



Royal Commission into Institutional Responses to Child Sexual Abuse

Royal Commission into Institutional Responses to Child Sexual Abuse:

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Working with Children checks.

A Submission made by **The PRM Group**

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WORKING WITH CHILDREN CHECKS

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WORKING WITH CHILDREN CHECKS

INTRODUCTION AND WELCOME

The PRM Group welcomes the opportunity to provide a response to the Royal Commission into Institutional Responses to Child Sexual Abuse and specifically the Working with Children Check process.

Based in Melbourne and wholly owned by an ex police inspector, The PRM Group's vision is to provide a more efficient and secure online identity verification platform for all Government and Commercial organisations.

Our goal is to provide online digital systems that capture, store and manage high quality identification information that enables users to make well informed and defensible decisions when assessing the suitability of individuals applying for Working with Children accreditation, licenses, employment, access control and other services that require secure identity verification and matching.

Brian Woodham
The PRM GROUP

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Introduction to The PRM Group:

Geoff Stockton: Managing Director/Owner

Mr. Geoff Stockton was a member of the Victoria Police for 22 years. He achieved officer rank of Inspector. His roles within Victoria Police included being in charge of two C.I.B. Divisions, Sunshine and Moonee Ponds. His final four years of service, before retiring, were as an Inspector at Russell Street. His duties included internal investigations, attendance at sieges, demonstrations and major disaster incidences. He was also the liquor licensing Inspector for the Division.

Mr. Stockton established The PRM Group in 1997 and started work with a U.K. company, performing pre-employment screening on behalf of U.K. companies linked to Australia and New Zealand. He later commenced work with Prudential of the U.S.A., which was an investigation company that performed pre-employment screening on behalf of Paul Allen, co-founder of Microsoft. Initially the investigation work was performed on citizens of Australia and New Zealand, but increased the scope to include Europe and the U.S.A.

Mr Stockton pioneered the electronic police check facility in order to expedite the delivery of the vast numbers of police checks required for the Aged Care industry that were compulsorily requiring police checks as a result of recently introduced Commonwealth legislation. The PRM Group was the first company in Australia to process police checks in this manner and have reduced the time of individual police checks from a 6 week delay to overnight delivery (in up to 95% of cases). The electronic police check has revolutionised the industry because of The PRM Group's initiatives.

The PRM Group Risk Management Story.

At the cutting edge of Risk Management Technology Since 1997 **The PRM Group** has provided risk management services to more than 2000 organisations throughout Australia. **The PRM Group** was the first organisation in Australia dedicated solely to pre-employment screening and was also the first Australian company to develop and deliver 'online' police checks.

The PRM Group's online systems effectively mitigate the risk involved in all aspects of ensuring identity or providing suitable decision making when granting licenses and accreditation or when background and identity is critical. The PRM Group's service include National Police History Checks (NPHC-also referred to as police checks) Probity Checks, Background Checks, and Security Checks and more recently advanced Biometrics.

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Identified Flaws in the Current WWC Checking System

The majority of police checks conducted in Australia are done via a "Name Check". All checks conducted via CrimTrac interrogate the National Names Index (NNI). The NNI is a combination of criminal histories of individuals which is supplied to CrimTrac by the State and Federal Police Forces. The information used to interrogate the NNI is the persons full name and their date of birth. Typically, a certificate returned will contain the following information, "Notice: In the absence of fingerprints, positive identification cannot be established. This report is only valid as at DATE".

It is extremely easy for a person to fraudulently obtain a clear police check under the present system. Whilst conducting police checks via CrimTrac we have identified a number of fraudulent checks. We are therefore aware of the many ways people manipulate the system in order to obtain "clear" police checks.

To obtain a police check a person is required to declare their full name and any other names that they are or have been known by. To not declare one name is one of the easiest ways of avoiding a criminal history coming to light. Following are a few ways of fraudulently obtaining a clear police check.

