



Working with children checks

South Australia

Legislation

What are the screening requirements for sporting organisations?

Under section 8B of the *Children's Protection Act 1993*, government and non-government organisations providing services to children are required to undertake a relevant history assessment:

- for all people in their organisation who work or volunteer in *prescribed positions*; and
- before a person is appointed to, or engaged to act in, a prescribed position in the organisation. (unless an exemption applies)

A prescribed position is one which:

- Has regular contact with children and are not directly supervised at all times
- works in close proximity to children on a regular basis and are not directly supervised at all times or
- supervises or manages persons who:
 - o have regular contact with children
 - o work in close proximity to children on a regular basis or
- has access to records relating to children in connection with child protection services, education services, health services, disability services and court orders and proceedings.

Under section 8C of the *Children's Protection Act 1993* a sporting organisation is required to establish and maintain a child safe environment. This includes choosing suitable employees and volunteers. Therefore it is expected that all employees and volunteers will also undergo referee and qualification checks.

Are there penalties for not obtaining a criminal history report?

Penalties of up to \$10,000 may apply for non-compliance. For further information www.families.sa.gov.au/childsafes

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What are the requirements for visitors from other states/territories?

The assessment of criminal history information is only required for prescribed positions which are persons who are in regular contact with children over a period longer than 10 days or regularly more than one day in any month. Organisations may accept criminal history evidence from other sources. It is advisable to check that they meet the working with children legislation in their own state and seek additional background information. Recent Working with Children checks from Qld, NSW, Vic, NT and WA are acceptable.

Information regarding the obligation for mandatory notification of suspected child abuse should be provided to all employees/volunteers working in sporting and recreation activities.

Action

How do you obtain a Relevant History Assessment?

The *Children's Protection Act 1993* requires the assessment to be conducted on a police check as the minimum however many organisations are now requesting a higher level of assessment as provided by the Department for Communities and Social Inclusion (DCSI) screening unit. Always check with the organisation before proceeding with an application.

1. A National Police Certificate application may be completed online through SAPOL. www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check. A responsible person for the organisation must then sight the original NPC when presented by an individual and complete an assessment on the information provided on this report. The outcome of this assessment must be record along with the date and number of the certificate.

For volunteers in sporting and recreation organisations this may be available at no charge through the State organisation. (see below)

2. The DCSI screening is a centralised, consistent and confidential approach for obtaining a relevant history assessment for child related employment. Organisations may register to enable their employees or volunteers to apply online or an individual can download an application form through <http://www.dcsi.sa.gov.au/services/screening>.

Relevant information

Who has responsibility to apply?

If an individual is asked to undergo a relevant history assessment they must provide an original criminal history report (police check) to the organisation to be assessed or present an original completed screening from the DCSI screening unit. It is their responsibility to apply for these.

The National Police Certificate belongs to the individual and not the organisation requesting it and therefore it cannot be copied or retained by the organisation for longer than 3 months.

How much does it cost?

National Police Check

- Individual: \$59.50
- Individual concession: \$42.75

- Volunteer: \$38.50
- Volunteer Organisation Authorisation Number (VOAN) approved: No charge

When an organisation is a member or affiliated club or association of a larger organisation, a VOAN (Volunteer Organisation Authorisation Number) will be provided to the central body only and may only be used by those individuals authorised by SAPOL.

If the VOAN applies, the application is free and the form must be lodged through the State body.

DCSI Screening Unit

- Individual: \$101.75 (GST inc.)
- Individual/Conc/Volunteer: \$56.10 (GST inc)

The VOAN does not apply to these checks.

This cost includes conducting the relevant history, background information check, a confidential and comprehensive assessment and assessment outcome letter to the individual applicant and an email to the requesting organisation.

Who is responsible for payment?

This depends on the policy of the organisation requesting the criminal history report. The organisation should advise their employees or volunteers of the required procedure for obtaining the assessment.

What does the National Police Check Certificate contain?

- name
- alias/previous names
- date of birth
- current address
- purpose of the police check
- charge(s)
- court outcome of the matters heard and any penalty or sentence imposed
- pending matters
- outstanding warrants

What additional information is assessed by the DCSI screening Unit?

In addition to the information provided by the CrimTrac report (police check) the screening unit assess

- information from SA government databases such as child protection information;
- publicly available information sourced from professional registration bodies relating to persons disciplined or precluded from working with children or vulnerable people;
- information from SAPOL, courts, prosecuting authorities including information about charges for offences alleged to have been committed (regardless of the outcome of those charges); and
- expanded criminal history information obtained from other jurisdictions, including spent convictions, pending charges and non-conviction charges and, importantly, circumstances information around charges or convictions.

Is there support for assessing criminal history information?

Interpreting criminal history information when undertaking a relevant history assessment can be difficult and you may require guidance to determine whether the applicant can be employed/volunteer in a particular role.

The Department for Education and Child Development have a comprehensive document – *Child safe environments: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment*, which is available on the website www.families.sa.gov.au/childsafef

Alternatively the DCSI Screening Unit can obtain and assess the criminal history report for your organisation. The branch is also able to provide advice on assessment guidelines.

For more information visit www.dcsi.sa.gov.au/services/screening

Contact: 1300 321 592, or email screening@dcsi.sa.gov.au

How long is it valid for?

Under the current legislation criminal history assessments are valid for a period of three years.

Is the criminal history information obtained for one organisation transferable to a different organisation?

Organisations may at their discretion accept the following types of evidence which has been obtained within the last three years:

- National Police Certificates
- A screening completed by the DCSI screening unit
- Criminal history checks undertaken and clearances provided in other Australian jurisdictions i.e. the Blue card (Qld) and Working with children checks (Vic, WA, NT and NSW)
- Criminal history reports other Crim-Trac accredited agencies
- Statutory declarations from individuals who have lived in countries other than Australia.

In accepting other evidence, there must be compatibility between the roles of the organisation (based on a risk assessment) and the criminal history reports obtained (i.e. the document has been obtained for the purpose for working with children).

For further information regarding the transferability of criminal history information see the *Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment*

Resources

- South Australian Police-SAPOL - www.police.sa.gov.au/services-and-events/apply-for-a-police-record-check
- Department for Education and Child Development - www.families.sa.gov.au/childsafef
- DCSI Screening unit - www.dcsi.sa.gov.au/services/screening
- Office for Recreation and Sport – www.ors.sa.gov.au/create_a_child_safe_environment