

## Prescribed Positions

### 1. Purpose

The purpose of this policy is to explain which positions within the Centre are 'prescribed'.

### 2. Responsibilities

It is the responsibility of the Centre's Board to ensure that this policy is implemented.

It is the responsibility of the Centre's CDO to ensure that the procedures are implemented.

### 3. Principles

The Centre is committed to meeting its legal and ethical responsibilities to responsibly manage its affairs and to provide a safe environment for children.

### 4. Definitions

#### Prescribed Position

Under the Children's Protection Act 1993, a prescribed position is a position that involves one or more prescribed functions. The Centre is legally obliged to assess the descriptions and duty statements for all staff and volunteers in the organisation and identify those positions that involve one or more prescribed functions.

#### Prescribed Functions

Prescribed functions are those which:

- have regular contact with children or working in close proximity to children on a regular basis, unless the contact or work is directly supervised at all times
- supervision or management of persons in positions requiring or involving regular contact with children or working in close proximity to children on a regular basis
- access to records of a kind prescribed by regulation relating to children (i.e.: records relating to child protection services, education services, health services, disability services and court orders or proceedings).

#### Regular contact and close proximity on a regular basis

The Children's Protection Act 1993 does not specifically define regular contact, regular basis or close proximity. As a result, the terms must be given their ordinary everyday common sense meanings. Generally speaking, the term **regular contact** implies contact that has a constant or definite pattern, or which recurs at short uniform intervals or on several occasions during short periods of time such as a week.

### Records prescribed by regulation

These are any records relating to children in connection with:

- the administration of the Children's Protection Act 1993, Family and Community Services Act 1972, Young Offenders Act 1993 or Youth Court Act 1993; or
- an educational or child care service for children; or
- a "health service" within the meaning of the Health Care Act 2008 (SA); or
- a "disability service" within the meaning of the Disability Services Act 2003 (SA); or
- any court orders or proceedings.

### Employed

For the purposes of this policy, a person is 'employed' by the Centre if they are employed, contracted, subcontracted, acting as an agent of, or volunteering for the Centre.

### Indirect service provider

An indirect service provider is a person who carries out the functions for some other body or person who in turn makes the services available to the organisation.

## 5. Policy

Under the Children's Protection Act 1993 certain organisations must conduct criminal history assessments for:

- all existing employees and volunteers who are working with children in prescribed positions; and
- preferred applicants for all roles involving working with children in prescribed positions.

The Board of Management will ensure that the position descriptions for staff and volunteers all associated with the Centre's activities are assessed and those positions that involve one or more prescribed functions are identified and included in the Register of Prescribed Positions.

When identifying whether a person or position performs prescribed functions, the key consideration will be whether the person's role will ordinarily involve regular contact with children (or their records) rather than their position title or their position description. Consideration will also be given to how the definitions of regular contact, close proximity on a regular basis and prescribed records apply to people and positions within the organisation.

The Centre requires that a criminal history assessment is conducted for all individuals who apply for or are appointed to prescribed positions unless an exemption applies.

### Exemptions

Exemptions can be given by the Board of Management under the following circumstances, but will be assessed on an individual basis.

The organisations, positions and persons that can be exempt from the requirement to undergo a criminal history assessment are:

- a person who is a registered teacher
- a person who is appointed as a police officer
- a person volunteering for a service or activity in which their child ordinarily participates
- a person volunteering 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 provided to the community 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 to children;

### Indirect Service Providers

Under the Children's Protection Act 1993, organisations are not required by law to conduct criminal history assessments on indirect service providers, but do have the option to do so. The Centre will consider each indirect service provider on a case by case basis.

## 6. Procedures

The CDO will develop and maintain a Register of Prescribed Positions (and exemptions).

## 7. References

- Children's Protection Act 1993
- Criminal History Assessments Policy

## 8. Forms or Attachments

- Register of Prescribed Positions

## 9. Approvals

	Policy	Procedure
Approving Authority	Board of Management	Board of Management
Approval Date		
Next Review Due		

