



# Working with Children Checks

Information for Organisations



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# 1 Overview

The [Child Safety \(Prohibited Persons\) Act 2016](#) (**the Act**) commenced on 1 July 2019. The Act introduces the Working with Children Check.

A Working with Children Check consists of the central assessment unit (**the Screening Unit**) assessing 'assessable information' in relation to a person against the risk assessment criteria set out in the [Working with Children Check Guidelines](#) (**the Guidelines**) to determine whether a person poses an unacceptable risk to children.

Assessable information includes criminal history, child protection information and disciplinary and misconduct information.

On completing a Working with Children Check, the Screening Unit will determine whether a person is 'not prohibited' or 'prohibited' from working with children.

The Screening Unit does not decide if a person is suitable for employment or volunteer work. It is up to the organisation to decide if someone is right for a role.

The Screening Unit monitors Working with Children Checks. A person's status may change as the result of new assessable information. The Screening Unit will notify any organisation that is 'linked' to the person of a change in status.

Individuals can apply online for their own Working with Children Check or an Organisation can initiate an application on behalf of their employees.

The Working with Children Check is valid for five years and transferrable between jobs or volunteer positions in South Australia.

Before engaging a new employee to work with children, organisations must verify the person has had a Working with Children Check in the previous five years and is not prohibited from working with children. An organisation's existing employees must be verified every 5 years.

The only way to verify a person has had a Working with Children Check and check their status is online.

## 1.1 Child safe environments

The Working with Children Check does not satisfy an employer's obligation to ensure that their workplace is safe for children. It is one part of a range of strategies to be used by employers and the community to keep children safe.

Child protection legislation in South Australia requires organisations to provide a ‘child safe environment.’

To meet this obligation organisations must have a child safe environments policy in place, meet Working with Children Check obligations and lodge a child safe environments compliance statement.

For more information, visit the [Child Safe Environments](#) webpage.

## 1.2 Reference to employee, employer and volunteer

Throughout this document, any reference to employee means a person required to have a Working with Children Check under the Act. This may be an organisation’s paid employee or a volunteer.

The terms employer and organisation are used interchangeably.

The Act contains further reference to the terms employed, employee and employer. See section 7 of [the Act](#)

# 2 Employer’s role and obligations

The Act places obligations on employers, who must:

- not employ a new person to a ‘prescribed position’ unless they have ‘verified’ that the person has had a Working with Children Check conducted in the preceding 5 years and that they are not prohibited from working with children.

A prescribed position includes a position in which a person works with children or a position in which, during the ordinary course of their duties, it is reasonably foreseeable that a person will work with children. See [Chapter 3 Who needs a Working with Children Check](#).

Verification is the process of ‘confirming’ that a potential new employee or an existing employee has had a check and is not prohibited from working with children. See [Chapter 6 Verifying a Working with Children Check](#).

- not continue to employ a person in a prescribed position unless they have verified at least once in every 5-year period that a Working with Children Check has been conducted in relation to the person within the preceding 5 years and that they are not prohibited from working with children.
- notify the Screening Unit if they become aware of certain information in relation to an employee. See [Chapter 11 Employers to notify the Screening Unit of certain information](#).

Employers who do not comply with these requirements are guilty of an offence.

To meet these obligations you need to register your organisation with the Screening Unit and create an Organisation Portal. You must nominate officers to perform certain functions and receive notifications from the Screening Unit. See [Chapter 5 Registering your organisation with the Screening Unit](#).

- Keep your Organisation Portal officer contact details up to date.
- Verify new and existing employees have had a Working with Children Check. This is done online through your Organisation Portal.
- Register an interest in all employees.
- Keep records of when you verified an employee had a check and when they are due to renew their check. See [Chapter 10 Record Keeping](#).
- Remind employees to renew their Working with Children Check or commence an application on their behalf. Applications for a new check can be commenced up to six months before an employee's current check expires. See [Chapter 7 How to apply for a Working with Children Check](#).

