Changes to Working with Vulnerable People Reporting Requirements

Guidance for Grant Recipients

Overview

As part of the Department of the Prime Minister and Cabinet’s response to the Royal Commission into Institutional Responses to Child Sexual Abuse, the Department is working with all currently funding and future grant recipient to implement Working with Vulnerable People, including children (WWVP) reporting requirements.

In this document, WWVP is also a reference to Working with Children (WWC), as per the definition of a vulnerable person in Indigenous Grant Head Agreements outlined below:

A vulnerable person means:

(a) A child, being an individual under the age of 18; or

(b) An individual aged 18 years and above who is or may be unable to take care of themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

Pursuant to clause 30 of current Indigenous Grant Head Agreements the Department is requesting that all grant recipients provide evidence of compliance with clause 29 outlined below:

29. Before engaging or deploying any person (whether an officer, employee, contractor, subcontractor, volunteer or in any other capacity) in relation to any part of a Project that may involve contact with a Vulnerable Person, the Provider must:

(a) confirm that no Commonwealth, State or Territory law prohibits the person from being engaged in a capacity where they may have contact with a Vulnerable Person; and

(b) comply with all other legal requirements of the place where the Project, or part of the Project, is being conducted in relation to engaging or deploying persons in a capacity where they may have contact with Vulnerable Persons.

30. Upon request by the Commonwealth, the Provider must promptly provide evidence that it has complied with the requirements in clause 29. The evidence must be provided in a manner and form acceptable to the Commonwealth.

Grant recipients will need to provide evidence in the following forms:
1. Evidence of a risk assessment to identify the level of contact with vulnerable people including children and the level of risk of harm or abuse, and implement appropriate strategies to manage those risks
2. Evidence that grant recipients have training and compliance regimes in place regarding WWVP
3. An annual Statement of Compliance confirming that the grant recipient complies with all relevant WWVP State or Territory legislation

This document provides guidance on the new reporting requirements for grant recipients. Also refer to the checklist in Attachment A to assist you with the reporting requirements.

### 1. Risk Assessment

Grant recipients must undertake a risk assessment to identify the level of contact with vulnerable people including children and the level of risk of harm or abuse, and implement appropriate strategies to manage those risks. Evidence of this risk assessment may be requested by the Department annually before 31 October each year. This evidence is for reporting requirements only, the Department will not be reviewing in detail or providing comments on risk assessments.

A risk assessment in this context is an evaluation of the extent that staff and any relevant third parties in your organisation and your funded activities require WWVP checks under relevant state or territory legislation. This means the people, processes, governance and operational risks to your compliance with relevant working with vulnerable people, including children, legislation.

The content in risk assessments will vary across organisations. A risk assessment can be basic and short for smaller organisation who do not have contact with vulnerable people. On the other hand, a risk assessment can be extremely detailed and lengthy if an organisation has contact with vulnerable people every day.

As a guide, you can use Table 1 below to help you determine the level of contact your organisation has with vulnerable people and the evidence requirements the Department will request for each level. Once you have identified the level for your organisation, you should make a determination on the required evidence and also determine how detailed your risk assessment should be.

### Table 1

<table>
<thead>
<tr>
<th>What level of contact does the organisation have with vulnerable people? (Select One)</th>
<th>None</th>
<th>Low</th>
<th>Medium</th>
<th>High</th>
<th>Extreme</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Statement of Compliance*</td>
<td>Annual Statement of Compliance*</td>
<td>-</td>
<td>Annual Statement of Compliance*</td>
<td>Annual Statement of Compliance*</td>
<td>Annual Statement of Compliance*</td>
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<td>Annual Statement of Compliance*</td>
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<td>Annual Statement of Compliance*</td>
<td>Annual Statement of Compliance*</td>
<td></td>
</tr>
<tr>
<td>Risk Assessment</td>
<td>Risk Assessment</td>
<td>Risk Assessment</td>
<td>Risk Assessment</td>
<td>Risk Assessment</td>
<td></td>
</tr>
</tbody>
</table>

* Full name of the document is Annual Statement of Compliance.
Please note that the level of risk can change throughout the course of delivering on funded activities. It is the responsibility of the grant recipient to continually review ongoing levels of risk and advise their Agreement Manager immediately to update the requirements to report.

