Position Paper: Toward a Nationally Consistent Approach to Working with Children Checks

BACKGROUND

In June 2010 the Community and Disability Services Ministers Conference (CDSMC) agreed to progress a nationally consistent approach to working with children checks.

In 2005, CDSMC agreed on initiatives and approaches that constitute best practice guidelines, expressed in the Creating Safe Environments for Children National Framework. Priority was placed on state and territory governments building the capacity of child-safe organisations, ongoing risk assessment background checking, the development of a set of guidelines for excluding people and cross jurisdictional information sharing.

In April 2009, the Council of Australian Governments (COAG) endorsed the National Framework for Protecting Australia’s Children 2009-2020 (National Framework). One of the actions under Supporting Outcome 2 (children and families access adequate support to promote safety and intervene early) is the development of a ‘nationally consistent approach to working with children checks’. One of the actions under Supporting Outcome 6 (sexual abuse and exploitation is prevented) is the implementation of a national framework for inter-jurisdictional exchange of criminal history for people working with children.

In the 21st century, the community expects nothing less than an assurance that there are vigilant safeguards in place to protect children irrespective of where they are located or what state or territory they are in. Loss of public confidence sharpens imperatives for action as governments are held to account for failings in statutory and administrative systems. In response to these expectations, governments have taken action to ensure that a range of protective mechanisms are in place to reduce the risk of harm to children by predatory individuals.

PROGRESSING A NATIONALLY CONSISTENT APPROACH

The actions underway by state and territory governments are cross jurisdictional information sharing and screening, and risk assessment.

1. Cross Jurisdictional Information Sharing and Screening

On 29 November 2008 the Council of Australian Governments (COAG) agreed to establish an inter-jurisdictional exchange of criminal history information for people working with children. The 12-month trial of the Exchange of Criminal History Information for People Working with Children (ECHIPWC) commenced on 30 November 2009. The scheme allows jurisdictions to exchange criminal history information of people applying to work with children, including spent convictions, pending charges, and (except for Victoria) non-conviction charges, and acquittals.

This expanded information is only used by prescribed screening units to assess an applicant’s suitability to work with children. Uniformity in jurisdictional approach is not a trial requirement.
This trial was developed to meet the requirements of a framework endorsed by COAG on 13 April 2007. The Working Group explicitly considered a consistent legislative scheme and determined this was not feasible or desirable. The endorsed recommendations included:

1. In the longer term, and ongoing, child-related employment screening should be informed and improved by increased research and effective sharing of evidence-based learning to achieve consistent practices, with consideration of the scope for achieving mutual recognition of existing schemes.

2. The most appropriate framework for exchange of criminal history information is to seek inter-jurisdictional agreement on the type and scope of information to be exchanged, while leaving each jurisdiction to determine for itself to what extent and how to use the information received to make decisions relevant to the safety of children.

The majority of states and territories have implemented child related pre-employment screening programs or are working toward such legislation. In addition to child related employment legislation (where it exists), all states and territories have legislation that requires occupational screening. Although there are differences between jurisdictions in the type of screening program, the records that are checked and who is required to undergo screening, there is a consistent objective with respect to the outcome of the screening process. The object is to enable an assessment of the level of risk a prospective employee poses to child safety and to exclude unsuitable applicants.

Progress toward further consistent approaches to working with children checks is monitored by the National Operators Forum, a voluntary network of the national screening agencies (predominantly Children’s Commissioners). All states and territories are represented on the National Operators Forum. The National Operators Forum has identified that even though screening systems vary across jurisdictions in terms of the scope and type of information taken into account, consistent screening decisions are made; that is, the decision to screen someone in or out is essentially the same. The NOF is working towards establishing a nationally consistent decision making framework for applicants who have returned a criminal history to guide decisions about suitability for employment.

2. Risk Assessment

Risk assessment describes the process of evaluating day to day available information (for example, information obtained from a background check), in order to identify and minimise the risk of harm an individual may pose to a child. *The National Framework for Creating Safe Environments for Children* sets out the key principles for assessing the likelihood of risk for people working with children.