### 3 Who needs a Working with Children Check?

Employees working in a prescribed position need a Working with Children Check. You need to identify the roles within your organisation which are prescribed positions.

A prescribed position includes:

- A position in which a person 'works with children.'
- A position in which, during the ordinary course of their duties, it is reasonably foreseeable that a person will 'work with children.'
- A position identified in regulation 6 of the [Child Safety \(Prohibited Persons\) Regulations 2019](#) (the Regulations).

A person will work with children if they:

- Provide a service or undertake an activity that is 'child-related work' in the course of their employment.
- Carry on a business in the course of which an employee works with children (whether or not the person themselves works with children).

- Provide a service or undertake an activity declared in regulation 7(8) of the Regulations (adult residing in home of approved carer or residential care)

### 3.1 Activities that are child-related work

You will need to consider if the service or activity being provided by the role is child-related work:

- Accommodation and residential services for children, including approved carers and foster care
- Child protection services
- Childcare or child-minding services
- Clubs and associations with significant membership or involvement of children
  - All workers and volunteers need a Working with Children Check regardless of whether they have direct contact with children
- Coaching or tuition services for children
- Commercial services provided to children (e.g. play gyms, bouncy castles, face painting, photography of children)
- Disability services for children
- Education services, including pre-school, primary and secondary teachers, and Department for Education employees
- Emergency and ambulance services
- Health services for children
- Justice and detention services for children
- The provision of traffic control at, or other supervision of, school pedestrian crossings.
- Services or activities provided by religious organisations
- Transport services for children

If the activity or services is child-related work:

- will the person work with children; or
- is it reasonably foreseeable that a person in that position will work with children?

### 3.2 Activities that are not child-related work

A service or activity does not become child-related work just because:

- You employ a child in the course of the service or activity that is not child-related work. For example, the owner of, or a supervisor at, a supermarket that employs or supervises children. Here, the service being provided is not child-related work.
- You undertake the service or activity in the same capacity as a child to whom the service or activity relates. For example, an adult playing in a football team alongside a child does not need a Working with Children Check (however, they do need a Working with Children Check if they are coaching or volunteering in some other capacity for the football club)
- Children are in the vicinity of a service or activity. For example, serving children at a restaurant or children visiting a hotel with their parent does not make the work child-related.

## 4 Who does not need a Working with Children Check?

In certain situations, an employee may work in a prescribed position but not need a Working with Children Check. These people are referred to as 'excluded persons.'

Your employee may work in a prescribed position but be an excluded person (and not need a Working with Children Check) if they:

- Are under 14 years of age.
- Are a member of the South Australia Police or the Australian Federal Police.
- Work with children for 7 days or less in a year. A check is needed if the person works with children for more than 7 days in a year, or the child-related work involves an overnight excursion or activity (e.g. school camp), or close personal contact with children with disability.
- Are a parent or guardian in an activity with their child where the child-related work is voluntary, provided the work does not involve an overnight stay or close personal contact with a child other than their own.
- Are visiting from another State or Territory as part of an organised event which does not exceed ten consecutive days; provided they hold an equivalent check from their home State or Territory.

Organisations do not need to verify an excluded person has had a Working with Children Check.



## 4.1 People who cannot benefit from an 'exclusion'

A person can only be an excluded person if they are not prohibited from working with children and have never been prohibited from working with children.

People providing education or early childhood services or residual early childhood services (see the [Prohibited Persons Act](#)) or providing preschool, primary or secondary education to children (for example a teacher) cannot benefit from an exclusion.

## 4.2 Working with Children Check not required if work not child-related

Your employee will not need a Working with Children Check if they are not engaged in [child-related work](#).

# 5 Registering your organisation with the Screening Unit

To be able to fulfil your legal obligations, you need to register your organisation with the Screening Unit and create your Organisation Portal.

Organisations only need to register once. However, if you are a large organisation you may wish to register different areas of your business separately.

