

## Issue Area 7: Assessment Outcomes.

### **Notification to be provided to employers and organisations**

In the discussion paper it is proposed that the WWCVP Screening Unit will inform the employer or organisation of the intention to issue an interim negative notice, and advise that the applicant must be removed from all contact with vulnerable people pending a final determination. It was also proposed that the WWCVP Screening Unit will contact the employer if:

- there is some doubt as to whether or not the applicant has actually been offered a position;
- the application is withdrawn;
- the application is deemed withdrawn due to irregularities or lack of a response from the applicant;
- a negative notice is subsequently issued; or
- a positive notice is subsequently issued.

Thirteen comments were received. Twelve respondents supported the proposal. There is a broad range of expectations as to the level of detail to be shared with employers / organisations. Many employers have commented that they would like to know the reasons for the negative notice, but a number of respondents have expressed concern that this may breach privacy requirements

**Should employers and organisations be provided with the reasons for an interim negative notice?**

**Should consent be sought from the applicant within the initial application?**

**No, it should not be necessary to provide the employer with the reasons for an interim negative notice.**

## **Flexible approvals**

In the discussion paper it was proposed that the WWCVP Screening Unit would be able to issue either a broad approval for a registered person to work in any regulated activity or a position based approval that restricted a registered person to a particular position.

A number of suggestions have been made for additional conditional approvals including:

- restrictions on driving a motor vehicle in which vulnerable people are present; and
- a controlled environment approval (i.e. can only work under supervision).

**Should provision be made for conditional approvals? If so, are there other circumstances where conditional approval may be appropriate?**

**With a position based assessment, screening would be able to determine risk relating to such things as driving offenses, or a controlled environment. However, with position based assessment screening system, there must be appropriate regulation to ensure that any change of position or new charges/convictions includes relevant communications between the screening unit and employer, to confirm the check as current.**

**A position based screen allows a degree of flexibility in order to assess related charges/offences against the specific position responsibilities and circumstances.**

## **Registration Period**

In the Discussion Paper it is proposed that Registrations should be for a five year period.

There were 18 comments. Ten respondents supported a five year registration period, four respondents support was dependent on the self disclosure provisions being rigorous, a further six respondents offered support dependent on a “flagging process” (continuous checking) being established allowing police to notify the screening unit of new offences. One respondent suggested a three year period until such time that continuous checking system has been established (after which a five year period was supported). Two respondents argued that the time period should be aligned with existing schemes such as Safeguarding Children and accreditation requirements under the Commonwealth Aged Care Act. One respondent suggested there may be a need for flexibility, allowing provision of checks for reduced periods.

**Should the registration period be for five years at commencement of the scheme, or should the period be for three years until such time systems have been established that allow for continuous checking?**

**Should provision be made for variations to the registration period? If so under what circumstances would this be appropriate?**

5 years is expedient but requires regulated monitoring and updating. The system requires coordination between the screening unit and the police, courts, and employers in order to update all new charges and convictions. The employer is legally obliged to confirm validity of the check at the time of appointment of new applicant or applicant moves to a new position.

Three years provides a level of confirmation, however the gap between checks poses significant risks where the onus of reporting any new charges/convictions to employer sits solely with the employee.

5 years with appropriate regulation should reduce administrative load on screening unit.

