

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

Parenting Research Centre and the  
University of Melbourne

Commissioned by Royal Commission into  
Institutional Responses to Child Sexual Abuse



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

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### *Disclaimer*

The views and findings expressed in this report are those of the author(s) and do not necessarily reflect those of the Royal Commission. Any errors are the author's responsibility.

The scoping review was conducted between January and March 2014, and papers and reports dated after this time were not included.

### *Published date*

February 2015

### *Copyright information*

South, S, Shlonsky, A, & Mildon, R. 2015, Scoping Review: Evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse, Royal Commission into Institutional Responses to Child Sexual Abuse, Sydney.

ISBN 978-1-925118-90-2

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## Preface

On Friday 11 January 2013, the Governor-General appointed a six-member Royal Commission to inquire into how institutions with a responsibility for children have managed and responded to allegations and instances of child sexual abuse.

The Royal Commission is tasked with investigating where systems have failed to protect children, and making recommendations on how to improve laws, policies and practices to prevent and better respond to child sexual abuse in institutions.

The Royal Commission has developed a comprehensive research program to support its work and to inform its findings and recommendations. The program focuses on eight themes:

1. Why does child sexual abuse occur in institutions?
2. How can child sexual abuse in institutions be prevented?
3. How can child sexual abuse be better identified?
4. How should institutions respond where child sexual abuse has occurred?
5. How should government and statutory authorities respond?
6. What are the treatment and support needs of victims/survivors and their families?
7. What is the history of particular institutions of interest?
8. How do we ensure the Royal Commission has a positive impact?

This research report falls within theme two.

The research program means the Royal Commission can:

- Obtain relevant background information
- Fill key evidence gaps
- Explore what is known and what works
- Develop recommendations that are informed by evidence and can be implemented, and respond to contemporary issues.

For more information on this program, please visit [www.childabuseroyalcommission.gov.au/research](http://www.childabuseroyalcommission.gov.au/research).

# Contents

<b>1. EXECUTIVE SUMMARY</b>	<b>5</b>
1.1 Overview	5
1.2 Methods	5
1.3 Characteristics of the included evaluations	5
1.4 Relevant key findings stated by evaluation authors	6
1.5 Concluding remarks	7
<b>2. INTRODUCTION</b>	<b>9</b>
2.1 Background	9
2.2 What is a scoping review?	9
2.3 Aims of this scoping review report	9
2.4 Definitions	10
<b>3. SCOPING REVIEW METHODS</b>	<b>14</b>
3.1 Search strategy	14
3.2 Evaluation selection	16
3.3 Data extraction	19
3.4 Synthesis of scoping review findings	19
<b>4. SCOPING REVIEW FINDINGS</b>	<b>20</b>
4.1 Flow of papers through the scoping review	20
4.2 Study characteristics	24
4.3 Relevant key findings stated by evaluation authors	27
<b>5. DISCUSSION</b>	<b>38</b>
5.1 Summary of findings	38
5.2 Gaps in the literature	42
5.3 Accordance with other non-systematic reviews of the literature	43
5.4 Interpretation and implications of the scoping review findings	44
5.5 Limitations of this scoping review	50
5.6 Concluding remarks	51
<b>6. References</b>	<b>53</b>
<b>7. List of appendices in accompanying documents</b>	<b>57</b>

# **1. EXECUTIVE SUMMARY**

## **1.1 Overview**

The aim of this scoping review was to map evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse. It was conducted by the Parenting Research Centre and the University of Melbourne for the Royal Commission into Institutional Responses to Child Sexual Abuse. This report describes the methods used to conduct the scoping review and the findings of the scoping review.

## **1.2 Methods**

Systematic searches for existing evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse were conducted using an extensive list of electronic databases and websites, manually searching website publication lists (when no search engine was available) and searching the reference lists of potentially relevant studies. Results were then synthesised across study characteristics, including the methods employed and relevant key findings, and this was followed by a narrative interpretation of findings.

## **1.3 Characteristics of the included evaluations**

Electronic database searches located 1,464 papers after duplicates were removed. A further 186 new papers were identified through website searches, through a concurrent review of child sexual abuse prevention in out-of-home care and via reference list checks. Twenty-five of these 1,650 papers were found to be suitable for inclusion in this scoping review.

