

**Final Report - Redacted**  
**Full investigation - *Ombudsman Act 1972***

<b>Complainant</b>	Ombudsman 'own initiative' investigation, section 13(2) <i>Ombudsman Act 1972</i>
<b>Department</b>	Department for Communities and Social Inclusion (the department)
<b>Ombudsman reference</b>	2015/00235
<b>Date complaint received</b>	10 January 2015
<b>Issues</b>	<ol style="list-style-type: none"><li>1. Whether the department's screening process resulted in unreasonable delays in processing applications</li><li>2. Whether the department provided applicants with sufficient information about the screening process</li><li>3. Whether the department keeps 'Requesting Organisations' adequately informed of matters relating to the screening process</li></ol>

### **Jurisdiction**

Since January 2015 my Office has received numerous complaints in relation to delays in processing child related employment screening applications by the department. This follows the requirement that anyone who will be working with children must undergo appropriate checks to ensure *inter alia* they have not been convicted of certain offences or behaved in a manner that could pose a risk to children<sup>1</sup>.

It is acknowledged that the department also processes applications from people seeking to work or volunteer with organisations engaged in providing services to the elderly and vulnerable people.

The complaints are within the jurisdiction of the Ombudsman under the *Ombudsman Act 1972*.

This investigation has focussed on the processing of applications for child related employment screening. Applicants for screening can include nursing students, respite care workers and people wanting to volunteer in a range of capacities. Delays in processing screening applications can have a serious effect on income, completion of study and other vocational considerations.

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<sup>1</sup> I note media articles relating to proposed changes to the screening process for volunteers at schools and pre-schools.

In the period 1 January 2015 to 30 October 2015 my Office received 157 complaints about the screening process. Consistent with the policy of my Office being one of last resort, I have referred a number of the complainants to the department if the complainant has not previously complained about the delay. Others were resolved shortly after my approach to the department.

I have included as a part of this report an 'Appendix' which provides some detail about a sample of the complaints received by my Office. I identified each complainant by name for the purpose of seeking the views of the department. However, in publishing my final report I will de-identify the complainants. I will refer to specific complainants in the body of my report if I consider it would provide some context to the discussion.

I have not interviewed any of these complainants but I have chosen to rely on the allegations they made when making the complaint. I have also accepted the information provided by the department when asked to provide a chronology and other information in relation to action taken by it.

The range of complaints received has highlighted four issues:

- delays in the processing of applications for child related employment screening clearances
- an inability by applicants to obtain meaningful information from the department on the status of applications
- no reasons being given by the department for deciding not to grant a child related employment clearance
- how other organisations rely on the child related employment clearance for making other decisions?

In my view, an applicant should have a reasonable expectation that consideration of a request for a child related employment clearance would be conducted in an efficient and transparent manner. I commenced an 'own initiative' investigation under section 13(2) of the Ombudsman Act with a view to investigating how the department assesses and adjudicates on applications for child related employment clearances.

## Investigation

My investigation has involved:

- assessing the information provided by the various complainants
- seeking information from the department
- clarifying various aspects of the information with the department
- considering the *Children's Protection Act 1993*, *Children's Protection Regulations 2010*, the department's *Approvals authorisation: Child-related assessment* document (**Approvals Authorisation**) and *Standards for use of Child Protection Information in the assessment of an applicant's relevant history pursuant to the Children's Protection Act 1993* issued by the Department for Education and Child Development
- meetings with the Director and the Manager of the department's Screening Unit
- accessing the department's website at <http://www.dcsi.sa.gov.au/services/screening>
- preparing a provisional report and seeking comment from the department
- considering the comments made by the department
- providing the department with my revised provisional report for comment, and considering its response
- preparing this final report.

## Standard of proof

The standard of proof I have applied in my investigation and report is on the balance of probabilities. However, in determining whether that standard has been met, in accordance with the High Court's decision in *Briginshaw v Briginshaw* (1938) 60 CLR 336, I have considered the nature of the assertions made and the consequences if they were to be upheld. That decision recognises that greater care is needed in considering the evidence in some cases.<sup>2</sup> It is best summed up in the decision as follows:

The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding, are considerations which must affect the answer to the question whether the issue has been proved ...<sup>3</sup>

## Background to my provisional report

The department commented and provided clarification on a number of issues raised by the provisional report. I formed the view that the additional information provided by the department required that I issue a revised provisional report.

## Response to my revised provisional report

In response to my revised provisional report the department provided comment on more recent changes to the screening process. I have made reference to these changes in this report.

The department did not comment on any of the allegations made by the complainants in the Appendix to the revised provisional report. In the absence of comment I accept the tenor of the allegations made by the complainants.

## Background

1. Section 3 of the Children's Protection Act prescribes the objects of the Act to be:
  - (a) to ensure that all children are safe from harm; and
  - (b) to ensure as far as practicable that all children are cared for in a way that allows them to reach their full potential; and
  - (c) to promote caring attitudes and responses towards children among all sections of the community so that the need for appropriate nurture, care and protection (including protection of the child's cultural identity) is understood, risks to a child's wellbeing are quickly identified, and any necessary support, protection or care is promptly provided; and
  - (d) to recognise the family as the primary means of providing for the nurture, care and protection of children and to accord a high priority to supporting and assisting the family to carry out its responsibilities to children.
2. In pursuing these objectives there is a mechanism to assess the character and antecedents of people who may in a variety of capacities, come into contact with children. This process is managed by the department's Screening Unit which is established under regulation 7 of the Children's Protection Regulations.

<sup>2</sup> This decision was applied more recently in *Neat Holdings Pty Ltd v Karajan Holdings Pty Ltd* (1992) 110 ALR 449 at pp449-450, per Mason CJ, Brennan, Deane and Gaudron JJ.

<sup>3</sup> *Briginshaw v Briginshaw* at pp361-362, per Dixon J.

3. Information made available to the department will in some cases result in a 'name match' with the name of the applicant. This does not necessarily mean the information relates to the actual applicant, hence the need for an applicant to provide full and accurate personal information. A name match may require a more detailed assessment and this can contribute to delays in the processing of the application.
4. The information provided may be a matter of public record but in other circumstances, it may be confidential and be regarded as personal information about another person. The provision of information to the department is integral to the success of an assessment. This may mean that on occasions, reasons for refusing to approve a child related employment screening clearance cannot be given to an applicant. In that regard section 58(1) of the Children's Protection Act states:
  - (1) A person engaged in the administration of this Act who, in the course of that administration, obtains personal information relating to a child, a child's guardians or other family members or any person alleged to have abused, neglected or threatened a child, must not divulge that information.  
Maximum penalty: \$10 000.
5. The complaints to my Office have reflected a frustration on the part of applicants contributed to by perceived delays and an inability to be given information about the status of applications. I acknowledge that the number of complaints my Office has received is relatively small when measured against the number of applications received by the department (95614 child related employment applications in 2014/2015).

### Relevant law/policies

6. Section 8B of the Children's Protection Act provides:

#### **8B—Powers and obligations of responsible authority in respect of relevant history**

(1) The responsible authority for an organisation to which this section applies must ensure that, before a person is appointed to, or engaged to act in, a prescribed position (whether as an employee, volunteer, agent, contractor or subcontractor) in the organisation, an assessment of the person's relevant history is undertaken in accordance with the regulations.

Maximum penalty: \$10 000.

