

Screening and suitability – child safety procedure

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

Overview

This procedure advises the processes for meeting screening and suitability obligations and requirements while 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.

This procedure aims to:

- support the department in meeting its paramount responsibility for the safety of children and young people involved with its sites/service
- limit the possibility of unsuitable persons engaging with children and young people involved with department sites or services
- ensure that department screening and suitability practices comply with legislative and policy requirements.

Scope

This procedure 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.

Detail

Working with children check – Department for Education personnel

Under the *Child Safety (Prohibited Persons) Act 2016* a person must not work with children or undertake child-related work (as those terms are defined in that Act) unless a working with children check has been conducted in relation to that person within the preceding 5 years and their suitability confirmed.

In accordance with this Act, departmental staff who are employed at an education or care service **must** have a valid working with children check.

In addition, the Department for Education as a matter of policy requires **all staff engaged by the department to have a valid working with children check** whether required to under the *Child Safety (Prohibited Persons) Act* or not, subject to the requirements of the [screening and suitability policy \(PDF 280 KB\)](#).

Working with children check – members of site governing councils and their employees

Governing council members and employees must have a valid working with children check (refer to the School Governance Administrative Instruction). **(This new requirement will be mandatory from 1 January 2024.)**

Suitability considerations

An assessment of suitability must be undertaken in addition to the requirement to hold a working with children check to allow the department to determine whether it is appropriate for that person to undertake the role under consideration (be that as a specific job vacancy or a volunteer position).

Continuous monitoring of suitability includes the responsibility of all people engaged with department sites or services to report inappropriate conduct towards children and young people by any person engaged with the site or service.

Continuous monitoring of suitability includes the responsibility of relevant department employees, third-party providers and site users to:

- report, document and act on information about inappropriate conduct towards children and young people by anyone engaged with the site or service
- supervise, assess, observe and mentor staff or volunteers under their management, as required by their role
- document their performance management of staff and volunteers
- use flagging systems associated with recruitment and investigation roles.

Suitability assessments are not automatically transferable across sites or services. Suitability may need to be reconsidered at a change of role or assignment.

Changes to department screening and suitability policy and procedure requirements must be applied to existing people engaged with department sites or services where legislation or contracts of engagement allow.

Third party contractors must disclose any allegation, arrest charge, or conviction for offences as specified in the relevant agreement.

Information that suggests a person poses a risk to the safety of children and young people must be responded to as soon as that information is known.

The investigation and use of information relating to unsuitability must occur in a manner that respects the person's right to procedural fairness.

Specific processes

The identity of each person to whom the department [screening and suitability policy \(PDF 280 KB\)](#) and procedure applies must be verified as part of the screening process.

Assessing suitability may include the use of curriculum vitae, character references, interviews, work observations, testing, family observations, assessments, testimonials, declarations, information sharing protocols, any other source of information or as prescribed in legislation.

The suitability assessment includes a requirement for full and honest disclosure with respect to matters relating to suitability specified on any application form or pre-employment declaration form, such as previous convictions, allegations and the like. Employees and volunteers must report any changes with respect to these types of matters. In addition, in accordance with the [Code of Ethics for the South Australian public sector](#), public sector employees must advise their site leader or appropriate departmental manager if they are charged with a criminal offence

For most employees, suitability of a person must be established at the point of engagement and be monitored for the full term of engagement with department sites or services. Corporate employees may commence employment with the department on application of a working with children check, provided they are employed on a probationary period (see [screening and suitability policy \(PDF 280 KB\)](#) for further detail on this exemption).

Enquiries with former employers may be undertaken by the department to verify employment history credentials such as employment dates and positions held.

Declared academic qualifications and professional memberships must be shown to the department if required or requested.

Checks of any gaps (periods of no information) or anomalies (changes of name) in the person's curriculum vitae should be undertaken by the department or governing council (as appropriate).

Checks of character references by the department or governing council may include whatever appropriate follow up is required to establish confidence in the person's suitability.

