

Policy Name	Police Clearance Policy
Policy Description	The purpose of this policy is to promote the safety and wellbeing of children; and to set out guidelines for requesting, providing and responding to Police Clearance Certificates.
Who needs to comply with this policy?	Carclew Youth Arts Board members and staff employed on a full/part time, contract, casual, agent, unpaid and voluntary basis (staff, artists, tutors, agents, volunteers).
What do I need to know?	<p>As a representative of Carclew Youth Arts, you must:</p> <ul style="list-style-type: none"> • Comply with the Police Clearance Policy • Undergo a current National Police Clearance specifically for the purpose of working with children. <p>Carclew Youth Arts will only view the criminal history and make a record of sighting the document, decision made (in relation to appointment/engagement) and the reasons why, if required.</p>
What guides this policy? And where can I get more information?	<ul style="list-style-type: none"> • Police Clearance Procedure • Code of Conduct • Child Safe Environment Policy and Procedure • Public Sector Act 2009 • Children’s Protection Act 1993 • Commission for Public Employment Ethical Conduct Guideline 2001 • Arts SA Protocols for Working with Children in Art (revised September 2010) • Australia Council for the Arts Protocols for Working with Children in Art (revised May 2010)
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1. Background

The *Children's Protection Act 1993* requires organisations providing certain services to children create and maintain a child safe environment. In this context, a child safe environment is one which protects children from abuse and harm. Also included is the requirement under the law for certain people to report suspected abuse and neglect.

Recent changes to the *Children's Protection Act 1993* require, from January 2011, that organisations:

- Conduct criminal history assessments on employees, contractors and volunteers who are working with children; and,
- Lodge a Child Safe Environment Compliance Statement with the Department for Families and Communities.

2. Purpose

Carclew Youth Arts is committed to the fundamental legal and moral responsibilities of ensuring the safety and wellbeing of all children participating in its programs. This policy has been developed with reference to the *Children's Protection Act 1993*.

The purpose of this policy is to promote the safety and wellbeing of children; and to set out guidelines for requesting, providing and responding to Police Clearance Certificates.

3. Scope

Carclew Youth Arts requires all Board members, staff employed on full/part time, contract, casual, advisory committee members, agent, unpaid and voluntary basis who have contact with children, work in close proximity and/or has access to their records on a regular basis must undergo a criminal history assessment every two years.

4. Definitions

VOAN: Volunteer Organisation Authorisation Number

5. Policy Statement

5.1 As of 1 July 2010, all Carclew Youth Arts employees, Board members, contractors and volunteers over 18 years of age will be required to have undergone a current National Police Clearance specifically for the purpose of working with children. A National Police Clearance certificate for the purpose of working with children will be considered current up to 24 months from date of issue. Other acceptable forms of documentation include a Department of Education and Children's Services Criminal History Check through a checking agency such as SA Police or an agency recognised by SA Police i.e. CrimTrac.

5.2 As part of a screening process, all employment, artist/project service contracts and volunteers with Carclew Youth Arts will be subject to the Chief Executive and/or relevant Program Manager sighting satisfactory documentation of current National Police Clearance for the purpose of working with children prior to appointment or contract renewal. Under the *State Records Act 1997 - General Disposal Schedule for Records Management*, employees are not allowed to retain copies of criminal history checks on file. Carclew Youth Arts will only view the criminal history and make a record of sighting the document, decision made (in relation to appointment/engagement) and the reasons why, if required.