(2) The responsible authority for an organisation to which this section applies may, at any time, as the authority thinks necessary or desirable for the purpose of establishing or maintaining child safe environments, cause an assessment of the person's relevant history to be undertaken in accordance with the regulations of any person who—

(a) occupies or acts in a prescribed position (whether as an employee, volunteer, agent, contractor or subcontractor) in an organisation for which the authority is responsible; or

(b) carries out, or is to carry out, as an indirect service provider, prescribed functions for an organisation for which the authority is responsible.

(5) The Chief Executive may, at the request of the responsible authority for a non-government organisation to which this section applies, exercise powers of the responsible authority under this section if satisfied that—

(a) the responsible authority has sought, but failed to obtain, the cooperation of a person in respect of whom the responsible authority is required or authorised to cause a relevant history assessment to be undertaken in accordance with the regulations; or  
(b) there is some other good reason for doing so.

(6) This section applies to—

(a) government organisations; and

(b) non-government organisations that provide health, welfare, education, sporting or recreational, religious or spiritual, child care or residential services wholly or partly for children; and

(c) non-government organisations of a class prescribed by regulation.

- (7) The regulations may (without limitation)—
- (a) make provision in relation to the manner in which an assessment of a person's relevant history may be undertaken; and
  - (b) provide for the authorisation of persons or bodies to undertake assessments of a person's relevant history for the purposes of this section or section 8BA, or any other purpose prescribed by regulation and relating to the care and protection of children; and
  - (c) make provision in relation to the release of information relating to a person's relevant history to another jurisdiction; and
  - (d) make provision in relation to the use of information relating to a person's relevant history received from another jurisdiction; and
  - (e) make provision in relation to confidentiality of information relating to, or obtained in the course of an assessment of, a person's relevant history; and
  - (g) prescribe fees and provide for their waiver or remission; and
  - (h) in the case of a regulation of a kind referred to in paragraph (b) or a regulation providing for the waiver or remission of a fee—confer discretionary powers on the Minister, the Chief Executive or another person or body; and
  - (i) prescribe penalties, not exceeding \$10 000, for offences against the regulations.

(8) In this section—

***indirect service provider***—a person carries out functions for an organisation as an indirect service provider if the person carries out the functions for some other body or person which, in turn, makes the person's services available to the organisation;

***managing authority*** of a non-government organisation, means the board, committee or other body or person in which the management of the organisation is vested (and, in the case of a board, committee or body that is not incorporated, each member of the board, committee or body will be taken to be a managing authority of the organisation);

***organisation to which this section applies***—see subsection (6);

***prescribed functions*** means—

- (a) regular contact with children or working in close proximity to children on a regular basis, unless the contact or work is directly supervised at all times; or
- (b) supervision or management of persons in positions requiring or involving regular contact with children or working in close proximity to children on a regular basis; or
- (c) access to records of a kind prescribed by regulation relating to children; or
- (d) functions of a type prescribed by regulation;

***prescribed position***, in an organisation, means—

- (a) a position that requires or involves the performance of 1 or more prescribed functions; or
- (b) a position, or a position of a class, in a government organisation designated (by notice in the Gazette) by the responsible authority for the government organisation as a prescribed position for the purposes of this section;

***relevant history***, of a person, means—

- (a) in the case of an assessment of a person's relevant history undertaken by a person or body authorised by the regulations to undertake relevant history assessments—information of the following kinds:
  - (i) findings of guilt for offences committed by the person in South Australia or elsewhere (whether those findings of guilt relate to offences committed before or after the commencement of this section);
  - (ii) offences alleged to have been committed (whether before or after the commencement of this section) by the person in South Australia or elsewhere and with which the person has been charged but which have not yet been finally determined;
  - (iii) information relating to findings of guilt and charges referred to in a preceding subparagraph;
  - (iv) information relating to charges for offences alleged to have been committed by the person in South Australia or elsewhere (whether those charges relate to offences alleged to have been committed before or after the commencement of this section and regardless of the outcome of those charges);
  - (v) information lawfully obtained or held for any purpose by a person or body prescribed by regulation (being information that is relevant to whether a person is a suitable person to perform prescribed functions);
  - (vi) information provided by the person for the purposes of an assessment of his or her relevant history; or

(b) in the case of an assessment of a person's relevant history undertaken by a person or body other than a person or body authorised by the regulations to undertake relevant history assessments—information of the following kinds:

(i) findings of guilt for offences committed by the person in South Australia or elsewhere (whether those findings of guilt relate to offences committed before or after the commencement of this section);

(ii) offences alleged to have been committed (whether before or after the commencement of this section) by the person in South Australia or elsewhere and with which the person has been charged but which have not yet been finally determined;

(iii) information provided by the person for the purposes of an assessment of his or her relevant history,

but does not, in respect of a relevant history assessment of a kind specified in the regulations, include information, or information of a class, declared by the regulations to be excluded from the ambit of this definition;

**responsible authority** means—

(a) for a government organisation that is a department—the chief executive of that department;

(b) for a government organisation that is an agency or instrumentality—the managing authority of that agency or instrumentality;

(c) for a non-government organisation—

(i) the managing authority of the organisation; or

(ii) if the managing authority has delegated its responsibilities under this section to a body approved by regulation for the purposes of this definition—that body.

(9) Information of a kind referred to in paragraph (b) of the definition of **relevant history** may, despite any other Act or law, be disclosed to a person or body that is undertaking an assessment of a person's relevant history (whether under this section or otherwise).

(10) Any information (whether of a kind referred to in the definition of **relevant history** or otherwise) may, despite any other Act or law, be disclosed to a person or body authorised by the regulations to undertake relevant history assessments.

## Whether the department's screening process resulted in unreasonable delays in processing applications

### Volume of Applications

7. Applications for a child related employment clearance can be lodged by the individual (**applicant**) or an employer or prospective employer (**requesting organisation**).
8. I am advised that the number of applications increase each year. In 2013-2014 the department received 111385 applications for a clearance of which 76709 (**68.59%**) related to child related employment applications. In the financial year to 30 June 2015 the department received 138143 applications with 95614 (**69.21%**) being child related employment applications. In both periods the applications for child related employment screening comprised the majority of the work done by the Screening Unit by a considerable margin.
9. In many cases an applicant may have an existing child related employment clearance which has an expiry date. In some instances people who hold a current clearance may get a reminder to update the clearance. In that regard I note that in relation to clearances for driver's licence accreditation by the Department of Planning, Transport and Infrastructure (**DPTI**) the agency advises applicants to apply for a screening clearance at least 12 weeks before the licence expires.
10. In relation to the applicant *Person AF*, the department has told my investigation the application was lodged about one week before the expiry date. While this should not of itself, result in a less efficient processing time, it immediately places the applicant in a difficult position should they be reliant on their licence for employment.

11. I acknowledge the department has no control as to when an application is submitted for processing. I will comment later in this report on the department's decision not to consider an application that has more than 6 months left on a current clearance.
12. I consider that an applicant has some responsibility for ensuring that an application is lodged within a reasonable period of time. Information is available on the department's website giving indicative timeframes for processing applications.
13. The website states that if there is no risk associated with granting a clearance this can be done within 30 business days. If an application requires further assessment because of a name match it may take more than 8 weeks to process.
14. The department has advised that in 2014/2015 the average completion time for a child related employment application was 25.5 business days compared to 22 days in 2013/2014. This increase in processing time can be partially explained by the increase in the number of applications received in 2014/2015.
15. The department reports on a marked improvement in the completion times for the period July to December 2015. The average completion time for that period was 7.4 days. I note that 0.5 per cent of applications took more than 31 days to process and some 97 per cent were processed within 20 working days. I welcome the improvement in processing times which presumably, has contributed to a reduction of complaints to my Office.
16. Historically, the department has identified the periods January to April and September to November as the peak periods of the year. This is not surprising given that it coincides with the commencement and conclusion of the school and university year. Although the increase in the number of applications has created a new elevated baseline the department is able to access a pool of casual staff to respond to peaks in application lodgements.
17. I am advised that the Screening Unit provides regular weekly reports to the department's Chief Executive and the Minister in relation to the work load of the unit. I note, however, that historically there has been no reporting in its annual reports of the challenges faced by the department in responding to the increase in the number of applications. I acknowledge the department has made reference to this in its 2014-2015 annual report. I welcome that disclosure.

## Resources

18. In response to increased demand the department has recruited additional Assessment Officers and Senior Assessment Officers in 2014/2015. The department has acknowledged that these additional positions did not result in any immediate efficiency as the staff needed to be trained before being able to undertake the assessment work. At this time, however, their effect has contributed to the reduction in the average processing times and the number of applications more than 30 business days old.
19. In December 2014 the screening unit had an establishment of 57 FTEs<sup>4</sup> deployed as follows:
  - Customer and Business support x 15 FTE
  - Assessment Support Officers x 8 FTE
  - Assessment Officers x 27 FTE
  - Senior Assessment Officers x 4 FTE
  - Assessment Liaison Officer x 1 FTE

<sup>4</sup> The screening unit can also engage casual staff but I have not included these figures.

- Principal Assessment Officer x 1 FTE
  - Manager x 1 FTE.
20. The department has stated<sup>5</sup> that its target is to assess 95 per cent of applications within 30 business days. Over the 2014/2015 period 28.32% of applications took longer than 30 days to complete with the average processing time being 63.4 days.<sup>6</sup> A number of complaints to my Office allege a waiting period significantly greater than this. If each application equates to a person seeking some form of employment or volunteer role a significant number of people are being inconvenienced.
  21. I acknowledge the reported improvements in the processing times reflecting that in the period July to December 2015, almost 99 per cent of applications received were completed within 30 days.
  22. I note there has been a significant increase in the staffing levels of the screening unit up from 28 in 2013 to 121 as at 12 June 2015. The majority of resources have been deployed in the positions whose function is to conduct actual assessments i.e. Assessment Officers (58 staff) and casual staff (42) with the latter providing general business support and preliminary processing tasks e.g. data entry, initial name matching. Most Assessment Officers operate at ASO-5 level with the bulk dedicated to processing child related employment applications.
  23. The regular internal reporting presumably facilitates the making of strategic decisions in response to peaks and troughs in the receipt of new applications and the management of existing applications. I note the emphasis seems to be in reinforcing the number of resources deployed in deliberating on the majority of applications. I consider this to be sensible in achieving the completion rate. I also consider there is a need to have an appropriate balance in the resources deployed to assessing higher risk applications against low risk applications. Further, consideration should be given to accelerating applications to the delegated decision maker when it is obvious to do so.
  24. The department has reported<sup>7</sup> that it has a new version of the decision-making authority matrix effective from 4 December 2015. It states this should provide a more streamlined and efficient decision-making procedure. This should respond to some of the criticisms about multiple staff handling applications thereby contributing to unnecessary and avoidable delays.

#### The assessment process

25. Applications for a child related employment clearance can be lodged by the applicant or a requesting organisation. The application requires the applicant to disclose relevant information such as previous convictions for offences and to give consent to enable checks to be done with a range of information holders to ascertain their suitability to be granted a clearance.
26. The onus is on an applicant to ensure the application is completed accurately. A failure to for example, provide a middle name or some other omission may compromise a subsequent assessment. In the matter of *Person Y* the application was some 7 months old before it was discovered the applicant did not disclose previous surnames used by her. This omission by the applicant whether deliberate or not, contributed to a delay in processing the application.
27. As some applications are hand written it can contribute to manual recording errors by the department. This can result in delays if the assessment process has to be restarted

<sup>5</sup> ABC News report dated 22 April 2015.

<sup>6</sup> Statistics provided by the department on 10 July 2015.

<sup>7</sup> Letter from the department to my Office dated 18 December 2015.

using the full and correct name of the applicant. I am advised that since 28 July 2015 applications can be made on line and this should minimise the error rate. It will also enable an applicant to track the application through the process. In my view this is an excellent initiative, however, it may not address all of the reasons for a delay.

28. All applications are up to a point, processed in the same manner. This includes:
- initial check of the relevant Families SA Client Information System and the Connected Client Case Management System
  - an automated referral to CrimTrac for a national police check
  - CrimTrac informs the department<sup>8</sup> of any disclosable outcomes which are then assessed against an authority matrix. The matrix assigns the level of authority to each office holder describing the type of matters they can determine. A classification level is assigned based on the information provided. In over 50 per cent of applications the level assigned is 'low' and the applications are assessed quickly and the applicant/requesting organisation is informed of the outcome.
  - if an applicant has certain kinds of child protection notifications listed against them an assessment briefing must be prepared and approved by a Senior Assessment Officer or more senior officer as the case may be, depending on the number and relative severity of the incidents
  - conducting assessments can be onerous and time consuming. Child protection information usually consists of lengthy intake and investigation reports all of which need to be considered. Historical data may need to be searched manually as it may not be immediately available to the assessor. Further, if an applicant has had contact with a number of children the files in relation to each child will need to be accessed.
  - if a match is identified the department informs the requesting organisation that the assessment will require further time to be completed. A timeframe of 'more than 8 weeks' will be advised.
  - the department attempts to provide procedural fairness to an applicant and this in many cases, requires the applicant to be contacted<sup>9</sup> to provide clarification or further information on their application.
29. Although the Customer and Business Services Team undertake most of the basic screening checks, I am advised that more senior officers also assist in these basic screening checks in order to manage the volume of incoming applications. In my provisional report I expressed a view there is a risk that an appropriate balance between assessing time intensive higher risk applications and assessing low risk applications may not be achieved. Any imbalance could result in complaints either to the department or to my Office.
30. The department responded to my provisional view by stating:

This assistance is provided, not in relation to the volume of applications, but to regularly occurring business issues where it is necessary for applications to escalate to a more senior Customer and Business Services officer or Assessment Support Officer.

I am mindful that in some matters such as the applications of *Person J* and *Person M*, the assessment was escalated primarily on the basis of there being some follow up approach by the applicant or requesting organisation. I remain concerned that the necessary balance may at times, not be achieved.

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<sup>8</sup> Memorandum of Understanding between the department and CrimTrac requires the latter to provide a response within 20 working days.

<sup>9</sup> Depending on the type of information available it may be inappropriate to inform the applicant of its existence. Such disclosure may be contrary to the Children's Protection Act.

31. Some matters in which serious allegations or disclosures exist are required to be determined by a Complex Assessment Panel (**CAP**). The CAP is comprised of senior and executive level officers. I am advised the CAP sits once and occasionally twice each week and considers about 10 matters at each sitting.
32. The authority matrix provides guidance on the authority to be exercised by the various officers and I paraphrase it accordingly:
- Assessment Support Officer (Customer and Business Support)
    - can grant clearance if the name match does not relate to the applicant
  - Assessment Officer
    - can grant clearance if there is low risk or medium risk criminal offending; 4 or less unsubstantiated child protection allegations
  - Senior Assessment Officer
    - can grant clearance if there is high risk offending unless there is a risk of harm to children; 4 or less substantiated child protection allegations but not linked to criminal charges
  - Principal Assessment Officer
    - can grant clearance if there is a criminal history of non-sexual offending but presenting a risk of harm to children; more than 5 substantiated child protection allegations linked to criminal charges
  - Manager
    - can grant clearance if the allegations are of non-sexual nature
  - Complex Assessment Panel
    - can grant clearance of all matters.

In my view the staffing levels are concentrated, quite properly, at the Assessment Support and Assessment Officer levels as the majority of applications would be assessed by these officers. It is important, however, that the authority held by these officers is regularly exercised and that they do not just create a layer of bureaucracy below the actual decision maker.

I have acknowledged above the new version of the decision-making authority matrix implemented by the department.

33. I will identify five complaints which suggest delays in the making of key decisions in determining if a clearance should be granted.
- *Person J* - application was lodged on 12 September 2014. Three months later a decision was made to seek information from SA Police. After 10 months the matter was escalated possibly on the basis that the applicant and the requesting organisation enquired as to its progress. Additional information was sought from SA Police. On 1 September 2015 the clearance was approved.  
  
Total processing time was 12 months.
  - *Person M* - application was lodged in January 2015. Two months later the requesting organisation was informed a full assessment would be conducted. After four months the applicant was informed a full assessment was required. The matter was escalated and a request for information from SA Police was made. On 14 July 2015 the clearance was approved.  
  
Total processing time was 6 months.
  - *Person N* - application was lodged on 19 December 2014. Four months later the requesting organisation was informed a full assessment would be conducted. After five months the applicant was requested to provide more information and

one month after that a telephone interview was conducted. A further one month later further information was sought of Families SA. On 31 August 2015 a specific clearance was offered but this was declined by the requesting organisation. On 7 September 2015 a clearance was refused.

Total processing time was 9 months.

- *Person P* - application was lodged on 8 August 2014. Three months later further information was requested and after four months a phone interview was conducted with the applicant. Some 7 months after the interview a clearance was granted.

Total processing time was 11 months.

- *Person AC* - application was lodged on 5 December 2014. Three months later the applicant was interviewed and 5 months later a clearance was granted.

Total processing time was 8 months.

34. In my view these are significant delays during which an applicant may be without employment, limited in the type of employment they can properly perform or not be able to complete an academic qualification. I am mindful that in the matters cited above the applicants (with the exception of one) were eventually given a clearance.

35. There is no capacity to fast track consideration of these applications so significant time could be consumed in it passing through a number of officers before being presented to for example, the CAP. The CAP meets on a weekly basis in order to process applications in a timely manner. While endeavours are made not to fast track applications through the screening process anecdotally this does occur from time to time. I am advised that this can result in resources being diverted from considering other applications to accommodate the application being fast tracked. In my view this also supports a view that matters that could be determined are being delayed presumably because of the volume of applications to be transacted.

36. If a matter is assessed as requiring consideration by the CAP under the authority matrix, it should be presented to it as soon as possible. Two complaints to my office provided the following scenarios:

- *Person G* - application was received on 28 November 2014. It was referred to the CAP on 15 May 2015 and on 29 May 2015 a clearance was approved.

Total processing time was 6 months.

- *Person O* - application was received on 2 April 2014. It was referred to the CAP on 30 December 2014. On 6 January 2015 the CAP declined to grant a clearance.

Total processing time was 9 months.

While acknowledging that the CAP has a considerable number of applications to consider it seems to me that to have an applicant wait some months for the CAP to receive an application for determination is in my view, unreasonable.

37. Following any decision that is unfavourable to an applicant there is provision for an applicant to request a review of the decision. A review constitutes repeating most of the processes outlined above to ensure that relevant and timely information is

considered on review and to provide for information to be captured during any lag time between the decision and the review. Features of the review include:

- the applicant needs to give reasons why a review should be conducted
- the applicant may need to make applications under the *Freedom of Information Act 1991* to access documents relied upon by the department (as the department may not own the document)
- assessments are conducted by different officers from those who initially assessed the application
- the review is conducted by a senior officer at the level of ASO-7.

38. I acknowledge the assessment process is constantly being reviewed and improved to endeavour to provide a more responsive service. There is, however, evidence of delay with some applications and this is in part, contributed to by the need to document and comment on the information available to the department. There is also a tendency for the process to cause the department to err on the side of caution when having regard to the objectives of the Children's Protection Act.

39. Anecdotally the backlogs in processing appear when there is a name match which triggers a more thorough assessment of the applicant. This can require physical files and data to be located, analysed and assessed. Depending on the available information there may be a need to interview an applicant to clarify information obtained about them (and I will comment about this later). Depending on the nature of the information the application may need to be assessed by a senior officer perhaps for ultimate referral to the CAP. A number of the complaints to my Office reflected this scenario.

40. In order to minimise the number of applications I note the department has commenced a number of initiatives:

- the Minister<sup>10</sup> has resolved to ensure that teachers registered through the Teachers Registration Board do not have to provide a new screening application and clearance before they can act as a volunteer
- the department has resolved to not accept clearance applications if there is more than 6 months left before a current clearance expires.

These initiatives will facilitate the department influencing the number of new applications while managing the reduction in the number of older applications. By limiting the intake of new matters to those with less than 6 months currency on an existing clearance, this should allow for applications to be considered in most cases, before the current clearances expire.

41. The department is also moving to facilitate on line lodgement of applications and while this of itself, will not reduce the volume it will reduce the likelihood of error in processing any application.

42. I understand the department is moving towards creating a registration database which will ultimately enable an application to be tracked through the assessment process by using a secure login. It will also enable a check to be conducted to determine if a person has been granted a clearance which will be useful for employers. I consider these initiatives, once implemented, will relieve some of the demands placed on staff to provide general information thereby enabling them to focus on assessments.

43. It is not clear however, how informative it will be to any person seeking to understand the status of their application. Although it may record that an application is currently

<sup>10</sup> Media report dated 7 April 2015.

with an officer, it presumably will not indicate that the officer cannot decide the outcome of the assessment as they do not have delegated authority to do so. The department has highlighted the limitations to the disclosure of certain information to an applicant or a registered organisation. I accept that this is a proper consideration for the department, however, it should not prevent the department from providing meaningful information to an applicant. In the absence of meaningful information from an applicant's perspective, the frustration and inconvenience complained of would continue.

44. I consider the department has been reactive in the management of the child related employment screening applications. The increase in the demand to assess applications was predictable. The department has acknowledged that it anticipated an increase in demand following the findings of the DeBelle Inquiry<sup>11</sup> but it has submitted that the magnitude of the increase was not predictable.
45. In my view the inability to identify this has resulted in delays in processing applications and in particular, applications that may not be granted due to the assessed risk posed by the applicant. The department has not been properly resourced to cope with the demands placed on it by applicants and requesting organisations. Although the DeBelle Inquiry was focussed on the Department for Education and Child Development, it recommended:
37. ...that the complement of staff at the Screening Unit at the Department for Communities and Social Inclusion be appropriately increased to manage the extra volume of work required for the purpose of screening teachers and students intending to be teachers...
46. The rationale for recommendation 37 can in my view, be applied more broadly to all applications. I consider, however, that the department has in recent times sought to introduce a range of initiatives to address the various challenges it has.
47. Nonetheless, I consider that the department has not adequately considered how it should manage the demand over a period of time for the following reasons:
- there was a failure to predict the increase in the number of applications
  - the department states that as at 30 June 2015, 25829 or 19.74% of applications were completed in 30 days or more
  - a recognition that there is no real peak period for receiving applications
  - the effectiveness of staff recruitment has been compromised by training and office space considerations.