Organisations rated in the Medium, High or Extreme category for contact with vulnerable people (as per Table 1 above), will be required to provide evidence of the risk assessment.

The Department does not mandate the form a risk assessment must take, however an example template for a risk assessment is included in Attachment C of this document. Organisations are required at a minimum to include all of the fields in the template risk assessment. If your organisation already has a risk assessment in place dealing with WWVP, you can submit this to the Department as evidence.

Risk assessment questions you may also consider include:

- Has the risk management strategy been endorsed by the leadership team within your organisation or the relevant governing authority?
- Do the risk management strategies take into account the diversity of vulnerable people that are affected by the risk?
- Does your organisation have a current structured and documented approach to identifying WWVP risks? Has this documentation been endorsed by the leadership team within your organisation or the relevant governing authority?
- Has the risk assessment process considered issues related to all vulnerable people in accordance with the definition contained in state and or territory legislation and the Head Agreement?
- If your organisation involves broadcasting, do the risk management processes consider risks associated with vulnerable people in the online environment and through media?
- Does the risk management process consider safety risks regarding interactions with vulnerable people?

### 2. Evidence of a training and compliance regime

Using Table 1 above as a guide, the Department will request grant recipients who are rated Medium, High or Extreme levels of contact with vulnerable people to provide evidence of a WWVP training and compliance regime. A compliance regime in this context is a procedure
in place to ensure that the organisation is complying with relevant state and territory WWVP, including children legislation (where present).

Training and compliance regimes may vary depending on the size of your organisation and the amount of contact your organisation has with vulnerable people.

Below are some examples of training and compliance regimes that seek to be a guide only to assist organisations. It is important that any training and compliance regime is implemented in accordance with relevant WWVP, including children state and territory legislation (where present).

Examples of training regimes:
- Including WWVP checks in recruitment processes
- Developing WWVP policies and guidance material
- Regular training to staff and relevant third parties on WWVP state and territory legislation
- Education and training on WWVP safety to promote awareness and understanding of risks and organisational responsibilities
- Access to state and territory legislation
- Online training plans
- Induction manuals if any
- Monthly reviews against agreed WWVP checklists

Examples of compliance regimes:
- Regular compliance reviews
- Regular regulation and assessment updates (could include emails or briefing sessions)
- Annual monitoring to ensure ongoing compliance by all relevant staff and third parties
- Up to date registers of the required WWVP registration and checks, criminal history and police checks
- Process and systems to easily update WWVP records by those in an authorised position
- Policies on the immediate and longer term steps to take if a staff member or relevant third party fails to obtain a WWVP registration or check
- Inclusion of WWVP requirements in employment contracts

3. Annual Statement of Compliance

All grant recipients will be required to sign and return a Statement of Compliance which guarantees compliance with the relevant state and/or territory WWVP legislation. An example of the Statement of Compliance can be found in Attachment B. Please note if your organisation had a grant at 2 July 2018, you should have provided a Statement of Compliance by 31 October 2018 and will not be required to submit another Statement of Compliance until 31 October 2019.

The Statement of Compliance must be signed by the signatory of the Head Agreement for all Departmental grants or a person in an equivalent position or an office holder (for example CEO, Chair, General Manager).
4. Resources

The following resources are available that may assist you with the reporting requirements:

- The Department of the Prime Minister and Cabinet – Working with Vulnerable People
- Families Australia
- Protective Behaviours WA – The Rights to Feel Safe
- NSW Office of the Children’s Guardian Risk Assessment
- Australian Children’s Education & Care Quality Authority Sample Forms and Templates
- Department of Social Services- Vulnerable Persons, Police Checks and Criminal Offences
- Blue Card Self-Assessment Checklist
- Legal Aid Queensland Guidelines for working with children and young people
- The good practice guide to Child Aware Approaches
- Australian Institute of Family Studies
- Australian Human Rights Commission
Grant Recipient Checklist of Reporting Requirements

All grant recipients must provide the Department of the Prime Minister and Cabinet with:

☐ An annual Statement of Compliance signed by the signatory or equivalent, of the funding agreement, which guarantees compliance with the relevant state and/or territory WWVP legislation.*

In addition, where an organisation has regular contact with vulnerable people or is rated ‘medium’, ‘high’ or ‘extreme using Table 1 the organisation must provide the Department with the following documents. These documents fall due within 12 months from the original lodgement being accepted by the Department.