The 25 relevant evaluations were categorised into three general pragmatic categories of evaluation approaches in order to facilitate an overview of their relevance. They consisted of:

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

The evaluations of the classification tools (category 3 above) found that tools for pre-employment screening that aimed to predict whether individual applicants would be at a high risk of committing sexual offences were neither sufficiently effective nor ethically feasible. As such, these two evaluations were not considered further in this scoping review beyond an explanation as to why such tools are unlikely to be reliable and valid.

Evaluations were conducted in Australia, New Zealand, the Republic of Ireland, the United Kingdom and the United States. Evaluations were located in all the countries identified at the outset of this scoping review as most relevant for the work of the Royal Commission, with the exception of Canada.

The target group (that is, the type of employment) addressed most commonly was child-related work, broadly defined. These studies addressed both paid employees and volunteers. Additional target groups included teachers and other private and public school staff, including volunteers; residential care providers or staff at children's homes; volunteers at organisations serving

children and/or youth; and foster care providers and other adults who live and/or work in these settings.

It is noteworthy that the majority of both the potentially relevant papers and the included evaluations were reports identified through website searches. Thus, the scientific discourse around these practices appears to be largely communicated through governmental and non-governmental agencies' reports (so-called 'grey literature') and to a lesser degree in peer-reviewed scientific journals.

## **1.4 Relevant key findings stated by evaluation authors**

The review team compiled the findings, suggestions and recommendations of evaluation authors in each of the included studies in an effort to present a more nuanced understanding of the studies. These were not screened by the scoping review authors for methodological rigour and should be treated solely as the opinions of the authors, as stated in their evaluations. The authors of many of the included evaluations emphasised that criminal background checks appear to be universally considered as an important component of pre-employment screening practices. However, such statements were almost never made without emphasising the limited effectiveness of using criminal background checks as the only pre-employment screening practice to safeguard children from sexual abuse by staff. Indeed, many concerns were raised regarding factors that limit the feasibility and effectiveness of criminal background checks as a safeguard protecting children from sexual abuse, including (in order of most frequently to least frequently mentioned):

- Time delays in the recruitment process due to the time needed to complete a criminal background check and/or the resulting decision to employ a person before the check is complete
- The 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, parents who volunteer when their child is present, and other adults who share the home with the caregiver and child)
- A lack of reporting, confirmation and, therefore, criminal background checks of other adults who may be living in institutions (including 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.

The pre-employment screening practices other than criminal background checks (often referred to as sources of 'soft information' in the literature) that evaluation authors identified as necessary components of a comprehensive pre-employment screening procedure included (in order of most frequently to least frequently mentioned):

- Conducting thorough reference checks (for example, those obtained directly from previous employers by asking direct questions about any concerns regarding the applicant's suitability to work with children)
- Holding employment interviews that focus on determining the applicant's suitability to work with children (such as value-based interviewing; for more information, see Erooga, 2009)
- Checking suspected or substantiated child abuse against other sources of information, such as child-abuse registries, children's court decisions or disciplinary body proceedings
- Critically examining an applicant's employment history and/or written application (to identify gaps in their employment history and thus clarify their cause, or to explain ambiguous responses to direct questions about criminal history)
- Verifying the applicant's identity using methods such as photo-based documents or fingerprinting
- Verifying the applicant's education or qualifications (in order to determine if they are qualified to undertake child-related work).

The need for comprehensive pre-employment screening practices was supported and underscored by many case examples where such practices were not followed and, as a result, unsuitable people gained employment in child-related work and went on to sexually abuse the children in their care.

That people identified as unsuitable to work with children following pre-employment screening should be disqualified from doing so was implicit in all the literature identified in this scoping review. However, case examples examined in the included evaluations highlight that enforcing employment prohibitions, even in the face of evidence of child sexual abuse, was not always a matter of course.

## 1.5 Concluding remarks

That this scoping review did not reveal any rigorous evaluations of the effects of pre-employment screening practices on rates of child sexual abuse is not surprising given the methodological difficulties inherent to this issue. Chief among these is the unknown but probably low, present day rate of reported institutional child sexual abuse by institutional employees, the difficulty of conducting large-scale clinical trials and the sensitivity of disclosing child sexual abuse. However, the literature available provides many insights into the need for comprehensive pre-employment screening practices that include not only criminal background checks but also other pre-employment screening approaches, such as those that aim to identify 'soft' information.