## Conclusion

In light of the above, I consider that the department's failure to process applications for child related employment clearances in a timely manner was unreasonable within the meaning of section 25(1)(b) of the Ombudsman Act.

## Recommendation

To remedy this error, I recommend under section 25(2) of the Ombudsman Act that the department:

- prepare and issue a letter of apology to applicants who have made a complaint under the Ombudsman Act and who have suffered an unnecessary delay before being granted a clearance (details of these complainants are included in the letter enclosing this report)

<sup>11</sup> Mr Bruce DeBelle - Report of Independent Education Inquiry 2012-2013, 21 June 2013 at page 227.

- provide my Office with a copy of each letter of apology
- ensure that a timely and regular reporting regime is instituted to provide for quick identification of delays in the processing of applications
- that the reporting regime also identify the reason(s) for delays and include a strategy for managing the effect of the delays.

#### **Whether the department provided applicants with sufficient information about the screening process**

48. A number of complaints received by my Office related to the alleged failure of the department to respond to contact from applicants. I acknowledge that in a number of cases the application was lodged on behalf of an applicant by a requesting organisation. Unsurprisingly, an applicant may wish to know when a response might be forthcoming from the department.
49. Currently when an application is lodged the department formally acknowledges its receipt and assigns a unique identification number to it. The practice of acknowledging lodgement has been in place since mid-2014. I am surprised such a practice was not in place before. The department has submitted that as the volume of applications was manageable prior to the marked increase in volume in 2013/2014, formal recognition of receipt of an application was not considered necessary. Nevertheless, I consider it to be good administrative practice to formally acknowledge the receipt of applications.
50. Once the assessment process begins if there is a name match the requesting organisation is informed that this will result in a greater delay in assessing the application. It may also be necessary to interview the applicant to seek clarification on matters relating to the matching data. Again, this communication was implemented in mid-2014.
51. It is not clear how a requesting organisation would interpret such a statement by the department. It could for example, infer that an applicant may not be a suitable employee. This could have implications for an applicant hence the need to ensure applications are assessed efficiently. Since 13 November 2014 the department has commenced a communication initiative which seeks to avoid a requesting organisation inferring that a name match is a conclusive finding against an applicant. References to the department's web site and the Frequently Asked Questions (FAQ) portal assist in providing clarity.
52. I am, nevertheless, concerned that some applicants may have lost employment or have had their employment prospects compromised by delays in processing their applications.
53. Some complainants have been critical of the interview process, especially interviews conducted over the telephone. Criticisms have included there being no context to the discussion or that the complainant has felt they have not been able to fully explain an incident or event, perhaps because the officer has not been able to lawfully disclose critical information to the applicant.
54. Currently if an applicant or requesting organisation makes an enquiry of the department by telephone or email a response is provided within 24 hours. Depending on the nature of the enquiry the matter may be referred to another more appropriate officer. I consider it is important that the department be vigilant in ensuring compliance with the response time frame.

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55. The department's website provides information about the screening process. Useful information from the website includes:
- the legal authority for the screening process
  - links to 'How to apply' and FAQ
  - examples of common mistakes made by applicants
  - anticipated turnaround timeframes for processing applications
  - factors that could impact on the turnaround times.
56. I note that if there is a name match the FAQ states that an assessment may take more than 8 weeks. It is possible therefore, that an application could take in excess of 10 weeks to process, allowing for the time taken to conduct the initial search which resulted in a name match. In the matters of *Person G* (5 months), *Person L* (6 months), *Person N* (8 months) and *Person O* (8 months) the delay in determining each application was significant. I note that the applications of *Person G* and *Person L* were successful in obtaining a clearance.
57. In my view there is no adequate process in place to ensure an applicant is kept informed of the status of their application after that time. The department has submitted that most screening applications are employer driven so most contact is with the requesting organisation. It appears the onus rests with the applicant to contact the department to seek information. As it is alleged by some complainants, *Person D*, *Person J* there were significant delays before they were informed that their applications were being progressed.
58. I consider there should be some mechanism in place to inform an applicant or requesting organisation where an application is in the assessment process. Applicants are now given notification if there is a name match requiring further assessment and an invitation to be interviewed by an Assessment Officer. This however, can be complicated if there is information about a person that should not be disclosed to an applicant. I am mindful that at a future time an applicant will be able to track their application.
59. I consider there should be a practice of informing a party of the assessment status of the application. The department has informed me of the introduction of a practice of contacting applicants who request it, to notify them of the status of their application. While I would have regarded the requirement to respond in such a circumstance as being obvious, I welcome its introduction. I note the department's confidence that the registration database will improve the department's communication with applicants and requesting organisations.

#### Internal Review

60. One complainant submitted that they should be given some notice if there is to be an adverse finding against them. In having regard to the number of applications received I consider it would be too onerous on the department to do this. The process does, however, provide for a mechanism to have a decision reviewed.
61. The website provides details of the Internal Review procedure. Interestingly it requires an applicant to give reasons for such a review. In my view this requires the decision maker to first give reasons for the initial decision. As I have commented previously, in some cases this would not be possible as relevant information could not be lawfully disclosed to an applicant. I accept there is no general or common law obligation on administrators to provide reasons for their decisions. Nevertheless, I consider that good governance and principles of fairness require that decision makers give sufficient reasons for their decisions. An inability by the decision maker to provide meaningful reasons should not inhibit a person from seeking a review.

62. I am informed that until recently, details of an internal review are not passed on when informing the applicant/requesting organisation of the decision. This was in part, because in most cases the department engaged with the requesting organisation and they were familiar with the screening procedure and they would in turn, inform an applicant.
63. I consider it to be good practice not to presume that information is known by another party. I also consider it would not be onerous for the department to include a reference to the internal review remedy in any correspondence sent to a party. Any delay in requesting an internal review brought about by ignorance on the part of an applicant could ultimately be detrimental to that applicant. I am mindful that some complaints to my Office relate to delays on the part of requesting organisations to pass information on to an applicant or to make a decision based on an assessment by the department. Nevertheless, I am advised that the processes for internal review of decisions is included in communications to applicants effective from 1 December 2015.
64. Complaints can be submitted through the Feedback portal on the website. In the audit report<sup>12</sup> on complaint handling across state government agencies the former Acting Ombudsman noted that:
- The DCSI Client Feedback System is a comprehensive, best practice system for 'promoting and responding to client feedback as part of a continuous quality improvement program'.
65. Although requests for a status report on an application would not be a complaint per se, a failure to respond to a request could precipitate a complaint by an applicant. The feedback portal invites comment in relation to a range of services provided by the department which includes the screening process. Although there is a reference to making a complaint it is recorded after the options of making a 'compliment' and 'comment/suggestion'. In my view there should be a reference to the department's complaints framework in the information supplied to readers of the website. This is also consistent with recommendation 2 in the audit report.
66. The department has advised me that it is currently rebuilding its web site and as each stage of the rebuild is completed it will be released to the public. This will include a reference to the client feedback process being included on the FAQ document. Regular communication will be a functional feature built into the registration database by the end of March 2016. In the interim, the department will build changes into its manual process to ensure interested parties are kept aware of the progress of assessments.
67. It is clear the department has over time improved the communication channels with applicants and requesting organisations. Some of the recent changes introduced I would describe as being fundamental to providing an efficient screening process and begs the question why this approach was not introduced earlier.

## Conclusion

In light of the above, I consider that the department in failing to provide relevant information to parties acted in a manner that was wrong within the meaning of section 25(1)(g) of the Ombudsman Act.

