies to all persons engaged with or participating in a department site, service or activity, or providing a service to a department site or to a child or young person, including:

- Department for Education employees
- volunteers
- members of school, preschool and children’s services centre governing councils in accordance with administrative instructions issued by the Chief Executive
- employees of school, preschool and children’s services centre governing councils in accordance with administrative instructions issued by the Chief Executive
- employees and volunteers of third-party providers



- persons or organisations using school or departmental sites or facilities, where this is provided for in the relevant agreement for use
- site or service users
- family-based carers.

Contents

Screening and suitability – child safety policy.....	1
Overview.....	1
Scope	1
Detail	5
Legal obligations.....	5
Policy principles.....	5
Screening	5
Requirement of the department to report information to Department of Human Services	8
Roles and responsibilities	9
Persons engaged with or participating in a department site or service, or providing a service to a department site or to a child or young person	9
Site/service leaders	9
Education directors and all corporate executives	9
Employees with workforce management responsibilities (recruitment and compliance)	10
Employees with responsibilities for auditing screening compliance	10
Employees with responsibilities for establishing contracts with third-party providers or approving panels of third-party providers.....	10
Employees with responsibilities for monitoring services of third-party providers or family-based carers	10
People and Culture Delegate.....	10
Definitions	10
corporate employees	10
Department for Education site/service/activity.....	11
family-based carers	11
inappropriate conduct towards or affecting children and young people	11
screening	11
site/service leader	11
site/service users.....	11
suitability	11
third party provider	12
unsuitable person.....	12
volunteer	12

working with children check.....	12
workplace learning	12
Supporting information	12
Related legislation	12
Related policies.....	13
Record history	13
Approvals.....	13
Revision record	14
Contact	15

Detail

Legal obligations

Under the [Children and Young People \(Safety\) Act 2017](#) the Minister for Education, Training and Skills and the department have statutory obligations to provide safe environments for children and young people in their care and control, in addition to duty of care requirements. This policy and the principles referred to below have been developed to assist in compliance with those obligations.

The [Child Safety \(Prohibited Persons\) Act 2016](#) requires people to have a current working with children check if they are working with children, undertaking child-related work or in prescribed positions as those terms are defined in the Act. .

Policy principles

The [Education and Children's Services Act 2019](#) states that the best interests of children and students is the paramount consideration.

The establishment and continuous monitoring of a person's suitability to be engaged with children and young people is only one means by which the department meets its obligations to children and young people's safety and well-being.

The responsibility of persons to report inappropriate conduct of adults towards children and young people is a critical contribution to the continuous monitoring of suitability.

An assessment of a person's suitability to be engaged with children and young people must be based on sufficient and relevant information.

The use, storage and disclosure of personal and sensitive information about a person's background and circumstances must occur in accordance with legislative, government and departmental policy requirements.

There must be an immediate response to known or suspected risks to the safety of children and young people.

These principles are in addition to the need to ensure that persons have a current working with children check where that is required by the Act or under this policy.

Screening

Teachers

A teacher must provide evidence that a working with children check has been conducted and their suitability confirmed with respect to them in the last five years as part of the teacher registration process.

Department for Education employees (other than teachers)

In relation to Department for Education employees, the following policy principles apply, in addition to the requirements under the [Child Safety \(Prohibited Persons\) Act 2016](#).

Department for Education employees who are site/service based

The department considers that all employees in its schools, pre-schools and children's centres are employed to provide pre-school, primary or secondary education services (whether or not the person is a registered teacher).

As such, under the [Child Safety \(Prohibited Persons\) Act 2016](#), these are 'prescribed positions' and every employee must have and maintain a current, valid working with children check.

This must be provided to the department before they can commence work.

Where an employee becomes a prohibited person they will not be able to continue in a site/service based role and the circumstances of their employment will be reviewed, which may result in termination of employment following due process.

Department for Education corporate employees (not site based)

Given the department's purpose to provide education, it has the expectation that all of its workforce, regardless of whether employment is in a 'prescribed position', hold and maintain a current, valid working with children check.

Therefore, this check applies to all corporate employees. As employment with the department is subject to this check, it is the department's expectation that this be provided prior to commencing employment with the department.

In exceptional circumstances a corporate employee may be approved to commence employment where they have applied for a working with children check but this clearance has not yet been provided by the Department for Human Services.

