

ISSUES PAPER 1

WORKING WITH CHILDREN CHECK

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1. Should there be a national WWCC?

- Yes I strongly believe there should be a national WWCC rather than individual state and territory systems of checking

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

The WWCC needs to:

- Be part of a **comprehensive national data base** that is strictly monitored and maintained
- Have a **registration process that is consistent** and adhered to by *all* stakeholders **across all states and territories**
- Have an assessment process that is conducted using a **set of strict guidelines** and checklists across all states and territories
- Always include a complete police check and criminal history check
- Include any relevant employment proceedings and / or findings from professional disciplinary bodies.
- **Include “near misses”** in relation to incidents whereby no actual offence has occurred, yet where there has been behaviour observed and noted **that is indicative of grooming for the purposes of sexual exploitation.**
- The database could somehow be made accessible to or linked in with federal authorities to ensure relevant information and alerts for high risk individuals (paedophiles) entering and working in Australia is monitored.

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

- There must be a national WWCC scheme for without this there is a risk of watering down of the registration and assessment processes if left to each individual state or territory to interpret.

- Given the evidence presented at current inquiries into the handling of clergy and other institutional abuse, it is imperative that there is a national method of registering anyone who works with or volunteers or comes into contact with children.

4. How long should any clearance be granted for?

- Ideally, these would be granted on an annual basis, however logistically clearances should be granted for a minimum two to three-year period. Any breaches of the guidelines (in this period) of the WWCC recorded immediately on the national database and relevant stakeholders notified promptly if children are deemed at risk. The bottom line here being a **'duty of care' to all children across Australia**.
- *For example: a person working with children at a school found to be a threat to the welfare of children, may have this noted on their file and the appropriate steps taken to address this, yet other areas of this person's life (i.e. church group, sports groups, volunteer work, etc) away from work or outside of such scrutiny could go unchecked, thus posing a potential risk to unsuspecting children.*
- This approach raises further issues in relation to privacy and how information is used and disseminated. Furthermore it raises the dilemma of when is it appropriate and lawful to notify relevant stakeholders when children may be at risk, even if doing so sits outside the context (i.e. workplace) in which the offences or 'near misses' took place?
- Either way, the parameters of the WWCC guidelines need to ensure that adequate policies and procedures are in place to minimize potential risk to children especially given the transient lifestyle of some offenders who are known to travel at whim across states and territories (and countries) in order to escape scrutiny and reoffend.

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

- No, this should *never* be allowed to happen as this can potentially put children/vulnerable people at risk.
- A person employed before a WWCC (and/or a Police Check) is granted is very often privy to private organisational information for a week or two before the WWCC (or Police Check) is completed and approved or rejected.
- This type of scenario can occur when a person is interviewed and offered a position pending a clear WWCC and/or Police Check, yet due to various organizational reasons (i.e. timelines, staff shortage) there is pressure to fill the position at short notice and the person is generally employed without the checks being completed.
- As a consequence there is a window of opportunity for anyone with ulterior motives to gather sensitive information and details, particularly if the role involves any type of case work, group work and/or face to face interaction with people.

6. How should child-related work be defined?

- Actually, I believe there is a need to have a combined WWCC and a 'working with vulnerable people' check.
- In my experience working in community services, there are many instances whereby a person can be over the age of eighteen (including the elderly) yet their functioning and diagnosis can render them as vulnerable as a five year old.

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

I have not commented on this question

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?**
- b. parent volunteers?**

As the evidence suggests, most perpetrators of abuse against children are known and very often trusted members of the child's family, community or group. Consequently, I believe that no-one should be exempt from a WWCC and as such those living in the homes of children in out-of-home care and parent volunteers must also be checked for suitability to engage with children.

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

Yes, however people should not necessarily be penalised for crimes committed in youth and should only (negatively) influence a clearance for a WWCC if the time spent in juvenile justice was in relation to extreme violence and/or sexual offences.

10. How should an appeal process operate?

- An appeal process needs to be transparent and fair and involve the assessment of each case of appeal on an individual basis.
- In cases where the concerns are of a non sexual nature, the factors that need to be taken into consideration should include evidence of recidivism, recovery and rehabilitation, counselling or other interventions in place to address past issues or current concerns.
- If the WWCC has been rejected due to concerns in relation to behaviour/offences of a sexual nature, specific care must be taken to ensure the above factors are considered, along with evidence that the person is no longer a threat to society.

- Any assessment of this nature must be stringent and include a demonstrated and verifiable period of 'time elapsed' since the last incident. **Duty of care and potential risk must always be a priority** . . . if there is even a hint of doubt, a WWCC clearance **MUST NOT** be granted.

11. What issues arise from the current regime of records that result in automatic barring of a person from working with children?

I have not commented on this question

12. The adequacy of the risk assessment process.

- There are many organisations operating in our community that sit on the periphery of more formalized services, who are not monitored or required to do risk assessments of their participants, yet they are known to have unfettered contact with and access to both vulnerable children and adults.
- In regards to the above-mentioned point, I speak from personal experience as a victim of clergy abuse, in relation to secondary victimisation by a high profile community-based organisation set up to help people sexually abused by clergy. Further information can be provided upon request.

13. To what degree should the WWCC minimise the need for institutions to establish clear processes for responding to inappropriate behaviour of staff in child-related positions?

- Institutions need to understand that the WWCC is a **'first step'** screening tool to help ensure they have adequately scrutinized the character and history of people they wish to engage.
- The responsibility and duty of care is then transferred to the institution who must ensure they have reliable policies and procedures in place to respond to incidents of inappropriate behaviour or 'near misses' exhibited by those they oversee. Furthermore, institutions must be mandated to report any such cases to the governing body of WWCC to ensure records (preferably on a national database) are kept up to date.

14. How should the effectiveness of any existing or proposed WWCC be evaluated and / or monitored?

- There needs to be a **national database** to continually monitor and evaluate the effectiveness of WWCC.
- All relevant institutions whether, community, government, or groups must be held accountable and ensure that they have clear and consistent guidelines and recruitment processes in place to assess the suitability of a candidate for child-related employment or volunteering.

- Using a **national database model** rather than an individual state or territory model would ensure records evaluated and monitored by the body are absolute within a 'whole of Australia' context.
- Implementing a **national data base** would also contribute to clear and useful data being collected on themes, trends and incidents and provide valuable statistical information that can be extrapolated for research and strategic development purposes.
- The database could somehow be made accessible to or linked in with federal authorities to ensure relevant information and alerts for high risk individuals (paedophiles) entering and working in Australia is monitored.