Many case examples highlighted the importance of comprehensive pre-employment screening practices, as did the opinions of many key stakeholders identified by the authors of the included evaluations – through qualitative survey analyses and submissions or hearings held by governmental bodies or commissions. Furthermore, the case examples raised the need for clear legislation permitting employment prohibitions based on the outcomes of pre-employment screening practices. However, there were also many legitimate concerns about such pre-employment screening practices, such as the costs and time delays associated with criminal background checks, or the risk that an applicant will take measures to conceal their identity and history. Additionally, consideration must be given to potential infringements on an individual's

right to privacy, rehabilitation and employment both before the implementation and during the subsequent monitoring, evaluation and revision of pre-employment screening practices.

The potential deterrent effect of comprehensive pre-employment screening practices may never be able to be quantified, but should not be disregarded solely for that reason. The literature suggests that, when combined with other policies and practices that promote a positive organisational culture, comprehensive pre-employment screening practices are likely to contribute to safeguarding children against child sexual abuse.



## **2. INTRODUCTION**

### **2.1 Background**

In order to systematically examine the nature and extent of the international literature available on the effectiveness of pre-employment screening practices for child-related work that aim to prevent child sexual abuse, the Royal Commission requested in January 2014 that the Parenting Research Centre and the University of Melbourne conduct a scoping review. The research questions, methods and steps of this scoping review were collaboratively developed with representatives from the Research and Submissions teams at the Royal Commission into Institutional Responses to Child Sexual Abuse.

### **2.2 What is a scoping review?**

To answer questions about the effectiveness of interventions, full systematic reviews are widely accepted as the gold standard of research synthesis. High-quality systematic reviews reduce the risk of bias and can reliably draw conclusions about effectiveness. They may also involve meta-analyses. The rapid evidence assessment is a streamlined form of systematic review that is used when time or resources are limited. This method is less reliable than a full systematic review but can offer decision-makers a reasonable indication of intervention suitability in a shorter timeframe.

A scoping review methodology was used in this project – a rigorous approach for systematically and rapidly mapping the literature available on a specific topic or methodology (Levac, Colquhoun & O'Brien, 2010). Scoping reviews entail the systematic selection, collection and summarisation of existing published work in a broad thematic area. Unlike systematic reviews, they 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 (Arksey & O'Malley, 2005). Therefore, a scoping review should not be solely relied upon as evidence of the effectiveness of a given program or practice element to develop recommendations for policy and practice (Kavanagh, Trouton, Oakley & Harden, 2005).

Scoping review research questions are often broad in nature, as the focus is on summarising the breadth of literature available on a given topic (Arksey & O'Malley, 2005; Levac et al, 2010). They provide a useful tool when making decisions about future research directions. For example, they may identify gaps in the literature or, if there is sufficient literature to warrant it, facilitate a decision to conduct a rapid evidence assessment or systematic review of the evidence on a more specific research question, such as the evidence for a particular practice element.

### **2.3 Aims of this scoping review report**

The aim of this report is 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. We anticipate that this report will provide a valuable overview of the literature available on this topic.

To achieve this aim, this report addresses the following questions:

- Which studies have evaluated pre-employment screening practices for child-related work that aim to prevent child sexual abuse? Which evaluation methods did they employ?
- Which target groups (that is, the type of child-related work addressed) were been addressed in these evaluations? Where were the evaluations conducted?
- What were the key relevant findings of these evaluations, as stated by the evaluation authors? Which pre-employment screening types were highlighted in these evaluations (for example, criminal history checks or reference checks)?

We have structured this report to include definitions of key terminology (in this section), followed by a section outlining the research methodology, then the findings from our scoping review will be presented. The report ends with considerations as to the scope of the literature identified, including any apparent gaps in the literature; a comparison of the findings of this review against other reviews identified on the topic; a summary of the key findings stated by evaluation authors; and a section on the possible interpretations and implications of these findings.

## **2.4 Definitions**

### **2.4.1 Pre-employment screening**

For the purposes of this review, we will only consider pre-employment screening for child-related work that aims to prevent child sexual abuse. However, we acknowledge that pre-employment screening for child-related work may also have (and often does have) other child-related aims, such as preventing other forms of child maltreatment. As outlined in the first Issues Paper released by Royal Commission into Institutional Responses to Child Sexual Abuse ‘The sources used for screening checks ... may include a police check, criminal history check, relevant employment proceedings and/or findings from professional disciplinary bodies.’ (Issues Paper 1: Working with Children Check, 2013, p. 1). We have also included pre-employment screening practices such as reference checks and employment interview approaches that aim to screen for convicted or potential child sexual abusers. Employment prohibitions related to pre-employment screening are also considered (for example, the types of offences or pre-employment screening results that lead to a person being prohibited from engaging in child-related employment).

