

Working with Children Checks for family-based carers Procedure

1. Purpose

The [Child Safety \(Prohibited Persons\) Act 2016](#) (CSPP Act) requires that any person working or volunteering with children and young people must have a valid Working with Children Check (WWCC). WWCC requirements apply to all approved carers under section 72 of the [Children and Young Person \(Safety\) Act 2017](#) (CYPs Act). WWCCs also apply to adult household members and regular adult guests of a carer's household.

This procedure outlines processes for:

- completing WWCCs as a pre-condition for the approval of family-based carers (carers), adult household members and regular adult guests to the household
- renewing WWCCs at least once in every five year period, and
- taking action to ensure the safety of a child or young person if a carer (or adult household member or regular adult guest) is a prohibited person or does not have a valid WWCC.

2. Scope

This procedure applies to all Department for Child Protection (DCP) staff involved in the approval, review and cancellation of family-based carers and the placement of children and young people with approved family-based carers.

This procedure also applies to non-government foster care agency staff and the Department for Education-Family Day Care (Guardianship) program staff involved in supporting carer households and completing family-based carer assessments.

3. Authority

3.1 Legislative context

- [Children and Young People \(Safety\) Act 2017](#)
- [Child Safety \(Prohibited Persons\) Act 2016](#)
- [Child Safety \(Prohibited Persons\) Regulations 2019](#)

3.2 Whole of Government requirements

- [Code of Ethics for the South Australian Public Sector](#)
- [Memorandum of Administrative Arrangement between DCP and Central Assessment Unit \(DHS\)](#)
 - The [Memorandum of Administrative Arrangement between DCP and the Central Assessment Unit \(CAU\) within the Department of Human Services \(DHS\)](#) outlines the working arrangements between DCP and DHS with regard to timely submission and completion of WWCCs for carers (and adult household members and regular adult guests). A WWCC is conducted by the CAU to determine

whether a person poses an unacceptable risk to children and whether the person should be prohibited from working or volunteering with them.

3.3 DCP requirements

Not applicable.

3.4 Principles

The safety of children and young people is the paramount consideration. DCP is committed to caring for and protecting at risk children and young people so they can grow up well cared for, connected, and empowered to reach their full potential.

4. Procedure requirements

A WWCC must be undertaken every five years.

A person who is engaged in 'child-related work' includes any individual who is to be an approved carer under section 72 of the CYPS Act. In determining an application for approval under section 72, it must be verified that:

- an applicant carer (or adult household member or regular adult guest) is not a prohibited person under the CSPP Act, and
- a WWCC has been conducted in relation to the applicant carer (or adult household member or regular adult guest) within the preceding five years.

WWCCs are continuously monitored by the CAU and re-assessed as new information becomes available. If an approved carer (or adult household member or regular adult guest) is re-assessed as being prohibited from working with children, the DCP case worker and supervisor, in consultation with the carer support worker, must take immediate action to ensure the safety of the child or young person.

The [Guide to authorisations and delegation of powers and functions – by legislative provision](#) provides guidance on DCP authorisation and delegation of powers and functions for carer approvals and cancellations.

4.1 Obtain a WWCC to support carer approval (section 72 of the CYPS Act)

The responsible carer support worker (Kinship Care Program, NGO foster care agency or Department for Education-Family Day Care (Guardianship) program) must support the carer applicant (and adult household members or regular adult guests) to obtain a WWCC when completing the relevant carer assessment process. The carer support worker must submit the WWCC to the Carer Approval and Review Unit (CARU) with the completed carer assessment documentation.

The Kinship Care Program should refer to the [Working with Aboriginal and Torres Strait Islander Families Practice Guide](#) when working with Aboriginal and Torres Strait Islander carers to obtain a WWCC.

On receipt of the completed carer assessment documentation, CARU must verify that the carer applicant meets all suitability requirements for approval. This includes verifying that WWCCs have been conducted and that the carer applicant (and adult household members and regular adult guests) is/are not prohibited.

The [Carer Approval Procedures–Family-Based Care](#) and [Guardianship Family Day Care Procedure](#) provide further guidance on the approval of carers.

A biological parent who resides with an approved carer and their own children in the same home does not require a WWCC, providing that no other child or young person resides in this home.

If any child other than that parent's own biological child resides in these premises, a WWCC will be required in accordance with the CSPP Act.