Each state and territory has determined its own legislative or policy approach, or is determining this, in order to minimise the likelihood that a person who poses a risk to children will be engaged in child related work. The National Operators Forum has recognised that most work relating to greater national consistency has been done in the area of screening. Rigorous background checking is a critical component of a child safe organisation but not a failsafe way to protect children from exposure to harm in organisational environments.

Working with children checks are a growing area of practice. There is limited evidence that demonstrates that screening is effective as a stand-alone risk management response. The
available literature supports the need for proactive participation from organisations in producing child safe organisational policy.

The National Operators Forum has recognised the importance of a nationally consistent risk management framework that generally reflects the elements in the *Creating Safe Environments for Children* guidelines developed by the Community and Disability Minister’s Advisory Council (CDSMAC) in 2005.

The key elements identified by the NOF are:

1. strong and reliable screening and decision making processes.
2. strong community support and understanding on the part of organisations of their roles and obligations to reduce risks to children by providing safe environments.
3. ongoing criminal history checking, compliance checking and reporting.

**KEY CONCERNS IDENTIFIED BY THE WORKING GROUP**

In Australia not all children receive the same level of protection from the organisations and systems designed to protect them. The variation between state and territory systems makes it difficult to recognise and accept safety checks of volunteers and workers who move across borders. In addition, the lack of cross jurisdictional infrastructure means that any change to the suitability status of the person cannot be effectively actioned and communicated to any relevant employers or organisations accessing that person’s services.

State and territory representatives on the Working with Children Checks Working Group are concerned that a stand-alone focus on achieving national consistency by legislative harmonisation and alignment of screening processes does not afford sufficient protection to children. Legislative reform and alignment of screening practices and processes are one element of a broader response to the protection and safety of children in the organisational environment, not a stand alone response. A response reliant on legislative reform will ultimately fail to adequately protect children when enforcement mechanisms breakdown. Harmonisation of state and territory legislation would require substantial investment of resources to bring the data and related information management mechanisms into line. Current fiscal constraints make additional financial commitments untenable as part of an agile response. There is insufficient evidence to inform a best practice screening model. Attempting to develop a best practice model in an emerging area of research and practice risks being influenced by high profile cases and worst case scenarios.

Legislative reforms can also have unintended consequences. This has been demonstrated by the recent experience in the United Kingdom where the government has suspended the centralised Vetting and Barring Scheme (VBS) implemented between 2007-2010. This action was in response to public outcry based on privacy and regulatory concerns. The VBS scheme would have seen vetting of individuals in unprecedented numbers as a community safeguard against the abuse of children and vulnerable people. The UK experience highlights that vetting systems are not substitutes for proper vigilance by individuals and society.

Additional misgivings with a vetting and barring scheme include concerns about volunteer impact. For example, that organisations would be less willing to take on volunteers and that new regulations and the cost of a working with children checks would deter people from wanting to take up volunteering.
Legislative harmonisation relies on enforcement to be effective. It is most effective when compliance with regulatory systems is subject to consistent monitoring and evaluation. This would involve all eight jurisdictions taking a consistent approach to enforcement. States are left exposed when enforcement mechanisms break down and this contributes to a public loss of confidence in the systems and processes designed to offer protection at both state and commonwealth levels.

There is a risk that over time the costs attached to compliance monitoring will deter effective implementation of compliance mechanisms or there will be ‘slippage’ over time as cost-saving measures are implemented. Amendments to legislation may be enacted causing it to go ‘out of synch’ with the ‘agreed to’ harmonised approach and eroding its efficacy.

WORKING GROUP POSITION

State and territory representatives on the Working Group strongly support progress towards a nationally consistent approach to working with children checks. This can be achieved by reaching agreement on actions, such as those proposed by the National Operators Forum, including those that embed child safe practices at the operational level. It is at the operational level where children interact with organisations and where children are also at greatest risk of exposure to unsafe adults. It is the view of the state and territory representatives on the Working Group that the protection of children can be achieved in the absence of nationally harmonised legislation without exposing children to risk of harm.

