Guidance on Working with Vulnerable People Reporting Requirements

Overview

As part of the National Indigenous Australians Agency’s (NIAA) response to the Royal Commission into Institutional Responses to Child Sexual Abuse, grant recipients are required to provide the National Indigenous Australians Agency (NIAA) with confirmation that they comply with Working with Vulnerable People, including children (WWVP) reporting requirements in their grant agreements.

In this document, WWVP is also a reference to Working with Children (WWC), as per the definition of a vulnerable person in the IAS Head Agreement 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.

To comply with WWVP reporting requirements, grant recipients will need to provide confirmation of the following to the NIAA:

1. the grant recipient complies with all relevant WWVP State or Territory legislation for working with vulnerable people, including children for each funded activity;
2. the grant recipient’s level of contact with vulnerable people, including children, for each activity funded by the NIAA;
3. (if the level of contact with vulnerable people, including children is medium or above) that a risk assessment is in place to identify the risks of harm or abuse for the funded activity, and implement appropriate strategies to manage those risks;
4. (if the level of contact with vulnerable people, including children is medium or above) that training and compliance regimes are in place for the funded activity regarding WWVP.

The purpose is not to create an administrative burden on grant recipients. The NIAA wants to ensure that grant recipients are compliant with important legislation, and that they can provide confirmation that risks that impact the safety of vulnerable people are being actively identified and managed.

This document provides guidance on WWVP requirements for grant recipients in relation to activities funded by the NIAA.
**WWVP REQUIREMENTS**

1. **COMPLIANCE WITH STATE AND TERRITORY LEGISLATION FOR WWVP**

All grant recipients are required to confirm annually their compliance with relevant state and/or territory WWVP legislation for activities funded by the NIAA.

The NIAA is not able to advise if a grant recipient is compliant. If a grant recipient is unsure as to whether they are compliant with relevant state and/or territory legislation for WWVP, they must contact the relevant legislative body in their state or territory for advice.

2. **RISK ASSESSMENT**

Grant recipients must undertake:

1. a risk self-assessment to determine their level of contact with vulnerable people, including children for each activity funded by the NIAA (please see Table 1); and
2. a risk assessment assessing the risks of harm or abuse to vulnerable people, including children, in relation to activities funded by the NIAA; and implementing appropriate strategies to manage those risks (please see Attachment A).

Grant recipients must by 31 October of every year confirm to the NIAA the level of contact with vulnerable people, including children each activity funded by the NIAA. If the level of contact is medium, high or extreme, grant recipients must also confirm that a risk assessment (as per point b) above) is in place for the activity.

The content in risk assessments will vary across activities. A risk assessment can be basic and short for an activity where there is no contact with vulnerable. On the other hand, a risk assessment will be more detailed for an activity involving has contact with vulnerable people every day.
Grant recipients should use Table 1 below for the risk self-assessment to determine the level of contact with vulnerable people for each activity funded by the NIAA, and the reporting the NIAA requires at each level.

Table 1

<table>
<thead>
<tr>
<th>What level of contact does the grant recipient have with vulnerable people for the funded activity? (Select One)</th>
<th>None</th>
<th>Low</th>
<th>Medium</th>
<th>High</th>
<th>Extreme</th>
</tr>
</thead>
<tbody>
<tr>
<td>The organisation has no contact with vulnerable people</td>
<td>The organisation has contact with vulnerable people in very limited circumstances</td>
<td>The organisation has contact with vulnerable people on occasion</td>
<td>The organisation has contact with vulnerable people regularly</td>
<td>The organisation has contact with vulnerable people every day</td>
<td></td>
</tr>
</tbody>
</table>

Annual reporting to be provided to NIAA

- Confirmation of compliance with State and Territory Legislation
- Confirmation that a Risk Assessment is in place
- Confirmation that staff training and compliance regimes are in place
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- Confirmation that a Risk Assessment is in place
- Confirmation that staff training and compliance regimes are in place

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.