4.2 Obtain a WWCC to support a temporary placement (section 77 of the CYPS Act)

A WWCC does not need to be obtained prior to the placement of a child or young person in the temporary care of a person under section 77 of the CYPS Act. For further information, refer to [Assess and seek approval for a temporary placement](#) in the Place a child or young person in care chapter of the Manual of Practice.

The DCP case worker and carer support worker must take steps to initiate a full carer assessment within ten days of the commencement of a placement under section 77 (if the placement is to continue in the short or long-term). This includes supporting the carer and any adult household member or regular adult guest to lodge an application for a WWCC.

If an adverse screening is returned for a temporary carer, adult household member or regular adult guest, immediate action must be taken to secure the safety of the child or young person. Refer to the [Take action when there is a change to a WWCC status](#) section in this procedure.

If a temporary carer (or adult household member or regular adult guest) is unwilling to submit an application for a WWCC, the carer cannot be approved to provide out of home care under section 72 of the CYPS Act. The DCP case worker must arrange for the child or young person to be placed in an alternative placement before the conclusion of the three-month temporary placement period.

4.3 Monitor changes to the carer household membership

An approved carer must inform DCP (by notifying their carer support worker or DCP case worker) of any changes in their household membership. DCP case workers and carer support workers must advise CARU of any changes in the membership of a carer household.

CARU is responsible for maintaining accurate record keeping in C3MS under the 'Household Members' tab (carer approval section) for all household members and regular adult guests of a carer household.

If an additional adult comes to reside in a carer household or there is an additional regular adult guest to the household, the responsible carer support worker must support them to undertake a WWCC.

If a young person who lives in the household is turning 18 years of age, the carer support worker must support them to undertake a WWCC when they turn 17 years and 5 months. If an adverse screening is returned, action must be taken to secure the safety of the child or young person. Refer to the [Take action when there is a change to a WWCC status](#) section in this procedure.

4.4 Lodge application to renew WWCC

CARU and the responsible carer support provider (Kinship Care Program, NGO foster care agency or Department for Education-Family Day Care (Guardianship) program) must maintain accurate records of WWCCs for approved carers (and adult household members and regular adult guests).

The responsible carer support worker must ensure that the expiry date of WWCCs is monitored at regular carer reviews.

At least once in every five year period, CARU must verify that a WWCC has been conducted in relation to an approved carer (and adult household member and regular adult guest), and that they are not a prohibited person.

The responsible carer support worker must support the approved carer (and adult household members and regular adult guests), to lodge their renewal applications with the CAU. This process must commence seven months prior to the expiry of the current WWCC to ensure the renewal application is lodged six months prior to its expiry.

The [Working with Aboriginal and Torres Strait Islander Families Practice Guide](#) should be referred to when working with Aboriginal and Torres Strait Islander carers to lodge a renewal application.

4.5 Delay in a screening decision being made

There are instances where a renewal application is lodged but a screening decision is not made by the CAU before the current WWCC expires. The delay in a screening decision may be due to errors on the renewal application (such as missing information or incorrect spelling) or the need for the CAU to undertake further assessment or gather more detailed information.

The responsible carer support worker must liaise with the CAU to identify the cause of the delay and provide assistance to ensure that every effort is made to enable the screening decision to be completed in a timely manner. This may include supporting the carer (or adult household member or regular adult guest) to complete required documentation.

The responsible carer support worker must advise the DCP case worker if there are delays with a WWCC decision. At least 28 days prior to the expiry of the WWCC, the DCP case worker and supervisor, in consultation with the carer support worker must commence concurrent planning to ensure alternative arrangements for the care of the child or young person are in place, should the current WWCC expire before a screening decision is made.

Consultation with the DCP Principal Aboriginal Consultant (PAC) is strongly recommended where an Aboriginal or Torres Strait Islander child or young person is involved.

Refer to the [Take action when there is a change to a WWCC status](#) section in this procedure.

4.6 Refusal to lodge renewal application

If an approved carer, adult household member or regular adult guest is unwilling to lodge a WWCC renewal application, immediate action must be taken to ensure the safety of the child or young person.

The DCP case worker must discuss the carer's refusal to lodge a WWCC with the responsible carer support worker. The DCP case worker and responsible carer support worker must then, if appropriate, discuss the issue with the carer, and adult household member/regular adult guest (if relevant), and advise that action will be taken unless a WWCC is lodged.