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<sup>12</sup> Ombudsman SA - An audit of state government agencies' complaint handling - November 2014.

## Recommendation

To remedy this error, I recommend under section 25(2) of the Ombudsman Act that the department:

- conduct a review of the information about the operation of the screening unit contained on its website
- introduce a practice whereby an applicant and if applicable, a requesting organisation receive a regular update on the assessment of an application at the expiry of each 8 week period from when they were first informed there is a name match
- when informing a party of a decision not to give a child related employment clearance advise the intended recipient:
  - of the reason(s) for the decision
  - if there is a statutory impediment to the disclosure of information that a carefully worded letter be created to provide meaningful information to the applicant
  - that an Internal Review of the decision is available and how that would be conducted
- amend the information contained in the FAQ to include a reference to the manner in which a complaint can be made to the department.

### Whether the department keeps 'Requesting Organisations' adequately informed of matters relating to the screening process

68. It is mandatory for requesting organisations and licence accreditors to ensure the appropriate screening clearance is obtained. I am aware that from time to time approaches to my Office from requesting organisations reflect the same frustrations that personal applicants experience with delays in processing.

69. The FAQ portal states:

*Can my Screening unit clearance letter be accepted by other organisations or agencies in South Australia?*

The clearance letter issued by the Screening Unit confirming a general clearance is designed to be portable across relevant organisations within South Australia. However the acceptance of this letter is a matter for the relevant organisation/agency, depending on their employment policies.

70. The department runs information sessions for employers to inform them of changes to the clearance process and to facilitate sound decision making by them based on the clearance outcome. In October 2014 the department established the Screening Customer Reference Group comprised of senior officers of government and non-government organisations to engage on a range of issues of concern to them. Further to this, in February 2015 a Chief Executive Screening Group was established for a more strategic purpose. This has now been replaced by an across Government Screening Reference Group managed by the Department for the Premier and Cabinet.

71. I am encouraged by the increased liaison with requesting organisations and licensing accreditors by the department. I am aware that as a result of complainants referred back to the department by my Office, departmental officers have contacted requesting organisations and negotiated solutions.

72. Although in my view there is no evidence that the department is contributing to any confusion I would encourage the department to remain mindful that requesting

organisations need to be kept apprised of developments that may impact on them. I do not think this requires further investigation.

## Conclusion

In light of the above, I consider that in having regard to the circumstances of the case, continuing to investigate this issue is unnecessary or unjustifiable within the meaning of section 17(2)(d) of the Ombudsman Act.

## Summary of Recommendations

I have made recommendations under section 25(2) of the Ombudsman Act that the department:

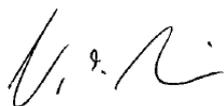
- prepare and issue a letter of apology to applicants who have made a complaint under the Ombudsman Act and who have suffered an unnecessary delay before being granted a clearance (details of these complainants are included in the letter enclosing this report)
- provide my Office with a copy of each letter of apology
- ensure that a timely and regular reporting regime is instituted to provide for quick identification of delays in the processing of applications
- that the reporting regime also identify the reason(s) for delays and include a strategy for managing the effect of the delays
- conduct a review of the information about the operation of the screening unit contained on its website
- introduce a practice whereby an applicant and if applicable, a requesting organisation receive a regular update on the assessment of an application at the expiry of each 8 week period from when they were first informed there is a name match
- when informing a party of a decision not to give a child related employment clearance advise the intended recipient:
  - of the reason(s) for the decision
  - if there is a statutory impediment to the disclosure of information that a carefully worded letter be created to provide meaningful information to the applicant
  - that an Internal Review of the decision is available and how that would be conducted
- amend the information contained in the FAQ to include a reference to the manner in which a complaint can be made to the department.

## Final comment

In accordance with section 25(4) of the Ombudsman Act the department (or council) should report to the Ombudsman by **27 May 2016** on what steps have been taken to give effect to the recommendations above; including:

- details of the actions that have been commenced or completed
- relevant dates of the actions taken to implement the recommendation.

In the event that no action has been taken, reason(s) for the inaction should be provided to the Ombudsman.



Wayne Lines  
SA OMBUDSMAN

29 March 2016

## APPENDIX

### SUMMARY OF A SAMPLE OF COMPLAINTS RECEIVED BY OMBUDSMAN SA

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Person A

The application was received by the department on 26 November 2014. On 23 March 2015 my Office was advised that the applicant had a current clearance for driver's licence accreditation purposes which expires on 29 January 2017 and that the department would liaise with the Department of Planning, Transport and Infrastructure (DPTI).

It transpired that DPTI accepted the current clearance and the application lodgement fee was refunded to the applicant.

The applicant has complained that the delay in resolving this matter resulted in lost income. His contact with the department failed to elicit the response that my approach did.

Person B

On 10 February 2015 the application was received by the department from a requesting organisation. On 3 March 2015 a name match was identified.

On 13 April 2015 the requesting organisation was advised that a full assessment was required and of the indicative time frame to conduct the assessment. The application moved from an Assessment Officer to a Senior Assessment Officer for further processing.

On 31 August 2015 the clearance was approved.

Person C

The applicant applied for a child related employment clearance on 30 April 2015. The applicant is the sole bread winner for his family but he has been unable to work without the clearance.

On 21 October 2015 I was advised by the department that the clearance was granted on 25 September 2015.

Person D

When making a complaint to my Office the applicant advised that the delay in obtaining a clearance had resulted in him losing employment as a school cleaner.

On 10 March 2015 his application was received but as there was an error on the application form it was subsequently amended on 16 March 2015. Following identification of a name match the requesting organisation was advised on 16 April 2015 that a full assessment was required.

On 10 June 2015 the applicant enquired about the status of his application and he was informed it was still progressing. Following a further enquiry by the applicant on 19 June 2015 the processing of the application was escalated.

On 22 June 2015 a letter was sent to the applicant requesting further information for the purpose of the assessment. On this date further information was also sought from SA Police.

Following an enquiry from the applicant as to why further information was required he provided the additional information on 26 June 2015.

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On 7 August 2015 the clearance was granted.

Person E

The applicant complained that it took 14 weeks for her clearance to be approved. The department advised me that there was a name match and the department undertook to contact the applicant to explain the delay.

My Office did not hear from the applicant again.

Person F

The applicant complained that after 12 weeks she had not received a clearance. She was now having problems paying rent. On 10 March 2015 the department informed her that the screening process had been completed and the department would now liaise with DPTI regarding her driver's licence accreditation.

On 11 March 2015 a clearance was granted.

Person G

The applicant is a student nurse and required a clearance for the purposes of a placement.

On 28 November 2014 the application was received by the department. A name match was identified on 11 December 2014 and the requesting organisation was informed.

The applicant enquired with the department in November and December 2014 and was told that the application was being processed. In January 2015 the applicant advised the department she had a placement scheduled for February 2015. The matter was then escalated.

On 6 February 2015 the requesting organisation was advised a full assessment would be conducted. On 10 April 2015 the applicant enquired about the status of her application.

On 15 May 2015 the application was referred to the CAP and on 29 May 2015 the CAP granted the clearance.

Person H

The application was received on 13 February 2014. There were disclosable court outcomes which required further assessment.

On 25 March 2014 the requesting organisation was informed that the assessment may take some weeks as information had to be obtained from an external agency.

A request for information was sent to SA Police and the information was provided on 1 April 2014.

On 8 May 2014 the applicant informed the department the matter was urgent as he had an employment opportunity.

