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Care Leavers Australia Network (CLAN)

Submission to the Royal Commission into Institutional Responses to Child Sexual Abuse: Working With Children Check

Care Leavers Australia Network (CLAN) is a support, advocacy, research and training organisation for people who grew up in Australia's orphanages, Children's Homes, foster care and other institutions. CLAN's objective is to raise community awareness of our issues, and to campaign for government assistance to redress them. Being raised without your family has lifelong implications that require lifelong support services. CLAN can provide information, understanding and emotional support.

RESPONSE TO THE ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE:

ISSUES PAPER NO. 1: WORKING WITH CHILDREN CHECK

Response from CLAN, 12 August 2013.

1. Should there be a national WWCC?

Yes. CLAN has been privy to a number of stories where paedophiles were moved from one Orphanage, Children's Home or Institution to another, for a fresh start after allegations of abuse were made.

A national scheme would ensure consistent, minimum standards apply throughout Australia at all times.

2. What features should be included in any national scheme?

Continuous monitoring against Police and Child Protection data bases in each jurisdiction to ensure any offences are matched to approved WWCC holders.

Checks against all previous names and aliases needs to be included in a national WWCC scheme. CLAN would like to emphasise the importance of checking applicants' previous names, such as women's maiden names, and those who have changed their name by deed poll. We would also question (and seek clarification) of the process of how prior names are checked if an applicant does not disclose their change of name. Any WWCC will need to feature adequate documentation covering different periods of an applicant's life, to ensure that any name change will be caught in case it is not disclosed. There are many perpetrators who change their name legally to avoid recognition, more recently this was seen in the [REDACTED]. Special attention must be given to name changes, to prevent the system from failing children.

3. If there is no national scheme, should there be minimum requirements for each state and territory scheme?

Yes. All States and Territories must be required to adopt uniform standards and procedures, to the maximum extent possible to ensure clarity and consistency of requirements.

4. How long should any clearance be granted for?

For a period of two years, with simplified renewal procedures thereafter. Currently both New South Wales and Victoria grant clearances for up to five years. This period of time is too long and applicants should have to undergo review much more often, as has been introduced in the Northern Territory WWCC.

New employees or volunteers who have considerable, unsupervised contact with children in their care (such as foster carers and residential care workers) should also be rechecked each time (and prior) to commencing with a new service or organisation.

5. Should a person be able to commence work before the check is completed?

No. Especially once the scheme is fully operational. The system would need to ensure urgent checks could be undertaken where urgent and extenuating circumstances exist.

6. How should child-related work be defined?

To be inclusive of all known child abusing situations (physical, sexual, and psychological abuse), especially where younger children are involved, and where there is opportunity for private, unmonitored or recorded engagement of a child by an unrelated adult *or adolescent*.

Every foster parent, and all those who live in the foster parent's household (including children old enough to have a juvenile record) should have to undergo the WWCC. It is essential to check juvenile records of other children in the foster parents household as we are aware of how much abuse and damage can be carried out by other children. **Ultimately, foster parents are employees of the government as they have chosen to get paid to care for a foster child. It is their responsibility as an employee to ensure that child is kept safe and out of harms way.** This involves knowing the histories and backgrounds of those around them and those who they let spend time with their foster children. Foster parents need to understand the enormity of the task they have taken on the responsibility and liability that comes from that.

The definition should also be inclusive of all positions of authority who may have contact with children. This would include judges, court officers, solicitors, barristers, corrections officers, parole officers, and of course the police. While many of these professions may only do a minority of work with children, they all have the power and opportunity to be in situations where they are left alone and are in a position of authority with children. Therefore, they must be checked. The same applies to all those who work within health and allied services. All doctors, nurses, orderlies, medical receptionists, social workers, psychologists, counsellors, physiotherapists, occupational therapists and the like should have to undergo the WWCC process.

Another point CLAN would like to make is that with the introduction of new technology and the advances that have been made with communication, we believe that definitions and considerations of child related/contact with children need to be updated and broadened. Many jurisdictions WWCC legislation specify face to face direct contact with children. Face to face contact is no longer the only way to harm a child. Much harm can be done over the phone, and even more can be done through the internet and smart phones. Chat rooms, Facebook, Twitter and Skype are now accessible to all and provide a relatively anonymous way of grooming/gaining access to children. WWCCs policy and procedures need to better reflect the new communications reality.

7. How should child-related sectors and roles be defined?

This should be developed by experts and put out for public consultation *and endorsement* prior to finalisation.

8. Are current exemptions for a WWCC adequate or appropriate – in particular, should a WWCC apply to those:

a. living in the homes of children in out-of-home care?

Currently inadequate. CLAN is aware of numerous accounts where children have been abused by the other children in a foster home, many times the foster parents' biological children. We have also heard stories where the abuse was perpetrated by extended family or friends of the foster parents. And of course there are many stories of the abuse taking place at the hands of the foster parents themselves. Obviously support, education, training and monitoring activities related to supervision of foster placements are essential preventative measures to minimize the opportunity for abuse, as are measures that ensure children of all ages in out of home care know their rights and how to contact/be visited by independent, screened persons who can act as their advocate while in placement.

b. parent volunteers?

Comments in 8a (above) also apply here.

9. What records should be included in the check? For example, should the check include juvenile records

See comments under question 6 (above)

Finally CLAN would like to say that the WWCC is one step to ensuring the safety of our children. This however is not the only process that needs to be carried out when safeguarding children. Each organisation, institution and workplace needs to have its own processes and procedures anytime that children are dealt with. Having completed a WWCC for employees does not remove liability from organisations and institutions. It is purely one mechanism to help safeguard children but it should not be the only one. The WWCC is merely the first step of the process, not the last step and definitely not the only step. Each organisation is responsible for ensuring that the children who utilise their services or who come in to contact with them are provided with safe workers and a safe environment. All organisations need mechanisms to deal with complaints and allegations made against their staff. These processes need to be clear and transparent. This is the only way in which we can reduce child abuse at all levels. CLAN would like to see a national education campaign about the benefits of having the WWCC in Australia and to promote awareness of the correct procedures to undergo before working with vulnerable populations.

Another area which CLAN feels is important for Australia to explore, is Australians going overseas to work in orphanages and with children. All steps must be taken to ensure that if an Australian applies for a working visa overseas a WWCC is carried out. We need to aim not only to protect Australian children, but also children internationally from Australian adults who may be looking to exploit vulnerable children.

Additionally, whilst CLAN understands that this is about the Working With Children Check, we would like to see the same sort of background check undertaken for

anybody who works with a vulnerable population, especially the elderly and those with disabilities. Many Care Leavers are fearful of being abused in their old age as they know that some aged care workers have taken advantage of their positions and abused those most vulnerable in their care. Take for example the case in a Central Coast Nursing Home where aged care workers were taking photos of the residents genitals so that other nurses could guess who they belonged to (<http://www.news.com.au/national-news/nursing-home-horrors-uncovered/story-e6frfkvr-1226016507730>). The best way to prevent incidents like this is to implement a 'working with vulnerable people check' with the same features as a WWCC so that all segments of the Australian population can be safeguarded.

CLAN would like to thank you for the opportunity to comment on the Working With Children Check Issues Paper. CLAN sincerely hopes that in making this submission we have shed some light on the experiences of Care Leavers and how we can learn from this to implement a stronger more protective system for working with children. Hopefully you are able to use this knowledge to ensure that processes are different in the future and perhaps some of our suggestions may prove useful in allowing future generations of Care Leavers to live relatively happy and normal lives, unlike their predecessors.