Authority to commence employment prior to receiving the notification of clearance must be obtained from the appropriate delegate under the Human Resources Delegations and Authorisations, who will consider whether industrial provisions will enable termination of employment should a clearance not be obtained.

In the event that an employee is approved to commence employment subject to receiving a valid working with children clearance, until such time this is received they must not:

- perform duties that involve interaction with children or young people
- visit sites where children or young people are present, or are likely to be present
- access files and personal information about children and young people.

Where a corporate employee becomes a prohibited person their employment will be terminated following due process.

Table of screening requirements

Person/group	Is a working with children check required?
Department for Education corporate employees (not site based)	Yes – However, these employees can commence work with the department in a central location where children or young people are not present, or are not likely to be present, on application of a working with children check, subject to the restrictions set out above.
Teachers	Yes
Department for Education site/service-based staff (non-teachers)	Yes
Contractors or third-party providers (including volunteers of contractors and third-party providers) providing services on an education or children’s services site	Yes Providers working under a contact/agreement with the department will be subject to appropriate working with children check requirements in their documentation. Third-party providers not under contract/agreement with the department who wish to provide a service to a child/young person at a departmental site either have a current Teachers Registration certificate or must be registered by the departmental site on the DHS “WWCC Registration of Interest” page, which uses the person’s name, date of birth and reference number to confirm that the person has a current working with children clearance. Please see the Non-education service providers in preschools and schools and educational programs procedure
Registered Training Organisations (RTOs) delivering education to students on non-departmental premises	Yes As per section 3 of the Standard VET Agreement between the Minister and the RTO: <i>“The issuing RTO will, throughout the term of this agreement, maintain evidence of a current and satisfactory Working with Children Check and current Responding to Risks of Harm, Abuse and Neglect (RRHAN-EC) training for all persons responsible for, or involved, in the delivery of services under this agreement, and will provide such documentation to the host school or home school upon request.”</i>
Governing council members (school, preschool or children’s services centre)	Yes (Please note, this new requirement will be mandatory from 1 January 2024)
Volunteer (not sports coach or on overnight camps etc)	No <u>IF</u> the volunteer is a parent or guardian providing a service or activity to children including that person’s own child. No <u>IF</u> the volunteer is a member of the South Australia Police or the Australian Federal Police. Yes for all other volunteers
Volunteer involved in overnight camps, school sleepovers, billets and homestays	Yes
Sports coach	No, <u>IF</u> the volunteer involved in sports coaching is a parent or guardian of a child in the sports team.

	<p>No IF the volunteer is a member of the South Australia Police or the Australian Federal Police.</p> <p>Yes, IF the volunteer is NOT a parent or guardian of a child in the sports team, and is NOT a member of the South Australia Police of the Australian Federal Police.</p>
Community users of Department for Education sites	No, UNLESS required in the relevant agreement for use
International student homestay provider and persons aged 18 years or over who reside in the homestay residence	Yes
Employees of a governing council where governing council is the employing authority for an Out of School Hours Care (OSHC) and approved third party providers of OSHC services.	Yes (in accordance with an administrative instruction issued by the Chief Executive - refer to the School governance administrative instruction)
Family day care educators and persons aged 18 years and over resident in a family day care premises.	Yes
Tertiary students and supervisors	Yes
Work Experience Placement students in preschools, primary schools, secondary schools, out of school care and childcare centres	Yes
Adult students: someone over 18 who enrolls in a Department for Education site, not including continuing students who turn 18 during the course of their studies (as long as there has not been a gap of six months or more in their enrolment).	Yes
Students commencing workplace learning in sectors that have children, aged or vulnerable people.	<p>Possibly</p> <p>Some of these checks are required by law and others as part of the organisation's risk management processes. Schools must work closely with the workplace learning provider to ensure they understand the requirements and the student has sufficient time to gain the required check. For details about the employers screening requirements see the Assessing the Workplace Learning Provider section.</p>

Requirement of the department to report information to Department of Human Services

The department as an employer is required by the *Child Safety (Prohibited Persons) Act 2016* to report specific information to the Department of Human Services Screening Unit that may lead to reconsideration of an employee's working with children clearance status. This action is undertaken by the department's Incident Management Directorate when the department becomes aware:

- of any assessable information in relation to the employee (Information that relates to offences of which the employee has been found guilty or been charged; information that relates to disciplinary proceedings or disciplinary action against the employee; information that relates to findings of misconduct; information that relates to the cancellation of an approval of a foster parent, etc)
- that the employee is prohibited from working with children under the law of the Commonwealth, or of another state or territory.
- that the employee is or becomes a registrable offender under the *Child Sex Offenders Registration Act 2006*
- that the employee makes a disclosure under section 66 of the *Child Sex Offenders Registration Act 2006*.

