

Children's Protection (Implementation of Report Recommendations) Amendment Bill 2009

ADDITIONAL INFORMATION FOR VOLUNTEER ORGANISATIONS

This information sheet should be read in conjunction with Fact Sheet 1: "Frequently asked questions", which is available at www.sa.gov.au/mullighaninquiry.

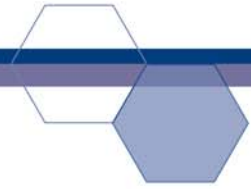
What has changed for volunteer organisations?

Previously, non-government volunteer organisations were required to develop and implement child safe environment policies and procedures for their organisation. As part of these policies and procedures, organisations were required to conduct a screening process for staff and volunteers working with children. Non-government volunteer organisations were not required as a part of that screening process to conduct a criminal history assessment but did have the option to do so.

Under these amendments this will change and volunteer organisations will be required to conduct 'criminal history assessments' in some situations.

When is an organisation required to conduct criminal history assessments on volunteers?

Organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children will need to conduct criminal history assessments on volunteers who are working with children, unless an exemption applies.



Organisations should examine whether the changes apply to any volunteers in their organisation. For example, the changes may apply to:

- People providing services to children with disabilities
- People providing tutoring services to children
- People volunteering in hospital wards where children are usually present
- First aid officers volunteering at events attended by children
- People who act as teachers aids
- Parents volunteering in connection with their children's activities
- People volunteering in child care services
- Respite carers
- People coaching children's sporting or recreational groups

For detailed information about who must undergo an assessment, refer to Fact Sheet 1: "Frequently Asked Questions" (available at www.sa.gov.au/mullighaninquiry.)

Who is exempt?

In some cases, the law will exempt a person from the requirement to undergo a criminal history assessment. Organisations need to make an assessment of whether an exemption applies to any volunteers in their organisation.

However, organisations may still require people to undergo a criminal history assessment as a matter of good organisational practice, even if an assessment is not required by law.

The following organisations, persons and positions are exempt from the requirement to conduct a criminal history assessment:

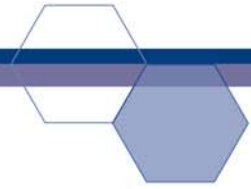
- A person volunteering in an activity in which their child ordinarily participates;

Example 1: Jane coaches her daughter's netball team on a voluntary basis. As a parent volunteering in her own child's activity, Jane is exempt from the requirement to undergo a criminal history assessment, even if her daughter is not present on a particular day due to illness.

- A person who volunteers who is less than 18 years of age;
- A person working or volunteering for a short-term event or activity of less than 10 days duration or for no more than 1 day in any month;

Example 2: Jason volunteers to cook a barbeque at the local scout hall. As this is a once-off activity of less than 10 days duration, Jason is exempt from the requirement to undergo a criminal history assessment.





- A person occupying a position in which all work involving children is undertaken in the physical presence of the child's parents or guardians and in which there is ordinarily no physical contact with the children;
- A person who undertakes, or a position that only involves, work that is primarily provided to adults or the community generally and is not provided to any child on an individual basis;
- An organisation that provides equipment, food or venues for children's parties or events but does not provide any other services;
- A person who has regular contact with a child as part of an employment relationship with that child (such as a person working alongside a child or supervising an employee who is a child);

Example 3: Kara is 17 and volunteers in the office of a community organisation. Kara's supervisor and fellow volunteers are not required to undergo a criminal history assessment in order to work with her, unless they are also otherwise engaged in child-related work.

- A person who is appointed as a police officer or is a registered teacher.

No exemption is available to people who work in positions involving commercial child care; family day care; juvenile justice; child protection; disability services; or residential care and other overnight accommodation (unless the overnight accommodation is provided by a visiting interstate worker who does not ordinarily live or perform work in South Australia).

Example 4: Karen is volunteering for her son's school camp. Karen must undergo a criminal history assessment because the activity involves overnight accommodation.

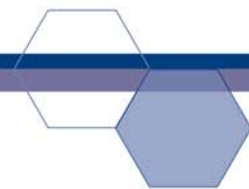
Further information about the proposed exemptions is available in the discussion paper available at www.sa.gov.au/mullighaninquiry.

Why are organisations required to conduct criminal history assessments for volunteers?

Criminal history assessments help organisations to manage the risks involved in engaging people to work with children. They also assist organisations with their responsibility to establish and maintain safe environments for children. The requirement to conduct a criminal history assessment for an individual rests on the type of work performed by the individual in an organisation – not the fact that the person is a volunteer.

The Government acknowledges the invaluable contribution volunteers make to the South Australian community. This requirement will help protect all employees, volunteers and service recipients





within an organisation through ensuring that volunteers are matched to appropriate tasks and positions.

Do organisations need to conduct criminal history assessments for parents who are volunteering in connection with their children's activities?

Organisations are not required to conduct criminal history assessments for volunteer parents where:

- The parent is volunteering for a service in which their child usually participates; and
- The service is not in connection with commercial child care, residential care and other overnight accommodation, family day care, juvenile justice, child protection or disability services.

Example 3: James is the first aid officer for his son's basketball team. As a parent volunteering in his own child's activity, James is exempt from the requirement to undergo a criminal history assessment.

