

AWARE

A model for estimating applicant and workplace risks in NSW for child-related employment background checking

NSW Commission for Children and Young People

CHAPTER 1 Introduction

Within New South Wales (NSW), child protection within the workplace is covered by various legislation including the *Commission for Children and Young People Act 1998*. That Act (*the Act*) provides for a system to support the well-being of children in organisations. The system recognises that risk to children does not arise solely from predatory individuals working in an organisation but that the way an organisation is managed can create opportunities for offending to occur. Conversely, by conducting its business differently, an organisation can mitigate risk significantly. Central to the approach is the Child-safe Child-friendly program. This program builds organisational structures and processes to create safe and friendly environments for children to minimise the risk of harm occurring. It encourages organisations not only to develop and implement policies, procedures and mechanisms for identifying and managing risks and assuring quality, but also mechanisms that create a culture and environment that promotes openness, makes children feel welcome and facilitates disclosure by children.

This paper addresses the part of the system known as background checking.

1.0 The NSW Working With Children Check

In NSW background checking is operationalised through the *Working With Children Check*. Under the Act, background checking is limited to employment which is child-related. This is defined as *any employment [of specified kinds] that primarily involves direct contact with children where that contact is not directly supervised by a person having the capacity to direct the person in the course of the employment*. The specific kinds of employment covered are detailed in the Act.

Importantly for what follows, a background check includes:

an estimate of the risk to children involved in that child-related employment arising from anything disclosed by such a check, having regard to all the circumstances of the case, including any risk arising from the particular workplace.

That is, the focus of the risk estimate is *the child-related employment*, including any risk arising from *the particular workplace*, and is not simply an estimate of the risk an individual might bring to that workplace should they be employed. This fundamentally changes what background checking is from what has commonly been practiced elsewhere and in the past.

The Act then indicates the general process for a background check, including the decision whether there is a need for a background check; the information with which to estimate risk; and whether an employment applicant should be prohibited from working in child-related employment or not.

If the employment position meets the definition of child-related employment, then the next step to consider is what the Act includes as *relevant records*:

- *relevant criminal records* — providing evidence of an offence

- *relevant apprehended violence orders* — being a legal order made on the application of a police officer or other public official for the protection of a child (or a child and others)
- *relevant employment proceedings* — disciplinary proceedings by the employer or other responsible body involving *reportable conduct*¹ by the employee or an act of violence committed by the employee in the course of employment and in the presence of a child

Where there are convictions for a sex offence against an adult or child, the murder or kidnapping of a child or a serious child-related personal violence offence (excluding an offence committed by an adult who is less than three years older than the child concerned), then the Act prohibits the applicant from child-related employment.

Where there are charges which have yet to be adjudicated or where a conviction has not been returned: such as when there was insufficient evidence for such a conviction beyond reasonable doubt for these offences, or convictions for common assault against a child, then the process continues on to the more general background check.

The estimation of risk is not a judicial decision as to the proven guilt of an individual in having committed an offence, which is a criterion only for prohibition. The Act provides a primary operating principle which becomes critical in estimating risk:

- The safety and welfare of children are the paramount consideration.

2.0 Having regard to all the circumstances of the case, including any risk arising from the particular workplace

Within the *Working With Children Check*, natural justice for the employment applicant is provided in the more cautious representation of the risk they might bring with them to the workplace, and the clear representation of the real dynamic risk of harm to children as strongly dependent on other factors.

Static risk factors, such as demographic and historical information about an individual job applicant at the point of job entry, are typically poorly predictive. Any risk estimate based on that information alone cannot do the job of protecting children from harm in child-related workplace settings.

Instead, the risk of harm to children is dynamic, and the risk of harm posed by any individual in child-related employment changes dynamically with the work situation. Individuals employed in such settings can develop personal risks of harm to the children there, even though at the point of employment they had no accessible history of having done so in the past.

1. *Reportable conduct* includes any sexual offence, or sexual misconduct, committed against, with or in the presence of a child, or any child pornography offence or misconduct involving child pornography, or any child-related personal violence offence, or an offence under the *Summary Offences Act 1988* committed against, with or in the presence of a child, or any assault, ill-treatment or neglect of a child, or any behaviour that causes psychological harm to a child, whether or not, in any case, with the consent of the child.

