



**Tasmanian Council of Social Service  
response to  
'A Working with Children and  
Other Vulnerable People Checking System  
for Tasmania'  
Discussion Paper**

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The Tasmanian Council of Social Service (TasCOSS) welcomes the opportunity to comment on *A Working with Children and Other Vulnerable People Checking System for Tasmania* Discussion Paper.

We congratulate the Department of Health and Human Services for developing and moving forward with this important proposal, as one of a range of components, to protect children and other vulnerable people. We note, however, that it has taken five years for further action to be taken on a checking system that was first put forward in 2005 by the Tasmanian Commissioner for Children. This seems an inordinately long time for such a significant – and much-needed – system to remain in its planning stages.

TasCOSS welcomes the extension of the proposed checking system to those who work with other vulnerable people – in fact, our response to the 2005 Consultation Paper, *Screening of Individuals Who Work with Children in Tasmania*, stated that ‘others in our community share the vulnerability of children’ and that TasCOSS would be ‘encouraging the Tasmanian Government to frame the proposed legislation in such a way that other vulnerable groups can be covered by its key provisions.’ We congratulate the Tasmanian Government for being one of the few state and territory governments to extend this system of protection to other vulnerable people in our community.

In general, TasCOSS supports the proposed centralised checking system as outlined in the Discussion paper. This submission does not, for the most part, address the detail of the proposed system, but raises some broad issues that we consider significant, and makes a number of recommendations.

### **Implementation time**

We believe that the five year implementation period suggested in the Discussion Paper is too long and that the process should be accelerated to establish the system and ensure its early acceptance as an efficient and effective checking system. Most Australian States currently have checking systems in place and, as mentioned above, Tasmanians have already waited five years for further action on this issue. Another five year wait for full implementation is simply too long.

### **Adequate resources**

We also stress the need for the State Government to provide adequate resources to the system, particularly in its early implementation stage. We suggest that significant additional funds be provided in the introductory stages to allow for both the establishment of the ongoing checking system and for immediately beginning the process of checking of people already working with children and other vulnerable people. This would deal most effectively with the very large task of checking people already employed and volunteering, and it would demonstrate the Government’s commitment to the checking system as an important component in the protection of children and other vulnerable people in Tasmania.

### **Information and promotion**

Since a centralised checking system will be new to Tasmanian employers and employees alike, information about the system and how it works – and support for participants – will be essential components of successful implementation. We

recommend that the State Government develop and distribute information material for employers, employees, volunteers and job seekers about the system, transitional arrangements, rights and responsibilities in relation to the system and how the new system will affect them. In addition, a toll-free telephone information service should be established and maintained throughout the implementation period.

### **Allocation of costs**

One important issue that the Discussion Paper is unclear on – and one that urgently needs clarification – is the allocation of costs for the checking of individuals. The Paper suggests that it will cost \$100 on average for a central agency to screen an individual. This cost cannot be borne by job-seekers, volunteers or by community service employer organisations. If this cost were allocated to any of these parties, it would function as a significant barrier to employment and to volunteering.

As the peak body for the Tasmanian community services industry, TasCOSS is acutely aware of the limited capacity that most community service providers have to absorb additional costs. Many community service industry employers currently reimburse employees for the costs of standard ‘police checks’ – approximately \$45. When checks become mandatory under the proposed central checking system, and the costs increase, the majority of community service organisations will not be able to afford to cover these costs. It would be unfair to impose this cost on individuals seeking employment or offering their services as volunteers.

We therefore strongly recommend that the State Government cover the entire cost of individual checks.

### **No barrier to employment**

It is essential that the checking system does not function as a general barrier to employment, or deter potentially valuable employees and volunteers from applying for work.

We are pleased to see that the Discussion Paper notes the value of employing people with certain experiences and/or conditions to work with vulnerable people experiencing similar issues and/or conditions. The value of employees and volunteers with ‘lived experience’ cannot be over-stated in many areas of community service provision, including in the mental health area and in alcohol and drug services. Workers and volunteers with ‘lived experience’ have the ability not only to understand the experiences and conditions of service users and to empathise, but also to demonstrate that recovery is possible and achievable.

In some cases, the nature of the ‘lived experience’ may mean people have criminal convictions or other experiences in their pasts that would preclude employment with vulnerable people.

