

Screening and suitability – child safety

Please note this policy is mandatory and staff are required to adhere to the content.

Policy overview

This policy is to advise all persons to whom this policy applies of their screening and suitability obligations and requirements while engaged with and/or participating in a Department for Education (department) site/service and/or providing a service to a department site/child or young person.

This policy aims to:

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

Note: In this policy, "screening" refers only to the process of assessing an individual's relevant history background, whereas "suitability" encompasses both screening and all other defined means of assessing that a person is suitable, from a child safety perspective, for a particular Department for Education site/service

Scope

This policy applies to all persons engaged with and/or participating in a department site/service and/or providing a service to a department site/child or young person, including:

- Department for Education employees
- volunteers
- employees and volunteers of School Governing Councils and Preschool Management Committees
- employees and volunteers of third party providers
- site/service users
- family-based carers.

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| Policy officer: | Program Manager, Child Safe Environments | Policy sponsor: | A/Manager, Regulation and Compliance | Responsible executive director: | Executive Director, Early Years and Child Development |
| Approved by: | A/Director, Early Childhood Services | Approval date: | 12/12/2018 | Review date: | 30/06/2019 |

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1. Policy detail

1.1 Legal obligations

Under the *Children and Young People (Safety) Act 2017* and the *Children's Protection Act 1993* (to the extent that it remains operational) the Minister for Education and the Department for Education have legal obligations to provide safe environments for children and young people in their care and control. This policy and the principles referred to below have been developed to assist in compliance with those obligations.

1.2 Policy principles

The following principles must inform all actions taken by those persons to which this policy applies:

- the safety of children and young people is the department's paramount obligation and must not be overridden by other interests
- the establishment and monitoring of a person's suitability to be engaged with department children and young people is only one means by which the department meets its obligations to children and young people's safety and well-being
- the department's child safe environments policies relating to employee and volunteer training and induction, codes of conduct, supervision, child protection curriculum and complaints and investigation processes are essential in supporting this policy's purpose and principles
- the monitoring of a person's suitability to be engaged with department children and young people is continuous and those persons must be suitable at all times
- the responsibility of persons engaged with department children and young people to report inappropriate conduct of adults towards children and young people is a critical contribution to the continuous monitoring of suitability
- assessing a person's suitability to be engaged with department children and young people must be based on sufficient and relevant information
- relevant information may include factors that contribute to a child's wellbeing such as the connection with family or carer
- 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
- known or suspected risks to the safety of children and young people must be responded to immediately
- risks to the safety of children and young people have the potential to occur through direct or indirect contact with children and young people, formal or incidental access to information about children and young people, and the direct or indirect capacity to influence the standards and delivery of department services to children, young people and their families.

1.3 Department for Education approved screening and authority

For teachers, the department's approved screening is the [Teachers Registration Board of South Australia](#) screening as part of the teacher registration process.

For all others, the department's approved screening is a child-related employment screening through the [Department of Human Services \(DHS\)](#).

1.4 Screening and suitability requirements

[Attachment A](#) identifies persons/groups engaged with and/or participating in a department site/service and/or providing a service to a department site/child or young person and the screening requirements attached to those persons/groups.

The particulars with respect to suitability requirements and obligations are outlined within the [Screening and suitability – child safety procedure](#).

2. Roles and responsibilities

| Role | Authority/responsibility for |
|--|--|
| Persons engaged with and/or participating in a department site/service and/or providing a service to a department site/child or young person | Meeting the screening and suitability requirements of this policy (and the associated procedure). Reporting inappropriate conduct towards or affecting children and young people. |
| Site/service leaders | Ensuring all persons engaged with and/or participating in a department site/service and/or providing a service to a department site/child or young person meet the screening and suitability requirements of this policy (and the associated procedure). Maintaining records and providing evidence of compliance with this policy in accordance with the requirements in the Information management policy and the <i>State Records Act 1997</i> . If required in their role, initiating and documenting performance management processes with persons engaged with and/or participating in a department site/service and/or providing a service to a department site/child or young person in accordance with relevant Performance and Development policy and guidelines. Ensuring information about inappropriate conduct of adults towards children and young people is immediately responded to and documented. |
| Education Directors, and all Corporate executives | Monitoring and ensuring site/service leaders' compliance with the screening and suitability requirements of this policy (and the associated procedure). Initiating performance management processes with individual site/service leaders in accordance with relevant Performance and Development policy and guidelines as appropriate. |
| Personnel with workforce management responsibilities (recruitment and compliance) | Ensuring recruitment and compliance processes meet the requirements of this policy (and the associated procedure). Provide regular screening and suitability reports to the Senior Executive Group. |
| Personnel with responsibilities for auditing screening compliance | Ensuring audit processes are consistent with this policy (and the associated procedure) and that any non-compliance with this policy (and the associated procedure) identified during the conduct of screening audits is documented and immediately raised through appropriate line management channels. |

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| Personnel with responsibilities for establishing contracts with third party providers, approving panels of third party providers or approving family-based carers | Ensuring contracts have required clauses relating to screening and suitability, membership 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. |
| Personnel with responsibilities for monitoring services of third party providers/family based carers | Ensuring any breach of screening and suitability requirements is documented and immediately raised through appropriate line management channels. |
| Policy sponsor | Ensuring this policy is reviewed, consulted on and amended as required. |
| Chief Executive | Ensuring any issues identified as impeding the department's capacity to comply with this policy are addressed internally or where necessary, at whole of government forums. |

