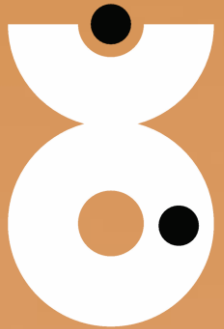


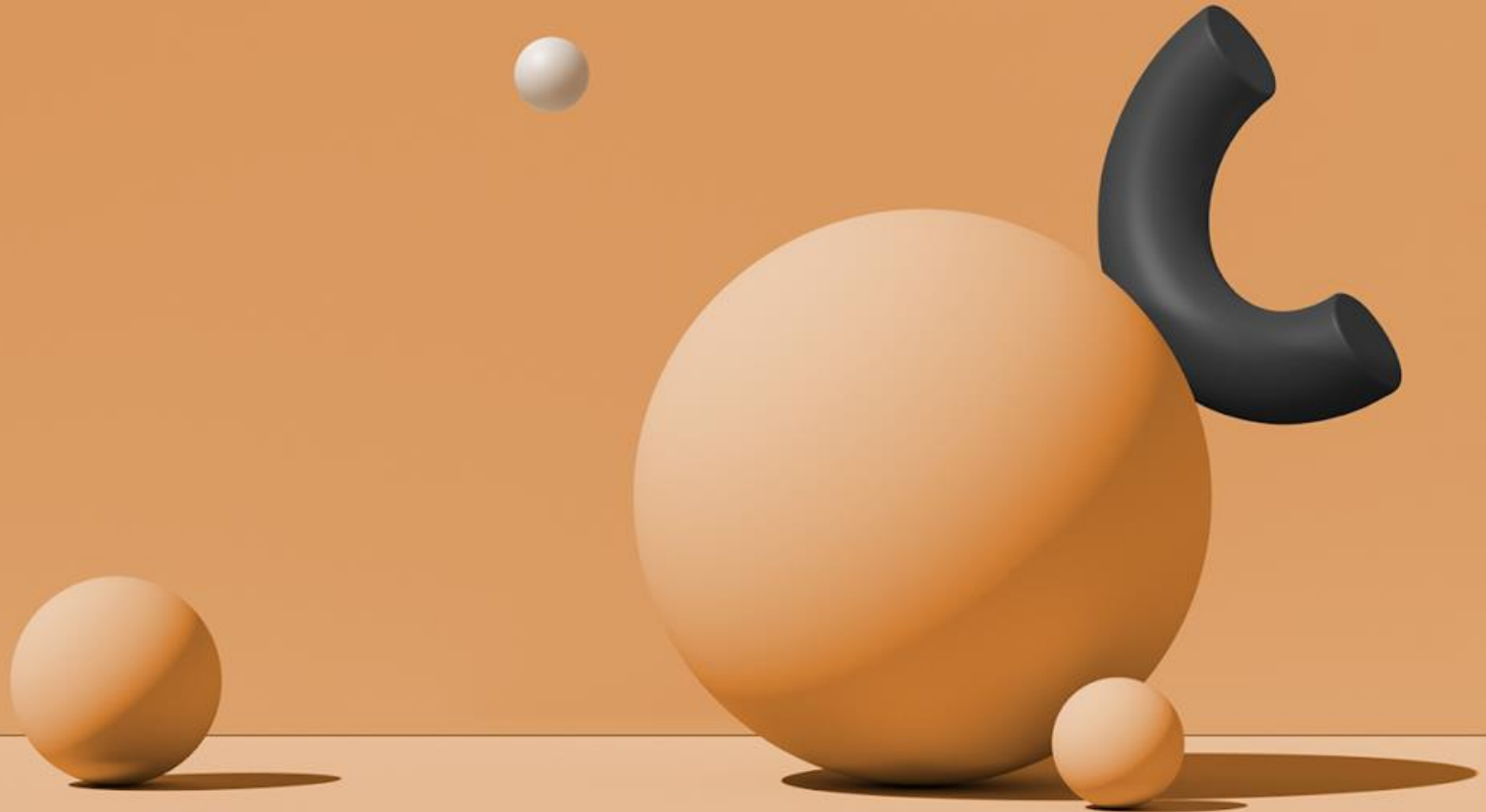
# Oho<sup>TM</sup>

*Connecting Up* 

Webinar



1300 388 963  
[WeAreOho.com](http://WeAreOho.com)





## Introductions



Claire Rogers is CEO and co-founder of Oho, a social purpose software company assisting organisations to keep a constant watch on the credentials of staff, volunteers and contractors such as Working with Children Checks to ensure safety of all stakeholders. She is also Managing Partner of CEO Mastermind Advisory Services and a Director of Payton Capital Limited, Melbourne Business School Limited and Methodist Ladies College, Kew. Claire is a member of Chief Executive Women (CEW), AICD and Scale Investors, an angel investor network focused on female founders.