Many synonyms for criminal background checks exist in the international English language literature. Therefore, extensive online searches were conducted at the outset of this scoping review to identify synonyms for criminal background checks currently in use internationally (and thus develop the search terms used in database and website searches). The synonyms for criminal background checks identified can be seen in Box 1. They include police clearance, criminal history check, criminal record check, vetting disclosure, police vetting, disclosure and barring service checks, criminal history disclosure, protecting vulnerable groups scheme, independent safeguarding authority barred list, criminal records bureau checks, Garda (the police force of Ireland) vetting, vulnerable sector checks, and police records checks.

### **2.4.2 Child-related work**

For the purposes of this scoping review, we decided not to define child-related work into strict employment types or positions in order to better capture the breadth of the literature available on pre-employment screening practices for child-related work that aim to prevent child sexual abuse. We therefore included studies for any type of work, paid or unpaid, in which the authors

of the evaluation, the organisation responsible for the policy or the relevant government bodies determined that the applicants may have sufficient contact with children to warrant pre-employment screening. The child-related work types explored in the evaluations included in this scoping review can be found in section 4.2, Study Characteristics.

### 2.4.3 Study type definitions

Due to the broad nature of the questions explored in this scoping review, we have aimed to identify all relevant evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse without restricting the types of study designs included (Arksey & O'Malley, 2005). Therefore, for the purposes of this scoping review, we have based our taxonomy of different study types on that designed by the University of London's Evidence for Policy and Practice Information and Co-ordinating Centre (EPPI-Centre) (EPPI-Centre Key wording Strategy for Classifying Education Research, Version 0.9.7, 2003). While this taxonomy was originally designed for studies within the field of education, it better reflects this unique context of social research than other study design taxonomies, as it has been designed on pragmatic grounds with the aim of creating a workable taxonomy that includes design and data analysis methods, as well as qualitative and quantitative forms of data.

#### *Evaluations*

Evaluations are studies 'which evaluate a policy, practice, programme or other intervention by assessing whether it works well in terms of, for example, its acceptability, feasibility, financial implications or intended, or unintended, effects on relevant outcomes' (EPPI-Centre, 2003, section A.13.3, pp. 13–14). They provide insight into what works, for whom, and under what circumstances. Evaluations can:

1. Use qualitative and/or statistical techniques
2. Explore the feasibility (often using qualitative techniques) and/or the effects of policies and practices on relevant outcomes (using statistical techniques)
3. Be based on assessments at different stages of implementing or trialling a new policy or practice:
  - After a policy or practice has been in place (post-test)
  - Before and after a policy or practice has been in place (pre- and post-test)
  - On several occasions before, during and after a policy or practice has been in place
4. Include a comparison group that did not experience the new policy or practice being evaluated, thus better enabling the effect of the new policy or practice to be isolated and causality to be explored.

#### *Descriptive studies (excluded from this scoping review)*

Descriptive studies aim to explore and describe a particular phenomenon or to document its characteristics. They are often conducted at one point in time (that is, they are cross-sectional).

Descriptive studies do not:

1. Attempt to evaluate a particular policy or practice in terms of its feasibility
2. Examine associations between one or more variables
3. Test hypotheses.

For example, they can include studies such as an interview of public sector agency representatives to count how many have explicit policies on pre-employment screening; studies that describe the number of background checks conducted by a particular organisation, or in a particular jurisdiction, in a given period; studies of the pre-employment screening practices

employed at a particular organisation (without any qualitative evaluation of its acceptability or feasibility); case studies in which convicted sex offenders were employed in child-related work (without an explanatory, causal analysis of, for example, whether this was due to negligent hiring practices); or surveys in which key informants are asked whether they believe there is need for a new policy or practice (without having to have personal experience of implementing the said policy or practice).

*Frameworks or guidelines (excluded from this scoping review)*

Frameworks or guidelines include guidelines, handbooks, tip sheets, professional toolkits and/or policy documents describing pre-employment screening practices. These papers do not include evaluations of the effectiveness or feasibility of the approach described.

*Opinion pieces (excluded from this scoping review)*

Opinion pieces reflect the opinion of the author or publishing organisation. Although references to other studies may be included, they differ from narrative or non-systematic reviews in that the main purpose of the piece is not to review the literature but rather to put forward a particular argument or opinion.