☐ A risk assessment of the organisation and its activities, including the extent to which staff and relevant third parties require WWVP checks under relevant state or territory legislation, and the strategies/plans in place to ensure compliance with the legislation.

☐ Evidence of that compliance, including but not limited to all current registers of WWVP registrations, internal policies on the management of WWVP and copies of original documents.

☐ Evidence of training and compliance regimes

The Department may at any time seek the evidence of one or all of these components as well as anything else as it pertains to the grant under section 57 of the Head Agreement.

*Please note if you had a grant on 2 July 2018 you should have already provided a Statement of Compliance by 31 October 2018 and will not need to submit another Statement of Compliance until 31 October 2019.
Example Statement of Compliance

Statement by Grant Recipient

I, <Name>, <Position>, <Organisation Legal Name (ABN)>, make the following statement for the benefit of the Department of the Prime Minister and Cabinet:

Having made all reasonable inquiries, I have grounds to believe that the organisation itself, and staff working with vulnerable people including children on behalf of my organisation in relation to the Department of the Prime Minister and Cabinet grant activity:

- comply with relevant legislation relating to requirements for working with vulnerable people including children in the jurisdiction in which they work and/or grant activities are being undertaken on behalf of the organisation; and

- have complied with relevant legislation in their jurisdictions relating to mandatory reporting of suspected child abuse and neglect as required or otherwise defined by state or territory legislation.

I undertake to ensure that all staff and relevant third parties will continue to comply for the duration of any grant agreements <Organisation> holds with the Department of the Prime Minister and Cabinet.

Signed:

Print Name: __________________
Date: __________________

Witnessed by:

Signed: __________________
Print Name: __________________
Date: ________________

1 Include the organisation's legal name not trading name
2 The Statement of Compliance must be signed by the signatory of the Head Agreement or a person in an equivalent position
Completing the Risk Assessment

The following risk assessment has been developed to assist organisations in complying with the requirements as outlined previously. This template is an example only and has been developed as a simple guide only. Risk assessments submitted to the Department should cover off on the information in Table 1 at minimum.

Information in risk assessments must be kept current, and give the Department evidence that the organisation understands its risks, and that activities are in place to ensure compliance with relevant working with vulnerable people legislation (if available in your jurisdiction).

<table>
<thead>
<tr>
<th>Table 1: What should be included in the risk assessment?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk ID</td>
</tr>
<tr>
<td>---------</td>
</tr>
<tr>
<td>An ID for each risk</td>
</tr>
</tbody>
</table>

3 Note, where references are made to Working with Vulnerable People (or WWVP) this also includes Working with Children (WWC).
### Example Risk Assessment

<table>
<thead>
<tr>
<th>Risk ID</th>
<th>Risk Rating</th>
<th>Risk Event</th>
<th>Causes</th>
<th>Consequences</th>
<th>Existing Controls</th>
<th>Likelihood Rating</th>
<th>Consequence Rating</th>
<th>Treatments</th>
<th>Risk Review Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>High</td>
<td>An unknown person is on the premises without a WWVP card</td>
<td>1. Person is able to enter the facility through a number of doors. 2. Booking system for contractors is not held centrally. 3. Staff do not display their cards at all times. 4. A large organisation, where it is possible to move around unnoticed.</td>
<td>1. A vulnerable person is harmed in our care. 2. Our reputation in the community is damaged. 3. Litigation or a fine.</td>
<td>1. A sign in register exists at the reception desk. 2. A WWVP register exists, and is held centrally for all permanent staff. Noticeboards with staff pictures are regularly updated and sent around.</td>
<td>Likely</td>
<td>Major</td>
<td>1. The procurement team will introduce a mandatory step in the contractor booking form to produce WWVP cards before contractors are approved to come onsite within one month. 2. Maintenance will install signage at all entry ways informing visitors to report to reception within two weeks. 3. HR will change our staff policy to include carrying WWVP cards on their person at all times within two months. 4. Reception will change their policies to ensure copies are taken of every visitor’s WWVP card on arrival within two weeks.</td>
<td>31 SEPT 20XX</td>
</tr>
</tbody>
</table>