If you are a sole trader or self-employed you can apply for your own Working with Children Check as an individual. However, if you have employees who require a Working with Children Check you will need to register as an organisation.

The [registration process is commenced online](#) and instructions are provided to assist as you move through the registration process.

## 5.1 What you can do through your Organisation Portal

Through your Organisation Portal, you can:

- Verify that a potential new employee has had a Working with Children Check and is not prohibited from working with children.
- Register an Interest in an employee if you are employing them to a prescribed position (if your organisation did not start their application for a Working with Children Check).

- Verify that your existing employees continue to have a valid Working with Children Check.
- Commence an application for a Working with Children Check on behalf of an employee.
- Pay for an application on behalf of an employee.
- Notify the Screening Unit of information.

More information on each of these processes is described below.

## 6 Verifying a Working with Children Check

Verification is the process of ‘confirming’ that a potential new employee or an existing employee has a check and is not prohibited from working with children. It is a legal requirement under the Act.

Once you have verified a check you should generate a ‘Certificate of Interrogation’ as evidence of the verification.

The verification process also requires your organisation to Register and Interest or ‘link’ new employees to your organisation.

### 6.1 When you must verify a Working with Children Check

- You must verify a new employee has had a Working with Children Check before they can commence working in a prescribed position.
- You must verify that current employees, who work in a prescribed position, have a valid Working with Children Check every 5 years.

If a person has multiple jobs where they work with children, each employer must verify the person has had a check and link their organisation to the employee. All linked organisations will receive notifications from the Screening Unit.

For example, if a person is a social worker working with children for their paid employment and volunteer as a junior football coach and with a scout’s group, all three organisations must verify and ‘link’ to the person and all three would receive a notification if the person were prohibited.

## 6.2 How to verify a Working with Children Check

### ***New employees***

If your organisation commenced an application for a Working with Children Check on behalf of a new employee, your organisation will be automatically linked to the employee on finalisation of the check.

If the new employee already has a check (they either obtained it themselves or through another organisation) you can verify the employee has had a Working with Children Check and is not prohibited through your [Organisation Portal](#).

You will need to obtain the person's full name (the name the check was conducted under), date of birth and Screening Reference Number.

Verification is undertaken by clicking on the 'WWCC Registration of Interest' button on your portal's landing page and scrolling down to the heading 'Register your interest – Search.' Complete the details and search the registration database.

The results (shown at the bottom of the screen) will confirm the name, date of birth and Screening Reference Number of the person, the outcome of the check and the valid to date.

Once you have verified that the individual has a Working with Children Check and is not prohibited from working with children, you can generate a 'Certificate of Interrogation' by clicking on the 'Generate Certificate' button and click the 'Register Interest' button to link your organisation to the person.

Verification and linking can happen as part of the same process or separately.

### ***Current employees***

You must verify ongoing employees working in a prescribed position have a valid Working with Children Check every 5 years.

You can verify an employee or multiple employees at the same time by clicking on the 'Search my RoI' from your portal's landing page. This search will allow you to search multiple employees through various criteria such as a date range or status search.

Once you have checked an employee has a valid check you can click on the 'Action' button and select 'Generate Certificate.' This will generate a Certificate of Interrogation, which is a document that is evidence you have verified the person has a check.

## 6.3 'Unlinking' your organisation from a former employee

You must remain 'linked' to all employees working in a prescribed position.

If an employee no longer works for your organisation, you must 'unlink' your organisation from the former employee through your [Organisation Portal](#).

Unlinking can be done in several ways:

- You can use the 'WWCC Registration of Interest' button on the portal landing page and search for the former employee using the 'search' function at the top right of the screen. Once the employee's details appear click on the 'Deregister' button.
- You may also use the 'Search My Rol' button on the portal landing page and searching for the former employee. Once you have submitted the request a report will appear at the bottom of the screen. Highlight the 'Action' button, scroll down and click on the 'Deregister Interest' link.

