

New working with children checks



South Australia has introduced stronger, transparent and more effective screening laws for people working or volunteering with children.

The new laws mean that, from 1 July 2019, everyone working or volunteering with children must have a valid clearance, such as a new working with children check (WWCC).

Why has the law changed?

The WWCC is being introduced to help keep children safe in our communities. The change is part of the Government of South Australia's response to recommendations in the *Royal Commission into Institutional Responses to Child Sexual Abuse* and the *South Australian Child Protection Systems Royal Commission* (also known as the Nyland Report).

Who needs a WWCC?

People need a WWCC if they are in a 'prescribed position'. This means people who:

- are in paid or volunteering roles where it is reasonably foreseeable that they will work with children
- run or manage a business where the employees or volunteers work with children
- are employed to provide preschool, primary or secondary education to a child.

Who does not need a WWCC?

A person does not need a WWCC if they:

- work for SA Police or the Australian Federal Police
- employ or supervise children in a workplace, unless the work is child-related (e.g. managing a fast food restaurant that employs people under 18)

- work in the same capacity as a child (e.g. working at a checkout in a supermarket that also hires people under 18 in the same type of role)
- don't reasonably believe they will work with children for more than seven days (consecutive or not) in a calendar year*
- are a parent or guardian volunteering with their own child (e.g. at school) and do not have close personal contact with other children, or participate in an organised overnight event (e.g. a school camp)
- live interstate, have a current child-related check from their home state, and are working at an organised event in South Australia lasting no more than 10 consecutive days.
- are under the age of 14.

*The seven day exclusion does not apply if the person is involved with an overnight activity (e.g. school camp), or has close contact with children with disability.

Do people who already have a check need a new one?

Under the new law, people who have a current, valid DHS/DCSI child-related employment screening can keep using it until it expires. Then they will need to get a WWCC. They can apply for a WWCC up to six months before their child-related employment screening expires.

People who have a National Police Certificate assessed by their organisation and use it to work or volunteer with children have until 1 July 2020 to get a WWCC.

People with current professional registrations, e.g. teachers, health practitioners and passenger transport service workers, must get a WWCC before they renew their professional registration.

Emergency Services workers who work with children have until 1 July 2022 to get a WWCC.



What if someone who works or volunteers with children doesn't have a check?

Some work-types that didn't require checks to work with children under the old laws may now have to have a working with children check.

If someone who works or volunteers with children **does not have a current check**, their options are:

- have their organisation apply for a DHS child-related employment screening before 1 July 2019
- wait until 1 July 2019 to apply for a WWCC themselves.

From 1 July 2019 people can't work or volunteer with children unless they have a valid check. It is an offence to:

- work or volunteer in a child-related role without a working with children check
- work or volunteer in a child-related role if a person is 'prohibited from working with children'
- employ a person or volunteer for a child-related role who doesn't have a valid working with children check, or is prohibited from working with children.

Offences carry fines of up to \$120,000 and/or prison sentences.

How does someone get a WWCC?

From 1 July 2019, people can apply online for a WWCC at screening.sa.gov.au

How long does it take to get a WWCC?

Currently, most screening applications are finalised within three weeks. It can take longer if there is a lot of background information to assess or the information is complex.

In the lead-up to 1 July 2019 and once the new law starts, the DHS Screening Unit is expecting an increased number of applications. Don't leave applications until the last minute – allow a minimum of six weeks for processing.

How long is a WWCC valid?

A WWCC is valid for five years (up from three).

What if someone gets a WWCC and then commits an offence?

The DHS Screening Unit continuously monitors information that may affect a person's WWCC status. The system helps reduce the risk of harm to children and vulnerable people.

The DHS Screening Unit receives information from a range of databases, which is automatically searched for any new information relevant to a person's WWCC status.

If the new information means a person poses a risk to children, their status will change to **prohibited from working or volunteering with children**.

The DHS Screening Unit will advise the person and organisation(s) that has verified the person works or volunteers with them, in writing.

What does a WWCC cost?

The Government of South Australia determines the cost of government services, including screening, each financial year. As the new WWCC starts on 1 July 2019, its fee for 2019/20 hasn't yet been determined. However, as a guide, it will follow the same fee structure as the current DHS child-related employment screening, which is \$107.80 for 2018/19.

If a WWCC is only for volunteer work, it will continue to be free, just like other types of screening checks for volunteers.

All current screening fees are published on the DHS Screening Unit website, screening.sa.gov.au

For more information

The DHS Screening Unit website (screening.sa.gov.au) includes information about:

- who needs a WWCC
- how to apply for a WWCC
- the WWCC screening process
- information assessed as part of WWCC
- checking progress of an application
- legislation and policies.

Contact the DHS Screening Unit

 Business hours are Monday to Friday, 9am to 5pm.

 1300 321 592

 WWCC enquiries:
wwcc@screening.sa.gov.au

 General enquiries:
DHSscreeningunit@sa.gov.au

   /HumanServicesSA