The responsible carer support worker must advise CARU and the DCP case worker if an approved carer, adult household member or regular adult guest is unwilling to lodge a WWCC renewal application. CARU is responsible for advising DCP Service Contracts and Licensing.

At least 28 days prior to the expiry of the WWCC, the DCP case worker and DCP supervisor, in consultation with the responsible carer support worker, must commence concurrent planning to ensure alternative arrangements for the care of the child or young person are in place should the current WWCC expire.

Consultation with the DCP PAC is strongly recommended where an Aboriginal or Torres Strait Islander child or young person is involved.

Refer to the [Take action when there is a change to a WWCC Status](#) section in this procedure.

4.7 Take action when there is a change to a WWCC status

4.7.1 Carer

Immediate action must be taken if it is reasonably suspected that the approved carer is prohibited from working with children, or has not been subject to a WWCC within the preceding five years.

The DCP case worker must discuss this with the responsible carer support worker and identify what actions are required to support the carer. The DCP case worker must then contact the approved carer and advise that action will be taken within 24 hours to ensure the safety of the child or young person.

The DCP case worker and DCP supervisor must convene a care team meeting to discuss the child or young person's case plan and take action within 24 hours. The responsible carer support worker must be involved in the care team meeting. The carer, family and other relevant stakeholders must also be involved as appropriate.

Consultation with the DCP PAC is strongly recommended where an Aboriginal or Torres Strait Islander child or young person is involved.

The DCP case worker must record all decisions and actions taken as a key decision in C3MS.

The only two actions that can be considered are:

Option A - Carer removes themselves from the placement

Option A should be considered where there are two primary carers in the household. The decision about whether it is in the best interests of the child or young person to remain in the placement is to include consideration of:

- the impact on the child or young person, for example, is the child or young person fearful of remaining in the placement
- any risk posed to the child or young person because of the ongoing relationship or contact between the primary carers
- the remaining carer's ability to protect the child or young person in the placement
- the likelihood of any further contact with the leaving carer
- the relationship between the child or young person and the remaining carer, and
- if the carer is prohibited from working with children, is it sustainable for the carer to maintain alternative living arrangements and limited contact with the child or young person in the long-term.

The DCP case worker must prepare a letter to each carer confirming the decision for the carer to remove themselves from the placement, the reasons for this decision and any conditions on the placement (refer to [Letter – carer to leave household – change in status WWCC](#)). This letter must be approved and signed by the DCP supervisor. A copy of the letter must be sent to the responsible carer support worker and CARU.

CARU must update the carer approval records with the condition of no new placement (NNP) in C3MS.

The DCP case worker must consider issuing a Contact Determination. For further information, refer to [‘Support the child or young person to develop and maintain family and community connections through contact arrangements’](#) in the Manual of Practice.

If the leaving carer is subsequently issued with a WWCC or the prohibition notice is revoked, the DCP case worker and supervisor, in consultation with CARU and the responsible carer support worker, must consider whether it is in the best interests of the child or young person for the leaving carer to return to the placement.

If a WWCC is not issued or the prohibition notice is not revoked within 60 days from when a carer household has been placed on hold, an assessment must take place to consider the long-term viability of the placement continuing. This assessment must consider whether it is likely that the leaving carer will receive a WWCC and will return to the carer household or if it is sustainable for the placement to continue in the leaving carer’s absence. If the placement is not sustainable, move to cancelling the approval of both carers in the household and removing the child or young person from the placement. Refer to the [Carer approval cancellation](#) section in this procedure.

Option B - Remove any child or young person from the placement

Option B should be considered when:

- there is only one primary carer, or
- there are two primary carers, but the prohibited carer is not planning to leave the household immediately, or
- there are two primary carers, but it is assessed that it is not in the best interests of the child or young person to remain in the placement (as outlined above in Option A).

The DCP case worker must prepare a letter to the carer/s confirming the decision to remove the child or young person from the placement. This letter must be approved and signed by the DCP supervisor and provided to the carer within 24 hours following the removal (refer to [Letter – removal of child – carer change in status WWCC](#)). A copy of the letter must be sent to the responsible carer support worker and CARU.

CARU must update the carer approval records with the condition of no placement (NNP) in C3MS, and initiate the carer cancellation process. Refer to the [Carer approval cancellation](#) section in this procedure.

