

Discussion paper

Stakeholder consultations to inform the legislative review of the *Working With Vulnerable People Act (2011)*

Introduction

What is the aim of this discussion paper?

This discussion paper aims to assist interested community members contribute to the ACT Government's review of the operation of the *Working with Vulnerable People (Background Checking) Act 2011* (WWVP Act). It includes information about the role of the WWVP Act, and questions about issues that could be considered in the review.

The ACT Government has commissioned Nous Group to conduct stakeholder consultations to inform the review. The review will be undertaken by the ACT Government, which will report to the ACT Legislative Assembly in early 2017.

Why is the ACT Government reviewing the WWVP Act?

The WWVP Act has operated in the ACT since November 2012. It aims to reduce the risk of harm or neglect to vulnerable people by requiring individuals who work with vulnerable people to have a background check and registration. The aim of registration is to prevent vulnerable people having contact with individuals who have a history of inappropriate behaviour or who have not been assessed for suitability to work with vulnerable people.

The WWVP Act has now operated for three years and the Act requires a review after three and seven years of operation. This first review is timely given the WWVP Act is mid-way through being implemented. It provides an opportunity to check whether the WWVP Act is operating as intended and consider if it could be amended to make its operation more effective or to avoid unintended consequences.

Introduction

What does the legislative review cover?

The legislative review will:

- Examine the operation of the WWVP Act to assess if it is fit-for-purpose, including:
 - protecting vulnerable people; and
 - employers, employees, volunteers and the community are aware of the Working with Vulnerable People scheme (WWVP scheme) and their obligations.
- Assess whether the scope of the WWVP scheme appropriately protects vulnerable people.
- Assess whether the resources allocated to administer the WWVP Act are sufficient for the WWVP scheme to operate effectively.
- Examine and make recommendations as to whether amendments to the WWVP Act are needed to improve its operation and administration.

This review will also consider and be informed by policy issues identified in related work, including:

- Those identified as part of the implementation review of the WWVP scheme in 2015.
- Recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission) *Working with Children Check* (WWCC) Report for improvement to working with children pre-employment screening schemes at a national, state and territory level.

Is there anything the review won't cover?

The review will not include or consider:

- Work to develop and implement a reportable conduct scheme for the ACT. Only policy issues that arise about the operation of the WWVP Act will be considered.
- The ACT Government's responses to the Royal Commission. The legislative review will only consider the recommendations of the WWCC Report that are not aligned to the WWVP scheme.

How can I give my feedback for the review?

An online survey is available on the [Your Say website](#) to provide you with an easy way to input into the review. It includes questions on the issues raised in this discussion paper. It also gives you the opportunity to share any other experiences you have had with the WWVP Act and scheme and your views about its operation. Should you wish to instead provide a written submission addressing the discussion questions, please email it to robert.sale@nousgroup.com.au.

Consultations will take place over six weeks in August and September 2016. Nous Group will consolidate the feedback collected over this period. The ACT Government will use this feedback to inform the review.

Who the WWVP Act affects

The WWVP Act affects a broad range of stakeholders, including vulnerable people and their families and carers, employees and volunteers who need to be registered, and organisations which provide services to vulnerable people. Many community members also care deeply about the ACT being a safe place for vulnerable people.



Vulnerable people

'Vulnerable people' include children and young people under 18 and disadvantaged adults who engage in certain regulated activities. These regulated activities include (but are not limited to) disability and respite care; homelessness services; migrant, refugee and asylum seeker services; education services; services provided by religious organisations; and, services for victims of crime. The WWVP Act includes a full list of regulated activities.

The ACT was the first Australian state or territory to adopt a WWVP scheme.



Employees and volunteers

The WWVP Act requires all individuals who regularly work or volunteer with vulnerable people in certain regulated activities to be registered.

Access Canberra undertakes a background check and risk assessment for each applicant, considering criminal history, past WWVP registration, and other relevant information.

Conditional and role-based registrations are available for individuals with valuable experience, but whose background check and/or risk assessment would otherwise disqualify them from registration. For example, a person with previous addiction issues may be able to assist vulnerable people who are experiencing similar issues.



Employers and organisations

The WWVP Act requires all organisations which engage employees or volunteers in regulated activities, as well as select registration bodies, to ensure relevant individuals are registered.

Organisations can provide information to assist Access Canberra to determine an individual's suitability for registration (with the individual's consent).

The WWVP scheme is intended to complement the efforts that all organisations working with vulnerable people should make to ensure they are providing a safe service or activity. (See the following page for further details.)

Organisations which employ individuals who are applying for role-based registration need to meet additional requirements to ensure they are mitigating risks to vulnerable people.