States and territories have already made significant commitments to enable inter-jurisdictional exchange of criminal history information and have made or are working towards an investment in infrastructure that ensure screening and data systems are in place.

A much stronger response can be achieved through a national commitment to ongoing checking, consistent risk management strategies at the organisational level and communication strategies that make it simpler to find out what is allowed when working or volunteering in another jurisdiction. Mandated reporting and enforcement through licensing and or conditional funding arrangements may be required to ensure comprehensive application of these risk management strategies at the organisational level for those jurisdictions that have not legislated for this.

PROPOSED WAY FORWARD

The proposed way forward for maximising the protection of the child involves a commitment to both legislative and administrative action. The actions outlined below go a significant way toward ensuring that children who come into contact with staff or volunteers in organisations receive a high level of consistent protection wherever they are located, as follows:

1. Recognising recent legislative amendments achieved by all state and territory governments through the ECHIPWC trial.
2. A recommitment to the implementation of the Creating Safe Environments for Children National Framework, with a particular focus on building the governance capacity of child safe environments. This may involve revisiting the different elements within the Framework and looking at different options for compliance monitoring.
3. Endorsing the implementation of a nationally consistent approach to working with children checks as proposed by the National Operators Forum. This would involve:
a. a focus on outcomes that can be achieved within a short timeframe and in particular implementing sensible strategies to address cumbersome requirements for persons who have been screened in one jurisdiction and are temporarily working with children in another jurisdiction.

b. a commitment to implement risk management strategies in organisations that work with children and to subject these to ongoing monitoring and enforcement through licensing and funding requirements.

c. a shared understanding of what an exclusionary framework might look like in order to prevent ‘high risk’ individuals from entering the risk management system in the first place.

d. actions that heighten the awareness of organisations about the duty of care they have to protect children.

e. actions that heighten NGO and community awareness about existing actions and provisions in place for the purpose of protecting children.

* The National Operators Forum proposal is provided at Attachment B
Achievements, progress towards a National Consistent Approach to Working With Children Checks and proposed actions to enhance nationally consistency

Observations and proposals from the National Operators’ Forum (NOF) - June 2010

Summary of achieved, in progress, and proposed actions that would contribute to National Consistency in Working With Children Checks.

ACHIEVED

1. Commenced 12 month pilot of the National Exchange of Criminal History Information for People Working with Children (ECHIPWC) across jurisdictions and participating agencies to evaluate its utility in providing more comprehensive information across jurisdictions to strengthen working with children checks. ................................................................. 9

2. There has been ongoing commitment by the National Operators Forum (NOF) to explore opportunities to increase consistency across jurisdictions......................................................... 10

IN PROGRESS

3. There has been ongoing enhancement of existing working with children check legislation which is increasingly making the checks more consistent................................................................. 11

PROPOSED

4. Develop common communication initiatives to be shown on each jurisdictions’ website designed to raise awareness of existing provisions that allow volunteers to work across borders................................................................................................................. 12

5. Develop broad level principles for the focus of the working with children check systems .............................................................................................................................. 13

6. Align the criteria that enable individuals to cross state borders for participation in national and interjurisdictional activities on a short term basis without the need to be screened.......................................................................................................................... 14

7. Explore opportunities to embed risk management strategies, as best practice, in organisations providing services primarily targeted to children – this could be achieved through mechanisms that may include legislation, licensing, registration and funding requirements, or skill development and education .......................................................................................................... 15

8. Implement continuous checking of criminal histories .............................................................................................................................................................................. 16

9. Establish consistent framework for assessing effectiveness of screening and risk management outcomes........................................................................................................... 16

EXTENSIVE PROJECT THAT WOULD NEED TO BE COAG AUSPICED AND WOULD TAKE CONSIDERABLE TIME TO IMPLEMENT

10. Explore opportunity for mutual recognition across jurisdictions .................................................................................................................................................. 17
Since the introduction of the National Framework for Protecting Australia’s children there have been a number of significant achievements to promote children’s safety and develop child safe organisations through a nationally consistent approach to working with children checks and screening systems.