Married Women - One Name Declared

The PRM Group experienced an example of a married woman who failed to declare her maiden name. (This was discovered as her 100 points I.D. identified that she was married). The original check came back clear, but a further check which included her maiden name showed that she has served a lengthy gaol term (14 months) for assault. This would have precluded her from working in the Aged Care Industry.

Recently a woman did a check via The PRM Group and another name was identified during the payment transaction. We refused to deliver her clear check to her as it was not a legitimate check as she failed to declare other names used.

Deed Poll Name Change

20,000 people change their names by deed poll each year in NSW alone. The PRM Group have seen several instances where a person has only provided their "new" name and avoided a criminal history coming to light. One such person was a male whose criminal proclivities only came to light when an aged care provider, who was conducting a reference check with his previous employer, and was advised that the gentleman had changed his name by deed poll.

One client of The PRM Group is a solicitor who was formerly employed by the Department of Corrective Services. She said that it was well known amongst criminals that to obtain a clear police check, you only need to change your name by deed poll.

A person does not need to actually register a new name via the deed poll. The Australian electoral office will accept a name that you choose to register as a voter. Therefore, matching deed poll records with the criminal histories held by police forces would only partially solve the "deed poll name change" problem.

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New Australian Citizen Name Change

We note that many new citizens to Australia tend to Anglicise their names. There is a possibility that they have lived in Australia under their former name, obtained a conviction and then later changed their name.

We note that the person charged with murder after the fire in the NSW Aged Care facility, Roger Dean, was born in Saigon and is obviously of Vietnamese heritage. Whilst we are unaware if this person has prior convictions in another name, we also note that his police check was only conducted in his anglicised name and did not declare his middle name of 'kingsley'.

Name Swapping

CrimTrac does a very good job at checking and cross checking names via algorithms so that a surname and first name, if transposed, will still be checked. We have, however, seen an instance of a male from South America who swapped his first name and surname and altered them slightly, and obtained a clear police check as a result. A further check in the correct names revealed a lengthy criminal history.

A REVIEW OF STATE WWC PROCESSES

Tasmania

There is no Working with Children Check in Tasmania.

South Australia

Child-related employment screening includes consideration of your National Criminal Record History Check (NCRHC), provided by the Commonwealth CrimTrac Agency. This information is assessed in accordance with the however, unlike other checks, consideration of a wider range of information is permitted, including:

- publicly available information sourced from professional registration bodies relating to persons disciplined or precluded from working with children or vulnerable people;
- information from South Australian police, courts, prosecuting authorities including information about charges for offences alleged to have been committed (regardless of the outcome of those charges); and
- expanded criminal history information obtained from other jurisdictions, including spent convictions, pending charges and non-conviction charges and, importantly, circumstantial information around charges or convictions

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Western Australia

The WWC Check considers criminal records to see if people have charges or convictions that indicate they may harm a child.

National criminal record information is routinely collected from sources in Australia (not overseas) and are assessed as part of a WWC Check. This includes information about:

- convictions for all offences that a person may have;
- all 'spent' convictions (a 'spent' conviction is one that does not need to be ordinarily declared)
- any pending charges (a "pending" charge is a charge that has not yet been decided by a court); and
- all 'non-conviction' charges (a "non-conviction" charge is a charge that has been finalised by a court but did not result in a conviction).

Information about a person's criminal record may also be obtained from authorised bodies in Western Australia and similar authorities in other States and Territories such as:

- the Police
- the office of the Director of Public Prosecutions
- the Department of Corrective Services
- the Department of the Attorney General
- Courts

Northern Territory

Screening for a Working with Children Clearance will involve:

1. A national Police records check

The check may reveal criminal history information held by Police across all States and Territories. Broadly, the criminal offences of most significance for a Working with Children Clearance are:

- Sexual offences involving children
- Violent offences involving children
- Drug-related offences involving children.

2. Employment History

An assessment of references and/or disciplinary proceedings instigated as a result of malpractice or inappropriate workplace behaviors.

