

Bravehearts Position Statement



Working with Children Checks

Bravehearts notes that currently there are diverse approaches to mandatory requirements for Working with Children Checks across jurisdictions. We believe that there should be, for the sake of consistency and best practice, a national Working with Children Check.

As an agency that is focussed on advocating for appropriate and effective responses to child sexual assault, Bravehearts was encouraged by the agreement by COAG (under the *Protecting Children is Everyone's Business: National Framework for Protecting Australia's Children 2009-2020*) to facilitate the inter-jurisdictional exchange of information relating to criminal histories and we support any move to increase the effectiveness of Working with Children Checks across the country. However, it is our position that encouraging a national, centralised administration system to undertake screening checks for suitability to work with children promotes best practice in ensuring suitability for working with children and monitoring compliance with legislation across Australia.

In addition, we acknowledge that *Working with Children* checks are only able to tell us about known and suspected offenders and should be seen as part of a wide range of organisational child protection strategies.

WORKING WITH CHILDREN CHECKS AND BEST PRACTICE

It is our position that there are key features that should be part of any State or Territory Working with Children Check scheme, including:

- **Retrospective checks:** The Working with Children Check needs to be retrospective to include all employees in regulated child-related employment. It is clear, for example with the large number of cases emerging regarding the abuse of children in care, that in order to ensure the safety of our children we need to screen all workers.
- **Consideration of Pending Matters:** In some cases, a relevant matter may be pending at the time a *Working with Children Check* is sought. In these cases the Commission should be required to refuse the issue of a card while the matter is pending, or perhaps to issue temporary cards that might, for example, allow supervised contact with children until the resolution of the pending matter.
- **Expansion of Criminal History Checks:** We believe that information should include information of all findings of guilt, so that bonds, sentencing deferrals and diversions are covered in addition to information on pardons, quashed and spent offences.
- **Inclusion of Employment History:** Bravehearts would advocate that background checks include (for example) disciplinary hearings, diversionary programs, and employment history. There needs to be consistent requirements for employer organisations to notify of work-

Bravehearts Inc

PO Box 575

Arundel BC, Qld 4214

Phone: 07 5552 3000

E-mail: research@bravehearts.org.au

Web: www.bravehearts.org.au

Bravehearts Position Statement



related disciplinary matters as part of legislated screening systems. The inclusion of employment history in the checks overcomes one of the major limitations of criminal history checks – the fact that relevant matters which do not result in prosecution or a finding of guilt, or which are dealt with by internal disciplinary hearings, can be missed through the criminal history check process.

- **Overseas Criminal History:** The feasibility of requesting criminal history checks from overseas needs further exploration. It would secure higher levels of child protection if the Federal, State and Territory authorities were able to extend the criminal record check beyond a national to an international process. Related to this, for all individuals undergoing Working with Children Checks, it should be mandatory that offences committed overseas be reported as part of the process. Suitable penalties should apply to those who do not notify of such criminal histories.
- **No Excluded Categories:** All offences that relate to children should be automatically included in the offence list to be considered during the screening process. In addition, Bravehearts believes that other interpersonal and family violence offences, as well as relevant offences committed as a juvenile, should also form part of the decision making process.
- **Photo Identifications:** One of the issues that has recently been the subject of discussion around the Queensland Working with Children Check is that of photo identification. Apart from the application process, where proof of identification is needed, the cards currently do not include a photograph. It has been suggested that with 'smart cards' now being used by the Department of Transport (for both drivers licenses and over 18 cards), a process could be facilitated whereby digital photos of applicants could be shared as part of the identification process and included on the Working with Children Check card..
- **Valid Card Lists:** One of our concerns regarding the suitability cards is that if cards are lost or stolen individuals who have not proceeded through the correct channels to apply for a card, or who have previously received a negative notice, may be able to misuse a card and attain employment and consequently inappropriate access to children. If a list of *valid* cards was made available to employers this would allow for added security to ensure that the applicants/employees are suitable for working within child-related employment
- **Child Protection Policies and Risk Management:** All organisations that are considered as a 'child related' organisation must be legislatively required to have a child protection policy, including a risk management strategy. A minimum standard should be determined to include, for example: a statement of purpose, code of conduct, employment procedures, risk management strategies, disclosure/concern response, and staff training.

We believe that the WWCC should be applicable to all employees and volunteers in the child-related sector where the business of the organisations involves engaging people as

Bravehearts Position Statement



employees, volunteers, student placements to work with children or young people aged under 18 years.

Roles should include any employment or volunteer work (including Management Boards and student placements) with a child-related organisation, including, but not be limited to:

- Child protection services provided through or for the statutory child protection department
- Education services, including government, non-government and private tutoring or coaching
- Residential facilities, including juvenile detention, child accommodation services, and overnight camps
- Children's services, including child care services, child-minding services, child care at special events
- Health, counselling and support services
- Churches, clubs, and associations involving children
- Education programs conducted outside of schools
- Amusement parks, gym and play facilities
- Transportation services for children

Bravehearts Inc

PO Box 575

Arundel BC, Qld 4214

Phone: 07 5552 3000

E-mail: research@bravehearts.org.au

Web: www.bravehearts.org.au