For example on 1 December 2009 the National Exchange of Criminal History Information for People Working With Children (The Exchange or ECHIPWC) pilot commenced. This pilot removes legislative and administrative restrictions to enable an expanded range of criminal history information to be shared across jurisdictions by screening agencies that meet strict participation requirements. This means that The Exchange promotes a more consistent approach by giving all jurisdictions routine access to the expanded range of criminal history information when making decisions about the suitability of people to work with children.

Other notable developments include:
- the National Operators Forum, a voluntary network of the national screening agencies, met in November 2009 to identify similarities and differences in decision making frameworks with a view to identifying consistent outcomes of final decisions i.e. decisions about whether or not a person would be consistently screened out even though different decision making and legislative frameworks may be used
- nationally consistent messages about the importance of working with children checks have been promoted by jurisdictions resulting in greater community acceptance of screening systems
- greater national consistency through the introduction of new screening legislation and provisions across a number of jurisdictions
  - QLD’s screening all child related screening under blue card or exemption frame (mutual recognition across certain specified screening agencies)
  - SA will screen non-government organisations for the first time
  - NT is currently in the process of introducing working with children checks
  - ACT is conceptualising a working with children model (planned implementation in 2011)
  - NSW is currently reviewing its working with children process
  - Victoria has recently completed a review of legislation clarifying the capacity to share information with interstate jurisdictions as an area for legislative amendment

These achievements demonstrate the commitment and willingness of screening agencies to share information and work cooperatively to develop robust and consistent screening approaches.

To date, however, most work and analysis relating to creating greater national consistency has been done in the area of screening and, while criminal history screening is crucial, it is important to acknowledge that it takes place at a point in time and consequently needs to be seen as only one element, albeit a fundamental element, in a broader system to be effective in promoting children’s safety and creating child safe organisations.

To conceptualise a working with children check system based solely on screening and without including these additional elements of a broader working with children checks system will result in less safe environments for children than could otherwise be achieved. It will also increase the risk of a loss of public confidence as the public recognises the vulnerability of relying solely on a point in time check.
The elements that the NOF members views as necessary in a comprehensive working with children check system generally reflect the elements in the *Creating Safe Environments For Children* guidelines developed by the Community and Disability Services Ministers’ Advisory Council (CDSMAC) in 2005\(^1\).

The key elements are:
1. strong and reliable screening and decision making processes
2. strong community support and understanding on the part of organisations of their roles and obligations to reduce risks to children by providing safe environments, and
3. ongoing criminal history checking, compliance checking and reporting.

**Effective screening**

The screening agency is responsible for carrying out working with children checks, ensuring that it is robust, efficient and reliable and based on a sound and defensible decision making frame.

**Risk management**

At the community level organisations have an obligation to:
- ensure that relevant people have undergone the appropriate screening and received approval
- assess the organisation’s environment and activities in relation to risks to children and reducing any opportunity for exposure to abuse
- develop a risk management strategy to address those risks

Working with children checks only assess a person’s existing criminal history. If a person has not offended previously, or has offended but not been caught, there will not be any criminal history for the screening process to detect. It is therefore also very important for organisations to identify and mitigate, as far as is possible, risks their particular environment could create for children. The way to do this is for organisations to consider the particular risks and reduce any potential opportunities for children to be exposed to abuse in the context of that organisation’s activities and location. The organisation then develops a risk management strategy designed to address those risks. This was identified as best practice in the 2005 report produced by the Community and Disability Services Ministers’ Advisory Council in its document on *Creating Child Safe Environments*. A number of screening agencies have implemented risk management strategies for organisations, however, others have not.