*Studies exploring relationships to generate theory (excluded from this scoping review)*

Some studies are exploratory and aim to generate theory. Although these studies aid understanding and may provide insight into the types of policies or practices that may be relevant, they do not directly evaluate the feasibility or effectiveness of policies or practices. These studies may:

1. Examine relationships and/or statistical associations between variables in order to build theories and develop hypotheses
2. Describe a process or processes in order to explore how a particular phenomenon might be produced, maintained and changed.
3. Use qualitative and/or statistical techniques.
4. Explore variables such as type of out-of-home care or gender.

For example, a study may compare the types and frequency of pre-employment screening approaches in government and volunteer organisations, or the relationship between organisation size and pre-employment screening practices. These studies differ from evaluations in that they do not attempt to explore the acceptability, feasibility or effectiveness of pre-employment screening practices. They also do not entail an explanatory, causal analysis of, for example, whether the rate of child sexual abuse was a result of the pre-employment screening practices employed.

*Systematic reviews*

Systematic reviews transparently and systematically synthesise information, findings, opinions or conclusions based on the literature available on a particular issue. They therefore generate findings and recommendations that are less biased than traditional narrative reviews. A review can be classified as systematic if it is explicit in its use of systematic strategies for:

1. Searching for literature, including search terms, databases searched and details of the methods for searching any literature sources, such as websites
2. The inclusion and exclusion criteria for studies included in the review
3. Methods used for assessing study quality and the risk of bias, as well as the methods used for collating study results.

*Narrative or non-systematic reviews (excluded from this scoping review)*

Narrative reviews discuss a particular issue, drawing support from opinions, findings or conclusions from a range of previous studies. However, such reviews do not meet the transparent and systematic criteria discussed above under the definition of systematic reviews.

### **3. SCOPING REVIEW METHODS**

This section provides an overview of the methods used to conduct the scoping review of pre-employment screening practices for child-related work that aim to prevent child sexual abuse.

#### **3.1 Search strategy**

Evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse were identified via a systematic search of the following sources:

- Electronic bibliographic databases: selected government and child welfare websites from Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom and the United States of America, as well as World Health Organization publications
- A concurrent scoping review being conducted by the Parenting Research Centre and the University of Melbourne on evaluations of out-of-home care practice elements that aim to prevent child sexual abuse (unpublished, Parenting Research Centre and the University of Melbourne)
- Reference lists of potentially relevant papers.

We conducted a search for systematic reviews on this topic in an attempt to identify high-quality syntheses of relevant literature. However, none were identified.

##### **3.1.1 Electronic bibliographic databases**

Search terms were developed that were designed to identify studies exploring the effect of pre-employment screening on child sexual abuse. We used various terms associated with pre-employment screening and children, as well as sexual abuse and the protection of children. These searches included truncation terms (denoted by an asterisk, the use of which returns all items containing the root term to the left of the asterisk) and keyword searches that included titles, abstracts and subject headings. No limits were placed on the year of publication. The search terms used appear in Box 1.

**Box 1. Search terms used in searches of electronic bibliographic databases for the scoping review of pre-employment screening practices.**

'background check\*' OR 'background screen\*' OR 'employ\* screen\*' OR 'pre-employment screen\*' OR 'employment prohibition' OR 'employment restriction' OR 'employment requirements' OR 'reference check\*' OR 'referee' OR 'past employment' OR 'employment history' OR 'character statement' OR 'court proceedings' OR 'previous convictions' OR 'prior convictions' OR 'employment proceedings' OR 'disciplinary action' OR 'disciplinary proceedings' OR 'working with children check' OR 'WWCC' OR 'working with children clearance' OR 'police clearance' OR 'criminal history' OR 'criminal record check' OR 'vetting disclosure' OR 'vetting procedure' OR 'safety check' OR 'police vetting' OR 'criminal record check' OR 'disclosure and barring service checks' OR 'DBS checks' OR 'criminal history disclosure' OR 'Protecting Vulnerable Groups scheme' OR 'PVG scheme' OR 'garda vetting' OR 'vulnerable sector check' OR 'police records check' OR 'criminal records bureau checks' OR 'CRB checks' OR 'Independent Safeguarding Authority barred list' OR 'ISA barred list'

AND

'infant\*' OR 'baby' OR 'babies' OR 'preschool\*' OR 'pre-school\*' OR 'child\*' OR 'pre-teen\*' OR 'preteen\*' OR 'teen\*' OR 'adolescen\*' OR 'youth\*' OR 'young people\*' OR 'young person\*' OR 'minor' OR 'toddler\*'

