Criminal History Screening

All DECD employees, contractors, volunteers and specific groups of students e.g. tertiary, some work experience and some adult re-entry students MUST have a CURRENT APPROVED CRIMINAL HISTORY SCREENING at all times throughout their employment or prescribed duties in a DECD site.

The Department for Communities and Social Inclusion (DCSI) Screening Unit provides a screening service for DECD employees, contractors, volunteers and specific groups of students e.g. some work experience and some adult re-entry students.

Screening for teachers is undertaken by the Teachers Registration Board of SA. Registered teachers DO NOT need to be screened by the DCSI Screening Unit.

National Police Certificates from a SAPOL branch are not acceptable for employment in DECD.

DECD Policy will change from 2014. The ONLY approved Criminal History Screening which all employees must have to meet minimum requirements for employment will be the Department for Communities and Social Inclusion (DCSI) Criminal History clearance.

Identify whether the position constitutes “employment”
Once the organisation has identified positions that involve working with children in prescribed functions, the organisation will need to determine whether the people occupying those positions are “employed” by the organisation. A person is employed by the organisation if they are employed, contracted, subcontracted, acting as an agent of, or volunteering for, a relevant organisation.

Criminal history screening checks are not required for one-off guest presentations such as guest speakers, concert performers or for attendance at one-off events such as sports days, working bees and whole of school/centre events.

Organisations that do not meet their legislative obligation to conduct criminal history assessments for staff and volunteers working with children may face a fine of up to $10 000.

In the event that an employee, volunteer or applicant is not willing to consent to a criminal history assessment, or does not have a valid assessment of their criminal history report or other acceptable evidence, the organisation should preclude the individual from working with children in a prescribed position.
Costs (as at 01/07/2013)
Applicants paying for their own screening at an Australian Post outlet:
- Employee $62.20 (inc GST)
- Volunteer $42.40 (inc GST)

Child-related Employment Screening

Under the Children’s Protection Regulations 2010 (SA), certain organisations are required to ensure that certain employees and/or volunteers (people holding prescribed positions”) undergo screening by an authorised screening unit (the DCSI Screening Unit), or undertake their own criminal history assessments in accordance with the Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children (the Standards).

This flowchart was issued by the Department for Education and Child Development as part of the Standards to help determine which employees and volunteers are required to undergo criminal history assessments.
The *Children's Protection Act 1993 (SA)* defines a prescribed position as one in which a person is engaged in the following:

- regular contact with children or working in close proximity to children on a regular basis, unless the contact or work is directly supervised at all times; or
- supervision or management of persons in positions requiring or involving regular contact with children or working in close proximity to children on a regular basis; or
- access to records of a kind prescribed by regulation relating to children; or
- functions of a type prescribed by regulation (see Regulation 10).

If you have any queries about whether or not you or someone in your organisation is required to undergo child-related employment screening, please refer to the Conducting Criminal History Assessments Fact Sheet 4 (PDF 139KB) from the Department for Education and Child Development or contact the Child Safe Environments team in Families SA by emailing DECDChildSafe@sa.gov.au.

**Child Safe Environments Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children - July 2012**

**Consider whether an exemption applies**

The *Children’s Protection Regulations 2010* exempts organisations, persons and positions from the requirement to conduct a criminal history assessment in some circumstances. Organisations should assess whether any of the exempting criteria apply to their organisation.

The organisations, positions and persons that are exempt from the requirement to undergo a criminal history assessment are:

- A person who is a registered teacher
- A person who is appointed as a police officer10
- A person volunteering for a service or activity in which their child ordinarily participates
- A person volunteering who is less than 18 years of age
- A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month
- A person occupying a position in which all work involving children is undertaken in the physical presence of the child’s parents or guardians and in which there is ordinarily no physical contact with the children
- A person who undertakes, or a position that only involves, work that is primarily provided to adults or provided to the community generally and is not provided to any child on an individual basis
- An organisation that provides equipment, food or venues for children’s parties or events but does not provide any other services to children
- A person who has regular contact with a child as part of an employment relationship with that child (such as a person working alongside a child or supervising an employee who is a child).
No exemptions are available to people (other than registered teachers and police officers) who work in positions involving commercial child care, family day care, the administration of the juvenile justice system, child protection, disability services, or residential care or other overnight accommodation specifically for children (unless that accommodation is provided by an interstate visiting worker who does not ordinarily reside in South Australia).

It is important to note that organisations may still require people to undergo criminal history assessments as a matter of good organisational practice, even if an assessment is not required by law.

Indirect Service Providers
An indirect service provider is a person who carries out the functions for some other body or person who in turn makes the services available to the organisation. Under the Children’s Protection Act 1993, organisations are not required by law to conduct criminal history assessments on indirect service providers, but do have the option to do so.

Organisations should think very carefully about the level of risk posed by people providing indirect services and consider conducting criminal history assessments where appropriate.

Summary
1.1 The organisation must identify the paid and unpaid positions in their organisation that are prescribed positions.
1.2 In doing so, the organisation must consider:
   1.2.1 The nature of the duties and responsibilities attached to the position and undertaken by the individual;
   1.2.2 The likelihood of the position requiring the incumbent to work regularly with children, or in close proximity to children, particularly without other adults present; and
   1.2.3 The likelihood the position will involve access to records of a kind prescribed by regulation.
1.3 The organisation must determine whether the people occupying prescribed positions are “employed” by the organisation.
1.4 The organisation may consider whether the organisation, or any persons or positions within the organisation, are exempt from the requirement to undergo a criminal history assessment.
1.5 The organisation should assess the level of risk posed by people providing indirect services and consider conducting criminal history assessments where appropriate.

Further information is available from: