



Australian Government

National Indigenous Australians Agency

GUIDANCE ON WORKING WITH VULNERABLE PEOPLE REQUIREMENTS FOR GRANT RECIPIENTS

OVERVIEW

As part of the National Indigenous Australians Agency's (NIAA) response to the Royal Commission into Institutional Responses to Child Sexual Abuse, in July 2018 the NIAA introduced new Working with Vulnerable People, including children (WWVP) requirements for all grant recipients.

In August 2018 existing grant recipients were sent a Notice of Change which embedded the new requirements into their grant agreements. The Working with Vulnerable People clauses in the IAS Head Agreement were amended so the new requirements were standard for grant recipients signed to a new Head Agreement from August 2018.

Grant recipients are required to comply, and provide the NIAA with annual confirmation of their compliance, with WWVP requirements in their grant agreements.

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

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.*

WWVP REQUIREMENTS

Grant recipients must by 31 October of every year do the following, and provide confirmation of compliance to the NIAA:

A) RISK ASSESSMENTS

Grant recipients must undertake:

- a) 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
- b) **if the level of contact with vulnerable people is Low, Medium, High or Extreme**, undertake a risk assessment assessing the risks of harm or abuse to vulnerable people, including children, in relation to the activity; and implement appropriate strategies to manage those risks (please see **Attachment A** for a template and an example Risk Assessment).

The content in risk assessments will vary across activities. A risk assessment can be basic and short for an activity where there is low contact with vulnerable people, and more detailed for an activity involving 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: Risk Self-Assessment

What level of contact does the grant recipient have with vulnerable people for the funded activity? (Select One)	None No contact with vulnerable people	Low Contact with vulnerable people in very limited circumstances	Medium Contact with vulnerable people on occasion	High Contact with vulnerable people regularly	Extreme Contact with vulnerable people every day
Annual reporting to be provided to NIAA	Confirmation of no contact with vulnerable people.	<ul style="list-style-type: none"> - 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 	<ul style="list-style-type: none"> - 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 	<ul style="list-style-type: none"> - 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 	<ul style="list-style-type: none"> - 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

Grant recipients with activities rated in the Low, 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 a template and an example risk assessment are included in **Attachment A**. The grant recipient is free to use its own template, but it should at a minimum include the level of detail outlined in the example risk assessment.

B) COMPLIANCE AND TRAINING REGIME

Grant recipients with activities rated in the Low, Medium, High or Extreme category for contact with vulnerable people must have in place WWVP compliance and staff training regimes for those activities: to make staff aware of, and compliant with, relevant legislation in the locations where the activities are being delivered, including Working with Children Checks and mandatory reporting requirements.

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 legislation for WWVP.

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

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
- Monthly reviews against agreed WWVP checklists

C) COMPLIANCE WITH LEGISLATION FOR WWVP

Grant recipients with NIAA funded activities rated in the Low, Medium, High or Extreme category for contact with vulnerable people must confirm annually that Personnel working with vulnerable people on those activities comply with relevant WWVP legislation (such as Working with Children Checks and mandatory reporting requirements) for the locations where the activities are being delivered.

As defined in the Head Agreement, Personnel means a funded organisation's officers, including all directors and board members, employees, agents, contractors, subcontractors and volunteers.

The NIAA is not able to advise whether or not people working with vulnerable people on the funded activities are compliant with relevant legislation. If a grant recipient is unsure as to whether a person working with vulnerable people complies with relevant legislation for WWVP, they must contact the relevant legislative body in the state or territory where the activity is being delivered for advice.

LINKS TO FURTHER INFORMATION

If you have any questions on WWVP obligations and compliance reporting, please contact your Agreement manager.

Refer to the following links for further information:

- The Royal Commission Final Report: <https://www.childabuseroyalcommission.gov.au/>
- National Principles for Child Safe Organisations: <https://childsafeforhumanrights.gov.au/>
- ACT working with vulnerable people registration requirements - https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1804/~/working-with-vulnerable-people-%28wwvp%29-registration
- NSW working with children check requirements- <https://www.kidsguardian.nsw.gov.au/child-safe-organisations/working-with-children-check>
- NT Ochre Card requirements - <https://nt.gov.au/emergency/community-safety/apply-for-a-working-with-children-clearance>
- QLD Blue Card requirements - <https://www.bluecard.qld.gov.au/>
- SA child-related screening requirements - <https://screening.dcsi.sa.gov.au/screening-process/child-related-employment-screening>
- TAS working with children registration requirements- <https://wwcforms.justice.tas.gov.au/RegistrationForm.aspx>
- VIC working with children check requirements- <http://www.workingwithchildren.vic.gov.au>
- WA working with children check requirements - <https://workingwithchildren.wa.gov.au/>

Attachment A

TEMPLATE RISK ASSESSMENT

The following risk assessment has been developed to assist organisations in complying with the requirements as outlined previously.

Table 1: What should be included in the risk assessment?