Once a former employee is no longer linked to your organisation you will no longer receive notifications from the Screening Unit related to this person.

## 7 How to apply for a Working with Children Check

Individuals can apply for their own Working with Children Check or you can initiate a check on behalf of your employee.

### 7.1 Organisations

Before starting an application on an employee's behalf, you will need to know:

- What type of check to apply for (organisations can apply for any of the checks the Screening Unit offers through their Organisation Portal).
- The individual's full name, date of birth and email address.

Applications can be commenced by clicking on the 'New Application' button on your Organisation Portal landing page and completing the application details.

When your organisation has completed the initiating component of the application, the Screening Unit will email login and password details to the person, allowing them to complete and submit the application. The individual can choose whether to progress the application.

### 7.2 Individuals, sole traders and self-employed

If you are a sole trader or self-employed, and you have employees who require a Working with Children Check you will need to register as an organisation.

If you are a sole trader or self-employed and have no employees, you can apply for your own Working with Children Check, as an individual.

Individuals can apply for their own Working with Children Check via [apply for a screening application](#) from the Screening Unit webpage.

### 7.3 When to apply for a Working with Children Check

Individuals must have a finalised Working with Children Check before they start working with children.

An application for a new Working with Children Check can be commenced at any time – you should allow up to 6 weeks for the application to be processed.

Applications to renew a Working with Children Check can be commenced up to 6 months before a current check expires.

### 7.4 Who pays for a Working with Children Check?

It is up to your organisation to determine if you will pay for a Working with Children Check on behalf of your employees.

If you decide to pay for an employee's check, your organisation must commence the application on the person's behalf. If an employee is to pay for their own check, you can still commence an application for a check and require the individual pay for it.

If an individual starts their own application, they will have to pay for their check before they can submit their application.

It is important to note that the Screening Unit does not offer refunds where an individual submits a check and then realises their employer would have paid for the same check.

[Fees](#) for a Working with Children Check are available on the Screening Unit webpage.

### 7.5 Free Working with Children Checks

Volunteers can get a free Working with Children Check.

Foster carers and secondary students undertaking work experience as part of their studies can also get a free check.

Tertiary students may be eligible for a discounted rate, see [fees](#) for information.

A volunteer Working with Children Check can only be used for volunteering.

If your employee works with children as part of their paid employment, a fee must be paid for a Working with Children Check. People who have a paid check, can volunteer with children without having to get a new check.

Volunteers who start a paid position that works with children must apply for a new Working with Children Check within 28 days of commencing paid employment. Their volunteer Working with Children Check will remain valid while their new check is being processed.

## 7.6 Withdrawn applications will be processed

The Act provides the Screening Unit must conduct a Working with Children Check in relation to a person for whom an application has been submitted.

If your organisation commenced an application on behalf of an employee and no longer requires the check (i.e. because the person moved to another position or no longer works for your organisation), you can 'delink' your organisation from the employee.

## 7.7 Application status

The progress of an application can be checked by clicking on the 'Organisation Initiated Application Search' button on the landing page and completing the details. Once an application has been finalised you cannot search on the status of an application through this search.

Please note, individuals can check on the progress of their application via the [Check Application Status](#) link on the Screening Unit webpage.

## 7.8 Communication during the assessment process

If you commenced a person's application the Screening Unit will keep your organisation informed during the assessment process. You will not be provided any confidential information as part of the communication process.

Depending on the nature of assessable information in relation to an applicant, there are up to four assessment stages an application may progress through. You will receive an email notifying you when the application moves to each stage. If it remains in a stage for longer than 28 days, you will be emailed advising that it is continuing to be assessed.

# 8 The outcome of a Working with Children Check

The outcome of a Working with Children Check is that a person is either 'not prohibited' or 'prohibited' from working with children.

## 8.1 Not prohibited

If a person is not prohibited from working with children, they can either commence work with your organisation or continue to work for your organisation.