Roles and responsibilities

Persons engaged with or participating in a department site or service, or providing a service to a department site or to a child or young person

Meeting the screening and suitability requirements of this policy (and the associated [procedure](#)).

Reporting inappropriate conduct towards or affecting children and young people, as defined below.

Site/service leaders

Ensuring all persons engaged with or participating in a department site or service, or providing a service to a department site or to a child or young person meet the screening and suitability requirements of this policy (and the associated [procedure](#)).

Maintaining records and providing evidence of compliance with this policy in accordance with the requirements in the [information and records management policy](#) and the *State Records Act 1997*.

If required in their role, initiating and documenting performance management processes with persons engaged with or participating in a department site or service, or providing a service to a department site or to a child or young person in accordance with relevant Performance and Development policy and guidelines.

Ensuring information about inappropriate conduct of adults towards children and young people is responded to immediately and documented.

Education directors and all corporate executives

Monitoring and ensuring site/service leaders' compliance with the screening and suitability requirements of this policy (and the associated [procedure](#)).

Initiating performance management processes with individual site/service leaders in accordance with relevant Performance and Development policy and guidelines as appropriate.

Employees with workforce management responsibilities (recruitment and compliance)

Ensuring recruitment and compliance processes meet the requirements of this policy (and the associated [procedure](#)).

Employees with responsibilities for auditing screening compliance

Ensuring audit processes are consistent with this policy (and the associated [procedure](#)) and that any non-compliance with this policy (and the associated [procedure](#)) identified during the conduct of screening audits is documented and immediately raised through appropriate line management channels.

Employees with responsibilities for establishing contracts with third-party providers or approving panels of third-party providers

Ensuring that contracts have required clauses relating to screening and suitability, inclusion on 'approved panels' is contingent on meeting this policy's requirements and approval to provide home-based care meets the requirements as outlined in this policy.

Reporting inappropriate conduct towards or affecting children and young people.

Employees with responsibilities for monitoring services of third-party providers or family-based carers

Ensuring any breach of screening and suitability requirements is documented and immediately raised through appropriate line management channels.

Reporting inappropriate conduct towards or affecting children and young people.

People and Culture Delegate

Approving that a corporate employee commence employment in exceptional circumstances prior to receiving a working with children clearance from the Department of Human Services, in line with the criteria outlined in this policy.

Definitions

corporate employees

Departmental employees who do not work at, or provide services in, a department school, preschool or children's centre.

Department for Education site/service/activity

All services, functions and facilities of the Department for Education, and all activities organised by the department for students/children (ie, camps and excursions).

family-based carers

Providers of international student homestay, family day care educators and assistants, persons aged 18 years or over who reside at a family day care residence or a homestay residence.

inappropriate conduct towards or affecting children and young people

Conduct that:

- is not proper or suitable in the circumstances of child safety or that may compromise the wellbeing of children or young people; or
- may be considered a breach of conduct standards relevant to a person's role, including but not limited to a breach of a requirement of employment, a contract, an agreement, a department policy, a professional code or a child safety code of conduct.

screening

A current working with children check under the *Child Safety (Prohibited Persons) Act 2016*.

site/service leader

The individual with ultimate responsibility for adults and/or children and young people engaged with or participating in a department site or service, or providing a service to a department site or to a child or young person

site/service users

Includes persons or groups hiring department facilities, persons belonging to community groups meeting on department sites, persons undertaking research involving department sites/services, persons enrolling as an adult student at department sites, persons undertaking observation or placement as a tertiary student or university supervisor, and adults residing at a department site/service.

suitability

The establishment of confidence that a person has the required experience and the emotional, physical, intellectual and ethical capacity to be engaged with or participating in a department site or service, or

providing a service to a department site or to a child or young person from the perspective of child safety. Confidence may be established through consideration of curriculum vitae, character references, interview, work observations, testing, family observation, assessment, testimonials, declarations, information sharing protocols, any other source of information or as prescribed in legislation.

