

From: Cleard.life Support [REDACTED]
Sent: Monday, 17 May 2021 11:22 AM
To: COI Contact <Contact@commissionofinquiry.tas.gov.au>
Subject: Submission.

To The Honourable Marcia Neave AO, Professor Leah Bromfield and the Honourable Robert Benjamin AM

Please consider how a 'suitability clearance' could be incorporated into your Royal Commission response as it relates to screening and selection process and protocols.

The Royal Commission's Final Report relating to human resource management noted that *"the nature of religious ministry requires more rigorous screening and selection than for other employees, to ensure that individuals are suitable for their roles."* (emphasis added)

In the final report, Standard 5 mentions that *"people working with children are to be suitable and this should be assessed at the point of recruitment, including screening" and "relevant staff and volunteers have Working With Children Checks [WWCC]."* (emphasis added)

Cleard.life believes that the WWCC is not a rigorous screening solution, in of itself and should not be relied upon. It needs to be augmented. For example, the WWCC considers only a filtered, handful of convictions which each State body deems to be relevant. That's why, at present, 1 in 6 WWCC holders have criminal convictions. The WWCC's aim is not to assess a person's overall character and therefore it leaves a lot of gaps and therefore **personnel risk** on the table for the organisation.

When considering "suitability", criminal history is just one dimension that should be screened and assessed. The provision of a rigorous character screening 'suitability clearance or assessment' will give the entity or organisation the confidence it needs to know for sure that the person has a suitable character. Imagine being able to also screen a person's background for mental health issues, hidden alcohol or drug abuse, or personal conduct – including sexual behaviour. A 'suitability assessment' that checks, and risk assesses, 21 different areas of a person's life can make an extremely valuable contribution to the recruitment and screening improvements and recommendations handed down by the Royal Commission.

For example:

Recommendation 16.4

The Anglican Church of Australia should develop a national approach to the selection and screening of candidates for ordination in the Anglican Church.

A Suitability Assessment can thoroughly check a person's background and integrity for the last ten years – or even their entire life. The standards used to make assessments are applied to more than 440,000 Public Servants and Contractors as security clearance holders. Think of it this way: **if** a religious candidate's character can pass this examination, and theoretically access SECRET or TOP SECRET information, then they ought to be considered suitable and would be trusted to work with the most valuable and vulnerable people in our society.

Recommendation 16.21

The Australian Catholic Bishops Conference and Catholic Religious Australia should establish a national protocol for screening candidates before seminary or religious formation

A Suitability Assessment or 'omni-screen' can be done in conjunction with (and **not** to the exclusion of) any other external tests and checks deemed appropriate (eg. id check, national police check, psychometric testing, IQ test, wwcc etc). This provides flexibility to the employer. Additional data points strengthens the screening interview and makes it even more relevant and useful. Adopting a PSPF suitability clearance as part of the Tasmania's screening protocol is one way to meet the Royal Commission's recommendations.

Recommendation 16.46

Religious institutions which receive people from overseas to work in religious or pastoral ministry, or otherwise within their institution, should have targeted programs for the screening of those people.

Why not deploy a suitability screen as one of the targeting programs. By using trained, experienced, qualified and official government

approved vetting officers - a tailored suitability program can delve into the life experiences of all overseas candidate's. Clearlife uses web and at higher higher levels (equiv to TOP SECRET clearances) Video Teleconference Technology (VTC) to interview overseas candidates – even before they reach our shores, if required. It could also be used when employees return from overseas posting and could reduce the risks of another Oxfam scandal where illegal acts against children were done in third world countries without the detection by Police Authorities of Head Offices.

