

Employment Screening Cards: Safety or Injustice in Human Services?

Executive Summary

Introduction

This document provides a brief summary of the report which focuses on criminal history screenings for employment in three areas: Child Care, Disability, and Aged Care. This includes general information and discussion on current issues regarding the practicality, administration, and possible discrimination and injustices of the employment screening process. These issues have been collected from the qualitative data provided by a series of interviews with UnitingCare services. The report also suggests further research areas and provides recommendations to improve the current screening systems.

The Blue Card is required by anyone who has contact with children in the care industry; it requires a criminal history check and is renewed every two years. There is also a criminal history check required for those who work with impairments or disability and in aged care. The difference here is that the aged care screening is required by federal not state law. It is interesting to note that people with a blue card are able to work in aged care whereas they require another screening if they wish to work within disability services. A positive or negative notice is issued to the applicant dependent on the results of the screening and the applicant has the right to appeal this decision.

Analysis of the Criminal History Screenings: Summary of Issues

A number of issues were identified which fall within the following categories:

Practicality/usefulness: The major issues throw doubt on how effective the screening process is at keeping unsuitable people out of the system without discouraging skilled workers from applying.

Administrative: It was found that there was a substantial financial and practical cost involved in maintaining the criminal checks particularly with the overlap between child care and disability services and the different jurisdiction responsible for aged care.

Injustices/Discrimination: Individuals have the right to appeal a negative clearance if they feel it is undeserved through the Human Rights and Equal Opportunity Commission (HREOC). The major areas of concern are in relation to juveniles and indigenous issues as well as the level of discretion held by officials, whether a rehabilitated person should be cleared to work and the difficulty of finding alternative employment opportunities.

Other Concerns: There are two other issues of concern. The first is that a person may be denied employment through Personal Background Checks which are much broader, even if they have been cleared through the criminal history check. Secondly, Blue Cards may encourage a false sense of security within the community.

Recommendations

A number of recommendations have been identified as well as areas for possible future research:

Amalgamation: amalgamation of a number of the tests, such as child care and disability checks as both are a State Government requirement.

Processes:

- Lower or remove fees on criminal history checks;
- Consider the use of another organisation to process applications (such as Queensland Transport);
- Improve the clarification of requirements, for example: what constitutes a relevant offence, what constitutes a 'sound mind', etc;
- Review the screening process to strengthen it and make it more efficient;
- Create a special consideration for tradespeople and contractors and make supervision arrangements to ensure the facility is not short staffed; and
- Develop liaison between screening bodies and employers, especially greater communication in relation to negative notices.

Juveniles: Deciding not to record juvenile offences or implementing a discretion system whereby juvenile convictions are understood within an applicable time-frame, details of the offence, rehabilitation, etc.

Discretion:

- More publicly available information about levels of discretion;
- The implementation of a discretionary system similar to that listed above; and
- Allowing support for individuals such as letters of recommendation.

Indigenous People: Create special consideration for Indigenous applicants encouraging letters of recommendation and the opportunity to plead a case for Equal Opportunity Employment.

Further Research:

- Greater research into the specific guidelines of the screening process and levels of discretion;
- Rehabilitation requirements and how this effects chances of employment;
- The attitudes of Indigenous people on their likelihood of gaining employment and how they feel about going through a criminal history check;
- There is little information available on Personal background checks; and
- How often people are discouraged from applying for jobs due to the criminal history screening procedure.

Conclusion

At this stage UnitingCare's Centre for Social Justice is raising awareness of the issues identified by the report 'Employment Screening Cards: Safety or Injustice in Human Services?' If you are interested in assisting with the raising of these issues or otherwise engaging please contact the Centre at uc.socialjustice@ucareqld.com.au

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