The DCP case worker must consider issuing a Contact Determination and further guidance can be found in the [‘Support the child or young person to develop and maintain family and community connections through contact arrangements’](#) in the Manual of Practice.

For further guidance on removing a child or young person from a placement, refer to [‘Remove the child or young person from a placement’](#) in the Supporting children and young people in care chapter of the Manual of Practice.

Where appropriate, a subsequent care team meeting should be convened by the DCP case worker and DCP supervisor to discuss ongoing support requirements for the child or young person within five days following the removal.

If the carer is subsequently issued with a WWCC or the prohibition notice revoked, the DCP case worker and supervisor in consultation with CARU and the responsible carer support worker must consider whether it is in the best interests of the child or young person to be returned to the placement.

4.7.2 Adult household member or regular adult guest

Immediate action must be taken if it is reasonably suspected that an adult household member or regular adult guest is prohibited from working with children, or has not been subject to a WWCC within the preceding five years.

The DCP case worker must discuss the concerns with the responsible carer support worker and identify what actions are required to support the carer. The DCP case worker must then contact the approved carer and adult household member/regular adult guest (where relevant) and advise that action will be taken within 24 hours to ensure the safety of the child or young person.

The DCP case worker and DCP supervisor must convene a care team meeting to discuss the child or young person's case plan and take action within 24 hours. The responsible carer support worker must be involved in the care team meeting. The carer, adult household member/regular adult guest, family and other relevant stakeholders must also be involved as appropriate.

Consultation with the DCP PAC is strongly recommended where the child or young person is an Aboriginal or Torres Strait Islander child or young person.

The DCP case worker must record all decisions and actions taken in C3MS.

The only two actions that can be considered are:

Option A - Adult household member removes themselves from the home or regular adult guest is prohibited from visiting home

The decision about whether it is in the best interests of the child or young person to remain in the placement is to include consideration of:

- the impact on the child or young person, for example, is the child or young person willing to remain in the placement?
- any risk posed to the child or young person because of the ongoing relationship between the approved carer and adult household member or regular adult guest
- the carer's ability to protect the child or young person in the placement, and
- the likelihood of any further contact with the adult household member or regular adult guest.

The DCP case worker must prepare a letter to the approved carer confirming the decision for the adult household member to remove themselves from the home or for the regular adult guest to cease visiting the home. (Refer to [Letter – Adult household member - change in status WWCC](#) or [Letter – Regular guest to cease visiting – guest WWCC status change](#)). This letter must be approved and signed by the DCP supervisor. A copy of the letter must be sent to the responsible carer support worker and CARU.

CARU must update the carer approval records in C3MS to reflect the changes in the placement.

The DCP case worker must consider issuing a Contact Determination. For further guidance refer to the [Support the child or young person to develop and maintain family and community connections through contact arrangements](#) in the Manual of Practice.

The DCP case worker and DCP supervisor, in consultation with the responsible carer support worker, must consider if it is in the best interests of the child or young person for the adult household member to return to the home (or regular adult guest resume visits to the home) should a WWCC subsequently be issued or prohibition notice revoked.

Option B - Remove any child or young person from the placement

Option B should be considered when:

- the adult household member is not planning to leave the household immediately, or
- the regular adult guest will not cease visiting the home, or
- it is assessed that it is not in the best interests of the child or young person to remain in the placement.

The DCP case worker must prepare a letter to the carer/s confirming the decision to remove the child or young person from the placement. This letter must be approved and signed by the DCP supervisor and provided to the carer within 24 hours following removal (refer to [Letter – removal of child – adult WWCC status change](#)). A copy of this letter must be sent to the responsible carer support worker and CARU.

For further guidance on removing a child or young person from a placement, refer to '[Remove the child or young person from a placement](#)' in the Supporting children and young people in care chapter of the Manual of Practice.

CARU must update the carer approval records with the condition of no new placement (NNP) in C3MS, and initiate the carer cancellation process, refer to the [Carer approval cancellation](#) section in this procedure.

The DCP case worker must consider issuing a Contact Determination. For further guidance refer to the '[Support the child or young person to develop and maintain family and community connections through contact arrangements](#)' in the Manual of Practice.

Where appropriate, a subsequent care team meeting should be convened by the DCP case worker and DCP supervisor to discuss ongoing support requirements for the child or young person within five days following the removal.