CHAPTER 2 describes the AWARE model overall, showing how it attempts to take into account the dynamic nature of the risks of harm to children by factoring in risk-creating qualities of the work performed in the position to be filled, along with the organisation's capacity to manage those risks in that workplace. It also introduces the risk estimation instrument created for the specific position to be filled; and introduces the risk estimation instrument for the organisation as a whole. *CHAPTER 3* describes the risk estimation model in detail, giving specific information about the three instruments that make it up.

A decision by the employer, whether to employ a particular person or not, should then be made as a result of considering these three interactive elements of risk together – the person, the position and the organisation.

A major benefit of this approach is that it provides employers with the information they need to better protect children in workplace settings, regardless of who is employed in child-related positions.

The AWARE model was introduced in February 2007 for use in the *Working With Children Check*. A consensual approach was used in developing the new model, drawing on:

- expert opinion
- legislation
- relevant research where that was available
- consultation by the Commission, and
- professional experience.

Expert opinion was provided by Dr Chris Lennings, Senior Lecturer, School of Behavioural and Community Health Sciences, Sydney University; Dr Stephen Smallbone, Professor, School of Criminology and Criminal Justice, Griffith University; and Mr. Dale Tolliday, Director, Cedar Cottage.

3.0 A risk management perspective

The immediate aim of the *Working With Children Check* is to provide information to employers about the risks in employing an applicant in a specific workplace setting. Where an applicant has been found guilty of serious offences against children in the past, they are prohibited from child-related employment.

There is other legislation, apart from the *Commission for Children and Young People Act 1998* (the Act), that covers employer and employee duties with respect to child safety in the workplace, including the *Occupational Health and Safety Act 2000*. These Acts, and the duties they articulate, should be considered together.

The ultimate aim, however, is to minimise harm to children in the *workplace* — to make those workplaces *child safe* — where that harm might come from multiple sources. There is likely to be some

continuity in managing these diverse risks to children: some integration into a unified (and strengthened) risk management strategy. A comprehensive, formal, and effective risk management strategy is a hallmark of an organisation that is carefully and successfully managing child safety in their work-places.

CHAPTER 2 The AWARE model

AWARE stands for *applicant and workplace risk estimate* and the AWARE model is used by the NSW Commission for Children and Young People in developing risk estimates for employers in its employment background check, which forms part of the [Working With Children Check](#).

1.0 The objectives of AWARE

There are four objectives of AWARE:

1. Provide information to employers to assist them in making their decision to employ an individual, in a particular position, in a particular workplace.
2. Support the development of child-safe child-friendly workplaces through better risk management planning and practice.
3. Assist employers to assess the risks of harm to children in their workplaces and identify prevention strategies.
4. Have a model based on current research and expert knowledge and practice.

It is the employer's responsibility to make sure that all reasonably practicable measures have been taken to control risks of harm to children and young people in the workplace. The management of risks of harm to children and young people is legally a duty of care, the responsibilities for which is established through common law and under a variety of Acts (e.g. including the *Occupational Health and Safety Act 2000*).

There is a general duty of care for the organisation as a whole and for each individual throughout it to the children and young people who live, learn and play within it.

All organisations have the capacity to practice good risk management with a reasonable investment of time and resources. AWARE supports organisations to develop practices to minimise the opportunities for children in their care to be harmed.

2.0 AWARE's assumptions

The model assumes that:

- everyone can pose some risk for children, of some kind, to some degree;
- by definition, all child-related employment carries a high degree of risk in addition to the risk an individual brings to it;
- risk can only be redressed through effective risk management practices of which employment screening is only a part;

- there is a common set of inappropriate behaviours that remain inappropriate regardless of the employment setting;
- most individual behaviours can only be judged as appropriate or inappropriate in relation to a specific position in a specific organisation.
- judgement of the seriousness or severity of past behaviour needs to be determined against a scale appropriate to child-related employment, and not standards of criminal justice.

3.0 AWARE's constraints

AWARE is shaped by the following requirements:

- the information required is readily available through the relevant records;
- the assessment is reliable;
- the training required and support for risk assessors can be reasonably managed;
- the process is efficient; and
- the resource burdens on the Approved Screening Agencies (ASA) are not increased².

