



**Government
of South Australia**

Minister for Human Services

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Our ref: MCOR/0069
Your ref: 7128202

Ms Nat Cook
Member for Hurtle Vale
PO Box 158
WOODCROFT SA 5162

Sent by email: Tristan.rust@parliament.sa.gov.au

Dear Ms Cook,

Freedom of information application

I refer to your application under the *Freedom of Information Act 1991* (the Act), received by the Office of the Minister for Human Services on 12 October 2018 seeking access to:

Copies of any and all documents (including but not limited to physical and electronic material) regarding Ministerial agenda item "Screening" from 18 April 2018.

Unfortunately, a determination was unable to be made within the 30 days, therefore it is considered to be a 'deemed refusal' under section 19(2)(b) of the Act. However, our office has continued to process your application outside of this timeframe. Section 19(2)(a) of the Act provides that an agency can release documents outside of the thirty-day timeframe, and this is still taken to be a determination under the Act.

One document has been identified as falling within the scope of your application and I have determined to release this document in full.

Please find enclosed a copy of the document, and a document schedule containing a brief description of the document.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, may/will be published on the agency's disclosure log. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>

If you have any questions in relation to this matter, please contact Amanda Hockings, Office Manager, on telephone 8463 3388 or by email at

amanda.hockings2@sa.gov.au. If you disagree with publication, you will need to advise the Office Manager within two weeks of the date of this determination.

Yours sincerely



Amanda Hockings
ACCREDITED FOI OFFICER

211 12019

SCHEDULE OF DOCUMENTS – MCOR/0069

Freedom of information application from the Ms Nat Cook seeking access to *Copies of any and all documents (including but not limited to physical and electronic material) Copies of any and all documents (including but not limited to physical and electronic material) regarding Ministerial agenda item "Screening" from 18 April 2018.*

No	Author	Addressee	Date	Description of document	Determination	Reason
1.	Department of Human Services	Minister for Human Services	18/04/2018	Agenda Item	Released in full	



MINISTER FOR HUMAN SERVICES MEETING		
AGENDA ITEM 4		
TITLE OF PAPER:	SCREENING - OVERVIEW	
MEETING DATE	18 / 04 / 2018	NOTING <input type="checkbox"/> DISCUSSION <input type="checkbox"/>
KEY POINTS	1. Legislative and policy framework for screening in South Australia. 2. Application processing statistics 3. Monitoring and online applications	

Minister's Comments:

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BACKGROUND

The Screening Unit was established within the then Department for Families and Communities (DFC) in 2007. Initially, the Screening Unit operated solely for and within DFC, primarily to screen DFC employees working with, or with access to the records of, children, and shortly thereafter, people with disability. However, over time other government agencies and non-government organisations (NGO's) in the education, community services, disability and health sectors, among others began seeking the Unit's services.

The Screening Unit is now formerly established under Regulation 7 of the *Children's Protection Regulations 2010* and Regulation 5 of the *2010 Disability Services (Assessment of Relevant History) Regulations 2014*.

The Screening Unit currently offers five types of screenings:

- Child-related employment;
- Aged Care sector employment;
- Disability Services sector employment;
- Vulnerable person-related employment; and
- General employment probity (General Probity).

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DISCUSSION

All screenings, except general probity, are valid for three years and are portable across roles in the specific sector.

Child-related employment screening

Child-related employment screening (child screening) is conducted under the *Children's Protection Act 1993* (CP Act) and the *Children's Protection Regulations 2010* (CP Regulations). The CP Act requires organisations to conduct a relevant history assessment of a person before they engage that person to work with children (whether as an employee, volunteer, agent, contractor or subcontractor).

Organisations can meet this obligation by either obtaining a National Police Check (NPC) for the person and assessing it, or obtaining a DHS child screening.

Child screenings are conducted in accordance with CP Regulations and Standards issued by the Chief Executive of the Department of Education and Child Development pursuant to section 8A(j) of the CP Act. (*Child Safe Environments: Standards for dealing with information about a person's criminal history as part of a relevant history assessment and Standards for use of Child Protection information in the assessment of an applicant's relevant history pursuant to the Children's Protection Act 1993*).