3. Other material

Some candidates who apply for a Working with Children Clearance will have a criminal history. This does not automatically mean they will be disqualified from obtaining a Clearance. The Screening Authority will assess a number of factors such as the person's good behaviour, contribution to community events, rehabilitation or treatment programs completed.

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Queensland

The blue card check is a check that assesses:

- any national charge or conviction for an offence (even if no conviction was recorded)
- child protection prohibition orders (whether a person is a respondent or subject to an application)
- disqualification orders
- if a person is subject to reporting obligations under the Child Protection (Offender Reporting) Act 2004 or Dangerous Prisoners (Sexual Offenders) Act 2003
- disciplinary information held by certain professional organisations including teachers, child care licensees, foster carers and certain health practitioners, and
- information that the Police Commissioner may provide in relation to police investigations into allegations of serious child-related sexual offences, even if no charges were laid.

The Commission monitors the police information of all card holders and applicants. If the information changes, the Commission can take steps to immediately protect children from harm. The Commission also monitors service providers and card holders to ensure they are meeting their blue card system obligations and providing safe environments for children.

New South Wales

The Working With Children Check obtains applicants' national criminal histories from CrimTrac. The records include:

- Convictions (spent or unspent)
- Charges (whether heard, unheard or dismissed)
- Juvenile records

Findings of misconduct by a reporting body and Notifications made by the Ombudsman are also considered in the Working With Children Check. If a misconduct investigation finds that sexual misconduct or serious physical assault of a child has occurred, nominated reporting bodies must report this finding. The Ombudsman will also report matters he is aware of that indicate serious risk to children.

If the outcome of a Working With Children Check is a clearance, the cleared individual will be subject to ongoing monitoring for relevant new records for the five year life of the clearance. Some records will trigger a risk assessment by the Commission for Children and Young People, which may lead to the clearance being revoked.

Records listed in Schedule 2 of the Child Protection (Working With Children) Act 2012 lead to an automatic bar against working with children. Equivalent records from other states and territories also lead to an automatic bar. Records include convictions for certain offences and charges for these same offences that have not yet been heard. Section 5 of the Child Protection (Working With Children) Act 2012 states that a conviction includes a finding that an offence is proven, or the person is guilty, even though the court does not record a conviction.

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Victoria

1. Consideration of:
 - criminal history records in all states and territories across your lifetime
 - disciplinary findings of Victorian professional bodies such as the Victorian Institute of Teaching (VIT) and the out of home care Suitability Panel
 - relevant determinations by the Victorian Civil and Administrative Tribunal (VCAT) under the Health Professions Registration Act 2005.
2. A rigorous assessment of relevant offences and disciplinary findings revealed by the criminal history check. For the assessment the department gathers information from a range of sources such as:
 - court records including the children's court
 - other departments such as Human Services, health professionals employers and Corrections Victoria
 - Any material provided by the applicant.
3. Preparation of the department's decision.

The criminal offences of most relevance for a WWC Check are:

- serious violent offence
- serious drug-related offences
- offences against the Act
- and other offences the department considers indicates a significant risk to the safety of children.
- serious sexual offences

STATE BASED ACCREDITATION

The inconsistency of the current state based system belies a more serious issue of the accreditation process for individuals by each state. Post National Police History checks, the accreditation process may extend to additional investigations of various data bases of reportable incidents or events logged and reported by organisations including all Government departments, Health Care organisations, child care, teaching institutions and religious bodies. These are generally legislated under the relevant state ACT and the reporting bodies may only be for that state. Working with Children checks are only valid for the particular state that the application is made and this poses a significant threat where evasion of reportable activity in one state, could easily be avoided by simply moving state and making a new application.