There were further requirements when considering the assessment of individuals:

- the factors above meant that only static factors (largely unchangeable and rooted in the historical and demographics) could be considered in the instrument: direct consideration of dynamic factors, which are more dependent on psychological assessment and clinical judgements, were precluded;
- prior behaviours to be included are limited to sexual and violent offences, neglect, and psychological harm considered relevant under legislation; and
- the factors that cause the offending criminal behaviours targeted by AWARE are complex, highly varied, changeable, and often unmeasurable. Research cannot identify discrete sets of factors that are highly predictive generally let alone in the workplace. Australian and international understandings of the factors that contribute to child neglect and abuse in work settings is even more poorly developed.

4.0 The approach underpinning AWARE

One approach to crime prevention is to focus on those individuals thought most likely to commit crime and either treat or otherwise manage those individuals. In relation to child protection in the workplace this approach would assume that only some people pose a risk to children, and that those

2. Approved Screening Agencies are those approved under the legislation to conduct the background check.

individuals have clearly recognisable characteristics that distinguish them from all others. In that case, the task becomes one of identifying these individuals. While, generally, crime prevention was focused on sexual and violent crime, reducing harm to children in the work-place also, and probably more frequently, includes identifying individuals prone to neglect or psychologically harming children.

There is ample evidence that the ability to assess the likelihood of an individual behaving inappropriately in the future is difficult, ultimately subjective (often changing with the person making the assessment), and in the end poorly predictive.

Within criminology there is an alternative approach which shifts the primary focus from individuals to the situations in which crimes are committed. As Clarke and Eck (2003) observed:

Criminological theory is of little help in dealing with crime in the real world because it finds causes in distant factors, such as child-rearing practices, genetic makeup, and psychological or social processes. These are mostly beyond the reach of everyday practice, and their combination is extremely complicated for those who want to understand crime, and do something about it. But you will find that the theories and concepts of environmental criminology (and of the new discipline of crime science) are much more helpful to everyday police work. This is because they deal with the immediate situational causes of crime events, including temptations and opportunities and inadequate protection of targets.

This approach is generally referred to as *situational prevention* (Mayhew, Clarke, Sturman & Hough 1976, Clarke, 1995; Clarke & Cornish, 2003; Clarke & Eck, 2003; Felson, 1998). Without excluding recognition that characteristics of both the offender and the victim can be factors in the creation of harm to children, greater assurance that the risks of harm to children are being managed can be given where the focus shifts from relying on identifying individuals who may carry some risk to understanding how characteristics of the situation within which the risks of harm manifest can be changed to prevent that harm occurring. The key to prevention becomes proper management of those risks.

This alternative approach provides greater assurance that the risks of harm to children in the work-place are being identified and are being managed than poorly predictive identification of individuals.

5.0 Situational prevention in child-related employment

Criminology is sometimes characterised as traditionally more focused on criminals than crime, and on the nature of criminality. Flowing from this, criminological views have tended to be focused on inferred base causes of criminality and orientated towards social prevention: where the causes of criminality are thought to have social and cultural roots.

In contrast, *crime science* is a term coined to distinguish a pragmatic approach that centres on crime rather than the criminal, and on crime prevention through problem-solving approaches: drawing upon all sciences that can contribute to that end. It is open to whatever might be useful in preventing crime, though focusing more on its immediate circumstances than basal causes: where those immediate circumstances might be better managed to prevent crime.

While crime science is broader than situational crime prevention, to date most work in crime science has tended to focus on it. Situational crime prevention is described by Wortley and Smallbone (2006) as:

based on the premise that all behaviour is the result of an interaction between the characteristics of the actor and the circumstances in which an act is performed. The immediate environment is more than a passive backdrop against which action is played out; it plays a fundamental role in initiating and shaping that action.

This position is not exclusive of other positions, and blends several main criminological theories.

The theoretical framework is broad and eclectic, principally including routine activities and rational choice perspectives. Situational prevention is not incompatible with many of the broader criminological frameworks such as social learning and control theory. The main advantage is that it focuses the implications and assumptions of those broader theoretical positions in a way that is useful for crime prevention (Indermaur, 1999).