Assessing risk

23. State and territory governments should amend their WWCC laws to specify that the criteria


for assessing risks to children include:

- a. the nature, gravity and circumstances of the offence and/or misconduct, and how this is relevant to children or child-related work*
- b. the length of time that has passed since the offence and/or misconduct occurred*
- c. the age of the child*
- d. the age difference between the person and the child*
- e. the person's criminal and/or disciplinary history, including whether there is a pattern of concerning conduct*
- f. all other relevant circumstances in respect of their history and the impact on their suitability to be engaged in child-related work.*

A Commonwealth Protective Security Policy Framework (PSPF) suitability screening assessment takes into consider all above factors (a-f) but not just for one factor area - but seven areas – and not for some convictions but every arrest, charge and conviction and every victim. We discover hidden risk and consider undetected illegal activity. Recommendations / judgements comply with the Anti-Discrimination Act (including criminal history discrimination). Using AI and specialist vetting officers, we take the time to hear and understand each and every issue and then balance the aggravating evidence with the mitigating evidence to come to a concise, easy-to-understand recommendation: 5/5: Favourable , 4/5: Favourable , 2/5:Caution, 1/5: Adverse. Higher levels of suitability clearances (eg. CL2 and CL3) also quantify character traits such as Honesty, Trustworthiness, Tolerance, Maturity, Loyalty and Resilience.

Here is an example of a CL0 Result that is sent to the employer.







Overall Outcome



Result Description Based on the available information gathered during this assessment and taking a Whole of Person approach in assessing this Candidate's Honesty, Trustworthiness, Tolerance, Maturity, Loyalty and Resilience, it is concluded the Candidate has a Favourable – Very Low Risk Profile.

Specific Assessment Result Advice Not Available

Legend

-  Favourable - Very Low Risk profile. No issues identified or a very high level of confidence that the risk has been reduced to an acceptable level.
-  Favourable - Low Risk profile. Confident that the risk/s identified has/have been reduced to an acceptable level.
-  Caution - Mod-High Risk profile. Doubts linger concerning the mitigating factors that have been identified outweighing the aggravating factors.
-  Adverse - High Risk profile. The aggravating factors identified have outweighed the mitigating factors.
-  Interview Not Commenced or Not Completed by Candidate
-  Assessment was Cancelled by Sponsor

Disclaimer

The information contained in this Report has been collected pursuant to a request from the Client/Sponsor, consent provided by the Candidate and from sources deemed reliable. Both the Client/Sponsor and the Candidate have agreed that the Candidate will not have access to the Results in this Report. The Client/Sponsor is cautioned that this material is privileged information and must not be shared with the Candidate in any way, shape or form. The Candidate has acknowledged and understood that this Result forms only one part of the Client's/Sponsor's process. The Candidate has assured Cleard Life that they provided truthful answers, however, their answers have not been completely or independently verified. Please use the legend above for colour definitions. The colours, Result description and any Result advice in this report should simply act as a guide to inform personnel decisions. Please keep a copy of the Report in a safe and secure place for future reference.

24. State and territory governments should amend their WWCC laws to expressly provide that, in weighing up the risk assessment criteria, the paramount consideration must always be the best interests of children, having regard to their safety and protection.

Cleard.life agrees. Using the Attorney General's Adjudicative Guidelines as 'the' suitability standard means the each assessment produced errs on the side of the Commonwealth. The vetting officer hears the candidate's story and the assessment will err on the side of safety and protection of children and the reputation of the institution.

1 in 6 WWCC (Working With Children Card) also known as Blue Card holders have a criminal record!

Year	Number of applications for a card	Number of applicants with a criminal record	Number of negative notices issued
2005-06	9 118	579	1
2006-07	49 804	4 664	19
2007-08	74 894	10 532	29
2008-09	83 862	12 779	59
2009-10	95 260	14 881	85
2010-11	101 755	17 098	56
2011-12	101 617	16 665	61
2012-13	106 217	16 858	99
Total	622 527	94 056	409

One in Six Clearance Holders have criminal histories which are not even looked at.

1 in 1522 are awarded an adverse finding.

Table 2: The number of working with children check applications, number of applicants with a criminal record, and number of negative notices issued from 2005-06 to 2012-13

Prior to 2009 it was not compulsory to classify an applicant's offence so 2005-06 to 2008-09 figures are not as complete as subsequent years.

How does that headline make you feel? Surprised, shocked? Should this have your executives worried?