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PAPER BASED PROCESS

The current process of making an application for a WWC across each state is similar in that they all consist of manual paper based processes to some degree. The legislated state departments or responsible bodies provide information on their web sites for applicants. Many web sites initiate the application process online but then revert to printing our hard copies to complete the process. This is also reflected in the manual paper based process that Australia Post has with a number of states. Documents, photographs and other supporting material are required in hard copy. The most consistent processes include : Visit to download and complete an application form. Obtain identification documents (originals and photocopies)to comply with the 100 point identification check. Identification documents must include photo ID, current residential address, signature and date of birth. Take your completed application form, identification documents and photocopies to an authorised certifier. Your documents and signature must be witnessed and certified by this person. Post your application form, certified documents and payment (cheque or money order) to the address specified on the application form.

The Potential of Online National Police History Checks (NPHC)

The PRM Group is an "Accredited" CrimTrac provider for National Police History Checks (NPHC). The PRM Group system has been designed to minimise time delays and as soon as results are cleared, the NPHC can be accessed straight away from our secure online portal.

Results are delivered fast with seventy percent of checks delivered online in the same day, often within the hour. The online process is much more secure and efficient than the manual application experienced through the various State Police Services which can take up to 6 weeks, much too long to wait when you are trying to fill a crucial position or make a decision on suitability. If the individual has a conviction or if someone with a similar name to the individual has a conviction, the check will be manually processed by the designated Police Force.

The ability to manage all state and national police checks in an online web based platform is a highly efficient time saving utility for large corporations, government departments, job service providers, aged care services and organisations that have the responsibility for providing working with children checks or where checks need to be renewed regularly.

The PRiSM (Personnel Risk integrated security Management) system is a web based Software as a Service (SaaS) technology platform that provides a direct link into the National CrimTrac system which allows authorised agencies to access NPHCS- National Police History Checking Services.

It's features include:

- Easy navigation bar colour coded to show real time status
- Security access settings- Administrator and Authorised user settings
- Pre-formatted documents including consent forms in Help menu
- Ability to send remote applications with web link
- Complete history of all NPHCS checks by account and by name
- Comprehensive search function
- Complete invoice history and search function

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- Ability to select which check is to be completed (APRA/police/vulnerable persons)
- Ability to select by industry, identification page with helpful notes.
- Pre submission review page with edit function
- Archive facilities
- 70% returned within 24 hours
- Print/Download or copy of all results
- Export function for all reports to excel or CSV
- NPHC lookup facility to validate and authenticate previous checks by reference number
- Online invoicing, download invoicing
- View, download and pay online with credit card/PayPal/direct deposit or cheque.
- Inbuilt renewal timer with adjustable settings as required.
- Billing Report - The ability to quickly calculate and view the number of checks processed within a custom date period. This is available as an overview or in the case of Parent > child accounts as a breakdown by accounts.

The next phase of Identity Management with PRISM: Biometric enrolment.

Biometrics is the study of recognising humans based on one or more physical or behavioural traits. After many years, biometrics has now advanced considerably in both the availability of hardware technology and the capability of the software to integrate into existing systems.

To enhance and consolidate the capture of individual enrolment information including the National Police History Check, The PRM Group has integrated a biometric capture software application into the data base. This system has been designed to capture, store and manage digitally encrypted biometric identity information in either a web based application in the cloud or integrated into client based software platforms. The application has the ability to capture and attach this information to individual identity files for applications where secure enrolment processes, access control, identity management and suitability is required.

The PRM Group Biometrics program is designed to capture a range of biometric information of individuals which includes voice, International Civil Aviation Organisation (ICAO) standard facial photograph, fingerprints and any other additional personal documents like passports and identity cards which may have security features imbedded in them.

With the capacity to act as a centralised data base system, the PRISM integrated software program is accessible to multiple parties across all states and territories and can be used as a resource and in conjunction with additional investigative requirements for the approval or denial of Working with Children Checks.

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Working With Children Check Recommendations

Currently South Australia, Western Australia, Northern Territory, Queensland, New South Wales and Victoria operate their own, independent Working With Children Checks. While these checks share some common ground they are varied and inconsistent in the nature of the investigations undertaken.