- 5.3 As a general rule, people convicted against neglect, abuse or any sexual offence against adults or children will not be engaged in paid or voluntary roles with Carclew Youth Arts, regardless of the time that has elapsed since the offence. A criminal history not relating to offences against children will not necessarily preclude a person from paid or unpaid employment with Carclew Youth Arts, however a person who refuses to undergo or provide documentation of a current National Police Clearance for working with children will not be considered for any position with the organisation.
- 5.4 Except in the case of volunteers, the cost of undertaking a National Police Clearance will be borne by the prospective employee, contractor or incumbent. Carclew Youth Arts holds a Volunteer Organisation Authorisation Number (VOAN), which entitles all volunteers working with Carclew Youth Arts to obtain a National Police Clearance (for the purpose for working with children) at no cost to the volunteer or organisation.
- 5.5 External long and short term contractors will be required to undertake a National Police Clearance. In exceptional circumstances a signed declaration stating that they have not been convicted of an offence that would preclude their working with children. It is the responsibility of the Chief Executive Officer and the Manager, Finance and Operations, to assess such appointments for criminal history screening based on the regularity and proximity of their contact with children/young people.
- National Police Clearance or a signed declaration may not be required for once-off activities or special situations i.e. guest speakers, performances, or emergency fill-in.
 - External long and short term staff contractors engaged by Carclew Youth Arts program and projects are required to undertake a National Police Clearance or sign a declaration, at the discretion of the Chief Executive Officer and the Manager, Finance and Operations.
 - Other contracted services providers employed by Carclew Youth Arts may be required to undertake a National Police Clearance. Carclew Youth Arts retains the right to request a National Police Clearance or signed declaration based on the regularity and proximity of their contact with children/young people.
- 5.6 All information contained in sighted documentation will be treated as private and confidential as per the *South Australian Public Sector Employees Code of Conduct March 2009*, *Government of South Australia Information Privacy Principles May 2009* and *Child Safe Environments: Standards for dealing with information obtained about the criminal history of employees and volunteers who work with children*, issued by the Chief Executive, Department for Families and Communities in July 2009.
- 5.7 Any temporary exclusion to this policy would be at the discretion of the Chief Executive Officer or the Manager, Finance and Operations, providing the employee/contractor signs a declaration stating that they have not been convicted of an offence that would preclude their working with children. Temporary exemptions are valid for the period of that particular engagement only.
- 5.8 A documented procedure for undertaking a National Police Clearance is available to any prospective Carclew Youth Arts employee, contractor and volunteer over 18 years of age and further assistance can be provided by Carclew Youth Arts staff.

6. Procedures Title

Police Clearance Procedure

7. Responsibility for implementation

Carclew Youth Arts staff members will be advised immediately by the Chief Executive, and will be required to provide a National Police Clearance specifically for the purpose of

working with children within three months. All new staff members, contractors and volunteers will be advised prior to appointment or contract renewal.

The Policy Administration Officer will lodge a Child Safe Environment Compliance Statement with the Department for Families and Communities within 4 months.

8. Policy Status

Created: July 2010

Endorsed: 15 July 2010

Reviewed: 6 October 2010 to update information in relation to VOAN & external contractors.

Review Date: 6 October 2012

9. Key Stakeholders

Carclew Youth Arts Board, staff and clients.

10. Approval Body

Carclew Youth Arts Strategic Team: 14 July 2010

11. Endorsement Body

Carclew Youth Arts Board: 15 July 2010

Reviewed: Carclew Youth Arts Board: 26 May 2011

12. Legislation

Children's Protection Act 1993

South Australian Public Sector Employees Code of Conduct March 2009

State Records Act 1997 - General Disposal Schedule for Records Management

13. Related Policies / documents

Code of Conduct / Duty of Care Policy

Child Safe Environment Policy and Procedure

Grievance Policy and Procedure

14. Date effective

This Policy is effective as of 15 July 2010

15. Next Review Date

This Policy is due for review 26 May 2013.

This Policy will be reviewed on a two yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.

16. Policy Author

Chief Executive, Carclew Youth Arts

17. Contact

Policy Administration Officer, Carclew Youth Arts

Acknowledgment

In developing this policy Carclew Youth Arts has drawn on resources prepared SA Police.

Disclaimer

This policy does not represent legal advice. If you have any queries about your obligations, you should seek your own independent legal advice.