

Care concerns: Undertake care concern background checks Procedure

1. Purpose

This procedure has been developed to support the aims and objectives of the Department for Child Protection (DCP) [Manual of Practice – Raising and responding to care concerns chapter](#). It is intended to be read in conjunction with other established procedures relating to the management of care concerns.

The procedure provides clarity for the Care Concern Management Unit (CCMU) staff on the sharing of care concern information with other areas of DCP and external agencies and the timeframes for the sharing of this information.

2. Scope

This procedure applies to staff within the DCP CCMU. Those with specific roles and responsibilities related to this procedure include the Principal Care Concern Officer (PCCO), Senior Care Concern Officer (SCCO) and the Program Support Officer (PSO).

3. Authority

3.1 Legislative context

Children and Young People (Safety) Act 2017
Children and Young People (Safety) Regulations 2017

Section 152 of the *Children and Young People (Safety) Act 2017* establishes the mechanism by which information relating to the health, safety, welfare or wellbeing of a particular child or class of children or young people can be shared, with or without consent, between service providers and DCP as well as other government departments.

Section 164 of the *Children and Young People (Safety) Act 2017* provides for the disclosure of information to the Commonwealth or another State or Territory for the agencies exercising their official duties under an Act relating to the care or protection of children and young people.

Child Safety (Prohibited Person) Act 2016

Section 19 of the *Child Safety (Prohibited Persons) Act 2016* details the requirement for employers to advise the central assessment unit of certain information.

Section 36 of the *Child Safety (Prohibited Persons) Act 2016* requires DCP to provide information to the central assessment unit, upon written notice. DCP is required to provide the information within the period specified by the Registrar.

Criminal Law Consolidation Act 1935

Section 64A and 65 of the *Criminal Law Consolidation Act 1935* outlines additional responsibilities for DCP employees (including students, volunteers and agency carers) in responding to allegations of sexual harm perpetrated by another DCP employee.

3.2 Whole of Government requirements

- [Information Sharing Guidelines](#)

3.3 DCP requirements

Not applicable.

4. Procedure requirements

Requests for background checks are received by the CCMU from a variety of sources, including internal and external stakeholders. These are received through the DCPCareConcernManagementUnit@sa.gov.au inbox.

The PSO will undertake searches on C3MS and Sharepoint for any care concerns related to the name received by the stakeholder. Where a care concern is identified, the PSO will provide information regarding the care concern history to the extent required by the stakeholder. Information regarding the level of detail is documented within the specific section of this procedure.

The PSO will undertake searches to check for possible alternative spellings or care concerns without dates of birth. Where a care concern is identified that does not completely match the name and date of birth provided by the stakeholder this will be noted by the PSO (for example – care concern located for possible match “Jane Doe” with the same date of birth, however this advice will include no additional information until an identity match can be confirmed).

If in the course of conducting the background checks, CCMU staff have a suspicion involving an allegation of sexual abuse perpetrated by another current or former DCP employee (including students, volunteers and agency carers) toward a child or young person (even if they are now an adult), CCMU staff must refer to the [Reporting a suspicion a child or young person is at risk procedure](#). In accordance with section 64A of the *Criminal Law Consolidation Act 1935*, it is an offence for a DCP employee not to report to SAPOL if they know or suspect sexual harm of a child perpetrated by another DCP employee. Failure to report to SAPOL suspected child sexual abuse in accordance with section 64A has a maximum penalty of imprisonment for three years. In accordance with section 65 of the *Criminal Law Consolidation Act 1935*, it is also an offence for a DCP employee to negligently fail to reduce or remove a substantial risk of sexual harm of the child or young person allegedly perpetrated by a current DCP employee and has a maximum penalty of imprisonment for 15 years. Consideration should also be given to whether the situation needs to be managed in accordance with the [Significant Incident Reporting Procedure](#).

4.1 DCP prospective employee checks

The DCP Human Resources directorate will forward requests for care concern checks on prospective employees.

The PSO will provide the following information where a care concern is identified:

- date of the care concern referral
- the C3MS ID of the children/young people involved
- the determination
- the abuse type/s
- whether the care concern is open or closed
- whether the care concern is substantiated, unsubstantiated or undetermined (where relevant)
- a brief summary of the care concern.

The PSO will then send an email containing the relevant information to the requesting officer within one business day.