The matter was referred to the CAP. On 4 September 2014 the CAP resolved that further information was needed from SA Police. The response from SA Police was received on 18 September 2014.

On 26 September 2014 the CAP determined not to grant a clearance.

On 14 October 2014 the applicant sought reasons for the decision but he was informed that certain information could not be disclosed to him. He was informed he could seek a review of the decision.

On 18 November 2014 the applicant requested a review of the decision. On 26 June 2015 the decision not to grant a clearance was affirmed.

### Person I

The applicant was completing a course in Child Care and made the application in December 2014. The return from CrimTrac reported a non-disclosed court outcome.

On 10 December 2014 the department contacted the requesting organisation to advise that further investigation was necessary.

In a telephone interview in February 2015 the applicant disclosed a previous offence committed when she was 14 years of age. On 20 March 2015 the requesting organisation was advised a full assessment was to be conducted.

On 24 March 2015 a letter was sent to the applicant requesting further information and an offer of a meeting. The applicant responded 3 days later.

On 8 May 2015 an Assessment Officer attempted unsuccessfully to contact the applicant. On 22 May 2015 a telephone interview was conducted with the applicant. The applicant claims that when she attempted to make further contact with the department she was told that an officer would respond to her enquiry but no one did. On 30 June 2015 the applicant made an enquiry and was advised the matter was being progressed. The matter was then escalated.

On 30 July 2015 the applicant made another enquiry and was advised the matter was being progressed.

On 25 August 2015 the clearance was granted.

### Person J

On 12 September 2014 the application was received by the department. Name matches were identified and CrimTrac reported disclosed court outcomes.

On 16 December 2014 the requesting organisation was advised a full assessment was to be conducted. On 23 December 2014 the department wrote to SA Police requesting information. This was responded to on 31 December 2014.

On 13 July 2015 the applicant enquired about the status of the application and he was informed it was being progressed. The requesting organisation made a similar request one week later.

On 30 July 2015 the matter was escalated.

On 31 July 2015 the applicant had a telephone discussion with the Business Manager of the Screening Unit. On 4 August 2015 a brief was submitted.

On 6, 10, 18 and 19 August 2015 the applicant made further enquiries about the status of the application. He was advised it was being progressed.

On 12 August 2015 the matter was referred back to an Assessment Officer to obtain further information from SA Police. On 14 and 20 August 2015 letters were sent to SA Police.

On 1 September 2015 a clearance was granted.

#### Person K

The applicant is a Youth Worker with Hendercare. He had a clearance which was issued on 22 May 2014 and is valid for 3 years. I was advised that Hendercare requires annual screening for its employees and volunteers.

On 23 March 2015 the application was received. A name match was identified and the requesting organisation was informed that further assessment was required. On 17 April 2015 the requesting organisation was further informed that the name match could not be confirmed or eliminated so an additional level of assessment was required.

On 27 April 2015 the applicant was updated on the status of the application. On 30 April 2015 the requesting organisation was informed that a full assessment would be conducted.

On 1 June 2015 enquiries were made with the Care Concern Investigation Unit of Families SA and SA Police.

On 10 June 2015 the applicant informed the department that he was now unemployed.

On 16 June 2015 the response from SAPOL was received

On 19 June 2015 the matter was considered by the CAP and a clearance given.

#### Person L

On 8 December 2014 the application was received. A name match was identified and the requesting organisation was informed a further assessment was required.

On 10 February 2015 the applicant informed the department the clearance was required urgently for study and work purposes as the applicant was studying for a Certificate in Education.

On 13 February 2015 the requesting organisation was informed that a full assessment would be conducted.

On 16 March 2015 the applicant enquired about the status of her application and was informed it was progressing. A similar approach was made on 7 May 2015.

On 30 June 2015 a clearance was granted.

#### Person M

The applicant was employed by a child care centre and she was studying for a Diploma in Child Care.

On 16 January 2015 the department received the application. On 19 January 2015 a name match was found and the requesting organisation was advised that further assessment would be required.

On enquiring on 26 February 2015 the applicant was informed of the name match. The applicant enquired again on 12 March 2015 and was told the matter is progressing.

On 31 March 2015 the requesting organisation was informed a full assessment was required.

On 19 May 2015 the applicant was told the matter was progressing. The matter was then escalated.

On 21 May 2015 a request was made to SA Police for further information. On receipt of this information the matter was referred to a Senior Assessment Officer on 10 June 2015.

On 2 July 2015 the applicant informed the department the matter was now urgent.

On 14 July 2015 a clearance was granted.

#### Person N

The applicant had been employed as a nanny for several years.

The department received the application on 19 December 2014. On 30 December 2014 the requesting organisation was advised of a name match and that a further assessment would be conducted.

On 3 March 2015 the applicant enquired as to the status of the application and she was told it was progressing.

On 27 March 2015 the requesting organisation was further informed that the name match could not be confirmed or eliminated so an additional level of assessment was required. On 29 April 2015 the requesting organisation was advised a full assessment would be conducted.

On 21 May 2015 a letter was sent to the applicant requesting further information. On 9 June 2015 a follow up letter was sent to the applicant which she responded to. A telephone interview was conducted on 16 June 2015.

On 23 June 2015 a briefing was submitted to management.

At the request of the requesting organisation the matter was escalated on 13 July 2015.

On 23 July 2015 an Assessment Officer sought further information from the Care Concern Investigation Unit.

On 31 August 2015 the department advised the requesting organisation it would grant a specific clearance. This was declined by the requesting organisation on 7 September 2015 therefore the clearance was deemed to be declined.

#### Person O

On 2 April 2014 the application was received. On 16 April 2014 a name match was identified that required further assessment.

On 11 June 2014 the requesting organisation was advised that further assessment was required.

During August and September 2014 the applicant made contact with the department as to the status of his application. On 2 October 2014 the department made an unsuccessful attempt to contact the applicant by telephone.

On 8 October 2014 the department wrote to the applicant and he responded on 17 October 2014. On 29 October 2014 arrangements were made to interview the applicant. The interview took place on 5 November 2014.

On 23 December 2014 the applicant enquired about the status of his application. On 30 December 2014 the application was referred to the CAP.

On 6 January 2015 the CAP declined to grant the clearance. On 22 January 2015 the applicant was informed how he could request an internal review of the decision to refuse him a clearance.

The applicant was critical of DCSI not giving reasons for its decision. On 11 September 2015 a review resulted in a clearance being granted.

#### Person P

On 8 August 2014 the application was received.

On 10 November 2014 an Assessment Officer wrote to the applicant seeking further information. The requesting organisation was informed a full assessment would be conducted.

On 5 December 2014 there was a telephone interview with the applicant.

On 27 May 2015 the applicant enquired as to the status of the application and was informed it was progressing. The matter was escalated.

On 30 June 2015 the applicant enquired again as to its status. A further enquiry was made on 10 July 2015 and she had a conversation with the Business and Customer Service Manager.

On 15 July 2015 a clearance was granted.

#### Person Q

On 6 March 2015 the department received the application.

On 9 April 2014 a name match was identified and the requesting organisation was informed further assessment was necessary. On 10 April 2015 a letter was sent to the applicant seeking further information. The applicant responded on 21 April 2015.

On 24 August 2015 an Assessment Officer contacted the applicant seeking clarification of the information provided. There was further contact with the applicant on 3 September 2015.

On 15 September 2015 the clearance is granted.

#### Person R

The applicant alleges he submitted his application about 15 months ago. It had to be considered by the CAP due to allegations of a sexual nature made against him.