Other related theoretical strands from criminology are *crime prevention through environmental design* (CPTED) and *environmental criminology*: which posit that characteristics of a place are critical ingredients in determining whether a crime will be committed there.

Typically, situational crime prevention starts with the thinking and motivation of individuals in offending against particular victims in a particular place. Within this perspective, crime is something a criminal “decides” to do,³ but that decision is dependent on their *perceptions of the situation* in which the crime might be committed. Importantly, the place is both a physical place (built environment) and a social/cultural space. Among other things, the characteristics of the place (in our case the workplace) affect the criminal's perceptions of:

- the temptations created for them in their interactions with children
- the opportunities that exist to commit a crime
- what they think they can get away with.

In making a decision to act (consciously or not), they weigh the pros and cons, including the costs and benefits of doing so. Within this paradigm, deterrence is achieved by increasing the criminal's perceptions of the costs of committing a crime, both in terms of what it takes to commit a crime as well as the consequences, and by decreasing the benefits of doing so.

Committing a crime is more difficult and carries greater consequences if there are people present who can witness the crime. These potential observers include the supervisor of the position, the manager of the place where the person works, and the co-workers providing *extended guardianship* over the interactions between the person and potential victims.⁴ In the case of child-related employment, the person is the employee and the potential victims are the children the employee works with. The likelihood of getting caught is greatly increased when there are others present, that is when there is effective extended guardianship. Extended guardianship also includes other forms of obser-

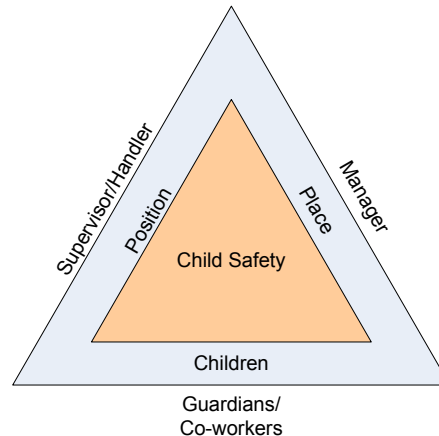
3. Such decisions might be fully conscious or not. For example, in deciding to commit a crime involving child sexual abuse, the person may rationalise around extenuating circumstances so that the offence becomes “not really a crime” but acceptable or even desirable behaviour.

4. Extended guardianship is an active risk management solution based on adequate surveillance of the risks of harm for children in workplace settings by those working within it, and adequate knowledge and understandings of the risks to children inherent in particular workplaces and associated with particular positions by these individuals.

vation or surveillance, such as through security devices (Cornish & Clarke, 1986; Clarke, 1997; Clarke & Eck, 2003).

From one of the theoretical strands currently favoured in crime science (Routine Activity Theory: Cohen & Felson, 1979) comes the problem analysis triangle. We adapted this to illustrate the supposition that “crime occurs when a likely offender and suitable target come together in time and place, without a capable guardian present” (Figure 1).

FIGURE 1. The Child Safety Triangle (Adapted from Clarke & Eck, 2003).



The three sides of the inner child safety triangle represent the risks associated with the individual, the victim and the place. The second outer triangle then denotes “controllers” who have critical roles in the management of those risks. Child safety is enhanced through the coordinated application of such “controls”.

By necessity, individuals who come to employment with a developed predisposition to harm children can only be managed through situational risk management when the processes of risk identification and risk mitigation are ongoing. Such individuals will actively seek out gaps in the management put in place by an organisation and take advantage of them.

Effectively, this means that individuals may represent a risk of harm to children, but only to the degree to which other factors critical to creating harm provide the conditions to do so. There are two ways in which these other factors act to condition the risks individuals actually pose.

In the first instance, the characteristics of an individual predisposing them to behave in a harmful way might only operate if the situation allows them to do so. In this case, the potential risk posed by an individual can be static — imported into a workplace as they are employed but not activated until conditions are favourable. That would suggest that by controlling those conditions, which have largely to do with opportunities for harm, the risk of harmful behaviours is better controlled.