If the public knew that 1 in 6 of child-workers had criminal convictions, do you think they would feel that the organisation has adequate background screening processes and safeguards in place? 1 in 6: it's true – here is the WA Government [audit](#):

The reality of the WWCC

The WWCC checks for convictions for a specific category of crimes. In particular, crimes against children and convictions for violent crimes such as murder or manslaughter. Anyone with an extensive criminal record for offences like fraud, stealing or maybe a string of DUIs, drug possession etc would not be considered an issue and therefore the WWCC would be granted.

It leads to a false sense of security that the government gives to our community and it's a false level of trust in a candidate who has been granted a WWCC.

Then there of course delays that can & do occur:



Does that sound acceptable?

If the hiring manager knew the candidate had a background of questionable character (given the organisation's employment policies and standards), they would have a valid reason **not** to hire them – in order to protect the children and reputation. Unfortunately, the WWCC is not designed to assess a person's honesty, trustworthiness, or resilience. But surely, this is what most people EXPECT a government background screening check does.

Principle

5

People working with children and young people are suitable and supported to reflect child safety and wellbeing values in practice.

This principle describes recruitment and staff development policies, including appropriate screening, that are a foundation of child safe organisations. This principle also includes induction training, understanding child safety responsibilities, and appropriate supervision of staff and volunteers. Reporting obligations, training in record keeping and information sharing provide staff and volunteers with the relevant practice tools to better safeguard children and young people.

Key action areas:

- 5.1 Recruitment, including advertising, referee checks and staff and volunteer pre-employment screening, emphasises child safety and wellbeing.
- 5.2 Relevant staff and volunteers have current working with children checks or equivalent background checks.
- 5.3 All staff and volunteers receive an appropriate induction and are aware of their responsibilities to children and young people.
- 5.4 Staff and volunteers understand the child safety policy and procedures of the organisation and meet their record keeping and information sharing responsibilities.

Indicators that this principle is upheld:

- Organisations emphasise their commitment to child safety and wellbeing when advertising, recruiting and screening for staff and volunteers.
- Duty statements, selection criteria and referee checks demonstrate children and young people are valued and respected and a commitment to child safety and wellbeing.
- Employers, staff and volunteers in an organisation have completed background check requirements.
- Staff can meet their child safety responsibilities, including reporting, record keeping and information sharing obligations.

There lies a clear and present danger and the risk is real. In 2015, a 27-year-old Albury woman was charged with fraudulently claiming \$3 million through her family day care business. Later that year, a ring of six people in Melbourne were charged with making false attendance on behalf of childcare centres to defraud the system of more than \$15 million.

Not an Isolated Event. Deficient vetting exists in other government agencies by design.

Other government designed screening programs do not make you as safe as you are led to believe. For example, 1 in 5 airport staff have had serious criminal convictions: "[Airport ground staff pose greatest risk to passenger safety](#)". There was a Senate Committee investigation

into this recently and the outcome was [Recommendation: 3.75](#)
 “screening bodies [ASIC card issuers] [must] have appropriate
 employment standards.”

And sometimes there are unforced errors:

[System for background checks on Victorian rideshare drivers was
 broken for two years](#)

["Nearly 3000 rideshare drivers in Victoria may have been allowed to
 operate despite having a criminal record because of a system failure."](#)

Which leads to the question: what are appropriate employment
 standards?

Australian Standards Employment Screening 4811 - 2006?

NSW Independent Commission Against Corruption, in their insightful
 employment screening white paper, says that there are better
 practices:

Even if a candidate has the necessary skills and experience for a role, a recruitment process may be impaired if an organisation fails to detect a hidden criminal history, bankruptcy, a prohibition against working with children or prior misconduct and performance issues. Candidates may be strongly motivated to conceal events of this nature, as shown in case study 2.

There are a number of better practice resources available to inform employment screening.¹²

⁹ NSW ICAC, *Investigation into the conduct of a TAFE NSW ICT manager*, March 2016.