We therefore support the inclusion of position-based assessments where appropriate. However, the Discussion Paper states that a position-based assessment can be sought by those ‘who have been unsuccessful in becoming registered’ (11.5, p35). Rather than making application for a position-based assessment contingent on failure, we believe there should be a mechanism that

allows for position-based assessments to be applied for directly, without requiring applicants to first be unsuccessful.

Furthermore, it is important that this option be advertised and promoted along with the introduction of the centralised checking system so that potential employees and volunteers are not deterred from seeking suitable positions.

A positive feature of the community service industry is the diversity of its workforce and its ability to provide appropriate and empathetic support for service users, including peer support. It is important that the industry maintains this diversity and that the proposed checking system is applied judiciously and fairly, while taking account of particular circumstances and needs.

We would also like to ensure that the system allows for people to have a check carried out without a job offer or without current employment with children or vulnerable people. This could be useful in a number of different circumstances, including for those who would like the certainty of a positive check before beginning a job search, a casual worker or volunteer who may be applying for positions with a number of organisations, and for free-lance tutors, coaches or teachers (of dance, music or art, for instance) who do not have a single permanent employer.

A related issue is the time taken to complete a check and the possible impact that may have on access to employment. We appreciate that the Discussion Paper promotes a system wherein an employee may begin working in a position pending the positive outcome of a background check. However, depending on the circumstances, an employer may opt to provide supervision in the interim period or to delay the commencement of employment until the result of the check is known. In the latter case, if the delay in checking is too long, a prospective employee may find another position in the interim and be lost to the industry. Given the historic difficulties that the community services industry experiences with the recruitment and retention of staff, substantial delays in the checking system could exacerbate this existing problem. We would therefore recommend that the checking system be designed to be carried out as swiftly as possible.

### **Impact on ex-offenders**

TasCOSS is concerned about the potential unintended consequences of a universal checking system on the re-integration into society of ex-prisoners and other ex-offenders. It is important in the development of policy in this area, that consideration is also given to the need to provide specialised support for ex-offenders re-entering the workforce, and especially for those who may wish to work in the community services industry. A blanket exclusion of ex-offenders from such work would not only exacerbate the difficulties of finding employment, but would also adversely affect the ability of ex-offenders to successfully re-integrate.

TasCOSS recommends that more consideration be given to this issue in the development of the checking system and that it also be addressed in the current development of *Breaking the Cycle: Tasmanian Corrective Services Plan 2010-2020*.

### **Supporting safe environments for vulnerable people**

TasCOSS welcomes the Discussion Paper's recognition that a centralised checking system is but one component of the protection of children and other vulnerable people in Tasmania. We are pleased to see that the proposal includes a wider role for the checking unit in promoting safe environments through the provision of information, support, training and other capacity building activities.

### **Towards a national scheme**

TasCOSS supports the establishment of a wholly national scheme with standard checks across all jurisdictions. This would increase the mobility of the workforce and obviate the need for employees to obtain multiple state and/or territory clearances. We recommend that the Tasmanian Government work toward the development of a national system through relevant Ministerial Councils and the Council of Australian Governments.

### **Other issues**

Some TasCOSS members have advised that the proposal for a five year period of validity for checks is too long and suggest that the period be reduced to three years. This change would bring the State's new checking system requirements into line with existing national accreditation schemes, including the Australian Council for Children and Youth Organisation's 'Safeguarding Children Program' and Commonwealth Aged Care accreditation systems.

There has also been concern expressed about the proposal to not consider traffic offences as 'relevant information'. Those holding this view suggest that where employees and/or volunteers are required to drive vehicles in order to transport children and other vulnerable people, information about driving records is indeed relevant.

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This proposed scheme is very significant for the community services industry in Tasmania. It will not only bring protection of children in Tasmania into line with most other Australian states, but will also go further by protecting other vulnerable people. It is also a major change for a large number of organisations, employees and volunteers. Those affected must therefore be well informed in advance and throughout. Most importantly, a centralised checking system must be adequately resourced in order to be effective and to achieve its aims. Any cutting of corners in relation to resourcing will create problems and will certainly undermine the ability of services to deliver high quality services to children and other vulnerable people in Tasmania.