The second instance where “other factors” might *condition* an individual's risk of harm to children in the workplace is where the other factors *interact* with the characteristics an individual brings. In that case, the potential risk posed by an individual is not static, but dynamic — it can *change* depending on what the surrounding conditions are. That would suggest that by controlling those conditions,

which have to do with developing the inclination or temptation to harm, the risk of harmful behaviours can be better controlled.

Both these conditional possibilities are likely to come into play in all child-related employment work situations. The temptation to behave in ways ultimately harmful to children and the opportunity to do so are functions of other factors within the workplace, but might be better controlled through better risk management practice.

This formulation of the problem is critical, as it frames background checking in a way most amenable to preventing harm.

- Effective management of the conditions that allow or stimulate individuals to be harmful is more protective of children than attempting to manage harm through keeping to identify those thought to have unacceptable risks of harm at the point of employment and keeping them out of employment (which can only have a limited effectiveness because it is poorly predictive).
- Effective management of the conditions that create or increase risk will help in the management of risks associated with all individuals in the workplace, not just those with relevant records.

To be useful, then, a risk estimation model must provide employers with an estimate of the risk an individual may bring to the workplace, along with estimates of the risks represented by the conditions within which they will work. *Together* these help the organisation better determine what the risk of harm to children in their setting may be.

A high risk estimate is really an estimate of risk under the worst case scenario — what the individual's risk may be when the other conditions necessary for the creation of harm are not well managed. As these conditions are addressed, to the extent that individual risk is interactive with or otherwise conditional on them, the risk associated with any individual will decrease.

Risk will never be eradicated. It is dynamic, and can become opportunistic. Once employed, any individual can develop a likelihood of harm depending on the conditions within which they work; similarly, individuals respond to the conditions within which they work in different ways — some may largely self manage their behaviour when they realise that their personal risk of harm to children has increased, and others fail to do so.

Inversely, a low risk estimate is really an estimate of risk under the best case scenario: i.e. what the individual's risk may be when the other conditions necessary for the creation of harm are well managed. If those conditions are not managed, then this individual might develop a higher risk, that they may or may not manage themselves.

Some people will have an expectation of or preference for a model that still focuses on the individual, with a perception that harm comes to children primarily through the predatory behaviour of persons with distinctive personality characteristics. Child predators are more likely to commit serious offences against children and where caught will have a record that will lead to their being prohibited from working in child-related employment. Some however will not have a relevant record because they

are yet to offend or to be caught. These individuals will be seeking out opportunities created through poor risk management practices.

But not all harm to children comes from predators; indeed most harm to children that occurs in work-place settings is not of this type. Not all individuals who harm children do so because they have a particular personality type that disposes them to want to create such harm.

The thinking about risk assumes that anybody can, through circumstances affecting opportunity and motivation, including temptation, potentially create harm to children. Normally non-violent people can be provoked to anger and aggression under particular circumstances. Long hours, poor working conditions, excessive stress on the job, can all create circumstances that can aggravate the risks of behaviour leading to harm. An assessment of the potential for risk of harm to children needs to be open to these possibilities.

This model moves attention away from a narrow focus on personalities to a fuller consideration of all the factors associated with the risk of harm, with an emphasis on those factors that are going to be most amenable to control, and most likely to lead to harm reduction — the situational factors.

CHAPTER 3 The new model

AWARE was developed to reflect this better identification of the risks to children in the workplace and how these risks can be better managed that are discussed in *CHAPTER 2*.

AWARE is made up of three separate instruments, producing:

1. an organisational risk estimate
2. a position risk estimate
3. an individual risk estimate

The AWARE estimates are simply *estimates*. They can be used by employers to inform their employment decisions and as a basis for other risk management decisions.

The first two instruments reflect the importance of monitoring and controlling the place where harm to children can occur. The position risk estimate also considers the risks created by characteristics of the potential victims — the children an individual would work with if employed in a particular position. The last instrument estimates the risk an individual brings given what is known about their history in the records prescribed by the Act.

The separation of a position risk estimate from an organisation risk estimate is justified, as many of the risks faced by children are reasonably position-specific. Extending risk management to specific positions should greatly increase the effectiveness of risk management generally.