**Ongoing criminal history monitoring, compliance and reporting**

Once a person is screened and given approval to work with children, it is important that there is a process in place to detect if there is any change in their criminal history, and for appropriate action to be taken with regard to these changes. A number of screening agencies have incorporated continuous checking as part of their system, however others have not.

Any moves towards greater national consistency in working with children checks need to address the consistency in each of these three elements, that is screening, risk management and ongoing monitoring, and not only focus on consistency around screening. Moreover, greater consistency in risk management and continuous checking are necessary precursors to the desired outcomes of being able to allow individuals more easily work across borders for longer periods without having to be screened in the new jurisdiction.

The following matrix considers the achievements towards national consistency that have occurred over the past 12 months, where progress has been made in the same period, and where the Commission proposes initiatives that would contribute to greater consistency across the three elements of a comprehensive working with children check system.

---

1. In 2005 CDSMAC agreed on a set of initiatives and approaches that would constitute best practice guidelines in *Creating Safe Environments For Children* across Australia.
### Achieved

<table>
<thead>
<tr>
<th>Action</th>
<th>Implementation status</th>
<th>Explanation of what it is /does</th>
<th>National consistency advantages</th>
</tr>
</thead>
</table>
| Achieved                                                               |                             |                                                                                                | 1. Provides participating agencies and jurisdictions access to a consistent scope and type of information taken into account when undertaking criminal history screening – this is a precursor to being able to develop a system of mutual recognition of another jurisdiction’s screening approval.  
2. All states have signed the ECHIPWC agreement as they support the exchange of information, even though not all have as yet implemented working with children checks.  
3. The eligibility requirements necessary to participate in the ECHIPWC trial have lifted the standards on the receipt and use of the expanded range of information in participating agencies. |

### Action

<table>
<thead>
<tr>
<th>1. Commenced 12 month pilot of the National Exchange of Criminal History Information for People Working with Children (ECHIPWC) across jurisdictions and participating agencies to evaluate its utility in providing more comprehensive information across jurisdictions to strengthen working with children checks.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Commenced 1 Dec 2009</td>
</tr>
</tbody>
</table>
| • Provides participating agencies with greater access to criminal history information across jurisdictions to better inform their decision making about people working with children  
• Feedback from the pilot is due to COAG after 12 month trial (mid 2011). |

---

2 Participating screening units are: The child related employment screening units that will participate in the exchange are:  
(a) the Commission for Children and Young People constituted by the Commission for Children and Young People Act 1998 (NSW);  
(b) an approved screening agency under the Commission for Children and Young People Act 1998 (NSW);  
(c) the Secretary to the Department of Justice as mentioned in the Working with Children Act 2005 (Vic);  
(d) the chief executive officer as mentioned in the Working with Children (Criminal Record Checking) Act 2004 (WA);  
(e) the Screening Authority established under the Care and Protection of Children Act (NT), section 196;  
(f) the Commission for Children and Young People and Child Guardian constituted by the Commission for Children and Young People and Child Guardian Act 2000 (Qld);  
(g) the Queensland College of Teachers as mentioned in the Education (Queensland College of Teachers) Act 2005 (Qld); and  
(h) any child related employment screening units that the parties, under Part 7 of this memorandum, agree may participate in the exchange in the future and that the parties add to this schedule.  

3 To be eligible to participate in the ECHIPWC pilot, participating screening units are required to:  
• have the legislative basis for screening persons working or seeking to work with children, which specifically enables consideration of information available through the exchange  
• comply with applicable Commonwealth law, State law or Territory law relating to privacy, human rights and records management  
• comply with the principles of natural justice, and  
• have a risk assessment and decision-making framework that is evidence based, documented and supported by business rules and tools and have appropriately skilled staff make assessments about the risks to children’s safety suggested by the applicant’s criminal history.  

