

Barnardos Australia Response to Royal Commission into Institutional Responses to Child Sexual Abuse

Issue Paper 1 Working with children check

- 1 We believe that a national check is important.
- 2 The features that should be included in a national scheme should overcome problems that we have experienced in NSW.

That is, apparently authentic allegations about a person who is neither a staff member nor licensed carer should be recorded. We have experienced situations in which relatives of carers, who we believe may have acted inappropriately, were not required to be reported to the NSW Commissioner. Thus, there was no record of their behaviour officially recorded even though our agency would never approve a care application by such a person.
- 3 Yes - each State and Territory should have a process equivalent to NSW
- 4 We cannot contribute any opinion on length of clearance except to note that unnecessary bureaucratic red tape should be avoided for carers and costs should be minimised for very low paid workers.
- 5 People should not be able to commence work before the check is complete, as long as it can be completed within one week
- 6 & 7 Child-related work and sector should be defined as ‘anyone who has the opportunity to be alone with a child where an organisation has been involved in either employing or licensing a worker or carer or volunteer’.
- 8 Barnardos believes that all of those living in a ‘out of home care situation’ **as well as** those who are regular visitors to the household should have a check completed.
- 9 Checks should involve any offences related to sexually inappropriate behaviour and violence. Other matters should be generally excluded.
- 10 An appeal process should be in place for issues of fact, although we draw attention to:
 - the cost of this process in an already overstretched system.
 - the agency responsible for the child must always have the final decision about not using a carer applicant. Any judicial process should have appropriate information. While judicial process may examine licence decisions, the actual individual placement decision must be made by the responsible organisation.

- 11 Automatic barring may pose particular issues for Aboriginal carers or staff. A high percentage of Aboriginal persons are involved as young people with criminal justice system and minor assault convictions. It is critical that basis for the barring can be appealed.
- 12 Re the adequacy of risk assessment process. Barnardos utilises the NSW and ACT Working with Children Check for the 450 carers in our agency. Both jurisdictions have recently changed to a 'personal authorisation' system and it is too early to assess the impact of this. Our experience to date, in which we have worked closely with the NSW Ombudsman and Children's Commission on allegations of abuse, indicates that there remain instances of inappropriate sexual behaviour towards children in foster care.

This occurs despite:

- stringent use of NSW and ACT checks
 - intensive interviews of potential carers by two separate caseworkers, exhaustive reference checks and review of carer applicants by very experienced workers
 - clear information on appropriate behaviour expected from carers, including in written handbooks reissued annually
 - the close involvement of caseworkers in ongoing training and monitoring of the placements (including regularly seeing the child alone)
- 13 In relation to the extent to which the WWCC should minimise the need for clear processes for responding to inappropriate behaviour by staff in child related positions -

We would point out that the overwhelming number of allegations relate to carers not staff.

It is our experience that using checks still requires strong internal processes and external oversight. Barnardos has a number of allegations each year that we notify the NSW Ombudsman and ACT officials about. We believe that for bureaucracy to focus just on Working with Children Checks may prove to be misguided. It is critical that agencies have a clear risk policy in relation to molestation, as well as appropriate internal checks on operational design to maintain quality standards. Critically, involving children is a necessary part of protecting them.

14. Evaluation is important and some requirements for data include:
- how many people are 'knocked back'. It is our experience that individuals, who know that they should be knocked back, do continue to make application to agencies, although these are relatively rare.
 - Evaluation should also look for errors in picking up on past records, which have been known to have occurred.

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