Information that is assessed for a child screening includes:

- National convictions (including withdrawn, spent, non-convictions) and charged (including pending, withdrawn, dismissed, acquitted);
- Information obtained from Department for Child Protection (DCP) databases related to notifications of child abuse/neglect and care concerns;
- DHS care concern investigations;
- Expanded information (police apprehension reports etc.) obtained under the intergovernmental agreement for the National Exchange of Criminal History Information for People Working with Children (ECHIPWC);
- Court information (certificate of records, sentencing remarks); and
- Applicant declarations.

In 2016, the Parliament passed the *Child Safety (Prohibited Persons) Act 2016* (Prohibited Persons Act). The Prohibited Persons Act will replace screening requirements in the CP Act through the introduction of a Working with Children Check (WWCC). The WWCC will be mandatory for all people working with children and organisations will no longer be able to rely on a NPC.

There is currently no commencement date for the Prohibited Persons Act.

Disability services employment screening

Disability screening is currently conducted under the *Disability Services Act 1993* (the DS Act) and *Disability Services (Assessment of Relevant History) Regulations 2014* (DS Regulations). The DS Act requires that disability services providers receiving state government funding under the Act must ensure that before a person is appointed to, or engaged to act in, a position working with a person with a disability (whether as an employee, volunteer, agent, contractor or subcontractor), an assessment of the person's relevant history is undertaken in accordance with the DS Regulations.

Disability screenings are conducted in accordance with the DS Regulations and the *Disability Services Employment Screening Standards* issued by Disability SA.

Information that is assessed for a disability screening is the same as that for a child screening, with the exception of:

- ECHIPWC information is not assessed as it is strictly only for child related employment screening under the intergovernmental agreement for ECHIPWC; and

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- Records and other relevant information held by DHS and non-government agencies, including human resources information about allegations of workplace misconduct in the disability sector are assessed.

With the introduction of a fully funded National Disability Insurance Scheme (NDIS) to commence from 1 July 2018, the State Government will no longer directly fund disability services. As a result, the DS Act and regulations will not apply (as these are connected to State funding) and amended or new legislation to enable disability worker screening will be required. An Intergovernmental Agreement on Nationally Consistent Worker Screening for the National Disability Insurance Scheme has been prepared by the Australian Government and is being forwarded to states and territories for consideration.

Aged Care Sector Screening

Aged Care Sector Screening (aged screening) assesses criminal history information in accordance with the *Aged Care Act 1997 (Cth)* and the *Aged Care Accountability Principles (2014)* for Commonwealth funded aged care services providers. Under the Aged Care Act, an approved provider must not allow a person to become a staff member of the approved provider, or a volunteer for the approved provider, unless the approved provider is satisfied that:

- there is for the person a police certificate that is dated not more than 3 years before the day on which the person would first become a staff member or volunteer; and
- the police certificate does not record that the person has been:
 - convicted of murder or sexual assault; or
 - convicted of, and sentenced to imprisonment for, any other form of assault.

Organisations are not legally required to use the Screening Unit to undertake aged screening and can obtain a National Police Check to meet their obligations.

Aged screenings are conducted in accordance with the *Aged Care Accountability Principles (2014)*. Under the CP Act, the Screening Unit is only allowed to assess national convictions (including spent convictions) and declarations made by the applicant.

Vulnerable Person-Related Screening

There is no legislative mandate or regulatory requirement for people to undergo vulnerable person-related screening. It is up to the organisation to determine if, based on the employee/contractor's role, that this screening is required as part of its organisational policies, contracts, or as a condition of employment. Vulnerable person-related screening is generally undertaken where mandated screenings are not required but the employee will be in contact with vulnerable adults.

Under the CP Act, the Screening Unit is only allowed to assess national convictions (including spent convictions) and declarations made by the applicant.

General Employment Probity Screening

There are no legislative or regulatory requirements for people to undergo general employment probity screening (general probity screening). Again, organisations may require these screenings as part of their organisational policies or as a condition of employment.

General probity screening is specific to the role that the person will be undertaking. For this reason, general probity screenings are not portable.

Under the CP Act, the Screening Unit is only allowed to assess national convictions (including spent convictions) and declarations made by the applicant.