Over the last few years The PRM Group have received large amounts of feedback from the clients and individuals we service in relation to the various Working With Children Check initiatives. In our experience all of the feedback indicated a lack of understanding when it came to all aspects of a Working With Children Check. Many of our clients did not understand who was responsible for the Working With Children Check program in their state or territory, if the check was applicable in their situation or the process in applying for a Working With Children Check. The confusion that occurs from the companies we service is also reflected in the queries we receive from the general public. No one understands who processes a Working With Children Check, when they need the Working With Children Check, where to obtain a Working With Children Check and what sort of investigation it entails.

The PRM Group believe that a National Working With Children Check initiative should be implemented. We feel a national program supported by the Australian Commonwealth Government is required and will provide the best outcome to manage the risk and overcome the current shortfalls of the existing programs. A national Working With Children Check will bring a transparent, centralised, national standard currently missing from the various existing Working With Children Checks being utilised by the various states.

The National Working With Children Check should draw on a set of high standardised criteria which would include: Applicants providing fingerprints for a National Police History Check, ICAO Standard photo, Registry checks such as through CrimTrac's ANCOR and MPS to determine an applicant's suitability for child-related work. be highly transparent in process and readily accessible to both individuals and commercial enterprise through a number of accredited vendors.

The requirements to work within child-related employment should not be left up to the individual states in an ad hoc state by state system. A Working With Children Check program should be managed at a federal level to make the best use of resources, promote information sharing and ensure a consistent standard. Centralising the process means that every state will have proper protective processes in place to protect some of the most vulnerable persons. Unlike Tasmania which is currently lagging behind with no form of a Working With Children Check in place. For the above reasons we would not advocate a state by state Working With Children Check.

The current Police Checks & Working with Children Checks only investigate an individual for a certain date and every date before then. The length of time between investigations increased the risk in employing a prohibited individual exponentially. We are aware that CrimTrac is currently investigating the prospect of 'real time' persistent investigations with police checks however until such a model is in place The PRM Group would recommend frequent Working With Children Checks to be reasonable as to manage an acceptable level of risk.

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Individuals should not be allowed to commence any type of work or activity should they not have a valid Working With Children Check (where required). The PRM Group have seen first hand how confident some predators can be. We have had many an application for NPHC with vulnerable persons returned with disclosable court outcomes . Some of which include robbery, serious assault, sexual assault, carnal knowledge of a minor, murder and fraud. Predators are constantly seeking to gain access to the vulnerable and will persistently test vetting programs for flaws or weaknesses to gain access to vulnerable persons. To allow intermediate access while a Working With Children Check clears would pose an extremely high a risk.

A Working With Children Check should encompass the following:

- serious sexual offences
- serious violent offences
- serious drug-related offences
- offences against the Act
- court records including the children's court
- Convictions (spent or unspent)
- Charges (whether heard, unheard or dismissed)
- Juvenile records
- Findings of misconduct and Notifications by the Ombudsman
- disciplinary information held by certain professional organisations including teachers, child care licensees, foster carers and certain health practitioners, Human Services, health professionals employers and Corrections
- information that the Police Commissioner may provide in relation to police investigations into allegations of serious child-related sexual offences, even if no charges were laid.

SUMMARY AND CONCLUSION:

The application process for Working with Children needs to be a secure national process that protects all children. The process should be able to secure this protection across all states and all children equally, not just for one state, but all states, not just for one child, but all children. It is incongruous that state and federal legislation for liquor licensing and gaming accreditation requires significantly more rigorous individual identity checks with biometric fingerprints, compared to a fractured state based process and peripheral name check on individuals that are given responsibility for looking after or interacting with our children.

Australia's children need a comprehensive national process with an online system that has the capability to capture and integrate the individual applicants information, a valid and verified National Police History Check and the individuals biometric information to securely identify the individual without any doubt. With this level of information at hand, the relevant state or federal authority would be able to conduct additional checks and investigations through the various state based registers and reporting body data bases to assess the suitability of each applicant. It would also provide each authority with a centralised data base to match and cross check. The necessary identification card (ID Card) with ICAO standard photograph and/or fingerprint can be securely processed from this online system immediately.