

The Hon John Rau MP  
Deputy Premier  
Attorney General  
45 Pirie Street  
**ADELAIDE, SA 5000**

Submission sent by email: [screeningproject@agd.sa.gov.au](mailto:screeningproject@agd.sa.gov.au)

31 October, 2013

Dear Mr Rau,

This submission is made on behalf of the Child and Family Welfare Association (CAFWA) and the South Australian Council of Social Services (SACOSS).

Given the short time frame in which to provide feedback on this important topic, our submission is brief. We are seriously concerned by the limited time offered to properly and fully consult on this important issue. We consider the issue of timelines as ultimately undermining the South Australian Government's 'Better Together: Principles of Community Engagement'. Nevertheless, as this is an issue of serious concern to our sectors and there is extensive experience in our sectors around this topic, we believe we are able to provide informed comment.

We would like to preface our submission by proposing that comprehensive screening of all individuals who work with children, young people and vulnerable adults is essential, but good systems only go part way in protecting the vulnerable in our community. Abuse and neglect can present in ambiguous ways and concerns about a child's safety or development can arise from myriad signs and symptoms.

Children and young people are a key source of information about their lives and the impact any problems are having on them. A persistent criticism in reports of inquiries and reviews into child abuse and neglect is that people did not speak to the children enough, nor were there adequate avenues for active participation of children and young people. We would like to reinforce the importance of mechanisms to ensure the active participation of children and for all agencies involved with children and young people to be monitored for their effectiveness in this area.

As well as the active participation of children, young people and vulnerable adults in their lives, we would also like to emphasise the importance of strengthening family and community support. As we know, predators will target the most vulnerable, in particular those individuals who appear to have limited support around them. This sector has seen repeated financial cuts to programs that look to improve the lives of vulnerable children and adults and their communities and we believe this only serves to isolate and disconnect, even more, this client group and hence leave them potentially exposed to the predatory behaviour of some individuals. We cannot emphasise enough the importance of keeping children and their families connected to their communities.

This is an example of proactively investing early in building protections around children so as to ensure they are less vulnerable.

**Centralised Screening Unit**

We support the notion of a centralised screening unit, as this allows one unit to be privy to a range of information necessary to contribute to the safety of children, young people and vulnerable adults. We believe one unit can compile information from a Police Check and a Care and Protection history. For example, with volunteer carers, there may be a history of Care Concerns and over time there is an apparent pattern, but a Police Check will not pick this up. One unit needs to be able to obtain information from a variety of sources before an assessment made.

However, in order for one centralised unit to be effective, and an improvement on the current system, there are some features we see as vital for its effectiveness.

### **Adequate resourcing**

Currently there are significant waiting times for completed screenings and this can result in agencies, who are currently using the centralised screening unit, expending a great deal of energy to keep prospective staff holding on and waiting, or risk losing them to other agencies. These delays impact on existing staff that have to fill rosters and do overtime or their roster is filled by agency staff. This results in significant increases in costs for that agency.

In addition to the impact on staff, prospective volunteer carers are often left waiting for over three months before their checks are complete. This is simply untenable and unmanageable for most organisations who are almost always forced to recruit on a 'just in time' basis where a delay in appointment means no-person is available to provide the support required.

Similarly this will have an effect on a prospective volunteer foster carer, who also may lose faith in the system and not proceed. A delay in processing screening of volunteer foster carers is seriously impacting on our care and protection system. Not only does it mean that we are potentially losing carers, but lengthy delays mean children and young people are being kept in unsuitable care arrangements for even longer periods.

Efficiency of the screening process is therefore imperative.

### **Sharing of information with the referring agency**

In addition to having it adequately funded we also strongly recommend a system where if there is an adverse finding, that this information is sent back to the agency for the agency to also assess (with the Screening Unit) in order to make a decision on whether to employ or not.

Some agencies have found that there may be a context to the offence. For example agencies report that a prospective employee may have been the victim of domestic violence, yet there is a history of violence recorded against their name. Agencies would like to be able to assess the offence to ensure they would not pose a risk for the position being considered. Matters of serious assault or child abuse would result in immediate 'not to be employed status'.

### **Care and Protection expertise**

As we understand it, the current system allows for an assessment to be made by staff that come from a variety of professional backgrounds and we believe this has led to some errors

in judgement. We recommend that someone with extensive experience in Care and Protection makes an assessment on the Care and Protection history of a prospective volunteer or employee. We believe this is critical if proper assessments of a person's history are to be made. This could be done by either an employee of a centralised screening unit or referred to Families SA for them to complete this part of the assessment.

