

SUMMARY

Royal Commission Research Project

Scoping Review: Evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse.

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This research paper was commissioned and funded by the Royal Commission into Institutional Responses to Child Sexual Abuse, and researched and written by the Parenting Research Centre and the University of Melbourne.

The stated aim of the report was “to provide the Royal Commission into Institutional Responses to Child Sexual Abuse with an overview of the nature and extent of the international literature available on evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse.” (p.38)

The research team identified 25 relevant evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse. This was achieved through a systematic search through electronic databases and websites, website publication lists and a search through reference lists of potentially relevant studies.

After a process of elimination of duplicates and papers that were not relevant to the scoping review, the 25 papers were categorised as follows:

1. 19 retrospective case studies or surveys (including six public or ministerial inquiries)
2. Four qualitative analyses of submissions or hearings.

A scoping review is defined in the paper as the:

“...systematic selection, collection and summarisation of existing published work in a broad thematic area. Unlike systematic reviews, [scoping reviews] do not involve the detailed assessment of study rigour or bias, or any rigorous assessment of the effectiveness of the interventions or approaches being tested. Instead, they are used to ‘scope out’ the nature and extent of particular areas of research ... [and] they provide a useful tool when making decisions about future research directions.” (p.9)

Summary of key findings

The paper identifies and provides a discussion of the key findings identified in the relevant evaluations. The two major areas discussed at length include ‘the effectiveness and feasibility of

criminal background checks' and 'other pre-employment screening practices'. These two categories are discussed further below.

The effectiveness and feasibility of criminal background checks

The paper notes that overwhelmingly, the authors of the included evaluations emphasise the importance of undertaking criminal background checks as a component of pre-employment screening practices. However, this is always coupled with statements emphasising the "limited effectiveness of using criminal background checks as the *only* pre-employment screening practice safeguarding children from sexual abuse by staff." (p.32)

Some of the limitations or concerns in relation to the feasibility of criminal background checks identified in the reviews included:

- Time delays in recruitment processes due to time needed to complete a criminal background check and/or the resulting decision to employ a person before the check is complete
- Costs associated with conducting criminal background checks
- The risk that an applicant may have changed their name, or give a pseudonym or nickname
- The need to check for criminal offences in other jurisdictions (such as international or interstate jurisdictions)
- The risks posed by those exempt from mandatory criminal background checks (for example, parent volunteers whose child is present, and other adults that share the home with the caregiver and child)
- A lack of reporting, confirmation and, therefore, criminal background checks of other adults that may be living in institutions (for example, foster or childcare homes)
- Issues related to conflicting child protection and child welfare legislation regarding the need for, and actions to be taken based on, criminal background checks
- Ethical concerns regarding infringing on a person's right to exoneration, privacy and/or rehabilitation due to sharing information about served, pardoned and quashed criminal convictions (pp.40-41).

Other pre-employment screening practices

The paper highlights the following 'soft' pre-screening practices that should be done in conjunction with criminal background checks, as identified by the relevant evaluations:

- Thorough reference checks (including direct contact with previous employers and direct questions to referees about any concerns they may have regarding an applicant's suitability to work with children)
- Structured employment interviews with a focus on determining the applicant's suitability to work with children (such as value-based interviewing)
- Checks against other sources of information on suspected or substantiated child abuse, for example, child-abuse registries, children's court decisions, disciplinary body proceedings and teacher registries
- The use of structured written applications based on pro-forma documents that include direct questions requesting criminal background and other relevant information that may shed light upon the applicant's suitability to work with children. This is to be followed by a

critical examination of the answers and follow up information requested where relevant (either from law enforcement agencies, previous employers or applicants themselves).

- Critically examining an applicant's employment history and/or written application
- Verifying the applicant's identity using methods such as photo-based documents or fingerprinting
- Verifying the applicant's education or qualifications

Employment prohibitions based on the outcomes of pre-employment screening practices

In addition to the various steps that are identified as being important when screening potential employees, the paper highlights the need to disqualify people from working with children when the results of such pre-employment screening practices raise questions as to a person's suitability to work with children. To this end, the paper refers to the Irish Joint Committee on Child Protection (2006) which recommended "the establishment of a statutory framework that makes pre-employment screening of employees and volunteers mandatory for all childcare organisations, as well as the establishment of provisions for the 'disqualification from working with children of persons found unsuitable for such work, and an offence of working with children while disqualified from so doing.'" (p.37)

Gaps in the literature

The paper highlights the following gaps in the literature in the area of the effectiveness of pre-employment screening:

- The lack of quantitative tests of the effect of pre-employment screening practices on rates of child sexual abuse (p.42).
- Only one study (of the 25 identified as relevant) attempted to quantitatively test the effect of criminal background checks on child abuse compared to other pre-employment screening practices. However, the paper notes the limited nature of the information available in relation to the data relied upon by that study (see discussion at page 43).
- Only one study evaluated ethical concerns related to criminal background checks (Commonwealth Attorney-General's Department) – reviewed the operation of the *Crimes Act 1914* which allows information about pardoned, quashed or served convictions to be used by screening agencies when determining a person's suitability to work with children.
- The scarcity of studies that attempt to quantitatively test the effect of pre-employment screening practices on rates of child sexual abuse.

Interpretation and implications of the scoping review findings

The paper provides a detailed discussion about the inherent difficulties of exploring the effects of specific pre-employment screening practices on rates of child sexual abuse. Firstly, it notes that the "unknown but probably low, present day rate of reported institutional child sexual abuse by institutional employees." (p.45) A low rate means that statistically, it is very difficult to detect and test for differences between groups (ie children who have been sexually abused in an organisation versus children who have not):

“A very large sample size would be needed to detect differences in a low rate of child sexual abuse (for example, if 2 percent of all children across all organisations were sexually abused) between two groups (such as organisations that conduct criminal background checks and organisations that do not conduct criminal background checks)” (p.45).

It also notes that “organisational cultures that encourage disclosing child sexual abuse may have more comprehensive pre-employment screening practices. Thus, the rate of disclosed and reported child sexual abuse may be confounded by such organisational characteristics.” (pp.45-46)

The paper concludes that “... evaluations of effectiveness can only be of as high quality as the outcome data they are based upon (in this case, the quality of data on rates of child sexual abuse). Until sufficient data on rates of child sexual abuse and pre-employment screening practices employed to prevent its occurrence are available to quantitatively test the effectiveness of pre-employment screening practise (which may not eventuate), this topic is arguably best explored as it has been to date: namely by conducting in-depth case studies and inquiries into cases where child sexual abuse has occurred in organisations, with the aim of identifying the factors that may have contributed to these factors.” (p.46)

A copy of the Royal Commission’s report is available at:

<http://www.childabuseroyalcommission.gov.au/policy-and-research/published-research/pre-employment-screening-practices>