

From: Jones, Kim [mailto:kim.jones@education.tas.gov.au]
Sent: Wednesday, 14 April 2010 4:12 PM
To: Kemp, Bruce G
Subject: Working with children and vulnerable people checks

Good afternoon Bruce

Following previous discussions with Alice Jones and as per advice received from her, I am about to send you some responses to the discussion paper for working with children and vulnerable people. I apologise that they may not be in the required format. One response is from the Tasmanian branch of Early Childhood Australia (ECA), another from a member of the Ministerial Child Care Advisory council (But may not represent the views of the council as this was the only response received from members) and following the end of this paragraph are some dot point issues/ concerns from the Child Care Unit.

1. It is proposed the WWCVP Checking System be part of DHHS. It is further proposed that the legislation be passed through Parliament late in 2010 with implantation in a phased approach over 5 years beginning in 2011. These time-frames will mean the current Child Care Act is part of the process (National changes coming later). Therefore, the definitions of Child Care as provided in Annex A (p 47) refer only to Child care services defined under the Child Care Act 2001, including child care and family day care schemes. It is suggested this should better reflect the definitions within the Act, Centre Based Care, Approved Registration bodies and Home Based Care.
2. P 16 states that it is vitally important that the new WWCVP Checking System does not unnecessarily increase financial costs, liabilities or administrative burdens on organisations or individuals, the following requirements may impact on this:
 - a. The organisation seeking to employ or use a person in a volunteer role will be required to complete a declaration stating they intend to use the person in the service (to save processing any non-required applications). This is an additional administrative impost on services. It is expected that a responsible person from within the organisation sign the declaration and this may be confused with the definition of responsible person within the Child Care Act 2001.
 - b. The individual will be required to attend a Service Tas outlet for the purposes of photo identification being included on the clearance card (an additional impost on individuals) as they must supply proof of identification when lodging the application also.
 - c. The average cost of a check is estimated to be \$100 (Part 18.3, p 43) and this is to be worn by the individual (cost impost as it is currently free through the DoE)
3. Part 18.4 (p 43) relates to processing times. While no definite times are given, it makes mention of national criminal history checks being the main subject of any turnaround times. For HBC situations in particular, it is important to be able to give a more reliable time frame than noted in the document.
4. Part 10.3 (p 32) refers to self –disclosure and penalties for non-compliance would apply, including dismissal. There is no other mention of penalties, but dismissal would NOT be appropriate in the HBC sector as they are considered self- employed.
5. Part 16 (41) refers to compliance checks and indicates that proposed compliance activities with the WWCVP checking system include (but is not limited to) physical spot checks of select employers/ organisations: This is a Power Authorised Officers have under Child Care Act (and the New National Law) which will potentially mean 2 agencies performing the same role. (Given the system is aimed at reducing Regulatory Burden for services this may be problematic and require further consideration).
6. The current safety screening application for child care purposes also includes declarations in relation to the Child Care Act 2001. Potentially this may mean a dual process will be required, unless these declarations be included on the WWCVP checking

application. Again National changes for the early childhood education and care sector may impact here.

Generally it appears the new checking system offers clarity around considerations given to clearances. The notion of having to phone or make contact with the Checking Agency prior to employing or using a person in a role is particularly noted as important. The unique identification number and photo identification will assist in preventing people to continue when a (current) safety screening has been revoked. It will be interesting to learn more about the National exchange of information that is mentioned in the discussion paper. The requirement to reapply every 5 years seems like a long period of time in between, but self disclosing should assist with this as well as protocols that allow for notification of charges where a person is found guilty (Assuming this is similar to the current DoE exchange with Tas Police).

Again – I apologise the responses are coming in such an ad-hoc manner.

Also, Bruce, I have placed in the mail a letter to you from ECA regarding the consultation process.

Please feel free to call me for further discussion or clarification if required.

Regards

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