### **Respect for Confidentiality**

We are of the view that General Notification correspondence ought to be marked private and confidential and not for general distribution. The sensitive nature of this information, and the fact that it does not necessarily include all of the contextual information relating to an offence, demands that Departments and agencies must have regard for individual's rights in how they handle this material. While it is imperative that information should be made available to ensure responsible and appropriate decision making occurs in the appointment of paid and volunteer staff, the sharing of this information must be undertaken with regard to the fair and legitimate entitlement to confidentiality.

### **Screening of Aboriginal foster carers**

As we know, Aboriginal people are overrepresented in the criminal justice system, often for minor offences. As soon as a screening comes across a 'history' it then requires more detailed explanations, which generally means each and every potential Aboriginal carer requires a much longer screening period as they are required to respond to past history of offending et cetera. More generally, agencies find that potential Aboriginal carer households pull out of the process once they find out there will be a screening of national criminal history and any information the Department may have on their file about applicants. Often the 'offences' are minor and do not preclude applicants from becoming carers but the invasive nature of the screenings puts people off because they are worried that others have access to the history.

We would like to consider other ways in which to manage this, both in terms of confidentiality and in terms of consideration of the sensitive nature of some of the offences. Again, this highlights the need for the Screening Unit to liaise closely with the referring agency and to include them in all assessment decisions. It is imperative also that confidentiality is assured to the applicant.

In conclusion, we would like to emphasise the importance of adequately resourcing a centralised unit to ensure there are no delays, ensuring there is sharing of information when there is an adverse finding and ensuring there is care and protection expertise when making assessments.

- ***The scope of the application of screening requirements (including but not limited to its application to teachers and those who work in agencies that provide services to children, young people and vulnerable adults but whose contact is limited or ad hoc).***

Screening should include all adults who are working with children and young people and vulnerable adults. There have been some examples from the sector where a parent (with an extensive child protection history of a sexual nature) has been working at a school. Teachers do not always have the ability to adequately supervise a person in this context.

In addition, we have also been provided of an example where a woman is currently working in a crèche at a major hospital and she has an extensive child protection history, including the abduction of a child. In both cases agencies have had to enact the Information Sharing guidelines. However, this is not always effective. We would therefore recommend that all adults working with children, young people and vulnerable adults are screened through a centralised screening unit that also has access to the Care and Protection history of an individual.

- ***The scope of information that ought to be considered for the purposes of determining a person's suitability to work or volunteer with children, young people and vulnerable adults***

As mentioned above, a range of information should be considered. As highlighted above, information should be gleaned from as many sources as possible, including the justice information system and the child protection system. However, when making the assessment of whether to make an adverse finding or not, this requires considerable skill and knowledge. This should not be left to one person, or one profession. We would recommend the use of a panel including representation from the non-government sector.

In many instances someone employed in a community sector organisation may be recruited to one role with certain responsibilities and then move to another. It is important that a single screening process identify issues across a range of roles.

- ***The appropriateness of mandatory exclusionary offences which automatically disqualify a person from working or volunteering with children***

We would be supportive of this, but this should be carefully considered and there should be some offences that clearly exclude an individual from working or volunteering with children. We would be pleased to have further discussions on this.

However, as is known many individuals now known to have abused children, had no history of offending. It could be argued their behaviours could have drawn attention, but again many individuals are very clever in making sure they are not detected. This raises our point of ensuring that children's voices are clearly heard and that children and young people are regularly consulted. Active children's participation in all spheres of life has been shown to significantly reduce the risk of abuse and neglect.

While there are some offences where individuals should be barred from working in the sector, there are also those individuals who may have committed an offence in their earlier years that may, ostensibly, prevent them from working in this area, but who could contribute in a positive way.

Legislation or government guidelines should incorporate a right of appeal (or discretion) for those with past convictions.

People who commit offences when they are young may be able to use their experiences to help others. Attitudes towards convictions can be different in particular regions or cultural groups and if there was an appeal mechanism, this again should go to a panel with expertise in Care and Protection.

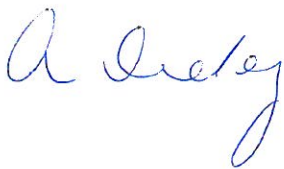
- ***The cost implications for screening particularly as this relates to volunteers; and***

The screening costs remain an ongoing issue for the non-government sector. Any efficiency that could lead to lower screening costs would be welcomed. However, the costs of not screening are far more significant to our children, young people and vulnerable adults and therefore it could be argued that this is a cost that should be borne by government.

- ***The scope of exemptions from the requirement to screen, especially as they relate to volunteers***

We have viewed foster carers as volunteers and there should be no exemptions for volunteer foster carers. However, the scope of exemptions for some volunteers would need to be clearly articulated, especially as the definition of vulnerable adults is potentially quite broad and should include those with an intellectual disability as well as people whose mental functioning is impaired because of mental illness, dementia or an acquired brain injury.

Yours faithfully,



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Ross Womersley  
Executive Director, SACOSS