If your organisation initiated the Working with Children Check application on behalf of the employee, your organisation's requesting officer will be notified of the outcome by email.

## 8.2 Prohibited

If a person is prohibited from working with children, they must not engage in any child-related work. Employers must not employ or continue to employ a prohibited person in a prescribed position. It is an offence to work with children if prohibited or to employ or continue to employ a person who is prohibited from working with children.

Information on how a person is prohibited from working with children and any appeal mechanisms are available in the [Guidelines](#)

For existing employees, the Screening Unit will notify all organisations linked to the person of the prohibition by email. The notification will only advise the person is prohibited from working with children, it will not provide the reason for the prohibition.

If the person is a potential new employee, where your organisation did not commence the employee's application, you will become aware of a prohibition through the verification process.

The Screening Unit will notify the person prohibited from working with children in writing.

## 8.3 Certificates

The Screening Unit does not issue certificates or clearance letters to persons. You must not accept a paper certificate or email confirmation from an individual as proof the person has had a Working with Children Check and is not prohibited from working with children.

Your organisation is legally required to verify that a person has had a Working with Children Check and is not prohibited from working with children. The only way this can occur is online through your Organisation Portal.

# 9 Record Keeping

It is your organisations responsibility to ensure appropriate records are kept.

You should ensure appropriate records are kept regarding:

- Your organisations prescribed positions.
- Employees who require a Working with Children Check.
- When you verified an employee has a Working with Children Check and is not prohibited from working with children by:
  - generating and saving the Certificate of Interrogation, or

- receiving and saving a screening check outcome email from the Screening Unit
- When the check is due to be renewed (ensure you have procedures in place to remind employees to get a new check or that you initiate a new one on their behalf).
- When the renewed check was verified and evidence of the verification.

The Screening Unit will notify organisations linked to a person of a change in a check status.

## 10 Employers to notify the Screening Unit of certain information

The Act requires your organisation to notify the Screening Unit if you become aware of certain information in relation to an employee. It is a legal requirement under the Act. It is known as a Section 19 report.

You must tell the Screening Unit if you become aware an employee:

- Is prohibited from working with children in another State or Territory.
- Is, or becomes, a registrable offender under the *Child Sex Offenders Registration Act 2006*.
- Makes a disclosure to the employer under section 66 of the *Child Sex Offenders Registration Act 2006*.

You must also notify the Screening Unit if you become aware of any assessable information in relation to the person. This includes any findings of guilt or charges being laid of a criminal offence, child protection information, disciplinary action information or findings of misconduct.

### 10.1 How to notify the Screening Unit

You must notify the Screening Unit through your [Organisation Portal](#).

You can notify the Screening Unit in several ways:

- You can use the 'WWCC Registration of Interest' button on the portal landing page and search for the former employee using the 'Search' function at the top right of the screen. Once the employee's details appear click on the 'Section 19' button.
- You can make a notification by using the 'Search My RoI' button on the portal landing page and searching for the employee. Once you have submitted the request



a report will appear at the bottom of the screen. Highlight the 'Action' button, scroll down and click on the 'Lodge a Section 19' notice link.

Your organisation must do this as soon as is reasonably practicable after you become aware of the relevant information.

Once the Screening Unit receives a notification, the Screening Unit will review the information and determine whether to undertake an additional Working with Children Check based on the information.

## 11 Monitoring

Working with Children Checks are monitored.

A person who is not prohibited from working with children is subject to ongoing monitoring of assessable information.

In addition to Section 19 reports, the Screening Unit receives a range of assessable information from agencies including South Australia Police and the Department for Child Protection that may affect a person's Working with Children Check status. This information includes new information on criminal charges and court outcomes or a child protection investigation outcome.

New assessable information may result in the Screening Unit conducting an additional Working with Children Check in relation to a person.

Where the outcome of the additional Working with Children Check is that the person is prohibited from working with children, the Screening Unit will notify the person and any organisation linked to that person.