4.2 DHS Requests for Information

The Department for Human Services (DHS) will send requests pursuant to Section 36 of the *Child Safety (Prohibited Persons) Act 2016*. DHS will detail the nature of the information they require within the request and will provide a timeframe for the completion of the information request.

The PSO will undertake searches to provide the requested information and will draft the response to DHS. The draft response will be then forwarded to the PCCO at least two business days prior to the timeframe for completion.

The PCCO will then undertake quality assurance (QA) of the information request, checking that the information provided meets the requested information and the accuracy of the information provided. The PCCO may allocate an SCCO for following up with the DCP local office to obtain further information, should this be required.

Following QA, the PCCO will email back the information request to the PSO within one business day. The PSO will then send the information request through to DHS.

4.3 Carer reviews

Care concern history checks may be requested from the Carer Assessment and Review Unit and Kinship Care, as part of their requirements to undertake carer reviews. The PSO will undertake searches and provide a draft response including attached copied of the Care Concern Referrals (CCRs) and all information as outlined in section 4.1 to the PCCO for review. Once the PCCO has undertaken quality assurance and returned this draft correspondence to the PSO, the PSO will then send this information to the requesting DCP worker within two business days of the request.

4.4 Interstate Liaison Officer

The DCP interstate liaison officer (ILO) may request a care concern history for carers residing interstate who have previously resided in South Australia. The PSO will source all relevant information as outlined within section 4.1. The PSO will send a draft copy of the information to the PCCO within one business day of the request. The PCCO will undertake quality assurance of the information and return the email to the PSO for finalisation of the request. This is to be actioned within one business day by the PSO to the requesting officer.

4.5 Service providers

Service providers that provide services to children and young people in out of home care may request information regarding prospective carers, or carers they are currently supporting. The department is able to share relevant information in relation to care concerns under section 152 of the *Children and Young People (Safety) Act 2017*.

4.5.1 With consent

Where a consent to share information form has been attached to the request by the service provider, the PSO will provide information consistent with that outlined in section 4.1. The PSO will send a draft copy of the information to the PCCO within one business day of the request. The PCCO will undertake quality assurance of the information and return the email to the PSO for finalisation of the request. This is to be actioned within one business day by the PSO to the requesting officer.

4.5.2 Without consent

Where a consent to share information form has not been attached by the service provider, this will be requested by the PSO. In circumstances where the service provider reports that they require the information urgently and do not have consent, or seeking consent may pose a risk, the information request will be forwarded by the PSO to the Manager CCMU or PCCO.

The Manager or PCCO will review the information request to confirm that the information can be provided under section 152 of the *Children and Young People (Safety) Act 2017*. If it is determined that the information cannot be shared, the PCCO will inform the service provider.

Where the information is determined as able to be shared, the PCCO will allocate the matter back to the PSO and the PSO will undertake the searches and provide information as per section 4.5.1.

4.6 DCP Legal Services

Where a request from DCP Legal Services is received this will be forwarded by the PSO to the Manager CCMU or PCCO for review and consideration of the information being requested. The Manager CCMU or PCCO will then allocate the information request to either an SCCO/CCP or PSO.

Where a timeframe for the information is not provided, the CCMU will provide the information requested within three business days of the request. The PSO or SCCO will undertake searches and tasks as specific within section 4.1, ensuring quality assurance by the Manager CCMU/PCCO is undertaken. The information will then be forwarded by the PSO to the DCP Legal Services requesting officer.

4.7 Record keeping

Following the information request being sent to the relevant stakeholder, the PCO or SCCO responsible for the information request will upload a copy of the email sent to the stakeholder onto the Digital Workspace.

Decisions to share (or not to share) information under section 152 of the *Children and Young People (Safety) Act 2017* must be appropriately recorded, including the approvals obtained and any follow up actions.

5. Compliance, monitoring and evaluation

The Manager CCMU and/or PCCO is responsible for ensuring that information requests are appropriately assessed and quality assurance is undertaken within the established timeframes.

6. Related documents

Related documents, forms and templates
Manual of Practice – Raising and Responding to Care Concerns
Information Sharing Practice Guide
Significant Incident Reporting Procedure
Reporting a suspicion a child or young person is at risk procedure

7. Glossary

Term	Meaning
C3MS	Connected Client and Case Management System
CCMU	Care Concern Management Unit
DCP	Department for Child Protection
PCCO	Principal Care Concern Officer
SCCO	Senior Care Concern Officer

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