

# Working with Children Checks Procedure

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## 1. Purpose

The Department for Child Protection (DCP) is committed to minimising risks to children and young people by ensuring that effective screening is undertaken with respect to prospective and current employees, volunteers and other persons engaged by DCP consistent with legislative requirements.

In accordance with the *Child Safety (Prohibited Persons) Act 2016* ('the Act'), DCP is responsible for ensuring that all employees, volunteers, and other persons employed or otherwise engaged by DCP to work in a *prescribed position* as defined within the Act hold a current Working with Children Check (WWCC) issued by the Department for Human Services (DHS) Screening Unit.

This procedure aims to ensure compliance with the requirements of the Act, and outlines procedures to assist DCP meet its obligations under the Act.

## 2. Scope

This procedure applies to all DCP employees, prospective employees, volunteers and students.

For information regarding WWCCs for family-based carers, including management of user access, refer to [Working with Children Checks for family-based carers Procedure](#).

## 3. Authority

### 3.1 Legislative context

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

### 3.2 Whole of Government requirements

- [Code of Ethics for the South Australian Public Sector](#)

### 3.3 DCP requirements

- [Human Resources Policy](#)

### 3.4 Principles

- The safety of children and young people is the paramount consideration.

## 4. Procedure requirements

The Act requires that an employer must not employ, or continue to employ, a person (other than an *excluded person* as defined in section 9 of the Act) in a *prescribed position* unless that person holds a current WWCC undertaken by the DHS Screening Unit within the preceding five years.

Section 7 of the Act defines the term 'employment' to include a person who is self-employed; carries out work under a contract for services; carries out work as a minister of religion or as part of the duties of a religious or spiritual vocation; undertakes practical training as part of an educational or vocational course; carries out work as a volunteer; or performs unpaid community work in accordance with an order of a court. A reference to an employer or employee is to be construed accordingly.

The Child Safety (Prohibited Persons) Regulations 2019 ('the Regulations') provide that a *prescribed position* includes 'every position in the administrative unit of the Public Service assisting a Minister with the administration of the Children and Young People (Safety) Act 2017' (refer regulation 6(b)) and any position in which a person works, or is likely to work, with children (section 5(1)).

Accordingly, **every position/role within the Department for Child Protection is a prescribed position** for the purposes of the Act.

Where a person believes that they are an *excluded person* as defined in section 9 of the Act, the person may make a written submission to the Chief Executive outlining the basis of this belief. Such person may not commence work until the Chief Executive has considered the submission and determined that the person is an *excluded person*.

In accordance therefore with the Act:

- A person within the scope of this procedure must not be permitted to commence or continue to work without a current WWCC, issued by the DHS Screening Unit.
- WWCCs will be recorded, monitored, and maintained, consistent with the procedures detailed hereunder.
- Applications for renewal of an existing WWCC must be completed and submitted to the DHS Screening Unit as early as possible up to six months (and no less than four months) prior to expiry of the current check. Where an application for renewal is initiated by the employer, the employee must complete the application and submit to the DHS Screening Unit within 14 days of receipt of email notification that the application has been initiated for the employees' completion.

**It is an offence under the Act for a person to work in a prescribed position without a current WWCC (maximum penalty for a first or second offence - \$20,000 or for a third or subsequent offence - \$50,000 or imprisonment for one year), or for an employer to employ a person in a prescribed position without a current WWCC (maximum penalty - \$50,000).**

#### 4.1 Recording, monitoring, and maintaining WWCCs

Details of WWCCs, including review dates for all DCP employees who have an employee record established in CHRIS21, will be recorded in CHRIS21 via the ZPO screen.

Managers and employees may view details of WWCCs and expiry dates recorded in CHRIS21 via the HR21 self-service system.

Notwithstanding the recording of such details in CHRIS21, the record in the DHS Screening Unit database is the official record and will prevail to the extent of any variation of the records.

The Workforce Strategy & Organisational Development team will provide regular reports to support the monitoring and review of WWCCs for existing employees. The DHS Screening Unit may also issue notices and reminders regarding pending expiry of checks to the employee and/or the employer representative.

For volunteers, details of WWCCs and review dates is displayed in C3MS on the 'Screening Assessment Summary' page where the data is sourced directly from the DHS Screening Unit each business day. The list can be filtered by office or downloaded into a spreadsheet that is maintained by the relevant volunteer manager.

For other non-employees including students, agency staff and other contractors, directorates and regions are responsible for monitoring and ensuring compliance.