3. Definitions

| Term | Meaning |
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| Department for Education site/service | All services, functions and facilities of the Department for Education. |
| Family-based carers | Providers of international student homestay, family day care educator/assistant, persons aged 18 years or over who reside at a family day care residence. |
| Inappropriate conduct towards children and young people | Conduct considered a breach of a requirement of employment, contract, agreement, department policy or professional code that relates to the safety and wellbeing of children and young people. |
| Third party provider | A person/organisation engaged with a department sites/services to work with children and young people on a regular basis, to work in close proximity to children and young people without constant supervision by a department employee, to have access to records relating to children and young people, to provide overnight care for children and young people or to manage or supervise personnel undertaking those roles. |
| Screening | The assessment of a person's relevant history, conducted by the Department of Human Services (DHS). The assessment of a teacher's fitness and propriety by the Teachers Registration Board of South Australia screening as part of the teacher registration process. |
| Site/service leader | The individual with ultimate responsibility for adults and/or children and young people engaged with and/or participating in a department site/service and/or providing a service to a department site/child or young person. |

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| Site/service users | Includes persons/groups hiring department facilities, persons belonging to community groups meeting on department sites, 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 and/or participating in a department site/service and/or providing a service to a department site/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, relevant history screening, any other source of information or as prescribed in legislation. |
| Unsuitable person | An individual who has not met or maintained the required suitability for engagement with and/or participation in a department site/service and/or to provide a service to a department site/child or young person. |
| Volunteer | A person who undertakes defined activities of their own free will without payment to support and assist with the provision of educational programs and services for children and young people of department sites/services either through direct contact with children and young people or performing assigned task/activities. |

Attachments

Attachment A: Department for Education screening requirements

SUPPORTING INFORMATION

Published December 2018

Related legislation [Adoption Act 1988](#)
[Adoption Regulations 2004](#)
[Children and Young People \(Safety\) Act 2017](#)
[Children and Young People \(Safety\) Regulations 2017](#)
[Children's Protection Act 1993](#)
[Children's Protection Regulations 2010](#)
[Education and Care Services National Regulations 2011](#)
[Education and Early Childhood Services \(Registration and Standards\) Act 2011](#)
[Family and Community Services Act 1972](#)
[State Records Act 1997](#)

Related policy documents [Child Protection in schools, early childhood education and care services policy](#)
[Child Safe Environments](#)
[Child Safe Environments: Principles of Good Practice](#)
[Child Safe Environments: Standards for dealing with information obtained about a person's criminal history as part of a relevant history assessment](#)
[Department of Premier and Cabinet Circular 12 Information Privacy Principles Instruction](#)
[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 and care settings](#)
[Information Management Policy](#)
[Screening and Suitability – Child Safety Procedure](#)
[Volunteer Policy](#)
[Workplace Learning Guidelines](#)

Keywords Screening, suitability, child safety, criminal history, relevant history

REVISION RECORD

| Version | Approved by | Approved date | Review date | Amendments |
|---------|--|---------------|-------------|---|
| v1.0 | | 10/2014 | | New |
| v2.0 | Deputy Chief Executive, Corporate Services | 22/01/2016 | 22/01/2019 | Update |
| v2.1 | Ksharmra Brandon | 12/12/2018 | 30/06/2019 | Minor administration edits to update template, hyperlinks and department names. |

| Person/Group | Is screening required? |
|---|--|
| Department for Education corporate employees | Yes |
| Teachers | Yes, through the Teachers Registration Board (TRB) |
| Department for Education site/service-based staff | Yes |
| Department for Education contractor/third party providers | No, UNLESS the provider has contact with or works in close proximity to children or young people on a regular basis, or supervises or manages people in such positions, provides overnight care to children or young people or has access to educational or child care service records. |
| School Governing Council members / Preschool Management Committee | No, UNLESS the Governing Council / Management Committee member is not a parent or guardian of a child in the school OR the Governing Council is the employing authority for Out of School Hours Care, in which case screening is required. |
| Volunteer (excluding sport coaching and overnight camps) | No, IF the volunteer is a parent or guardian of the child in direct receipt of the services being provided by that volunteer. |
| Volunteer involved in overnight camps, school sleepovers, billets, homestays. | Yes |
| Sports Coach | No, IF the volunteer involved in sports coaching is a parent or guardian of a child in the sports team. Yes, IF the volunteer is NOT a parent or guardian of a child in the sports team. |
| Volunteer working with Children with Disabilities | Yes, where the volunteers services involve close personal contact with those children. |
| Community users of Department for Education sites | It is the responsibility of the user/hirer to meet their obligations as applicable under the Children and Young People (Safety) Act 2017 and the Children's Protection Act 1993 (to the extent it remains operational) and to determine if screening is required as outlined in the agreement that the user/hirer signs. |

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| International student homestay provider and persons aged 18 years or over who reside in the homestay residence | Yes |
| Family day care educator, family day care assistant and a person aged 18 years or over who resides at a family day care residence | Yes |
| Emergency Care Workers | Yes |
| Employees and volunteers of Governing Council operated Out of School Hours Care (OSHC) and approved third party providers of OSHC services. | Yes |
| Tertiary students and supervisors | Yes |
| Work Experience Placement students in preschools and childcare centres | Yes |
| Adult students: 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 six months or more in their enrolment). | Yes |