

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 (SA)* (the Act) 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
- providing for a central assessment unit to undertake screening of persons who want to work or volunteer with children.

The Act requires people to have a current, 'not prohibited' Working with Children Check (WWCC) if they are working with children, undertaking child-related work or in prescribed positions, as defined in the Act. These WWCCs must be renewed every 5 years.

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 WWCC, 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
- students aged 14 years and over on work experience placements at departmental sites.

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Detail

Legal obligations

Under the *Children and Young People (Safety) Act 2017* (SA) 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 all persons over the age of 14 years who are providing a service or undertaking child-related work are required to have a current, 'not prohibited' Working with Children Check (WWCC), unless exemption applies.

Policy principles

The *Education and Children's Services Act 2019* (SA) 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 wellbeing.

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, 'not prohibited' WWCC where that is required by the Act or under this policy.

Screening

Teachers

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

The department's central HR systems also tracks the status of each employee's WWCC and these records are checked against DHS records every hour.

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*.

The department's central HR systems also tracks the status of each employee's WWCC and these records are checked against DHS records every hour.

Department for Education employees who are site or service based

The department considers that all employees in its schools, preschools and children's centres are employed to provide preschool, 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, 'not prohibited' WWCC.

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 or 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, 'not prohibited' WWCC.

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 WWCC 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.

Legislated exemptions from requiring a WWCC

The requirement to hold a WWCC is subject to the exemptions set out in section 9(1) of the *Children Safety (Prohibited Persons) Act*, those in regulation 9 of the *Children Safety (Prohibited Persons) Regulations*, and any exemptions made by the relevant Minister under section 14 of the Act.

Under the Act, **any person who is a member of the South Australia Police (SAPOL) or Australian Federal Police (AFP) are not required to have current, ‘not prohibited’ Working with Children Check in order to work with children.**

Site staff must ask to sight the person’s SAPOL or AFP identification.

Table of screening requirements

Person or group	Is a WWCC required? (please check the “legislated exemptions” section first)
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 WWCC, subject to the restrictions set out above.
Teachers	Yes
Department for Education site or 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 contract or agreement with the department will be subject to appropriate WWCC requirements in their documentation. Third-party providers not under contract or agreement with the department who wish to provide a service to a child or young person at a departmental site must either have a current Teachers Registration certificate or 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, schools and educational programs procedure (PDF 188KB) .
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: ‘The issuing RTO will, throughout the term of this agreement, maintain evidence of a current and satisfactory WWCC 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.’
Governing council members (school, preschool or children’s services centre)	Yes

Person or group	Is a WWCC required? (please check the “legislated exemptions” section first)
Volunteer (who is not a sports coach or on overnight camps)	<p>No if the volunteer is a parent or guardian providing a service or activity to children including that person’s own child. The activity must not include close personal contact with a child other than their own child (for example, helping a child get dressed or go to the toilet).</p> <p>Yes for all other volunteers.</p>
Volunteer who is involved in overnight camps, school sleepovers, billets and homestays	Yes
Sports coach	<p>No if the volunteer is a parent or guardian of a child in the sports team. The activity must not include close personal contact with a child other than their own child (for example, helping a child get dressed or go to the toilet).</p> <p>Yes for all other volunteers.</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.	<p>Yes: In accordance with the School Governance Administrative Instruction (PDF 847KB), as issued by the Chief Executive.</p>
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	<p>Yes: Any student 14 years and over seeking a work experience placement in a departmental site must have a WWCC.</p>
<p>Adult students</p> <p>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 6 months or more in their enrolment)</p>	Yes
Students commencing workplace learning in sectors that have children, aged or vulnerable people	<p>Possibly: Some of these checks are required by law, and others as part of the organisation’s risk management processes.</p> <p>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.</p> <p>For details about the employers screening requirements, refer to the workplace learning procedure (PDF 731KB).</p>

Person or group	Is a WWCC required? (please check the “legislated exemptions” section first)
<p>Visits by SA Water / SA Power Networks</p> <p>(for example, an SA Water Trade Waste and Networks inspector)</p>	<p>No</p> <p>Visitors would need to show their SA Water/SA Power Networks identification and sign in at the school reception.</p> <p>Best practice would be for a site staff member to accompany the visitor during their time at the site. If the visitor is going to be in an area where there will be children/young people present, the children/young people must be supervised by a staff member.</p>

Requirement of the department to notify the Department of Human Services of employees working with children

The Act requires an organisation to notify the Department of Human Services (DHS) Screening Unit when they employ a person with a ‘not prohibited’ WWCC. In the case of the Department for Education, our human resources systems automatically update and check clearances of our employees with the DHS Screening Unit every hour.