Risk ID	Risk Rating	Risk Event	Causes	Consequences	Existing Controls	Likelihood Rating	Consequence Rating	Treatments	Risk Review Date		
An ID for each risk	Using the risk matrix below, identify the Likelihood of the risk occurring x Consequence = Risk Rating	A singular risk event that could occur that may breach the organisations WWVP responsibilities	What are the activities or events that would see this risk become a reality?	What are the potential consequences for the organisation, if this risk were to occur?	What things are already in place to address the risk?	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	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	<p>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</p> <p>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?</p>	When will this risk next be reviewed?		
								<table border="1"> <tr> <td>Owner:</td> <td>Treatment Review Date:</td> </tr> </table>	Owner:	Treatment Review Date:	
Owner:	Treatment Review Date:										

Example Risk Assessment

Organisation	Organisation A	Risk Register ID	WWC 01/20XX
Date of Risk Assessment	31 July 20XX	Risk Category	Working with Vulnerable People, including Children
Risk Assessment Owner	Risk and Compliance Manager	Assessment Conducted by	Risk Support Officer

Risk ID	Risk Rating	Risk Event	Causes	Consequences	Existing Controls	Likelihood Rating	Consequence Rating	Treatments	Risk Review Date		
001	High	An unknown person is on the premises without a WWVP card	<ol style="list-style-type: none"> Person is able to enter the facility through a number of doors. Booking system for contractors is not held centrally. Staff do not display their cards at all times. A large organisation, where it is possible to move around unnoticed. 	<ol style="list-style-type: none"> A vulnerable person is harmed in our care. Our reputation in the community is damaged. Litigation or a fine. 	<ol style="list-style-type: none"> A sign in register exists at the reception desk. A WWVP register exists, and is held centrally for all permanent staff. Noticeboards with staff pictures are regularly updated and sent around. 	Likely	Major	<ol style="list-style-type: none"> 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. Maintenance will install signage at all entry ways informing visitors to report to reception within two weeks. HR will change our staff policy to include carrying WWVP cards on their person at all times within two months. Reception will change their policies to ensure copies are taken of every visitors WWVP card on arrival within two weeks. 	31 SEPT 20XX		
								<table border="1"> <tr> <td>Owner: Risk and Compliance Manager</td> <td>Treatment Review Date: <ol style="list-style-type: none"> 31 August 20XX 15 August 20XX 31 September 20XX 15 August 20XX </td> </tr> </table>	Owner: Risk and Compliance Manager	Treatment Review Date: <ol style="list-style-type: none"> 31 August 20XX 15 August 20XX 31 September 20XX 15 August 20XX 	
Owner: Risk and Compliance Manager	Treatment Review Date: <ol style="list-style-type: none"> 31 August 20XX 15 August 20XX 31 September 20XX 15 August 20XX 										
Risk ID	Risk Rating	Risk Event	Causes	Consequences	Existing Controls	Likelihood Rating	Consequence Rating	Treatments	Risk Review Date		

002	Med	Registers of WWVP checks do not reflect staff numbers	<ol style="list-style-type: none"> A number of new HR staff who are not aware of the process. Confusion exists over who is responsible for checking WWC/WWVP checks. Staff members are uncertain who is required to have a check. 	<ol style="list-style-type: none"> Staff who are required to have a check do not have a check. This could lead to a fine being imposed. This could also cause reputational damage internally, and externally 	<ol style="list-style-type: none"> A written process exists for checking WWVP cards for new starters. A register exists to record these cards, with photocopies attached. 	Unlikely	Major	<ol style="list-style-type: none"> 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. Risk and Compliance will organise a messaging campaign for the whole office to remind them of their responsibilities under WWVP legislation within one month 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. 	31 AUG 20XX
<table border="1"> <tr> <td data-bbox="136 564 1630 692">Owner: HR Manager</td> <td data-bbox="1630 564 1883 692">Treatment Review Date: 1. 15 August 20XX 2. 31 August 20XX 3. 31 October 20XX</td> </tr> </table>		Owner: HR Manager	Treatment Review Date: 1. 15 August 20XX 2. 31 August 20XX 3. 31 October 20XX						
Owner: HR Manager	Treatment Review Date: 1. 15 August 20XX 2. 31 August 20XX 3. 31 October 20XX								
003	Low	Staff begin employment without an approved WWVP card	<ol style="list-style-type: none"> Times for processing cards often take months. The organisation has a lot of short term, quick contracts. 	<ol style="list-style-type: none"> A person whose background is not checked is working with vulnerable people. The person may not pass the WWVP check. 	<ol style="list-style-type: none"> All new starters, regardless of WWVP status sign our WWVP policy. New starters are required to provide a receipt of submission in order to start. Most of the short term contracts are given to contractors who have already worked with the organisation and provided cards. 	Unlikely	Moderate	<ol style="list-style-type: none"> Procurement will look at the feasibility of introducing a policy that new contractors cannot start until they are WWVP compliant with one month. HR will update all new staff contracts that an application for a WWVP check is a precondition on starting employment within two weeks. 	31 AUG 20XX
<table border="1"> <tr> <td data-bbox="136 895 1630 1067">Owner: Risk and Compliance Manager</td> <td data-bbox="1630 895 1883 1067">Treatment Review Date: 1. 31 August 20XX 2. 15 August 20XX</td> </tr> </table>		Owner: Risk and Compliance Manager	Treatment Review Date: 1. 31 August 20XX 2. 15 August 20XX						
Owner: Risk and Compliance Manager	Treatment Review Date: 1. 31 August 20XX 2. 15 August 20XX								

Attachment B

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, if the likelihood of the risk occurring is Likely and the consequence of the risk occurring is Moderate, the risk rating is Medium.

CONSEQUENCES					
LIKELIHOOD	Insignificant	Minor	Moderate	Major	Severe
Almost Certain	Low	Medium	High	Extreme	Extreme
Likely	Low	Low	Medium	High	Extreme
Possible	Low	Low	Medium	High	High
Unlikely	Low	Low	Low	Medium	High
Rare	Low	Low	Low	Medium	Medium