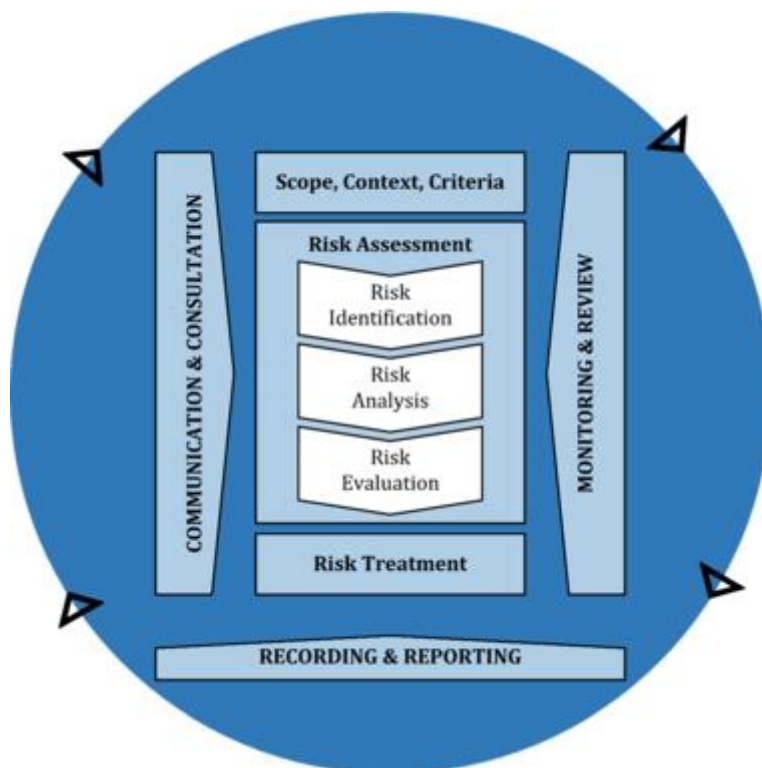
¹⁰ NSW ICAC, *Investigation into corrupt conduct of Sydney Water employees and others*, March 2011.

¹¹ Standards Australia, AS 4811-2006, Employment screening.

¹² For example, the *Protective Security Policy Framework* is a resource developed for Australian Government entities to manage potential security risks to assets, people and information. The Australian Government Personnel Security Protocol provides some guidance and principles related to employment screening.

⁸ NSW ICAC, *Investigation into attempted corrupt payment and submission of false resumés to public authorities*, August 2010.

Furthermore, Australian Standards for Employment Screening (2006) will change. The Australian Standards 4811 for Employment Screening will be updated this year. Contributors we have spoken to say it will include an ISO 31000-like risk assessment (diagram below) - or in PSPF12 terms - a 'professional structured judgement'.



As a leader in delivering national security clearances to the Commonwealth, we provide a highly scalable comprehensive background screening regime that can enhance organisation's existing security standards in order to meet community expectations without altering the WWCC process. It's called Cleard.life. Cleard.life is a risk identification, analysis, evaluation and mitigation solution that has the effect of greatly exceeding the WWCC background screening process because it uses the Attorney General's standards and guidelines and use the same vetting officers as the official security clearances. With over 440,000 APS staff and contractors holding a national security clearance (at varying levels), the AG's standards are robust and delve into mental health, financial, drug use, personal conduct, illegal conduct, criminal associations — not just narrowly focussed red flags (eg. sexual convictions).

Research in personnel security may be of interest. If you consider a 'hostile act' = child abuse then this shows how **state of the art** can now predict, detect and deter acts from happening: by competing a character assessment.

Factors Along the Critical Path to Insider Risk

Personal predispositions	+	Stressors	+	Concerning Behaviors	+	Problematic Organizational Responses
<ul style="list-style-type: none"> -Medical/psychiatric conditions -Personality or social skills Issues -Previous rule violations -Social network risks 		<ul style="list-style-type: none"> -Personal -Professional -Financial 		<ul style="list-style-type: none"> -Interpersonal -Technical -Security -Financial -Personnel -Mental health/addictions -Social network -Travel 		<ul style="list-style-type: none"> -Inattention -No risk assessment process -Inadequate investigation -Summary dismissal or other actions that escalate risk

H
O
S
T
I
L
E
A
C
T

2

Studies in Intelligence Vol 59, No. 2 (Extracts, June 2015)

