

Working with Children and Vulnerable People Checking System

Background

The Tasmanian Government is committed to supporting and protecting vulnerable people in the Tasmania.

As part of this commitment, the Tasmanian Government will set up a centralised background checking and risk assessment system for those working with vulnerable people to reduce the risk of sexual, physical, emotional or financial harm or neglect.

In line with *National Framework for Creating Child Safe Environments – Organisations, Employees and Volunteers* obligations, checking systems for people working with children already exist or are under development in all Australian jurisdictions.

Given the similarities in the risk of harm faced by children and vulnerable adults, Tasmania is considering extending the checking system to include people working with vulnerable adults.

Many organisations in the Tasmanian community already recognise that background checking of employees or volunteers in contact with vulnerable people is an important part of creating a safe working environment.

Currently each organisation is subject to the costs and liabilities of individual checking decisions.

Centralisation of checking has benefits for organisations and individuals. Under the proposed Working with Children and Vulnerable People Checking System, the Tasmanian Government will set minimum and compulsory checking standards and will apply a consistent risk assessment framework and decision making process.

The costs to employees and volunteers who will need a Working with Children and Vulnerable People Check are still to be determined. However, any costs will be based on comparisons with other jurisdictions and be fair and equitable, and not present a barrier for employment.

The Checking System will be based on principles of natural justice and include review and appeal mechanisms for applicants.

Discussion Paper

There a number of stages to the development of the Working with Children and Vulnerable People Checking System Discussion Paper [\[link to pdf\]](#):

Stage 1: In January 2005, the (then) Commissioner for Children, Mr David Fanning, released a consultation paper entitled *Screening of Individuals who Work with Children in Tasmania*. The Commissioner's paper proposed the design of a system for screening individuals in Tasmania that would build

upon practices already implemented by many organisations. The proposed screening process included all people who work with children in a volunteer and paid capacity in both the public and private sectors. The Commissioner also recommended the establishment of a Central Screening Agency, supported by legislation, to manage the screening process.

The introduction of the Working with Children and Vulnerable People Checking System will address these recommendations and will also address obligations arising for Tasmania under the *National Framework for Creating Child Safe Environments – Organisations, Employees and Volunteers*.

Tasmania has also committed, through the Council of Australian Governments, to set up a unit and legislation to screen people working with children and participate in a national exchange of criminal history information on people working with children.

Stage 2: We have elaborated on issues identified in Stage 1 for the purpose of further public consultation. The Discussion Paper provides additional information on setting up a checking system within Tasmania, identifies issues for discussion and poses questions around those issues.

The public consultation started on 15 January 2010 and closes 12 March 2010.

Consultation Strategy

General Public

Advertisements have been placed in *Mercury*, *Examiner* and *Advocate* seeking responses to the Discussion Paper. Information about the proposed Checking System has been placed on the DHHS and DPEM websites. Feedback can be provided either online or by post.

Specific Stakeholder consultation

Stakeholders are being advised of the consultation through two main mechanisms: -

- Direct mail out
- Use of existing email lists.

Stage 3: This stage involves the providing feedback to the community on the range of comments received. It involves developing a consultation report. It is intended that the consultation report will be finalised in April.

Stage 4: This stage considers legislative change. It involves Inter Agency Departmental Committee consideration of the submissions received and the options for change.

The Minister for Human Services will consider the results of this discussion. Parliament will subsequently consider any suggested amendments.

Inter Agency Departmental Committee

An Inter Agency Departmental Committee has guided the development of the proposed model and discussion paper. This Committee comprises:

Chair

Deputy Secretary, Department of Health and Human Services

(Ms Alison Jacob)

Members

Department of Police and Emergency Management

Department of Justice

Department of Premier and Cabinet

Department of Education and Sport and Recreation Tasmania

Department of Economic Development Tourism and the Arts.