AND

'sex\* abus\*' OR 'rape\*' OR 'sex\* assault\*' OR 'sex\* molest\*' OR 'sex\* coerc\*' OR 'maltreat\*' OR 'sex\* misconduct' OR 'death' OR 'abus\*' OR 'neglect' OR 'protect\*' OR 'safety' OR 'prevent\*'

Search terms were adapted to meet the individual requirements of each electronic bibliographic database. The following electronic bibliographic databases were searched:

- Applied Social Sciences Index and Abstracts (ASSIA)
- CINAHL
- Cochrane Library
- Criminal Justice Abstracts
- EMBASE
- ERIC
- MEDLINE with Full Text
- National Criminal Justice Reference Service (NCJRS) Abstracts Database
- PsycINFO
- Social Services Abstracts
- Social Science Citation Index (Web of Science)
- Sociological Abstracts.

### **3.1.2 Selected government and child welfare websites**

Selected government and child welfare websites from Australia, Canada, New Zealand, the Republic of Ireland, the United Kingdom and the United States of America, as well as the World Health Organization's publications, were also searched systematically for published and unpublished papers exploring pre-employment screening for child-related work. These sources were chosen as they were identified as being the most relevant to the work of the Royal Commission into Institutional Responses to Child Sexual Abuse. Website search terms were based on those in Box 1 and were adapted to meet the requirements of the websites' search engines. If a website did not have a search engine, or it was insufficient to conduct complex searches, the website publication lists were searched manually. The purpose of this task was to identify additional published and unpublished (grey literature) papers that might add to those identified through the electronic database searches. A list of sites searched appears in Box 2.

## **3.2 Evaluation selection**

### **3.2.1 Abstract screening**

Abstracts and titles of studies identified in the database searches were initially screened by two independent raters to identify papers that met the following inclusion and exclusion criteria. During this abstract screening phase, papers were sorted into one of two groups: potentially relevant and not relevant.

Potentially relevant papers were identified as those that addressed:

- a) Pre-employment screening practices or related employment prohibitions,
- b) Child sexual abuse, *and*
- c) Child-related work.

In addition, only papers published in the English language were identified as potentially relevant.

### **3.2.2 Evaluation study eligibility**

The titles, abstracts and full-text versions of all papers identified as potentially relevant in the abstract screening phase (section 3.2.1) were then screened for eligibility by a rater based on the criteria presented below. Full-text versions of potentially relevant papers were also located and screened by three independent raters through a wide-ranging set of website searches, a concurrent scoping review on evaluations of out-of-home care practice elements that aim to prevent child sexual abuse (unpublished, Parenting Research Centre and the University of Melbourne), and reviewing the reference lists of potentially relevant papers. Due to the time-limited nature of this project, studies that were identified as possibly relevant but not available online were excluded (the citation details for all studies not available online are available in Appendix 1). When an organisation's website had a free 'request a publication' service (either an online form or an email address), a request was made for an electronic copy (such as a PDF or Word document) of all the potentially relevant papers identified through all search approaches.



### *Scoping review inclusion criteria*

Studies were included that:

- a) Met the criteria for 'potentially relevant papers' followed at the abstract screening phase, addressing:
  - i. Pre-employment screening practices or related employment prohibitions,
  - ii. Child sexual abuse, *and*
  - iii. child-related work
- b) Were evaluation studies (see definitions in section 2.3.3).

### *Scoping review exclusion criteria*

Papers were excluded that fell into one of the following seven categories (see section 2.3.3 for study type definitions):

- a) Considered to be not relevant as defined by the criteria used in the abstract screening criteria listed in section 3.2.1
- b) Narrative or non-systematic reviews
- c) Frameworks or guidelines
- d) Legislation and/or summaries of legislation
- e) Opinion pieces
- f) Descriptive studies
- g) Studies exploring relationships to generate theory.

The number of papers that fell within exclusion categories b to g above was recorded and their citation details are listed in Appendix 1.

Note that the full-text versions and reference lists of all excluded papers, including narrative reviews, were searched for potentially relevant papers and these were then, in turn, screened for eligibility. The conclusions of any narrative reviews identified in this study were also used to contrast the findings of this scoping review in the discussion, section 5.3.