Number of Current Screening Clearances - By Application Type*

Type of employment screening	Number
Child-related	274,060
Disability services	27,895
Vulnerable person-related	36,675

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Aged care sector	54,533
TOTAL	393,163

**as at 9 April 2018. General probity not provided as this is a role specific clearance. Application processing times Applications Finalised - All Types 2017-18 (as at 9 April 2018)

Applications Finalised – All Types 2017-18

Applications Received and Completed in 2017-18 (to date) (as at 9 April 2018)								
Business Days	0-5	6-10	11-15	16-20	21-25	26-30	31+	Total
Applications determined	58,538	21,620	13,975	6,535	3,928	2,222	6,330	113,148
%	51.74%	19.11%	12.35%	5.78%	3.47%	1.96%	5.59%	100%
Cumulative %	52%	71%	83%	89%	92%	94%	100%	

Fees for Screening

In 2017-18, child-related and disability services screening costs \$105.60 per application, and all other types of screening costs \$88.00 per application.

Volunteers and Students applying for multiple types of screening incur only a single charge of \$58.30, provided their applications are submitted at the same time.

A screening clearance is valid for 3 years and is portable between volunteer and paid employment roles.

Screening Assessment Management System (SAMS)

Online application forms

The online application form was introduced in August 2015 and works as follows:

- the requesting organisation sends an email to the employee or volunteer requesting that they complete the application.
- the applicant registers online by creating a user name and password and then verifies their identity before completing the application and submitting to the Screening Unit.
- Applicants can verify their identification in three ways:
 - by using their passport, birth certificate, driver's license or citizenship documentation through the document verification service;
 - by presenting their identification to the requesting organisation to physically sight and verify the documents; or
 - by completing a physical form and verifying their identification with a verifying officer.

Applicants are required to accept a declaration and consent statement before submitting the application form.

Organisation Portal

Organisational Portal was released on 8 July 2016 and enables organisations registered with the Screening Unit to search for people-based information; including name, date of birth, screening type, reference number or date of clearance.

The search provides registered organisations with a mechanism to check the validity of a Screening Unit clearance letter presented to them by an employee or volunteer. The search will confirm that a person has a current clearance. If the person has not previously applied for a screening clearance, is not cleared or there is any ambiguity in the data returned, then a generic message indicating no match has been found will be displayed. An enquiry function has been developed to enable the organisation to contact the Screening Unit for more information. The system records information about the search which will be used to assist the Screening Unit respond to the enquiry.

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The system captures information on all search activity. For example, which organisation and person from the organisation was searching, what they were searching each time they search. Should any irregular activity occur, the search records of the system will be audited and appropriate action to be taken.

The portal is not available to the public. Only organisations registered with the Screening Unit and who are initiating/processing applications will be able to search through the portal.

Workflow of risk assessments and decisions

In January 2018, the assessment of relevant information has been work flowed within the SAMS system. The application and risk assessment process is completed end-to-end within the system. Information is weighted and assessed against a risk matrix and any requests for further information and information received from the applicant are recorded. The system tracks the progress of the application and records who has accessed the information for information security purposes.

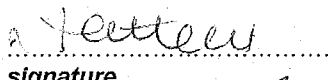
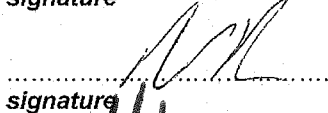

Continuous Monitoring

Monitoring of screening checks was introduced on 1 July 2017. The Screening Unit monitors new information from SA Police (SAPOL), Department of Child Protection (DCP) and DHS Care Concerns to help reduce the risk of harm to children and vulnerable people. Information monitored is for higher risk offences and child protection notifications that may change the status of a clearance.

Prior to 1 July 2017, the Screening Unit only reviewed and assessed an individual's relevant history once every 3 years, the new system will monitor information to help better protect children and vulnerable people.

If a reassessment changes the clearances status of an individual (ie from Cleared to Not Cleared), the individual and their employer (who requested the screening) will be notified and the individual will be required to return their clearance letter to the Screening Unit.

Child, Disability (SA criminal history, child protection information and care concerns) and Aged and Vulnerable Person Checks (SA criminal history only) are monitored. General Probity Checks are not monitored as these check are role specific and a once off check.

Division	Screening Unit		
Director	Kelly Tattersall	 signature	12/4/18
Director, Office of the Chief Executive	Nancy Rogers	 signature	12/4/18
Chief Executive	Tony Harrison	 signature	16/4/18

Contact Officer:	Mia Toscano, General-Manager Strategy & Governance, Screening 8303 2315 / mia.toscano@sa.gov.au
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