The DHS Screening Unit will continuously monitor new information that may change the clearance status of individuals. If the DHS Screening Unit determines to revoke or otherwise vary the WWCC of an individual, the DHS Screening Unit will notify the individual and the employer (where identified). The individual will also be required to notify any organisations in which they are engaged in child-related work.

An existing employee whose WWCC is revoked by the DHS Screening Unit, or otherwise expires before a new WWCC is granted, will not be able to continue to work in DCP and is not entitled to be remunerated whilst unable to work, except where approval is granted for the employee to access any accrued paid leave entitlements (subject to availability of leave). The matter may be further referred to the Chief Executive (or delegate) for consideration of potential breaches of the employment contract, and determination of any appropriate action(s).

Where an employee considers that extenuating circumstances warrant the payment of normal salary during the period that the employee is unable to work, a submission may be made to the Director, People and Culture for consideration. Submissions must demonstrate that the application was made consistent with the timeframes outlined above, in addition to outlining the extenuating circumstances for consideration. Where such applications are approved by the Chief Executive (or delegate), payment of base salary only will apply (excluding any shift penalties and allowances) during the period of such approval, and the employee must remain contactable during ordinary working hours and must be available to return to duty at the direction of the employer upon notification of the issuing of a renewed WWCC.

## 4.2 Costs associated with WWCCs

### Employees:

DCP will meet all costs of WWCC applications for current employees. A manager may determine to meet the cost of a WWCC in respect to any prospective employee.

### Volunteers:

The DHS Screening Unit do not charge for WWCC applications for current and prospective volunteers.

### Others:

Non-employees and/or their employing agency, contractors/sub-contractors, students, and organisations sponsoring, or applying for the provision of services within DCP are responsible for the cost of the necessary WWCC and other employment screening requirements prior to, and throughout, their engagement with DCP unless otherwise expressly agreed.

## 4.3 Supplementary procedures for applying for a WWCC:

Further information regarding the procedures outlined below for both organisations and applicants, including fact sheets and instructions on all aspects of the application process, payments, verification of identity etc, can be found via the [DHS Screening Unit website](#).

Notwithstanding the procedures below, responsibility for obtaining and maintaining a valid WWCC lies with the person to whom the check relates.

### 4.3.1 Verifying or applying for WWCC for prospective employees and volunteers (prior to an offer of employment/engagement at DCP)

DCP business units will nominate 'Requesting Officers' and 'Verifying Officers' who will be provided access by the HR Admin team to the DHS Screening Employee portal to support administration of screening requirements.

DCP business units are required to notify HR Admin team when a Requesting Officer or Verifying Officer resigns from their employment, so that access can be updated in the DCP employee portal. The HR Admin team will undertake quarterly audit of all users of the DCP employee portal.

In the first instance, the Requesting Officer will undertake a person search within the DHS Screening portal to establish or confirm whether the person has a current WWCC. If a record is found, the Requesting Officer will 'register an interest' for this person and print the relevant certificate to confirm the search, ensure the certificate is retained in the applicable recruitment file (or uploaded to Pledge). HR Admin will also undertake a search of the DHS Screening portals for all new employees to ensure that DCP has registered an interest.

*Note that if the current WWCC relates to volunteer work and the check is required in relation to prospective paid employment, a new application must be submitted within 28 days of starting paid employment, in accordance with the procedures below. A WWCC issued for volunteer work will remain valid while the new application in relation to paid employment is being processed.*

*If the current WWCC has an expiry date of between four-six months, a new application is also to be submitted at this point to minimise the risk of its expiry. If the current WWCC has an expiry date of less than three months, it is recommended that a new application is submitted and that any offer of employment is deferred pending confirmation of the outcome of the application.*

If no record of a current WWCC is found, or a new application is required in the circumstances outlined above, the Requesting Officer will initiate a new application by entering the applicant's full name, date of birth and email address, as well as selecting the type/s of check required, and entering brief information about the role for which the applicant is being considered.

Once completed, the applicant will receive an email from the DHS Screening Unit advising that an application has been submitted on their behalf. The applicant must follow the instructions provided in this email as soon as practicable after receipt of the email for their application to proceed.

The applicant will receive a second email (providing the applicant has followed the instructions as provided in the first email) from the DHS Screening portal providing them with a secure login, username and password for their new account. The applicant can then proceed to complete their application online.

The applicant is required to complete their application, including requirements for verification of identification. If the applicant holds eligible forms of identification (for example, current Driver's Licence plus a valid Passport) the applicant can complete the verification requirements online. If the applicant does not hold sufficient eligible forms of identification, they will need to present suitable identification to a designated DCP Verifying Officer for completion of this part of the application (in some cases, the Requesting Officer may also be a designated Verifying Officer and therefore able to undertake the verification of identification).