**Box 2. Government and child-welfare websites searched for the scoping review of pre-employment screening practices.**

**Websites from Australia**

Australian Government (publications only): [www.australia.gov.au](http://www.australia.gov.au)

Child and Family Welfare Association of Australia: [www.cafwaa.org.au/publications.html](http://www.cafwaa.org.au/publications.html)

Australian Domestic and Family Violence Clearinghouse: [www.adfvc.unsw.edu.au/](http://www.adfvc.unsw.edu.au/)

**Websites from Canada**

Government of Canada: [canada.ca/en/index.html](http://canada.ca/en/index.html)

Canadian Child Welfare Research Portal: <http://cwrp.ca/>

Child Welfare League of Canada: <http://www.cwlc.ca>

**Websites from New Zealand**

New Zealand Government: <http://newzealand.govt.nz/search>

Barnardos New Zealand: <http://www.barnardos.org.nz/>

**Websites from the Republic of Ireland**

Department of Children and Youth Affairs: <http://www.dcy.gov.ie>

Houses of the Oireachtas: <http://www.oireachtas.ie/parliament/>

National Youth Council of Ireland: <http://www.childprotection.ie>

**Websites from the United Kingdom**

UK Government (this site includes the Scottish Government; Department of Justice Northern Ireland; Department of Education Northern Ireland; Northern Ireland Department of Health, Social Services and Public Safety; Northern Ireland Government Services): [www.gov.uk/](http://www.gov.uk/)

Safe Network: [www.safenetwork.org.uk](http://www.safenetwork.org.uk)

National Society for the Prevention of Cruelty to Children (U.K.): [www.nspcc.org.uk/](http://www.nspcc.org.uk/)

Social Care Institute for Excellence: [www.scie.org.uk/](http://www.scie.org.uk/)

Disclosure Scotland: [www.disclosurescotland.co.uk](http://www.disclosurescotland.co.uk)

**Websites from the United States:**

American Bar Association: <http://www.americanbar.org/aba.html>

National Criminal Justice Reference Service:

<https://www.ncjrs.gov/App/AbstractDB/AbstractDBSearch.aspx>

Child Welfare Information Gateway: [www.childwelfare.gov](http://www.childwelfare.gov)

U.S. Department of Health and Human Services: [www.hhs.gov](http://www.hhs.gov)

U.S. Department of Education: <http://www.ed.gov/>

Child Care Aware: <http://coreissues.usa.childcareaware.org/key-issues/background-checks/>

National Recreation and Park Association: <http://www.nrpa.org/>

**World Health Organization (publications only):** <http://apps.who.int/iris/>

### **3.3 Data extraction**

Two of the report authors extracted data from the eligible evaluations using a data extraction form (see Appendix 2 for a blank data extraction form). This data extraction approach was based on the criteria for scoping reviews developed by Arksey & O'Malley (2005).

Data extracted included:

- Publication type (journal article or report, for example)
- Citation details
- Type of pre-employment screening or relevant employment prohibition explored
- Target group (that is, the type of child-related work)
- Jurisdictions(s)/location
- Relevant aims of the study
- Evaluation methodology
- Sample selection/selection of participants (including number of cases/events examined)
- When the cases examined occurred/time period explored
- Relevant outcome measures
- Relevant key findings (as reported by evaluation authors).

### **3.4 Synthesis of scoping review findings**

We aimed to present the findings of the scoping review in a format that provides an easily accessible overview of the evaluations. We therefore adopted a narrative analysis approach (complemented by tabulated data) built on the following three questions:

- Which studies have evaluated pre-employment screening practices for child-related work that aim to prevent child sexual abuse. Which evaluation methods did they employ?
- Which target groups were addressed in these evaluations (that is, which type of child-related work was addressed)? Where were the evaluations conducted?
- What are the key relevant findings of these evaluations, as stated by the evaluation authors? Which pre-employment screening types were highlighted in these evaluations (for example, criminal history checks or reference checks)?

## 4. SCOPING REVIEW FINDINGS

### 4.1 Flow of papers through the scoping review

Using all sources searched, we identified a total of 2,095 papers – 1,894 through bibliographic databases; 155 through website searches; 11 through a concurrent scoping review on evaluations of out-of-home care practice elements that aim to prevent child sexual abuse (unpublished, Parenting Research Centre and the University of Melbourne); and 36 through reference lists of potentially relevant papers. After removing duplicates from the results of the database searches (n=430), 1,464 abstracts were screened for inclusion. A total of 1,355 papers from database searches were considered irrelevant based on the criteria for abstract screening (see section 3.2.1 for abstract screening criteria). Sixteen studies were identified via multiple search approaches (for example, through both the database and website searches), and these duplicates were therefore removed.

