



President: Rev Dr Andrew Dutney BA, PhD, EdD

General Secretary: Rev Terence Corkin BA, BTh, BLegS

97:TC:JB

August 12 2013

UNITING CHURCH IN AUSTRALIA

Submission on Royal Commission into Institutional Responses to Child Sexual Abuse Issues Paper 1: *Working with Children Check*

The Uniting Church in Australia offers this submission arising from its wide and long experience of working with children in congregations across Australia, in a range of high-fee and low-fee schools and in an extensive UnitingCare network.

The Uniting Church is mindful that the Issues Paper raises a range of questions which, on the surface, elicit succinct, simple answers. However, simple answers risk oversimplification of extremely complex policy issues and could lead to the development of policy which is not evidence-based or well-grounded. A great deal of consideration must go into forming a position on these complex matters and such consideration must be informed by a detailed understanding of the current system, its flaws and its strengths.

Unless considerable resources are invested in this field, many answers to the Issues Paper questions could be superficial and may lead to the development of policy which has not considered all relevant issues. The network of Children's Commissioners complemented by an appropriately resourced National Commissioner is appropriately placed to provide expert advice in this area.

The Uniting Church supports that children need to be safe and protected from harm.

As such, the Uniting Church does not propose to answer every question but offers the following comments.

National Working with Children Check (Questions 1-4)

There is inconsistency in frameworks of working with children checks across the states, territories and parts of the church. It is arguable that consistency across the nation could help to ensure that no one "slips through the cracks" and on the face of it, a National Working with Children Check may appear to be desirable.

However it is important to identify inconsistencies and adopt an evidence based approach to identify what is working. This would include assessing the current systems in terms of their efficiency, effectiveness and cost. Work needs to be undertaken nationally to map the processes and procedures and look at the commonality between the states and territories that provides for a standard that is acceptable and consistent. The purpose of having a Working with Children Check needs to be clarified and be part of a suite of tools and approaches to ensure harm minimisation and protection of children.

The Uniting Church fully supports and endorses a National *approach* to Working with Children Checks – rather than a national scheme which would be extremely difficult to

achieve across governments and incur considerable administrative costs. It is also critical to ensure there is no watering down of standards in order to achieve harmonisation, rather that standards are raised across the country.

A national approach could consider:

- the need for consistency and reliability;
- the need for capacity to undertake international checks given the increasing number of overseas workers operating in community services.
- how to ensure accuracy and up-to-date information, perhaps with live links to state databases with relevant information about an individual's safety to work with children, including convictions, any court proceedings regarding abuse of children, serious violence, drug and alcohol related crime and domestic violence;
- inclusion of volunteers;
- portability of National Criminal History Check between states/territories, particularly for those that work in rural and remote areas;
- Whether organisations should be mandated to notify state authorities when a person has been terminated from their employment for gross misconduct.

It is suggested that Working with Children Checks need to be valid for a two year period before renewal.

Definitions (questions 6-8)

Definitions about child-related work and roles should be arrived at with reference to risk and opportunity. Working with children checks should include all circumstances where there is direct service provision to children in either a paid or volunteer capacity or where the person's role exposes them to children (for example, a cleaner in a child care centre).

Organisations should also give consideration to conducting working with children checks on staff in management roles and in governance positions as those persons make policy and service delivery decisions and can be responsible for direct supervision of staff who provide services to children. The definition needs to be consistent across the nation, and monitoring processes in place.

Exemptions are not supported.

Records examined, offences and appeals (questions 9-11)

Records included in Working with Children Checks should be broad ranging. With regard to appeals processes, an examination needs to be made across jurisdictions about what appeals processes are working well and why. For example, are decisions being overturned and why? What are the main grounds for appeal and do they suggest a flaw or gap in the system? How can they be fixed? Once this information is analysed, submissions on the appeal process would be more useful.

Effectiveness and evaluation (questions 12-14)

These questions may elicit answers to the fundamental policy and practice questions: Is the current system working? What are its strengths and weaknesses? How can it be improved? Working with children checks are an important tool in protecting children and are not sufficient on their own. In fact, Working with Children Checks are limited to where matters have been reported to police or child protection agencies. Such checks cannot aim to cover

every possible scenario and there is a risk that over-reliance on checks lead to complacency. The Working with Children Check needs to be coupled with vigilant organisations that actively promote robust child-safe cultures.

A handwritten signature in black ink that reads "Terence Corkin". The signature is written in a cursive style with a prominent initial 'T'.

Rev Terence Corkin
Assembly General Secretary.