4 Outcome 6  
Strategy 6.2  
Action 6.2.A  
Child sexual abuse and exploitation is prevented and survivors receive adequate support  
Enhance prevention strategies for child sexual abuse  
National framework for inter-jurisdictional exchange of criminal history for people working with children
<table>
<thead>
<tr>
<th>Action</th>
<th>Implementation status</th>
<th>Explanation of what it is /does</th>
<th>National consistency advantages</th>
<th>Outcome strategy/ Action</th>
</tr>
</thead>
</table>
| Screening | Ongoing | NOF: Provides a voluntary commitment for operators to identify and develop, within the parameters of the current legislation, nationally consistent approaches to working with children checks. | NOF: 1. Has collaborated to implement the national exchange of criminal history information for people working with children (ECHIPWC).  
2. Has produced a national jurisdictional comparison document which highlights the similarities and differences between agencies conducting working with children checks to identify where national consistency initiatives could occur.  
3. Has recognised the importance of a nationally consistent risk management framework and is advancing some broad guidelines that will be the subject to further discussions at NOF forum.  
4. Is working towards establishing a nationally consistent decision making framework for applicants who have returned a criminal history. | [2 /2.2 / 2.2A] |

2. There has been ongoing commitment by the National Operators Forum (NOF) to explore opportunities to increase consistency across jurisdictions

Immediate opportunities
- NOF is a community of best practice that could provide FaHCSIA and CDSMC with current, good on-the-ground information on what is happening in the area of working with children checks.
- NOF is best placed to provide FaHCSIA and CDSMC with advice on what is possible now in relation to developing nationally consistent initiatives that would improve the experiences of the client groups and work operationally.

NOF: 1. Has collaborated to implement the national exchange of criminal history information for people working with children (ECHIPWC).  
2. Has produced a national jurisdictional comparison document which highlights the similarities and differences between agencies conducting working with children checks to identify where national consistency initiatives could occur.  
3. Has recognised the importance of a nationally consistent risk management framework and is advancing some broad guidelines that will be the subject to further discussions at NOF forum.  
4. Is working towards establishing a nationally consistent decision making framework for applicants who have returned a criminal history.
<table>
<thead>
<tr>
<th>Action</th>
<th>Implementation status</th>
<th>Explanation of what it is /does</th>
<th>National consistency advantages</th>
</tr>
</thead>
</table>
| IN PROGRESS Screening | Past 12 months | • By 2011 all states and territories will have a system of criminal history screening for people working with children (Tasmania may still be in the process of implementation)  
• This means that there is a nationally consistent message about the importance of taking extra precautions when employing people to work with children.  
• Each time states amend their legislation it continues to make approaches more consistent. | 1. Increasing number of states currently conducting child related employment screening check and providing a nationally consistent message about the importance of working with children checks.  
2. The decision making frameworks have been tested at NOF to determine that comparable screening outcomes are arrived at in those jurisdictions that have similar screening (Queensland, WA and Vic).  
3. Some jurisdictions have responded to pressure from sporting groups and recreational clubs to facilitate time limited moves across borders in some areas. |

3. There has been ongoing enhancement of existing working with children check legislation which is increasingly making the checks more consistent