He gave a telephone interview in July 2015.

The applicant was interviewed by an Assessment Officer on 3 September 2015.

The department has advised the matter has not been decided as yet. A name match was identified which required a full assessment.

#### Person S

The application was lodged in December 2014. The applicant states he has contacted the department on occasions over a 5 month period. He believed there was an issue with a matter in which he had in the Youth Court but it was discontinued. At the time of making his complaint in May 2015 he had not been interviewed.

On 4 June 2015 the clearance was approved.

#### Person T

The application was lodged in January 2015.

There were some name matches that required further assessment. On 26 May 2015 the applicant was interviewed in relation to a claim made against her by her former husband. She maintained the claim against her was vexatious.

On 26 August 2015 the CAP granted the clearance.

#### Person U

The applicant is studying to be an enrolled nurse. The application was lodged in March 2014.

He believes there is an issue relating to an incident when he was 11 years of age, the details of which he cannot remember.

He was refused a clearance in July 2014.

Although he states he was not provided with sufficient information to explain why a clearance was not granted he requested a review of the decision.

On 19 August 2015 a specific clearance was granted.

#### Person V

In applying for a position with the Women's and Children's Health Network the applicant submitted an application in March 2014.

In September 2014 she was interviewed in relation to 3 matters.

In November 2014 she was informed by the Network that her application for a position would not be progressed. At that time she had not been advised by the department of the outcome of the assessment.

On 12 November 2014 her application for a clearance was declined.

The applicant subsequently attempted to find out the nature of the allegations against her as she wanted to challenge the accuracy of the information as it would clearly impact on her ability to secure employment in an industry that engaged with children. The department provided information to the applicant on how she could request a review of the decision. At the date of preparing this report a review had not been sought.

#### Person W

On 10 February 2015 the application was lodged. As there were name matches a full assessment had to be conducted.

On 8 September 2015 the CAP granted the clearance.

#### Person X

On 11 September 2014 the application for an internal review was received.

As there were disclosed court outcomes police reports were obtained on 21 October 2014.

On 23 October 2014 the applicant was interviewed.

On the 30 October 2014 a report was requested from the Department for Education and Child Development. On 11 November 2014 a report was requested from the Catholic Education Office and received on 17 November 2014.

On 22 December 2014 the brief was submitted and on 24 December 2014 the application for review was declined.

#### Person Y

On 7 November 2014 the application was received.

On 2 December 2014 a name match was identified and the requesting organisation was advised a further assessment would be conducted.

On 22 January and 3 March 2015 the applicant contacted the department stating that her need for a clearance was urgent.

On 6 March and 20 March 2015 the requesting organisation was informed that a full assessment would be conducted.

On 15 June 2015 the applicant enquired about the status of her application and an enquiry was also made by her local Member of Parliament. The matter was escalated.

On 18 June 2015 a letter was sent to the applicant seeking information in response to a name match. On 22 June 2015 the applicant enquired about arranging an interview but this was subsequently declined while a decision was made about the nature of information that could be disclosed to the applicant.

It was subsequently identified that the applicant did not disclose previous surnames which required her to submit a fresh application.

My Office was also informed that there were serious and sensitive issues pertaining to the assessment of the application.

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On 9 September 2015 the applicant was interviewed and the matter was then referred for a decision which at the date of this report has not been determined.

Person Z

The application was received on 5 June 2015 and even though there were name matches requiring further assessment the matter was approved by the CAP on 26 August 2015.

Person AA

The applicant lodged his application in June or July 2014. He was informed of an issue in September 2014 and he was suspended from his employment pending the outcome of his application.

On 29 September 2014 the requesting organisation was informed of the name match and that further assessment would be required.

On 30 June 2015 the matter was escalated and court records were sought. On 8 July 2015 a letter was sent to SA Police requesting further information.

On 13 July 2015 the applicant was informed the matter had been escalated.

On 13 August 2015 it was discovered the applicant did not disclose his full name. A fresh application was submitted.

On 1 October 2015 a clearance was granted

Person AB

The application was lodged in October 2014. She had a position with a disability respite organisation but had been unable to start as she did not have the clearance. She was indebted to family members who had financed her life style pending her commencing employment.

On contacting the department on 16 April 2015 the matter was escalated and on 29 April 2015 the applicant was informed the clearance had been granted.

Person AC

On 5 December 2014 the application was received by the department.

On 9 December 2014 the requesting organisation was informed there was a name match and that further assessment would be required.

On 18 March 2015 the requesting organisation was advised a full assessment was required. On this date an Assessment Officer contacted the applicant seeking some information.

On 20 March 2015 the applicant was interviewed. On 23 March 2015 the applicant was contacted to obtain further information.

On 7 July 2015 the applicant contacted an Assessment Officer and provided some information.

On 18 August 2015 the clearance was granted.

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Person AD

On 9 April 2015 the application was received by the department.

On 28 April 2015 a name match was identified and the requesting organisation was advised further assessment was required

On 18 May 2015 the requesting organisation was informed a full assessment was required.

On 25 May 2015 further information was sought from the applicant and this was provided on 27 May 2015.

On 12 June 2015 a telephone interview was conducted.

During June, July, August and September 2015 the applicant enquired as to the status of the application. She was informed the matter was progressing.

On 25 September 2015 the matter was referred to the CAP. On 2 October 2015 a clearance was granted.

Person AE

On 31 October 2014 the application was received by the department.

On 12 November 2014 the department wrote to the applicant and he responded on 17 November 2014.

On 23 April 2015 the requesting organisation was informed a full assessment was required.

On 29 April 2015 a letter was sent to SA Police requesting more information. SA Police responded on 28 May 2015.

On 31 July 2015 there was a telephone interview with the applicant.

On 5 August 2015 a clearance was granted.

When making his complaint in July 2015 the applicant had a job on hold for him pending receipt of the clearance.

Person AF

The applicant required a clearance for licence accreditation purposes. He was aware of the possibility of a name match as this issue had arisen previously as he may be confused with someone else.

The department advised that DPTI advises applicants to apply for screening 12 weeks in advance however the applicant lodged his application about one week before his accreditation expired.

On 1 April 2015 the application was received. Following a name match the requesting organisation was advised on 13 April 2015 that further assessment would be required.

On 4 May 2015 the requesting organisation was advised a full assessment would be conducted.

On 25 May 2015 the applicant enquired about the status of the application. He made further enquiries on 17 and 25 June 2015. He was advised the application was progressing.

On 19 June 2015 more information was requested from the applicant. It was received on 22 June 2015.

On 10, 13 and 21 July 2015 the applicant enquired about the status of his application. He was advised it was progressing.

On 11 August 2015 the applicant was interviewed and on 19 August 2015 the clearance was approved.

#### Person AG

On 19 March 2015 the application was received by the department.

On 31 March 2015 the requesting organisation was advised there was a name match and that further assessment was necessary.

As the name match could not be eliminated or confirmed at 14 April 2015 the requesting organisation was advised that further assessment was necessary.

On 30 April 2015 the requesting organisation was advised a full assessment would follow.

On 13 May 2015 the assessment was escalated.

On 12 June 2015 the applicant contacted the department and advised she was facing a financial loss as she could not work until the clearance was received. On 15 June 2015 an Assessment Officer spoke to the applicant.

On 16 June 2015 the clearance was granted.

#### Person AH

The application was lodged in February 2015.

Approaches to the department in April, May and June 2015 resulted in the applicant being told that it was progressing.

On 19 August 2015 the clearance was granted.