In countries where screening records are not available but which a student enrolled in a government school visits for the purposes of an excursion or exchange program, the organiser must:

- explore and document all other practicable options of assessing the safety and suitability of accommodation arrangements
- inform parents or caregivers in writing of the screening limitations that apply to the program and ensure this forms part of the document on which parents provide their written consent.

Requirements of department employees making suitability assessments

Department employees who make suitability assessments must:

- be without vested interest in the appointment, approval or recruitment of any particular person
- have appropriate experience and qualifications to assess suitability of persons on behalf of the department, including the use of specific assessment tools where provided
- consider whether an individual already engaged with a department site or service should have their suitability re-assessed if moving to a different role in a different department site or service
- if required in their role, ensure department flagging systems are used and information sharing protocols for sharing information with other sectors or agencies and professional and regulatory bodies are followed
- maintain screening and suitability process records for proof of compliance at all times.

Roles and responsibilities

Site or service leaders

Site or service leaders must:

- ensure all persons engaged with, or participating in a department site or service or providing a service to a department site, child or young person meet the screening and suitability requirements of this procedure (and the [screening and suitability policy \(PDF 280 KB\)](#))
- maintain records and provide evidence of compliance with this procedure in accordance with the information management policy and the *State Records Act 1997*
- if required in their role, initiate and document performance management processes with persons engaged with or participating in a department site or service or providing a service to a department site, child or young person in accordance with relevant performance and development policy and guidelines
- ensure information about inappropriate conduct by adults towards children and young people is immediately responded to and documented.

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

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 must:

- meet the screening and suitability requirements of this procedure and the [screening and suitability policy \(PDF 280 KB\)](#)
- report inappropriate conduct towards children and young people.

Education directors and all corporate executives

Education directors and all corporate executives must:

- monitor and ensure site and service leaders' compliance with the screening and suitability requirements of this procedure and the [screening and suitability policy \(PDF 280 KB\)](#)
- initiate performance management processes with individual site or service leaders in accordance with relevant performance and development policy and guidelines as appropriate.

Employees with workforce management responsibilities (recruitment and compliance)

Employees with workforce management responsibilities (recruitment and compliance) must ensure recruitment and compliance processes meet the requirements of this procedure and the [screening and suitability policy \(PDF 280 KB\)](#).

Employees responsible for auditing screening compliance

Employees responsible for auditing screening compliance must ensure audit processes are consistent with this procedure (and the [screening and suitability policy \(PDF 280 KB\)](#)) and that any non-compliance with this procedure (and the [screening and suitability policy \(PDF 280 KB\)](#)) identified during the conduct of screening audits is documented and immediately raised through appropriate line management channels.

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

Employees responsible for establishing contracts with third party providers or approving panels of third party providers must ensure contracts have required clauses relating to screening and suitability, inclusion on 'approved panels' is contingent on meeting this procedure's requirements and approval to provide home-based care meets the requirements as outlined in this policy.

Employees responsible for approving family-based carers

Employees responsible for approving family-based carers must ensure that all persons aged 18 or over who live in or stay overnight in the home have current working with children checks and that the suitability of the placement has been considered.

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

Employees responsible for monitoring services of third- party providers or family-based carers must:

- ensure any breach of screening and suitability requirements is documented and immediately raised through appropriate line management channels
- report inappropriate conduct towards or affecting children and young people.

Definitions

corporate employees

Department 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/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 governing council but providing a paid-for service at a departmental site. Persons/organisations directly contracted by the department or governing council 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 (eg, a National Disability Insurance Scheme – NDIS – provider) 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*.

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

[Camps and excursions policy \(PDF 674 KB\)](#)

[Camps and excursions procedure \(PDF 430 KB\)](#)

[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](#)

[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 \(PDF 3 MB\)](#)

[Safeguarding children and young people policy](#)

[Screening and suitability policy \(PDF 280 KB\)](#)

[Volunteer policy](#)

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

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