Including
• Queensland has introduced legislation to reduce duplication of screening and create one check for all child related screening, done through the blue card system, or through an exemption frame that recognises certain screening that has occurred (eg screening of registered teachers and police officers)  
• the Northern Territory has commenced phasing in working with children checks  
• ACT and Tasmania are currently conceptualising their working with children check model and ACT has published that it anticipates implementation by 2011, and  
• NSW is currently reviewing its working with children check processes and has consulted with Queensland, Western Australia and Victoria to inform its model.  
• WA is in the process of amending its legislation which will particularly improve decision making and compliance functions.  
• Victoria has recently completed a review of legislation clarifying the capacity to share information with interstate jurisdictions as an area of legislative amendment
<table>
<thead>
<tr>
<th>Proposed</th>
<th>Action</th>
<th>Implementation status</th>
<th>Explanation of what it is /does</th>
<th>National consistency advantages</th>
<th>Outcome strategy/Action</th>
</tr>
</thead>
</table>
| PROPOSED | 4.     |                       | • This would make it simpler for people to find out what is currently allowed in relation to working or volunteering in another jurisdiction, including the time frames and conditions which apply.  
• This information is not readily available and sometimes people are unaware that they may be able to move across borders in circumstances for a period of time without being screened. | 1. It would make it easier for people to know what they can currently do in relation to moving across borders. | [2 /2.2 / 2.2A] |
<p>|          | Develop common communication initiatives to be shown on each jurisdictions’ website designed to raise awareness of existing provisions that allow volunteers to work across borders |                       |                                 |                                 |                        |
|          | Short term opportunity |                       | • This could be readily achieved and would assist organisations and individuals to know what is currently allowed. |                                 |                        |</p>
<table>
<thead>
<tr>
<th>Action</th>
<th>Implementation status</th>
<th>Explanation of what it is /does</th>
<th>National consistency advantages</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy frame</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Develop broad level principles for the focus of the working with children check systems</td>
<td></td>
<td>• Make more explicit and as consistent as possible across jurisdictions the circumstances under which people working with children need to be screened. • Clarify where working with children checks need to be targeted. For example, places where children are required to be by statute (school, foster care, youth detention), or where statutes apply (child care, shelters) or where the government has indicated it wants to support and foster children’s involvement because it is seen as being good for their development (sports and clubs). • Working with children checks are a partnership between the screening agency, the organisation, parents and children. It is important that the roles and inter-relationships are made more explicit.</td>
<td>1. Having an agreed upon policy frame and broad level principles for the focus of working with children checks will mean greater consistency across jurisdictions of the employment circumstances under which people employment screening (and risk management strategies) for working with children. 2. This is a precursor to being able to allow people to move more readily across state borders for short periods without being screened in the new state. Unless similar paid employment, self employment and volunteer contexts are screened it is not feasible to simplify the screening requirements when people move across jurisdictions. This recognises that the scope across jurisdictions will not be exactly the same.</td>
</tr>
</tbody>
</table>

Medium term opportunity
• This would be a significant move forward but would require some legislative and processing change within states

[2 /2.2 / 2.2A]
<table>
<thead>
<tr>
<th>Action</th>
<th>Implementation status</th>
<th>Explanation of what it is /does</th>
<th>National consistency advantages</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Screening</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Align the criteria that enable individuals to cross state borders for participation in national and interjurisdictional activities on a short term basis without the need to be screened</td>
<td>Discussed at NOF &amp; some exploration and mapping work has been done</td>
<td>Under some circumstances, people are able to operate across state borders without being required to be screened in the new state but the time periods, frequencies and circumstances under which this occurs varies across jurisdictions.</td>
<td>1. Facilitates ease of movement across borders for particular events, for example sporting and club events and would be a very popular initiative.</td>
</tr>
<tr>
<td>Caution: To minimise risk of harm to children this needs to be implemented in tandem with risk management strategies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Medium term opportunity</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>● Extend the states involved in this and standardise criteria</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>This is an achievable proposal that would be well received by community organisations</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Action</td>
<td>Implementation status</td>
<td>Explanation of what it is / does</td>
<td>National consistency advantages</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------</td>
<td>----------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td><strong>Risk management</strong> 7. Explore opportunities to embed risk management strategies, as best practice, in organisations providing services primarily targeted to children – this could be achieved through mechanisms that may include legislation, licensing, registration and funding requirements, or skill development and education</td>
<td>Mandatory in Qld</td>
<td>• Would require all organisations who primarily provide services to children to consider their environment and the type of activities they provide and identify where risks to children could occur, particularly those that place children at risk of harm from other people. Organisations would then develop risk management strategies to address and mitigate these risks. • Once organisations start to implement risk management strategies the need for screening becomes quickly apparent. In the absence of a state based screening process it is usually incumbent upon the organisation to request police checks directly and incur the related costs 6. • Implementing risk management strategies has been identified by CDSMC 7 as a best practice element in creating child safe environments. • The Queensland Commission has also found that its Compliance work, which is carried out through proactive audits and in response to complaints about organisations and individuals helps drive understanding. It does this by alerting people to their responsibilities around ensuring appropriate screening of employees and the requirement for them to develop a risk management strategy to create a safe environment for children. It also helps inform them of the supports the Commission provides to assist with this.</td>
<td>1. Implementing risk management plans could provide a level of national consistency even prior to all states having implemented a screening process. 2. This would facilitate standardising the periods of non-screening to make it easier for people under some circumstances to be able to operate across state borders without being required to be screened in the new state but the time periods, frequencies and circumstances under which this may occur vary across jurisdictions. (See action 6) 3. The nationally agreed characteristics of child safe organisations arrived at through the 2005 CDSMC work on Creating Safe Environments for Children covered: • Governance and culture • Education and training • Human resources management • Participation and empowerment of children • Systems to ensure adaptation, innovation and continuous improvement</td>
</tr>
</tbody>
</table>

