



Relevant history assessments (Working with children checks)

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The Education and Early Childhood Services Registration and Standards Board of South Australia (the Board) has recently received some inquiries seeking clarification regarding the requirements and processes relating to relevant history assessments. Following is information regarding relevant history assessment requirements and processes, and the Board's procedures relating to expired (or absent) relevant history assessments.

Please note: The Board recognises that some approved providers/employers specify relevant history assessment requirements such as one acceptable assessment type only (e.g. DCSI screening) as part of their employment policy and that without this assessment educators are not permitted to work with children. Educators should make sure that they are familiar with their employer's policy and procedures.

Requirement for a current assessment under South Australian legislation

The South Australian [Children's Protection Act 1993](#) requires people who work with children to have a current relevant history assessment which can be obtained through one of two ways:

1. an assessment conducted by the [Department of Human Services \(DCSI\)](#): as the only authorised screening unit in South Australia. This assessment is recommended by the Board
2. an assessment of an educator's criminal history undertaken by the approved provider/ employer for the purpose of determining whether the educator may pose a risk to the safety of children relevant to the position to which they are appointed. This requires the approved provider/ employer to:
 - consider a relevant history report (such as a National Police Certificate) provided by South

Australian Police or accredited CrimTrac agency, and

- perform an assessment themselves. This assessment must be conducted as set out in the [Child Safe Environments Standards](#). The process of assessment should be recorded in writing (and include a copy of the relevant history extract obtained and notes of the assessment performed).

The second process requires the approved provider/ employer to have policies and procedures in place that demonstrate how the assessments are conducted in accordance with the Child Safe Environments Standards. Relevant history assessments obtained through either process are current for three years.

The difference between the two processes relates to the depth of information that is obtained about a person's criminal history. The DCSI assessment is more comprehensive because it includes child protection information held by Families SA along with criminal history. A National Police Certificate provides a summary of a person's criminal history relating to convictions, findings of guilt or pending court proceedings. There may be a time lapse between when a conviction is recorded by the courts and when it is recorded on the database used to prepare a National Police Certificate. SA also has a spent convictions legislation that may limit the information available on the National Police Certificate. However, spent conviction information is taken into account by the DCSI assessment.

An approved provider/employer may conduct a relevant history assessment on a person at any time they think necessary to establish or maintain a child safe environment.

A receipt for an application for a relevant history assessment is not acceptable as evidence of an assessment. The Board will accept as evidence either

the original assessment certificate, or a copy of the original certificate that has been signed by the approved provider/employer.

Registered teachers

Please note that people holding current registration as a Teacher (within the meaning of the Teachers Registration and Standards Act 2004) are exempt from the requirements of the Children's Protection Act 1993 to have a relevant history assessment to work with children. A relevant history assessment is undertaken as one method to assess if an applicant is a fit and proper person to be registered as a teacher. Relevant child protection information disclosed by Families SA is also taken into consideration as part of the teacher registration process.

The Board's response to an expired or absent relevant history assessment

Approved providers/employers are required by the National Law to keep records of relevant history assessment for educators. These records should be kept at the education and care service where the educator is employed or registered.

When Authorised Officers of the Board visit a service and find educators working without a current relevant history assessment, they will notify SAPOL of a potential breach of the *Children's Protection Act 1993*. The Board will also take compliance action depending on the extent of the risks posed to children by the specific circumstances in each case.

For example, the Board may:

- issue a Prohibition Notice to the educator if it considers this action necessary to reduce the risk to children's safety if the educator were to provide education and care to children or remain on the premises. This action may be appropriate to take where an educator is working with children and has never had a relevant history assessment as this poses an increased risk
- direct an approved provider, nominated supervisor or employer to exclude an inappropriate person (in this instance an educator without a relevant history assessment) who may pose a risk to children, in accordance with section 171 of the National Law. This action may be appropriate for family day care educators who work on their own, or small services with lower numbers of educators.

In some cases approved providers/employers have arranged for educators whose relevant history assessment has expired to be directly supervised while waiting for the updated assessment. Both the Children's Protection Act and the National Law permit this, but only in limited circumstances.

Direct supervision requires the educator being supervised to always be in sight of their supervisor and to never be left alone with children. If such an approach is to be adopted, the approved provider/employer should, at a minimum, write to the educator advising them they are now subject to supervision and directing the educator to only work under direct supervision.

However, approved providers/employers need to be aware that this approach may lead to other compliance issues such as inability to provide the appropriate level of education, care and supervision of children or a failure to properly operate the service in a way that ensures the safety, health and wellbeing of children.

Preventing expiration of relevant history assessments

The Board strongly recommends that approved providers, nominated supervisors and employers develop a tracking and scheduling system for staff relevant history assessments. This is a consideration in the assessment and rating of services. Further, it is important to schedule applications for DCSI assessments and/or relevant history reports well in advance to avoid processing delays which occur during periods of high demand.

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