Factors Along the Critical Path to Insider Risk

We focus on these			So you can focus on these	
Personal predispositions	+	Stressors	+	Problematic Organizational Responses
<ul style="list-style-type: none"> -Medical/psychiatric conditions -Personality or social skills Issues -Previous rule violations -Social network risks 		<ul style="list-style-type: none"> -Personal -Professional -Financial 		<ul style="list-style-type: none"> -Inattention -No risk assessment process -Inadequate investigation -Summary dismissal or other actions that escalate risk

H
O
S
T
I
L
E
A
C
T

Together, we reduce the risk of this

2

Studies in Intelligence Vol 59, No. 2 (Extracts, June 2015)

As a screening body, we believe that the Cleard.life background screening meets the requirements for 'appropriate' employment standards and the updated anticipated AS 4811 2021 and in light of the Royal Commission observations add an extra layer of protection as a reasonable cost is now available - as a 'vetting-as-a-service':

FINAL REPORT

Making institutions child safe



Standard 5: Human resource management: **People working with children are suitable and supported**

“Human resource management, through screening, recruitment and ongoing performance review, can play an important role in protecting children from harm.

Our consultations Human resource management was a strong theme in submissions to our issues paper on child safe institutions. **We were told of the**

widespread over-reliance on Working With Children Checks as the sole employment screening tool and the dangers inherent in this.”

If the organisation relies predominately on the background screening check done by the WWCC, then the Commission needs to revisit the organisational standards and employment standards or regulations.

For example, in Victoria, **School Principals can ALREADY reduce the risk of child abuse on their watch and comply with Regulations and Ministerial Orders by choosing to implement the PSPF Cleard life check.**

VICTORIA

Education and Training Reform Act 2006

CHILD SAFE STANDARDS – MANAGING THE RISK OF CHILD ABUSE IN SCHOOLS

Ministerial Order No. 870

The Minister for Education makes the following Order.

Dated 22 December 2015

PART 2 – MINIMUM STANDARDS FOR A CHILD SAFE ENVIRONMENT

5. Schools to meet minimum child safety standards

(d) screening ... and other human resources practices that reduce the risk of child abuse in accordance with Clause 10;

Cleard.life Response: Our human resource practice and intelligent screening methods meets and exceeds this requirement.

10. School staff selection

(4) must make reasonable efforts to gather, verify and record the following information about a person whom it proposes to engage to perform child-connected work:

- (a) Working with Children Check status, or similar check;
- (b) proof of personal identity and any professional or other qualifications;
- (c) the person's history of work involving children; and
- (d) references that address the person's suitability for the job and working with children.

Cleard.life Response: 10.4 (a) through to (c) does not explicitly mention that the person selected needs to be assessed as suitable.

True, the Referee component (d) does mention the ideal goal of suitability but it does not explain what suitability standards are or which ones to use or what is being referenced. The Royal Commission on Sexual Abuse "Scoping Documents" showed the futility of basic referee checks. Our recommendation is to consider the use the human resource practice of obtaining nominated & un-nominated referees to gather information about a person's suitability.

(5) The school need not comply with the requirements in Clause 10(4) if it has already made reasonable efforts to gather, verify and record the information set out in Clauses 10(4)(a) to 10(4)(d) about a particular individual within the previous 12 months.

Cleard.life Response: Employing a yearly maintenance suitability regime is a sure-fire way to meet these legislative requirements.

Thank you for your time and consideration in this matter.

We are willing to discuss details further at your convenience - including how we can tailor varying tolerance threshold levels to match sector requirements and/or organisational policies.

Regards



Cleard Life Vetting Agency

sources:

<https://www.cleard.life/wow-one-in-six-wwcc-working-with-children-card-also-known-as-blue-card-holders-have-a-criminal-record/>

<https://www.cleard.life/%E2%80%8B3-ways-school-principals-can-reduce-the-risk-of-child-abuse-on-their-watch-and-comply-with-regulations-and-ministerial-orders/>

<https://www.cleard.life/agsva-baseline-vs-pspf-12-compared/>

<https://www.cleard.life/a-response-to-the-child-abuse-royal-commission-a-way-forward-to-stop-the-pain-of-hiring-the-wrong-person/>