If the adult household member or regular adult guest is subsequently issued with a WWCC or the prohibition notice is revoked, the DCP case worker and supervisor, in consultation with CARU and the responsible carer support worker, must consider whether:

- a determination should be made to re-approve the carer, (if the carer's approval had been cancelled), and
- it is in the best interests of the child or young person to be returned to the placement.

4.8 Carer approval cancellation

If an approved carer is a prohibited person, CARU must cancel the carer's approval immediately. Under section 74(2) of the CYPs Act, notice does not need to be given of the intention to cancel a carer's approval when cancellation arises out of the fact that the carer is a prohibited person.

If an approved carer does not have a WWCC, CARU must issue a notice in writing of the Chief Executive's (or their delegate's) intention to cancel their carer approval. Under section 74(2) of the CYPs Act, the approved carer must be given at least 28 days' notice in writing.

If the carer is subsequently issued with a WWCC or the prohibition notice is revoked, CARU may consider making a determination to re-approve the carer. CARU must receive evidence demonstrating that the reasons for cancellation have been addressed and the person qualifies for approval under the CYPs Act.

Refer to the [Carer Approval Procedures – Family-Based Care](#) and [Guardianship Family Day Care Procedure](#) for further information on carer approval cancellations.

4.9 Record all decisions

All decisions must be accurately recorded, including:

- the date the decision was made
- the legislative provision the decision was made under
- information considered in making the decision
- reasons for the decision, and
- how the decision was communicated to the carer, child or young person and adult household members.

Decisions should only be made by a person with authority to make the decision (such as a delegate of the Chief Executive). The [Guide to authorisations and delegation of powers and functions](#) document should be referred to for further direction.

4.10 Monitor the review of a decision under the CSPP Act

An approved carer or adult household member or regular adult guest can make an application to CAU for an internal review of a decision of CAU to issue or revoke a prohibition notice.

The CSPP Act also allows an application to be made to the South Australian Civil and Administrative Tribunal (SACAT) to review a decision of CAU to issue or revoke a prohibition notice.

When the review relates to the approved carer's WWCC, the child or young person cannot remain in the care of the approved carer for the duration of a review by either CAU or SACAT. If the carer is subsequently issued with a WWCC at the end of the review period, the DCP case worker and DCP supervisor, in consultation with CARU and the responsible carer support worker must consider whether it is in the best interests of the child or young person who has been removed from the placement, to be returned. In instances where the carer's approval has been cancelled, a determination should be made to reapprove the carer - refer to the [Carer approval cancellation](#) section in this procedure.

When the review relates to an adult household member's WWCC and the adult household member has not left the household, the child or young person cannot remain in the care of the approved carer for the duration of a review to SACAT. If the adult household member is subsequently issued with a WWCC at the end of the review period, the DCP case worker and supervisor, in consultation with CARU and the responsible carer support worker, must consider whether it is in the best interests of any of the children who have been removed from the placement, to be returned.

4.11 Monitor the review of a decision under the CYPs Act

Any person who is aggrieved by a decision made by the Chief Executive (or delegate) under Chapter 7 (other than Part 4) of the CYPs Act may seek a review of the decision under section 157 of the CYPs Act. These decisions could include:

- the cancellation of the carer approval under section 74 of the CYPs Act, or
- the removal of a child from their care under section 84 of the CYPs Act.

Applications for review must be made within 30 days after the day on which notice of the decision was given to the applicant and in a manner and form determined by the Chief Executive.

Any person who remains aggrieved with the outcome of an internal review, may seek further review of the decision by SACAT, in accordance with section 158 of the CYPs Act. Applications to SACAT can only be made

following internal review and must be made within 28 days of the applicant receiving notice of the internal review decision under section 157 of the CYPS Act (although SACAT may allow a longer period).

For further information contact DCP Complaints and Feedback Management Unit on 1800 003 305.

5. Compliance, monitoring and evaluation

This document will be reviewed every three years or more frequently if required.

6. Related documents

Related documents, forms and templates
Carer Approval Procedures – Family-Based Care
Guardianship Family Day Care Procedure
Guide to authorisations and delegation of powers and functions.
Internal Review Procedure
Letter – Adult household member - change in status WWCC
Letter – carer to leave household – change in status WWCC
Letter – Regular guest to cease visiting – guest WWCC status change
Letter – removal of child – adult WWCC status change
Letter – removal of child – carer change in status WWCC
Working with Aboriginal and Torres Strait Islander Families Practice Guide

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