

Conducting criminal history assessments

Additional information for the sport and recreational sector

This information sheet should be read in conjunction with Information Sheet 4: “Frequently asked questions”, which is available at www.families.sa.gov.au/childsafes.

What has changed for recreation and sport organisations?

Previously, non-government organisations providing sport and recreation services wholly or partly for children were required to develop and implement a child safe strategy for their organisation. As part of their strategy, organisations were required to conduct a screening process for staff and volunteers working with children. Non-government sport and recreation 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 recent amendments to the *Children’s Protection Act 1993* this will change and sport and recreation organisations will be required to conduct ‘criminal history assessments’ on staff and volunteers in some situations.

When is a sporting or recreational organisation required to conduct criminal history assessments on employees, contractors and volunteers?

Organisations that provide sport and recreation services wholly or partly for children will need to conduct criminal history assessments for employees, volunteers and contractors who are working with children, unless an exemption applies.

Sport and recreational organisations should examine whether the changes apply to any staff or volunteers in their organisation. For example, the changes may apply to:

- paid employees coaching children’s sporting or recreational groups
- support staff of children’s sporting or recreational groups (e.g. managers, supervisors and first aid staff)
- some people officiating for junior activities or events on a regular basis

- people providing billeted accommodation for children.

For detailed information about who must undergo an assessment, refer to Information Sheet 4: “Frequently Asked Questions” (available at www.families.sa.gov.au/childsafes.)

When will this requirement commence?

The requirement to conduct criminal history assessments will be phased in over three years, commencing on 1 January 2011. This incremental approach will provide sufficient time for organisations to become familiar with their new obligations.

The phasing-in of sport and recreational clubs and associations will commence during the second year of implementation, on 1 January 2012. A complete phasing-in schedule is available at www.families.sa.gov.au/childsafes.

Who is exempt?

In some cases, the law will exempt a person from the requirement to undergo a criminal history assessment. Organisations will need to examine the exemptions to see if any exemptions apply to people working or volunteering 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 for a service or activity in which their child ordinarily participates;
- 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;
- 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 is provided to the public 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 for children;
- A person who has regular contact with a child as part of an employment relationship with the child (for example, a person working alongside a child or supervising an employee who is a child);
- A person who is appointed as a police officer or is a registered teacher. (Police officers and teachers are already subject to

comprehensive criminal history assessments as a prerequisite for employment).

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 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).

For further information about the exemptions, see Information Sheet 4 (available at www.families.sa.gov.au/childsafes).

Do spectators at children's sporting events need to undergo a criminal history assessment?

No. Criminal history assessments help organisations to make decisions about who is suitable to work with children. Spectators at sporting events (such as family and friends) are not considered to be working with children and are not required to undergo an assessment.

Example 1: Paul plays for a junior soccer team and his aunt and uncle often watch his matches on the weekend. His aunt and uncle are not required to undergo criminal history assessments.

Do people who provide assistance or support to a sporting team under another person's direct

supervision need to undergo an assessment?

No. An organisation is not required to conduct a criminal history assessment of a person who is directly supervised at all times by another person who has undergone a criminal history assessment or who is legally exempt from that requirement.

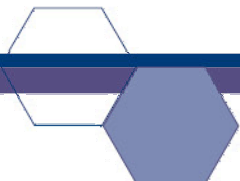
Example 2: Paul's aunt volunteers to provide refreshments for Paul's soccer team during half-time and often acts as scorer for the team. As these activities are under the direct supervision of the coach (who has undergone a criminal history assessment), Paul's aunt is not required to undergo a criminal history assessment.

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: Jennifer coaches her son's cricket team. As a parent volunteering in her own child's activity, Jennifer is



exempt from the requirement to undergo a criminal history assessment, even if her son is not present on a particular day due to illness or some other reason.

Example 4: Tom is volunteering for a camp organised by his daughter's Girl Guides group. Tom must undergo a criminal history assessment because the activity involves overnight accommodation.

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

Organisations are not required to conduct criminal history assessments for employees or 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.

Employees or 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 5: 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 access to "sensitive" records or contact with children. Andrew is exempt from the requirement to undergo a criminal history assessment.

Do organisations need to conduct criminal history assessments on personnel who provide services or activities primarily to adults, if the service or activity may also be accessed by children or occasionally include children?

Services and activities that are provided primarily for adults, but may also be accessed by children or occasionally include children, are generally exempt.

Example 6: A coach of a senior sporting team that has a team member who has not yet attained 18 years of age would not be required to undergo a criminal history assessment.

Organisations that also provide services specifically for children must ensure that the employees or volunteers involved in these services undergo a criminal history assessment.

How do these changes effect families billeting children on a short-term basis?

Where a club arranges for families to billet children attending an activity or event, the club will also need to ensure that criminal history assessments are obtained for all adult members of the billeting family.

The Government recognises the generosity of parents involved in these programs. The requirement will ensure that children are better protected in situations where children are most vulnerable.

How do these changes affect coaches or chaperones of children visiting South Australia from interstate, who do not usually work or reside in South Australia?

Organisations are not required to conduct criminal history assessments on persons accompanying children who are visiting South Australia for short-term sporting or recreational events of less than 10 days, provided those persons do not usually reside or work in South Australia.

Example 7: Lisa lives in Western Australia and coaches a swimming team that is competing in a weekend event in Adelaide. Lisa is exempt from the requirement to undergo a criminal history assessment to attend this event because she is participating in a short-term activity of less than 10 days duration.

However, it should be noted that those persons may still have obligations under the Children's Protection Act 1993 as mandatory notifiers. The host organisation should ensure that interstate workers are aware of and briefed on this obligation.

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.

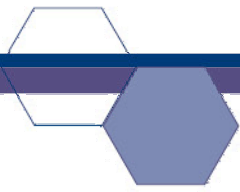
The Government is meeting the cost of obtaining criminal history reports for some volunteers who work with children in volunteer organisations through the Volunteer Organisation Authorisation Number (VOAN) system.

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.

As of July 2010, the fees and charges for obtaining a report are:

Applicant	SAPOL	DFC
Individual	\$51.50	\$52 (plus GST if applicable)
Concession	\$37.25	N/A
Volunteer	\$33.25	\$34 (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:

www.sapolice.sa.gov.au/sapol/services/information_requests/national_police_certificate.jsp

www.ofv.sa.gov.au/

Further information about the DFC Screening Branch is available at:

www.dfc.sa.gov.au/pub/screening

Can an organisation accept a criminal history report from an employee or 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.

More information

Further information is available from:

Website:

www.families.sa.gov.au/childsafes

Email:

DFCChildSafe@dfc.sa.gov.au

Phone: 8463 6468