**Cecelia Irvine-So is a Practice Leader in the Corporate Advisory Team and heads the Education Team at Moore's**

Cecelia is a commercial lawyer specialising in education law, education governance, privacy and regulatory compliance.

Cecelia is the first port of call for a significant number of independent and Catholic schools, education providers, kindergarten cluster managers and K-12 education management and peak bodies.

Cecelia has developed a reputation for successfully assisting education bodies and schools which are facing regulator intervention due to critical events or funding and compliance issues, including CRICOS, VRQA, Dept of Education, NESQA, TEQSA and ASQA.

As one of only a handful of dedicated education lawyers, she is in demand from industry bodies seeking her expertise for speaking engagements and training, and contributions to boards and advisory groups.

In addition to regulation, Cecelia assists education clients with student and parent relations, enrolment and admission, behavior and discipline and Board governance.

# Agenda:



**The problem:** organisations should be verifying worker credentials regularly after onboarding staff but it's too hard, and a huge compliance burden amongst many others to administer, leaving openings for people who are or become unsuitable to have access to the vulnerable.

What we will cover today:

- Common accreditation obligations
- Deep dive in the WWCC accreditation compliance requirements
- Penalties and implications
- Common myths and outcomes
- Oho risk mitigation overview
- Q&A

# Accreditation Compliance: Industries and obligations



Welfare  
Aged Care

Disability

Education

Faith

Health

Sporting

Community

Government



## Accreditations (national)

### Verifiable:

- WWCC
- Teacher's licenses
- AHPRA
- NDISWC
- VEVO
- Police Checks

### General (e.g.):

- First Aid
- Responsible serving of alcohol
- COVID vaccination



# What is child-related work?



A person engages in child-related work if:

- Contact with children is a usual part of, and more than incidental to, the work:
- The work involves physical contact, face-to-face contact, oral communication, written communication ***or electronic communication*** with a child; and
- The work is in a specific sector prescribed by the working with children check scheme.

## Obligations

Most Organisations find it difficult to fully understand the scope of their obligations.

This is because of the **varying legal requirements across states, territories, and industries**. Australia lacks a national Working With Children Check scheme, which means that state agencies are responsible for verifying worker and volunteer registrations in each jurisdiction. There is no uniform process, requirement, or integration that applies for the whole of Australia.

This presents serious challenges for organisations, especially those who work across state borders and/or provide services to a diverse customer base. Not only must managers make sense of their complex legal requirements, they are also faced with a heavy administrative burden to ensure the workers they engage are compliant and up to date with the right accreditations.

To summarize:

1. Prohibition on employing a worker in child-related work without a valid working with children check
2. Verify information
3. Recordkeeping
4. Information sharing



# What do organisations need to do?

- 1. Ensure the right accreditations are verified.**
- 2. Actively monitor accreditations.**
- 3. Design and implement a risk strategy.**
- 4. Maintain accurate records for reporting.**

# State by State Requirements



**Fines, jail time and reputational losses are some of the significant costs an organisation or its officers could face if it is found to have committed an offence. In some jurisdictions, an organisation's senior executive or board can be individually held accountable.**

As different legislation applies in different states, there are sizeable variations in the penalties that exist for organisations. Penalties vary on the basis of jurisdiction, as well as the extent and type of breach. The following tables set out the relevant penalties for organisations, grouped by state and type of breach. It aims to highlight the major risk areas, so that organisations may effectively combat their exposure.





Organisations who do not comply with the rules face possible imprisonment and significant fines.