The model was developed to be sensitive to the diversity of organisations captured under the legislated obligation of the background check. These organisations vary in size and structure, operational management, type of industry, in organisational culture, capacity, and importantly in risk management maturity. Reflecting this diversity, these organisations have different needs, different perspectives on risk, different risk management problems and solutions.

AWARE is designed so that it can support organisations that do not already have matured risk management systems. The support is achieved through encouraging these organisations to be better aware of the risks of harm to children in their workplaces, and better aware of how they might manage those risks.

5.1 AWARE-PRE: The position risk estimation instrument

In adapting situation prevention to child-related employment, a critical dimension of place is added: *the position*.

The position has distinctive characteristics that determine:

- the children a person in a position will be working with

- what a person filling a position can and cannot do with those children
- what is acceptable behaviour for them
- what is expected of them
- who will be supervising them
- who will be overseeing them
- their work location within the physical environment
- opportunities for interacting with children outside of normal routine.

A position not only defines what might become opportunities for harmful behaviour but, depending on what tasks the position performs, it can also impact on the motivation to harm — the temptation to do so. In no way does this imply that blame should be allocated to children or, for that matter, to workplace managers, but rather that these characteristics of the position need to be considered when employing an individual in child-related employment.

The instrument known as the AWARE-PRE reflects the importance of monitoring and controlling characteristics of a position in direct contact with children, and considers the risks created by characteristics of the potential *victims* — the children an individual would work with if employed in a particular position.

- The instrument broadly promotes and supports child safety in the workplace by increasing awareness.
- It is constructed to lead employers or their representatives systematically through the issues of risk management and child safety for the particular position being filled as they provide the information needed for the instrument.
- This introduces many employers to new or better ideas about the risks and their management, all of which are practical and achievable by any organisation, regardless of size and resources.

5.2 AWARE-ORE: The organisation risk estimation instrument

The AWARE-ORE is based on a premise that an effective way to manage risk in an organisation is through the professional and systemic practice of risk management. The standards for effective risk management used in the instrument are built upon the professional risk management standards as published by *Standards Australia* (2004).

These standards provide a generic guide for managing risk and were developed to be applied to a very wide range of activities or operations of any public, private, or community enterprise, group, or individual. The standards are based on the belief that, to be effective, risk management should

become part of an organisation's culture: embedded into the organisation's philosophy, practices, and business processes, rather than be viewed or practiced as a separate activity.

The action-research/problem-solving approach often advocated for situational crime prevention (Clarke & Eck, 2003, 2005; Goldstein, 1990), and the logical importance of effective risk management from an organisational perspective, were used to develop the AWARE-ORE. The action research/problem-solving approach focuses on changing the conditions that give rise to harm to children: identifying problems, analysing them in ways to facilitate the identification and development of effective interventions, the application of interventions and their monitoring and refinement. A formal system of organisational risk management has essentially the same specification, substituting the language of "risk" for "problem", and can explicitly include action research as intrinsic to its processes.

5.3 AWARE-IRE: The individual risk estimation instrument

The AWARE-IRE is a mechanical screening instrument based on the widely used Static-99 and Static 2002 sexual recidivism risk assessment tools. It's mechanical in the sense that it determines a risk estimate algorithmically, using a relatively discrete set of mostly concrete data.

The instrument is based on factors most likely to be associated with harming behaviours generally, combined in empirically tested ways to better estimate a risk of future harm. Those factors are constrained by legislation which allows the use of relevant records only: restricting risk estimation to the use of static historical and demographic information.⁵

Such estimates, however, can be misunderstood and misused: rather than contributing to better risk management in the workplace they can exacerbate the risks already thereby creating the false impression that the background check is a sufficient screen. Misunderstandings arise in part because the risk estimate is simply that — an estimate not a guarantee. There is probable error surrounding the estimate, and it can be large: not all those who should be identified as carrying a particular degree of risk can not be identified and those who do not carry a specific degree of risk can be identified as having it.

An aim with the AWARE-IRE is to provide information to employers about possible risks an individual might bring with them, as indicated by previous behaviours, but with a clear understanding that this information should not be used in and of itself but only in relation to their informed understanding of how well the risks of harm to children in their workplaces are being managed.

5. Relevant records include relevant criminal records, relevant Apprehended Violence Orders and relevant employment proceedings (see *The Working with Children Employer Guidelines, 2006* for more information).