---

6 Where state based screening systems are in operation and where volunteers working with children are required to be screened, the state governments have provided this free of charge to the individual and their organisation – creating savings to the NGO sector.

<table>
<thead>
<tr>
<th><strong>Action</strong></th>
<th><strong>Implementation status</strong></th>
<th><strong>Explanation of what it is /does</strong></th>
<th><strong>National consistency advantages</strong></th>
</tr>
</thead>
</table>
| **Ongoing criminal history checking, compliance checking and reporting** | **Occurs in Qld, WA and Vic** | • Continuous checking provides an ongoing, daily or weekly capacity to identify any change in a person’s criminal history within their state.  
• Currently Queensland, Victoria and WA conduct frequent regular checking of all those they have approved to work with children.  
• Changes in criminal history in other states is not detected through the continuous checking process. | 1. If all states had continuous checking and there was the capacity for other states to be notified when a person’s criminal history changed it would permit for a longer screening renewal period.  
2. This would also act as a precursor to enable consolidation of how people screened in one state, and continuously checked there, could operate in other states through some exchange of information process. |
<p>| <strong>Assessing effectiveness</strong> | <strong>Medium term opportunity</strong> | • A consistent framework for assessing the effectiveness of screening and risk management activities would mean that each jurisdiction was measuring its system’s effectiveness in a similar way. | 1. Jurisdictions would have a similar assessment tool. |</p>
<table>
<thead>
<tr>
<th>Action</th>
<th>Implementation status</th>
<th>Explanation of what it is /does</th>
<th>National consistency advantages</th>
<th>Outcome strategy/ Action</th>
</tr>
</thead>
</table>
| EXTENSIVE PROJECT THAT WOULD NEED TO BE COAG AUSPICED AND WOULD TAKE CONSIDERABLE TIME TO IMPLEMENT |  | - States with comparable working with children checks would agree to consider testing which would enable people without a criminal history to operate in a new state without having to undergo a check if they had been checked in another participating state  
- This would need to be undertaken in a considered manner in order to avoid possible discrimination against those with a criminal history | 1. Would enable ease of movement across borders of those who have undergone screening in a participating jurisdiction and who are approved to work in specific employment occupations to be able to work in another states' regulated employment environment | |

Screening

10. Explore opportunity for mutual recognition across jurisdictions

This requires high level policy consideration and would be an extensive and resource intensive project that, without exposing children to risk of harm or degrading the value of existing screening systems or eroding public confidence in the systems would require:

- being auspiced by COAG
- significant resourcing & specialised skills
- significant legislative change
- participating states to have a risk management system in place
- participating states to have a continuous checking system in place
- a way to verify that screening had taken place in the originating state (e.g. issue of card or notice)
- a process for informing agencies / employers in another jurisdictions when a person's criminal history changed or their screening approval had been suspended or cancelled – this would be extremely complex to achieve  
- a carefully staged approach
- a considerable time span to fully implement  

(Note: ECHIPWC took 5 years to implement and was a significantly smaller undertaking than this would be)