

WORKING WITH CHILDREN CLEARANCES – SOUTH AUSTRALIA



In this tool, you will find:

- » An overview of Working with Children Clearance (WWCC) legislation in South Australia (SA)
- » How to meet your obligations under this legislation as a CaFIS provider working in the APY Lands
- » How to obtain and maintain up-to-date and relevant SA WWCCs for your staff
- » Links to additional helpful resources and assistance.

KEY GUIDANCE

Background

In Australia, professionals or volunteers who interact with children in a professional setting are required to undergo a WWCC check to ensure children are protected and potential risks or harms are minimised.

The SA WWCC process includes:

- 1 a national criminal history record check with the Australian Criminal Intelligence Commission (ACIC), and
- 2 a check of the SA Child Protection database.

If a match is found in the ACIC database, ACIC will provide 'disclosable court outcomes' (depending on the jurisdiction where the court outcome has occurred) such as charges, convictions, good behaviour bonds etc.

Currently, WWCC requirements are implemented on a state or territory legislation level and are non-transferrable. Organisations must ensure their employees hold current WWCCs for each jurisdiction in which they will work or they have obtained an exemption for inter-state work.

Transition to a new screening check

The WWCC check was introduced in SA in 2019 in response to recommendations in the Royal Commission into Institutional Responses to Child Sexual Abuse and the SA Child Protection Systems Royal Commission for a new, stricter employment check.

Prior to 2019, organisations and their employees were required to hold a Department of Human Services (DHS) or Department for Communities and Service Inclusion child-related employment screening. Employees and volunteers who currently hold one of these previous screenings are permitted to use these screenings until expiration 3 years after the screening date. After expiry, these individuals are required to obtain a WWCC.

Your obligations under the relevant legislation

The WWCC requirements in SA are governed by the following legislation:

- 1 *Child Safety (Prohibited Persons) Act 2016*
- 2 *Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Act 2017*
- 3 *Child Safety (Prohibited Persons) Regulations 2019*

Organisations working with children have several obligations under current SA law, including:

- » Child-related organisations must register on the DHS Screening Unit online portal and 'verify' or link their employees' WWCCs
- » Before employing a person in a 'prescribed position' (a position in which a person works with children or employs someone who works with children), an organisation must check the person holds a current WWCC
- » An organisation must check their employees' WWCCs remain current at all times
- » Organisations must notify the DHS Screening Unit of relevant new information (e.g. pending criminal charges).

APPLICATION TO CaFIS PROVIDERS

As per the CaFIS supplementary grant conditions, only "child-related" personnel, contractors and sub contractors, agents and volunteers of CaFIS providers are required to hold WWCCs. This means employees of CaFIS providers who will not interact with children (e.g. administrative staff, etc.) are not required to obtain and maintain current WWCCs.

For providers under the previous program, Intensive Family Support Service, it is likely they have already been required to meet these obligations, however new CaFIS providers may need to familiarise themselves with these requirements.

Working with children in SA without holding a valid check will carry fines of up to \$120,000 and/or prison sentences for individuals or organisations which employ them.

How to register your organisation

Organisations must register online with the Screening Unit portal prior to onboarding employees who do not hold current WWCCs. Registration requires the following details:

- » Australian Business Number
- » Business address
- » Organisation's email address
- » Contact details of nominated officers (see Screening Unit website for further details of nominated officer roles):
 - Site Administrator,
 - Requesting officer,
 - Authorised officer,
 - Finance officer, and
 - Verifying officer.

How to apply for a WWCC

Applications can then be initiated by the registered organisation via the DHS Screening Unit's online portal with the employee notified by email to complete the application.

If an employee or volunteer already has an existing WWCC, they will need to provide their Screening Reference Number so it can then be verified by the organisation via the Screening Unit WWCC Verification Function (link provided below). The organisation must then link the employee's existing WWCC via the online portal.

WWCC Exemptions

Child-related personnel of CaFIS provider organisations will be required to hold a current SA WWCC unless the employee meets the following 3 conditions:

- 1 lives interstate,
- 2 has a current child-related check from their home state, and
- 3 is working at an organised event in SA for no more than 10 consecutive days.

How to appeal a WWCC decision

If a WWCC application is rejected by the Screening Unit and the applicant believes the decision did not follow the correct assessment process (e.g. there is new, relevant information to consider or the applicant believes the information provided was not adequately considered), the applicant is able to request a review of the decision by contacting the Screening Unit. This review will consider the previous information assessed, as well as any new information provided in the review request. Applicants should contact the Screening Unit to request a review.

If applicants are not satisfied with the outcome of the Screening Unit review, applicants are also able to apply for an external review through:

- » South Australian Civil and Administrative Tribunal,
- » Ombudsman SA,
- » Office for Public Integrity, and
- » Australian Human Rights Commission.

How to monitor WWCCs

The responsibility for monitoring compliance with the WWCC legislative requirements rests with both the employee and their employer. This section will focus on how CaFIS organisations, as employers, can monitor their employees' WWCCs. It is recommended employers also conduct their own research into how their employees can monitor their own WWCC compliance and include as part of their training or onboarding materials.

A WWCC application can be expected to be processed between 3-6 weeks and both employees and the Requesting Officer of the organisation will be notified via email once the process has been completed. There is no card or certificate provided as part of the granting of a SA WWCC – a unique Screening Reference Number will be provided to the applicant and linked organisation once they commence their application can be used by the individual or organisation to search for their screening status. WWCCs are valid for a period of 5 years from when they are granted.

Note: The previous SA child-related employment screenings described previously are valid for 3 years from screening date. Employees holding an expired clearance must apply for a WWCC.

The DHS Screening Unit continuously monitors WWCCs and will notify the Requesting Officer of changes to the status of WWCCs for their employees or impending expiry.

The following processes are recommended for organisations to ensure the WWCC clearances of employees remain current and up to date:

- » Assign the nominated officers roles described above

Children and Family Intensive Support (CaFIS)

- » Having a corporate WWCC policy in place and easily accessible by employees or volunteers detailing the requirements around WWCCs and the procedures to follow if WWCCs expire
- » Confirm the current WWCC prior to commencing employment via checking on the DHS Screening Unit website using the WWCC checking function linked below
- » Record and link employees' WWCC Screening Reference Number upon employment commencing with your organisation
- » Subscribe to the SA WWCC newsletter to stay up to date with changes to the SA WWCC requirements by emailing wwcc@sa.gov.au.

Disclaimer

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Where to go for more information

SA Department of Human Services Screening Unit for information on WWCC process and requirements:
<https://screening.sa.gov.au/home>

WWCC Information Kit:
https://screening.sa.gov.au/__data/assets/pdf_file/0019/80740/Working-with-Children-Toolkit-Temp.pdf

SA Screening Unit WWCC Checking Function:
<https://screening.sa.gov.au/applications/check-status>