6.0 Bringing information about the risks of harm to children in work-place settings together

As noted earlier, traditional expectations of a risk-estimate model are that it involves estimating the risk of harm associated with particular individuals. Consequently, for some employers requesting a check, estimating risk for the position and organisation may be unexpected.

Providing three separated risk estimates creates the need for guidance in how to bring these together.

Procedurally, the individual risk estimate is considered in relation to the position and organisation risk estimations — it should be used *conditional* on the outcomes of the other two. The risk estimates are designed to support the following sequence of decisions by an employer:

1. Do or can I actively manage the risks in the position and workplace?
2. *Depending on the answer to question 1:* Do I or can I have the capacity to manage whatever risk may be further introduced should this particular applicant be employed?

Organisations can decide to employ someone, with a known risk estimate, where they feel their risk management of the position and within the organisation generally is sufficient to manage the estimated risks the individual might bring to the workplace.

If that management is deficient, they might decide to improve their risk management practice and make a decision to employ that individual in that light. Or they might decide that the individual can bring risks that they are unable to manage and so should not be employed.

If the organisation cannot manage the risks an individual might bring, then there may be cause for concern that they cannot manage the risk *any person* might bring to the position — that there are most probably risks associated with that position regardless of who fills it. Employers then need to be particularly attentive to the position and organisation risks estimates and the quality of their risk management generally.

Many individuals who are at risk of harming children in workplace settings will not have a risk estimate because they have no relevant record as defined under the Act — which is both the criterion for risk estimation as well as the only source of information on which a risk estimate can be calculated. Effective position and organisational risk management will help make sure that any risks these individuals may bring to the workplace, or which may later develop there, can and are being properly managed.

Anecdotal information collected through the evaluation of the previous *Working With Children Check* Risk Assessment model, and affirmed in subsequent consultations, suggests that many organisations use the background check and any risk estimate that may flow from it as their sole risk management strategy. Evidence is clear that this is a flawed strategy and needs to be discouraged.

7.0 What do organisations get out of good risk management practices?

There are clear benefits to an organisation that works with children and young people of having in place effective risk management.

First, the children can feel safe, assured that their well-being is of paramount concern to the organisation and its employees, and that their safety is continuously monitored and improved.

Parents and the community can feel assured that the organisation is applying high standards of risk management to the protection of their children in ways that are visible and accessible to them, and through which the organisation is accountable.

Individual employees can feel protected that they are being supported by their organisation, in the clear communication and monitoring of their behaviours so that they are always appropriate for their positions. The allocation of responsibilities for different behaviours which can carry risk will be clearly determined, so that everyone is fully aware of who should be doing what, to whom, when and under what circumstances.

Management can feel protected by having a strong, systematic plan in place and in operation, whose functioning has become a shared responsibility of all the stakeholders (e.g. the children themselves, workers, parents and community members).

The organisation gains a reputation for the quality management of child safety.

8.0 Conclusion

The Working With Children background check is legally mandated. The model used to estimate risk as part of the background check can influence attitudes — encouraging employers to become more attentive to child safety generally and improve understanding of what is required to achieve this.

The AWARE model emphasises what is needed to better assess and manage the risk of harm to children in the workplace. The evidence is clear that most of the harm that will happen to children in the future cannot be accounted for by individual risk factors at the point of entry alone. A model of risk that includes only the individual is missing other critical factors in the creation of risk. Crime science indicates generally what those missing factors are. They are primarily factors to do with the place of employment and temptations created in interactions with the potential victims. To manage the risk of harm to children in workplace settings, those other risk factors must necessarily be included in risk assessment and treatment. Risk management systems still dependent on limited individual risk estimations cannot be effective, and signify a low level of risk management maturity.

It is only through better risk management of the child-related employment position and its immediate work environment, as well as the surrounding organisational culture of risk management, that the safety of children can be better assured.

The maturity of a risk management system focused on children in the workplace (and especially the kinds of harm covered under the *Working With Children Check*) is reflected in the degree to which situational prevention is pivotal to its strategies.

In its totality, the AWARE should better protect children, while providing greater natural justice and procedural fairness to the individual employment applicant.

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