Once the applicant has completed all elements of their application, including details for verification of identity, the application is progressed to the DHS Screening Unit via the DHS Screening portal, for assessment.

Once an assessment has been completed, DHS Screening Unit will notify the applicant and the Requesting Officer via email.

The Requesting Officer is required to advise the relevant hiring manager, and the relevant appointment processes can proceed.

For employees, the relevant evidence of the WWCC is to be submitted with the relevant new employee paperwork to People and Culture, and once the employment record is established in CHRIS21, the date of the check, expiry date, Screening Reference Number (SRN) and reference number is to be recorded in CHRIS21 (ZPO).

For volunteers, the WWCC, and the expiry date for review is maintained in C3MS.

### 4.3.2 Monitoring and renewal of WWCCs

#### DCP employees recorded in CHRIS21:

The HR Admin team will be provided with monthly reports that identify employees due for renewal five to six months prior to the expiry of their current WWCC. The relevant Requesting Officer from the HR Admin team is required to initiate a new application by entering the employee's full name, date of birth and email address, the type of check required, and entering information about the role.

Once completed, the employee will receive an email from the DHS Screening Unit advising that an application has been submitted on their behalf. The employee must follow the instructions provided in this email as soon as practicable after receipt of the email for their application to proceed.

The employee will receive a second email (providing they have followed the instructions as provided in the first email) from the DHS Screening portal providing them with a secure login, username and password for their account, and can then proceed to complete their application form online.

The employee is required to complete their application within 14 days, including requirements for verification of identification. If the employee holds eligible forms of identification (for example, current Driver's Licence plus a valid Passport) they can complete the verification requirements online. If the employee does not hold sufficient eligible forms of identification, they will need to present suitable identification to a designated Verifying Officer for completion of this part of the application. If the employee has indicated any other names, or aliases, as part of any previous application, it is important that the employee again include these details when submitting an application for re-screening. Failure to do so may result in DHS Screening Unit rejecting the application, requiring that a new application be submitted.

Once the employee has completed all elements of their application, including details for verification of identity, the application is progressed to the DHS Screening Unit via the DHS Screening portal, for assessment.

Once an assessment has been completed, DHS Screening Unit will notify the employee and the Requesting Officer via email.

The date of issue of the new WWCC, expiry date, SRN and reference number is to be recorded in CHRIS21 (ZPO) by the Requesting Officer from the HR Admin Team. The data input will then be checked by another employee within HR Admin Team to ensure accuracy of data.

#### Employees of other SA Government agencies working at DCP sites:

The employing SA Government agency is responsible for ensuring that all employees working at DCP sites maintain a current WWCC and must facilitate any application for renewal consistent with the relevant procedures applicable in their agency.

#### Volunteers:

The relevant Volunteer Manager is responsible for ensuring that all volunteers have a current WWCC and must initiate an application for renewal consistent with the relevant procedures outlined above.

### Other non-employees:

The relevant Agency, Non-Government Organisation (NGO), University, employer, etc is responsible for ensuring that all non-employees working at DCP sites maintain a current WWCC and must manage renewal requirements consistent with the relevant procedures applicable in their organisation.

## 5. Compliance, monitoring, and evaluation

- HR Admin will undertake quarterly reviews of the user access list for the DCP employee portal.
- HR Admin will undertake a search on the DHS Screening portals for all new employees and ensure DCP has registered an interest.
- Workforce Strategy & Organisational Development will provide monthly reporting of all current WWCC records held in CHRIS21 for the HR Admin team to monitor and review.
- People and Culture will monitor compliance of records held in CHRIS21, including periodic audits against the DHS Screening Unit database, and will report any non-compliances to the relevant Executive.
- Business managers for the relevant areas will be responsible for updating DCP Security.
- Contracts & Licensing will monitor compliance of all contracted and/or licensed service providers.
- Volunteer managers will monitor compliance of volunteers and user access to the DCP volunteer portal.
- Regions/directorates will be responsible for monitoring compliance for all other persons engaged at DCP.

## 6. Related documents

Related documents, forms and templates
<a href="#">Human Resources Policy</a>
<a href="#">Volunteer Program Procedure</a>
<a href="#">Working with Children Checks for family-based carers Procedure</a>
<a href="#">Child Safety (Prohibited Persons) Act 2016</a>
<a href="#">Child Safety (Prohibited Persons) Regulations 2019</a>
<a href="#">Children and Young People (Safety) Act 2017</a>
<a href="#">Children &amp; Young People (Safety) Regulations 2017</a>

## Document control

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