

# Mission Australia

**Response to:**

**The Royal Commission into institutional responses into child sexual abuse**

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# Working with Children Check

## Mission Australia's response to Royal Commission into Institutional Responses to Child Sex Abuse – Issues Paper 1

### Introduction

Mission Australia welcomes the opportunity to provide comment in relation to the Royal Commission's Issues Paper relating to the possibility of a national Working with Children Check (WWCC). Mission Australia believes that all children and young people have a fundamental right to a safe and trusted environment that is free from harm and supports initiatives to promote the safety, welfare and well-being of children and young people. Mission Australia acknowledges the important role that a WWCC plays in providing a protective mechanism to reduce risk of harm to children by predatory individuals and supports the principal of national harmonisation as a way of streamlining and enhancing the WWCC regimes that operate in Australia. Mission Australia submits that a nationally harmonised approach should be underpinned by the principles traversed in this submission.

Mission Australia provides Children and Family services and the holistic nature of our work is reflected in our Outcomes Hierarchy for Pathways to Strong Families and Healthy, Happy Children. We recognise that some families find it difficult to provide a safe and nurturing environment in which children can thrive and have a solid foundation for success. For young children and their families, we offer assistance so they have every opportunity to succeed. Firstly we seek to understand their situation, then we help them implement ways to overcome their more immediate challenges and build resilience for the future. In implementing these solutions, we work with the existing strengths of the children and their families, inviting them to lead the transformation of their lives. We offer a range of early intervention and family support programs that aim to walk along side families as they meet health and welling outcomes.

We also recognise that many of our adult services also see children, who accompany parents and care givers. These services may be housing, drug and alcohol services or employment services as well as a range of other adult services. Therefore we recognise that WWCC need to be carried out on all staff who are working within our services.

### Submission response

#### Should there be a national WWCC?

Mission Australia supports the principal of a national WWCC as we believe that a stronger response can be achieved through a national scheme that delivers clear and consistent outcomes, efficiency gains and ease of administration. A national scheme will also support the mobility of workers and volunteers across multiple jurisdictions.

A national scheme will enable organisations operating across multiple jurisdictions to implement consistent approaches to screening, governance and culture. This will make it easier for organisations to flexibly deploy personnel and to review and adapt their governance frameworks in response to regulatory and environmental change.

### **What features should be included in any national scheme?**

Mission Australia submits that a national WWCC scheme should be underpinned by the following principles:

- Outcomes of a WWCC should be consistent and credible.
- The system should be streamlined and easily administered.
- The cost of registering for and administering the checks should be a free service or set at a fee that does not discourage organisations from engaging volunteers.
- The WWCC scheme should provide a framework which gives employers and organisations engaging volunteers' clarity and certainty regarding those who are and are not suitable to work with children. A 'CLEAR' status should provide employers with confidence to hire and engage in the knowledge that a robust risk assessment has been undertaken of the applicant under a national framework.
- A national scheme should provide a common understanding of what offences will amount to a 'BARRED' status.
- National registration supported by harmonising legislation should clearly define what categories of employees or volunteers are required for checking and provide a mechanism for assessment where this is unclear.
- A national scheme should provide timely outcomes of WWCCs to prevent delays in the recruitment process.
- A national scheme should incorporate continuous monitoring and provide an automated notification system where existing employees become 'BARRED' workers post commencement or their 'CLEAR' status expires.
- A national scheme should provide protections for employers who elect not to employ or engage on the basis of a 'BARRED' status.
- A national scheme should clarify rights when a 'BARRED' status is identified and a worker appeals the outcome, provide for timely resolution of an appealed status and protect organisations from claims in the event that a worker is stood down or terminated pending the outcome of an appeal.
- A WWCC should be a part of a national framework which provides clear guidance to enable organisations to respond to inappropriate behaviour of workers in child-related positions and should provide protections for employers who chose to act in accordance with that guidance. A 'deemed to comply' approach should be considered.

- The implementation of a national scheme should be supported by appropriate phasing in periods to enable workers and organisations to respond to the change.

### **General comments and conclusion**

Mission Australia supports the principle of a national WWCC and also believes there is merit in extending pre-employment due-diligence checks to those working with other groups of vulnerable people to ensure their safety, welfare and well-being. In this regard, Mission Australia considers that there may be merit in implementing a coordinated approach to regulated pre-employment due diligence that also captures National Criminal History and Australian Federal Police checks.

A national scheme of this nature should provide a robust, credible and defensible decision making framework to guide decisions about suitability for employment in roles involving direct contact with children and vulnerable persons.