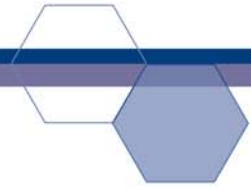
Example 4: Sue often volunteers at her children's child-care centre in her lunch hour. Sue is required to undergo a criminal history assessment, regardless of whether her children are present or participating in the activity.

Is an organisation required to conduct criminal history assessments on child volunteers who work with children?

Organisations are not required to conduct criminal history assessments on volunteers who are less than 18 years of age, unless they are volunteering in connection with commercial child care; family day care; the administration of the juvenile justice system; child protection; disability services; or residential care and other overnight accommodation specifically for children (unless the overnight accommodation is provided by a visiting interstate worker who does not ordinarily live or perform work in South Australia).

Example 5: Peter is 14 years old and a member of his local Youth Advisory Council. As a volunteer under 18 years of age, Peter is exempt from the requirement to undergo a criminal history assessment.

Example 6: John is 17 years old and volunteers on Tuesday afternoons from 3 – 6pm in his local hospital. His role involves working in close proximity to children; however he is not responsible for any services related to their accommodation or care. Therefore, as volunteer under 18 years of age who is not involved in the provision of overnight accommodation, John may be exempt from the requirement to undergo a criminal history assessment.



Is an organisation required to conduct criminal history assessments on volunteers that have access to children’s records but no other contact with children?

Organisations are not required to conduct criminal history assessments on volunteers that have access to general records about children (such as their name, address and date of birth) and have no other contact with children.

Volunteers that have access to “sensitive” records about children must be checked unless an exemption applies. Sensitive records include any records in connection with child protection services, education services, health services, disability services and court orders and proceedings.

Example 7: Andrew volunteers as the financial officer for his daughter’s sporting team. This role involves access to general records about children (such as their names, addresses and phone numbers), but involves no contact with children. Andrew is not required to undergo a criminal history assessment.

How much will this cost?

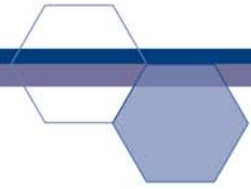
The cost of obtaining a criminal history report (or a “police check”) from South Australia Police varies depending on whether the report is for a paid employee, a concession holder, or a volunteer.

The Government is meeting the cost of obtaining criminal history reports for some volunteers who work with children in volunteer organisations through the Volunteer Organisation Authorisation Number (VOAN) system.

Organisations may also apply to the Department for Families and Communities’ Screening and Licensing Unit for a full criminal history assessment.

This service includes an independent assessment of a person’s suitability to work with children, conducted by trained and experienced staff in strict confidence and in accordance with legislative requirements and standards. Once the assessment is complete, a letter of clearance is provided to the applicant.





The fees and charges for obtaining a report are as follows:

Applicant	SAPOL	DFC
Individual	\$50.00	\$50 (plus GST if applicable)
Concession	\$36.00	N/A
Volunteer	\$32.25	\$33 (plus GST if applicable)
VOAN volunteer	Free	N/A

Information about the fees and charges that apply and the VOAN scheme is available from the South Australia Police website and from the Office for Volunteers:

- http://www.sapolice.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp
- [http://www.ofv.sa.gov.au/pdfs/Fact_sheet_PoliceChecks_FINAL%20\(2\).pdf](http://www.ofv.sa.gov.au/pdfs/Fact_sheet_PoliceChecks_FINAL%20(2).pdf)

Further information about the DFC Screening and Licensing Unit is available at:

- <http://www.dfc.sa.gov.au/pub/tabid/238/itemid/1613/Screening-and-licensing.aspx>.

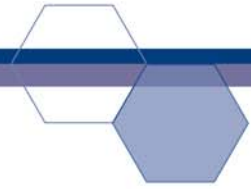
Can an organisation accept a criminal history report from a volunteer who has obtained it for another purpose, such as for paid employment or as a volunteer for another organisation?

The *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children* issued by the Department for Families and Communities establish a maximum validity period for criminal history reports of three years.

It is up to the individual organisation to decide if they will accept a criminal history report that has been obtained during this time period or if they will require a volunteer to obtain a new report prior to commencing work in their organisation.

Example 8: Six months ago, Tom obtained a report on his criminal history from the South Australia Police for employment purposes. He now wants to volunteer for a community organisation that provides services to children. As the report is less than three years old, the organisation accepts this report to assess his suitability to work with children.





How will organisations be supported to comply with these changes?

The Government recognises that organisations will require time and assistance in order to implement these changes. Therefore, implementation of the new obligations relating to criminal history assessments will be delayed for one year. The obligation will then be phased-in over a three year period.

The phasing-in of volunteers will commence during the second year of implementation, in July 2012. A complete phasing-in schedule is available at www.sa.gov.au/mullighaninquiry.

The Department for Families and Communities will review the *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children* to ensure that the standards are a useful and relevant resource for a wide range of non-government organisations.

Information relating to the changes and how organisations may comply will also be available from the Department for Families and Communities.

Where to from here?

The Bill is now available for comment as part of the public consultation process. Further information, including a copy of the Bill, second reading report and summary of key features can be found on the Service SA website at www.sa.gov.au/mullighaninquiry.