third party provider

A person not employed by the department or the governing council but providing a paid-for service at a departmental site. Persons/organisations directly contracted by the department will be required to have a working with children check as specified in their contract/agreement or grant funding. If a third-party provider **not** under contract or agreement wishes to provide a service at a departmental site then the site leader is required to view the working with children check of the person who will be attending the site.

unsuitable person

An individual who has not established or maintained the required suitability to be engaged with or participating in a department site or service, or providing a service to a department site or to a child or young person.

volunteer

A suitable individual who has been accepted to willingly engage, share their skills and experiences, without payment (other than reimbursement of approved out-of-pocket expenses). They provide regular or irregular ongoing assistance in an education and early childhood setting. This might involve direct or indirect contact with children and young people or with their records. Volunteers work in a position designated by the education and early childhood leader as a volunteer position.

working with children check

A valid working with children check as defined in the legislation and declared in the *Child Safety (Prohibited Persons) Regulations 2019*.

workplace learning

Workplace learning is a placement of an eligible student with an employer to gain knowledge, skills and attitudes in the context of a real work environment.

Supporting information

[Workplace learning, work placement and work experience](#)

Related legislation

[Child Safety \(Prohibited Persons\) Act 2016](#)

[Child Safety \(Prohibited Persons\) Regulations 2019](#)

[Children and Young People \(Safety\) Act 2017](#)

[Children and Young People \(Safety\) Regulations 2017](#)

[Education and Children's Services Act 2019](#)

[Education and Children's Services Regulations 2020](#)

[Education and Early Childhood Services \(Registration and Standards\) Act 2011](#)

[State Records Act 1997](#)

Related policies

[Department of the Premier and Cabinet – Premier and Cabinet Circular – PC 012 – Information Privacy Principles \(IPPS\) Instruction](#)

[Information and records management policy](#)

[Information sharing guidelines for promoting safety and wellbeing procedure](#)

[Non-education service providers in preschools, schools and educational programs procedure](#)

[Performance and development guideline](#)

[Performance and development policy](#)

[Protective practices for staff in their interactions with children and young people guidelines for staff working or volunteering in education or care settings](#)

[Safeguarding children and young people policy](#)

[School Governance Administrative Instruction](#)

[Screening and suitability procedure](#)

[Volunteer policy](#)

[Volunteer procedure for schools, preschools and care settings](#)

Record history

Published date: October 2023

Approvals

OP number: 232

File number: DE 22/07041

Status: approved

Version: 3.0

Policy officer: Senior Adviser to the Deputy Chief Executive, Strategy and Corporate Services

Policy sponsor: Deputy Chief Executive, Strategy and Corporate Services

Responsible executive director: Deputy Chief Executive, Strategy and Corporate Services

Approved by: Deputy Chief Executive, Strategy and Corporate Services

Approval date: 11 September 2023

Review date: 11 September 2026

Revision record

Version: 3.0

Approved by: Deputy Chief Executive, Strategy and Corporate Services

Approved date: 11 September 2023

Review date: 11 September 2026

Amendment(s): Rewritten in line with the *Child Safety (Prohibited Persons) Act 2016*, which commenced in 2019, and subsequent policy decisions by the senior executive. Policy now requires WWCC for all governing council members.

Version: 2.4

Approved by: Chief Operating Officer

Approved date: 19 July 2021

Review date: 19 July 2024

Amendment(s): Updated broken hyperlinks and moved to new template.

Version: 2.3

Approved by: Chief Operating Officer

Approved date: 7 October 2020

Review date: 12 December 2021

Amendment(s): Updated broken hyperlink.

Version: 2.2

Approved by: Chief Operating Officer

Approved date: 31 July 2020

Review date: 12 December 2021

Amendment(s): Review date extended to 12 December 2021 to allow time for legislative changes to the Regulations to occur.

Version: 2.1

Approved by: Director, Early Childhood Services

Approved date: 12 December 2018

Review date: 30 June 2019

Amendment(s): Minor administration edits to update template, hyperlinks and department names.

Version: 2.0

Approved by: Deputy Chief Executive, Corporate Services

Approved date: 22 January 2016

Review date: 22 January 2019

Amendment(s): Update.

Version: 1.0

Approved date: October 2014

Amendment(s): New policy.

Contact

Business unit: Office of the Chief Executive

Email: education.CE@sa.gov.au

Phone: (08) 8226 1540