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*This example is provided for information only, and does not identify all risks that may be relevant to an organisation. Please use this example as a template only.*
<table>
<thead>
<tr>
<th>Risk ID</th>
<th>Risk Rating</th>
<th>Risk Event</th>
<th>Causes</th>
<th>Consequences</th>
<th>Existing Controls</th>
<th>Likelihood Rating</th>
<th>Consequence Rating</th>
<th>Treatments</th>
<th>Owner</th>
<th>Risk Review Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>002</td>
<td>Med</td>
<td>Registers of WWVP checks do not reflect staff numbers</td>
<td>1. A number of new HR staff who are not aware of the process. 2. Confusion exists over who is responsible for checking WWC/WWVP checks. 3. Staff members are uncertain who is required to have a check.</td>
<td>1. Staff who are required to have a check do not have a check. 2. This could lead to a fine being imposed. 3. This could also cause reputational damage, internally, and externally</td>
<td>A written process exists for checking WWVP cards for new starters. 2. A register exists to record these cards, with photocopies attached.</td>
<td>Unlikely</td>
<td>Major</td>
<td>1. HR will conduct an audit of the register within two weeks to identify any existing staff without a card or with an expired card against their name. Any exceptions will be passed to managers to follow up within one week. This process will be conducted on a six monthly basis. 2. Risk and Compliance will organise a messaging campaign for the whole office to remind them of their responsibilities under WWVP legislation within one month 3. Risk and Compliance will organise a whole of HR and management group refresh training to remind them of the new starters on-boarding process for WWVP within 3 months.</td>
<td>Owner: HR Manager</td>
<td>Treatment Review Date: 1. 15 August 20XX 2. 31 August 20XX 3. 31 October 20XX</td>
</tr>
<tr>
<td>003</td>
<td>Low</td>
<td>Staff begin employment without an approved WWVP card</td>
<td>1. Times for processing cards often take months. The organisation has a lot of short term, quick contracts.</td>
<td>1. A person whose background is not checked is working with vulnerable people. The person may not pass the WWVP check.</td>
<td>All new starters, regardless of WWVP status sign our WWVP policy. 2. New starters are required to provide a receipt of submission in order to start. 3. Most of the short term contracts are given to contractors who have already worked with the organisation and provided cards.</td>
<td>Unlikely</td>
<td>Moderate</td>
<td>1. Procurement will look at the feasibility of introducing a policy that new contractors cannot start until they are WWVP compliant with one month. 2. HR will update all new staff contracts that an application for a WWVP check is a precondition on starting employment within two weeks.</td>
<td>Owner: Risk and Compliance Manager</td>
<td>Treatment Review Date: 1. 31 August 20XX 2. 15 August 20XX</td>
</tr>
</tbody>
</table>
Risk Matrix

The below risk matrix is an example of a 5x5 matrix and should be used to identify the impact (consequence) of the risk if it were to occur based on the current operations of the organisation. Likelihood x Consequence = Risk Rating

For example, the likelihood of the risk occurring is Likely and the consequence of the risk occurring is Moderate so the risk rating is Medium.

<table>
<thead>
<tr>
<th>LIKELIHOOD</th>
<th>CONSEQUENCES</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Insignificant</td>
</tr>
<tr>
<td>Almost Certain</td>
<td>Low</td>
</tr>
<tr>
<td>Likely</td>
<td>Low</td>
</tr>
<tr>
<td>Possible</td>
<td>Low</td>
</tr>
<tr>
<td>Unlikely</td>
<td>Low</td>
</tr>
<tr>
<td>Rare</td>
<td>Low</td>
</tr>
</tbody>
</table>