Verification of Working with Children Checks

Verification is the process of confirming that a potential new employee, an existing employee or a volunteer has had a WWCC and is not prohibited from working with children. Verification must be done online – sighting a person’s WWCC outcome email is not sufficient. Employers and organisations can verify a WWCC through their organisation portal on the DHS Screening system.

In order to do a ‘WWCC Registration of Interest’, you need the person’s First Name, Middle Name, Last Name, Date of Birth and unique DHS screening reference number (SRN XXXX-XXXX or CCR ID XXXXXX).

Once you have verified that the individual has a WWCC, you can generate a Certificate of Interrogation which records the time and date of the search, the individual searched and their WWCC status and who did the search. You will also be able to register an interest in the individual so that you will receive any changes in status to that individual's WWCC.

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. This includes any information that relates to:

- offences of which the employee has been found guilty or been charged
- disciplinary proceedings or disciplinary action against the employee
- findings of misconduct
- the cancellation of an approval of a foster parent
- 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

Meet the screening and suitability requirements of this policy (and the [screening and suitability: child safety procedure \(PDF 599KB\)](#)).

Report inappropriate conduct towards or affecting children and young people, as defined [below](#).

Site and service leaders

Ensure 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 [screening and suitability: child safety procedure \(PDF 599KB\)](#)).

Maintain records and provide evidence of compliance with this policy in accordance with the requirements in the [information and records management policy \(PDF 139KB\)](#) and the *State Records Act 1997 (SA)*.

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 or to a child or young person in accordance with relevant [performance and development policies and guidelines](#) as appropriate (staff login required).

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

Education directors and all corporate executives

Monitor and ensure site and service leaders' compliance with the screening and suitability requirements of this policy (and the [screening and suitability: child safety procedure \(PDF 599KB\)](#)).

Initiate performance management processes with individual site and service leaders in accordance with relevant [performance and development policies and guidelines](#) as appropriate (staff login required).

Employees with workforce management responsibilities (recruitment and compliance)

Ensure recruitment and compliance processes meet the requirements of this policy (and the [screening and suitability: child safety procedure \(PDF 599KB\)](#)).

Employees with responsibilities for auditing screening compliance

Ensure audit processes are consistent with this policy (and the [screening and suitability: child safety procedure \(PDF 599KB\)](#)).

Ensure that any non-compliance with this policy (and the [screening and suitability: child safety procedure \(PDF 599KB\)](#)) identified during 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

Ensure 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.

Report inappropriate conduct towards or affecting children and young people.

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

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.

People and Culture delegate

Approve 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 or activity

All services, functions and facilities of the Department for Education, and all activities organised by the department for students and children (such as 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
- 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 WWCC under the *Child Safety (Prohibited Persons) Act 2016*.

site or service leader

The individual with ultimate responsibility for adults, children, or 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 or service users

Includes:

- persons or groups hiring department facilities
- persons belonging to community groups meeting on department sites
- persons undertaking research involving department sites and services
- persons enrolling as an adult student at department sites
- persons undertaking observation or placement as a tertiary student or university supervisor
- adults residing at a department site or 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 or organisations directly contracted by the department will be required to have a WWCC 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 WWCC 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 WWCC as defined in the legislation and declared in the *Child Safety (Prohibited Persons) Regulations 2019 (SA)*.

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 for students](#)

Related legislation

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

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

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

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

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

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

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

[State Records Act 1997 \(SA\)](#)

Related policies

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

[Information and records management policy \(PDF 139KB\)](#)

[Information sharing guidelines for promoting safety and wellbeing procedure \(PDF 387KB\)](#)

[Non-education service providers in preschools, schools and educational programs procedure \(PDF 188KB\)](#)

[Performance and development guideline \(PDF 249KB\)](#) (staff login required)

[Performance and development policy \(PDF 198KB\)](#)

[Protective practices for staff in their interactions with children and young people: guidelines for staff working or volunteering in education and care settings \(PDF 3MB\)](#)

[Safeguarding children and young people policy \(PDF 668KB\)](#)

[School Governance Administrative Instruction \(PDF 847KB\)](#)

[Screening and suitability: child safety procedure \(PDF 599KB\)](#)

[Volunteer policy \(PDF 196KB\)](#)

[Volunteer procedure for schools, preschools and care settings \(PDF 280KB\)](#) (staff login required)

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