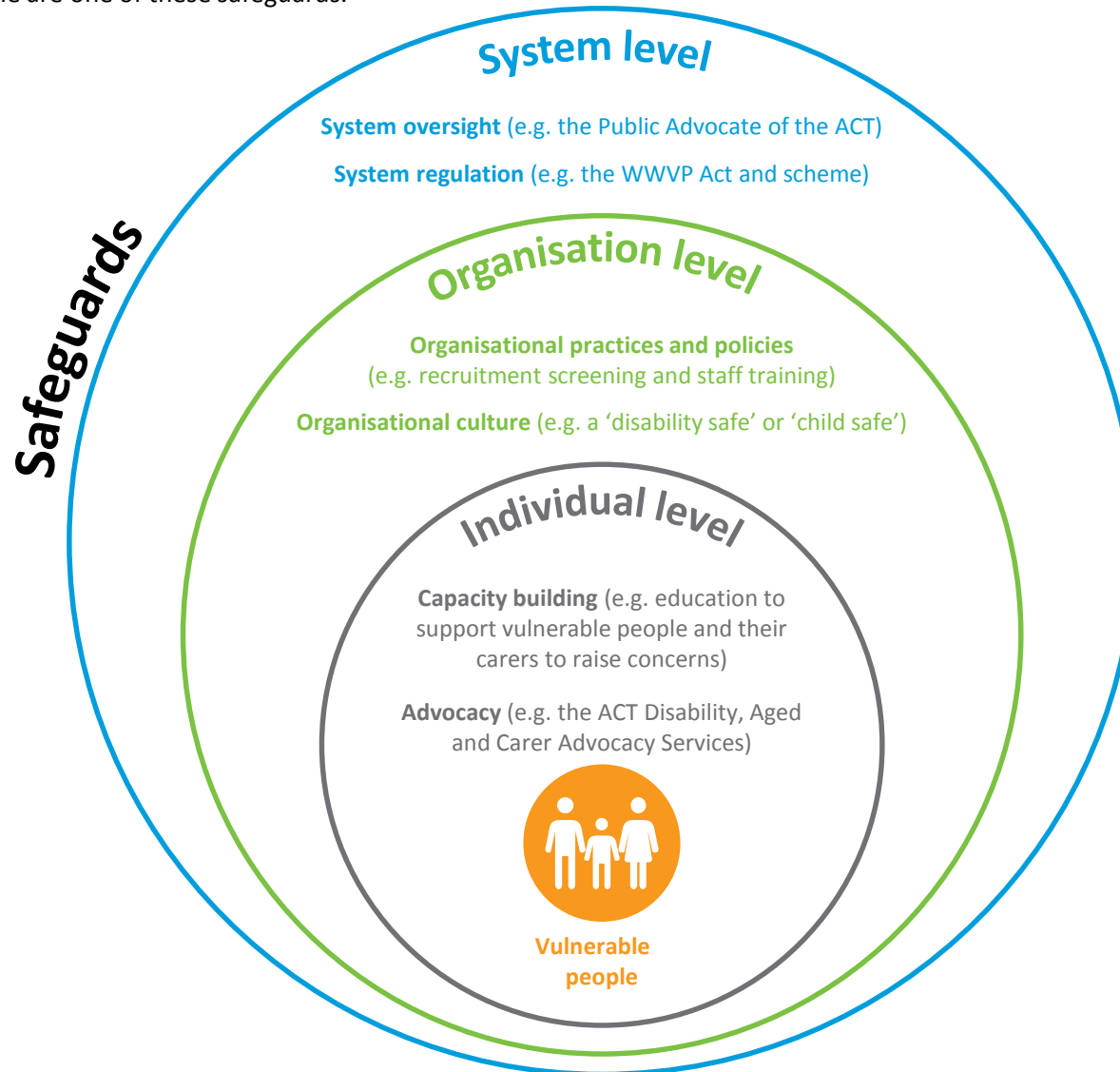
Uptake of the WWVP Scheme

The projected size of the WWVP scheme has doubled since it began. This increase is partly due to the scheme's complexity. Some individuals may not have clearly defined roles, or may sit on the 'edge' of a definition of a regulated activity. This may create confusion about whether registration is required.

A small number of individuals have been refused registration. The scheme may also deter some individuals from trying to work with vulnerable people, but this cannot be easily measured.

The role of the WWVP Act in protecting vulnerable people

Evidence from around the world shows that protecting vulnerable people requires a range of safeguards to empower vulnerable people and ensure the individuals and organisations they have contact with are well equipped to prevent and/or respond to harm. Background checking and registration schemes such as the WWVP scheme are one of these safeguards.



Discussion questions



Individuals

- For the services you use, do you know who needs to have WWVP registration?
- Do you know how to check if an employee or volunteer is registered?
- Do you think the WWVP scheme is a valuable initiative to protect vulnerable people from neglect or abuse? Why or why not?



Employees and volunteers

- Do you know if you need to be registered under the WWVP scheme for your paid or unpaid work?
- Was it easy to register under the WWVP scheme for your paid or unpaid work? If not, why?
- What additional pre-employment checks (if any) did you complete before starting work in a registered activity?



Employers and organisations

- Is there enough information publicly available for you to determine whether employees or volunteers of your organisation or body need to register under the WWVP scheme?
- Do you think the WWVP scheme reduces the risk of harm to vulnerable people in your organisation or sector?
- Have you intentionally required your employees or volunteers to register when you have been aware they are not required to under the scheme (e.g. infrequent volunteers)?
- What other policies and practices do you have in place to minimise the risk of harm to vulnerable people?

How can the WWVP Act and scheme be improved?

An online survey is available on the [Your Say website](#) to provide you with an easy way to provide input on these and other questions. It also gives you the opportunity to share any other experiences you have had with the WWVP Act and scheme and your views about its operation.