Grant recipients with activities rated in the Medium, High or Extreme category for contact with vulnerable people (as per Table 1 above), are required to provide confirmation that a risk assessment is in place for those activities.

The NIAA does not mandate the form a risk assessment must take, however an example template for a risk assessment is included in [Attachment A](#). The template has been provided to grant recipients as a guide and example only. The grant recipient is free to use any template, but it should at a minimum include the level of detail outlined in the example risk assessment.
3. TRAINING AND COMPLIANCE REGIME

Grant recipients must have in place compliance and staff training regimes in relation to WWVP for each funded activity.

Activities with a level of contact with vulnerable people, including children, as Medium, High or Extreme levels of contact require confirmation of WWVP training and compliance regimes to the NIAA by 31 October of each year. A compliance regime in this context is a procedure in place for each funded activity to ensure that the grant recipient is complying with relevant state and territory WWVP, including children legislation.

Examples of training regimes that grant recipients may have in place:
- 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

4. RESOURCES

The following resources are available that may assist you with the reporting requirements:
- The National Indigenous Australians Agency - 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
### Example 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.

<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>An ID for each risk</td>
<td>Using the risk matrix in Attachment B</td>
<td>A singular risk event that could occur that may breach the organisations WWVP responsibilities</td>
<td>What are the activities or events that would see this risk become a reality?</td>
<td>What are the potential consequences for the organisation, if this risk were to occur?</td>
<td>Using the risk matrix below in Attachment B, make an honest assessment of how likely the risk is to occur, based on the current operations of the organisation</td>
<td>Using the risk matrix below in Attachment B, make an honest assessment of the impact (consequence) of the risk if it were to occur based on the current operations of the organisation</td>
<td>Identify treatment options to help address the risk. These are actions that the organisation will take to ensure they are WWVP compliant. These treatments should be SMART</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Specific** – they must contain enough detail, e.g. responsible owner, plans, costs and resources.

**Measurable** – how will you know it is working?

**Action-orientated** – how will the organisation act to address this risk?

**Relevant** – they must address the identified risk

**Time bound** – when will this treatment be implemented?

Owner: Treatment Review Date: When will this risk next be reviewed?
### Example Risk Assessment¹

<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>
</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 visitors WWVP card on arrival within two weeks.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Risk Review Date</th>
<th>Owner: Risk and Compliance Manager</th>
<th>Treatment Review Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>31 SEPT 20XX</td>
<td>1. 31 August 20XX 2. 15 August 20XX 3. 31 September 20XX 4. 15 August 20XX</td>
<td></td>
</tr>
</tbody>
</table>

¹ 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.
| 002 | Med | Registers of WWVP checks do not reflect staff numbers | 1. A number of new HR staff who are not aware of the process. Confusion exists over who is responsible for checking WWVP checks. | 1. Staff who are required to have a check do not have a check. This could lead to a fine being imposed. | 1. Unlikely | 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. A written process exists for checking WWVP cards for new starters. | 2. A register exists to record these cards, with photocopies attached. | | | 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. Staff members are uncertain who is required to have a check. | 3. This could also cause reputational damage internally, and externally | | | 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. |

| 003 | Low | Staff begin employment without an approved WWVP card | 1. Times for processing cards often take months. The organisation has a lot of short term, quick contracts. | 1. A person whose background is not checked is working with vulnerable people. The person may not pass the WWVP check. | 1. Unlikely | 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. The organisation has a lot of short term, quick contracts. | 2. All new starters, regardless of WWVP status sign our WWVP policy. | | | 2. HR will update all new staff contracts that an application for a WWVP check is a precondition on starting employment within two weeks. |
| | | | 3. | 3. New starters are required to provide a receipt of submission in order to start. | | | |

**Owner:**
HR Manager

**Treatment Review Date:**
1. 15 August 20XX
2. 31 August 20XX
3. 31 October 20XX

**Owner:**
Risk and Compliance Manager

**Treatment Review Date:**
1. 31 August 20XX
2. 15 August 20XX
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>