## Penalties apply for non-compliance across the following scenarios.

- An organisation must not employ another person in child-related work where they do not hold a valid Working with Children Check.
- An organisation must not employ prohibited, suspended, or disqualified people in child-related work.
- Senior executives and members of governing bodies fail to hold a valid Working with Children Check.
- Failing to verify information, confirm the type of Working with Children Check provided and keep records.
- Non-compliance with regulatory action taken under the relevant Working with Children Check scheme.

# Penalties & Offences



**An organisation must not employ prohibited, suspended, or disqualified people in child-related work**

State	Offence	Max Penalty
NSW	An employer must not commence employing, or continue to employ, a worker in child-related work if they know or have reason to believe that they do not hold a Working With Children Check that authorises the work and there is no current application for a Working With Children Check, or that the worker is subject to an interim bar. See section 9 of the <i>Child Protection (Working with Children) Act 2012</i> (NSW). There are different classes of Working With Children Check, including volunteer and non-volunteer, see section 12 of the <i>Child Protection (Working with Children) Act 2012</i> (NSW) – and accordingly, mindful of the 30-day exception, employers should ensure that the worker holds a Working With Children Check that ‘authorises’ the work (that is, paid or unpaid).	100 penalty units in the case of a corporation ( <b>\$11,000</b> ) 50 penalty units in any other case ( <b>\$5500</b> ).
VIC	A person must not engage, or continue to engage, another person (the worker) in child-related work if the person knows the work is child-related work, the worker does not have a current Working With Children Check, and the person knows the worker does not have a current Working With Children Check ( <b>or is reckless as to that fact</b> ). See section 123 of the <i>Worker Screening Act 2020</i> (Vic), see also section 124 of the <i>Worker Screening Act 2020</i> (Vic) for an equivalent provision in respect of agencies who offer the services of a person in child-related work.	For a natural person, 2 years imprisonment or 240 penalty units ( <b>\$39,650</b> ) or both. In the case of a body corporate, 1200 penalty units ( <b>\$198,260</b> ). This amount is rounded down in accordance with convention.
QLD	An employer must not employ, or continue to employ, an employee in regulated employment unless the employee holds a working with children clearance and the employer has given a notice to Blue Card Services about employing the employee in regulated employment. See section 175(1) of the <i>Working with Children (Risk Management and Screening) Act 2000</i> (QLD).	2 years imprisonment or 200 penalty units ( <b>\$26,690</b> ) if there are ‘aggravating circumstances’ otherwise 100 In respect of section 175 of the <i>Working with Children (Risk Management and Screening) Act 2000</i> (QLD)

# Being Compliance Fit



## **What happens when the regulator knocks?**

- Request for information
- Possible site visit
- Key issues from audits
- Possible penalties

## **Challenges to be ready:**

- Resourcing
- Policies
- Procedures
- Systems
- Assumptions

# What have we learned



Real experiences with our customers have identified loopholes and risks

*plus the data...*

***every day in almost all states in Australia, at least one WWC card is revoked, a medical professional has a restriction placed or loss of licence, a teacher is investigated/suspended....***

- 100% of our clients say we've helped them find people they need to remove from access
- 8 red flags leading to stand downs in the last six months & we are only just getting started
- Linkage failures even in states that have tight processes (and consequently notification misses)
- Data error rates of 30-90%
- 95% of organisations not doing any verification beyond onboarding
- People who've stretched expiry dates
- The data actually wasn't there or in a usable form
- Missing critical information
- Auditors/fines/insurance restrictions or removal
- Assumptions about responsibility being with the registry not the organisation
- Erroneous assumptions that HR systems cover this
- Profoundly naïve excuses for not needing verification
- Overwhelmed or disengaged administrative staff with spreadsheets and paper
- Parents of children expect that organisations are doing these checks "all the time"
- Massive failures continue to be reported in the media where adequate checking was not done





Oho keeps a constant watch on staff  
and volunteer accreditations.

Failure to continuously monitor and  
validate accreditations^ beyond the  
hiring process exposes organisations  
caring for the vulnerable to predators  
and malpractice.

<sup>^</sup> eg WWCC, Teachers Licences, AHPRA, NDISWC

Click here to see  
our explainer  
video on  
You Tube  
[Oho Explained](#)







Together, we can  
help prevent abuse.

We share a vision of  
Australia in which every  
vulnerable person is  
protected.

By working together, we can  
make this vision a reality.





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