The full-text versions of a total of 295 potentially relevant papers were then screened for eligibility based on the criteria presented in section 3.2.2. It is noteworthy that 109 of these papers were located through database searches while 186 were identified through website searches, reference lists of potentially relevant papers and the concurrent review. This provides insight into the nature of the literature on pre-employment screening practices that aim to prevent child sexual abuse; the scientific discourse around these practices appears to largely be communicated through governmental and non-governmental agencies' reports (so-called grey literature) and to a lesser degree through peer-reviewed scientific journals.

A total of 270 papers were excluded from the scoping review. This included:

- Eight narrative or non-systematic reviews
- 51 frameworks or guidelines
- 70 legislation and/or summaries of legislation
- 69 opinion pieces
- 29 descriptive studies
- Three studies exploring relationships to generate theory.

This also included, 40 papers which were excluded. Of these, 13 papers were considered to be not relevant and we were unable to locate the full-text versions of 27 papers in time for possible inclusion in this scoping review (that is, they weren't available online). The unavailable studies tended to be dated, though it is possible that one or more would have met our inclusion criteria. The citation details of all 270 excluded papers are listed under each of these exclusion categories in Appendix 1.

#### 4.1.1 Eligible studies included in the scoping review (n=25)

A total of 25 evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse were included in this scoping review after screening the full-text versions of papers for eligibility. Figure 1 depicts the flow of papers through the scoping review.

The following sections consist of a narrative synthesis of the data extracted from the 25 included evaluations. Tabulated summaries of data obtained from the data extraction forms is presented as a complement to the text. The completed data extraction forms for each of the 25 included evaluations can be found in Appendix 3.

We categorised the studies into three general pragmatic categories of evaluation approaches in order to summarise their relevance to the topic:

1. Retrospective case studies and/or surveys (including inquiries) (n=19)
2. Qualitative analyses of submissions or hearings (n=4)
3. Evaluations of classification tools (n=2).

Table 1 presents the citation details of the evaluations included in this review in alphabetical order, grouped by the three general pragmatic categories of evaluation approaches listed above. It is noteworthy that only eight of the 25 included evaluations were published in peer-reviewed journals, which confirms the observation that the scientific discourse around these practices appears to primarily be communicated through governmental and non-governmental agencies' reports (so-called grey literature).

In the next section (section 4.2), we report on the characteristics of these evaluations separately for each of these pragmatic evaluation approach categories, exploring the target groups addressed and where the evaluations were conducted. In section 4.3, we present a narrative synthesis and tabulated summaries of relevant key findings, as stated by evaluation authors of all of the included evaluations, grouped by type of pre-employment screening concerned.

**Table 1. Full citation details of the evaluations included in the scoping review (n=25)**

Evaluations included in the scoping review (n=25)
<b>Retrospective case studies and surveys (including inquiries) (n=19)</b>
1. Attorney-General's Department (2011). Review of the operation of Subdivision A of Division 6 of Part VIIC of the Crimes Act 1914. Final Report. Canberra, Australia.
2. Bichard, M (2004). The Bichard Inquiry Report. House of Commons, London, UK.
3. Braga, WD (1993). Experiences with alleged sexual abuse in residential program: I. Case vignettes. Residential Treatment for Children & Youth, 11(1), 81–97.
4. Brannan, C, Jones, JR & Murch, JD (1993). Castle Hill Report: Practice Guide. Shropshire County Council, Shrewsbury, UK.
5. Budiselik, W, Crawford, F & Squelch, J (2009). The Limits of Working with Children Cards in Protecting Children. Australian Social Work, 62(3), 339–352.
6. Budiselik, W, Crawford, F & Squelch, J (2010). Acting in the best interests of the child: a case study on the consequences of competing child protection legislation in Western Australia. The Journal of Social Welfare and Family Law, 32(4), 369–379.
7. Davis, N & Wells, S (1994–1995). Effective Screening of Child Care and Youth Workers. Children's Legal Rights Journal, 15(1-2), 22–27.
8. Department of Health (1996). Report on the Inquiry into the Operation of Madonna House. Dublin, Ireland.
9. Government of Ireland (2009). The Commission to Inquire into Child Abuse. Report (The Ryan Report). The Stationery Office, Dublin, Ireland.
10. Hanly, C (2010). Practices in and attitudes towards staff vetting in children's residential centres in the Republic of Ireland. Scottish Journal of Residential Child Care, 9(2), 28–36.

### Evaluations included in the scoping review (n=25)

11. Kirkwood, A (1992). The Leicestershire Inquiry 1992. Leicestershire County Council, Leicester, UK.
12. Kozlowski, JC (2000). NRPA Law Review: Duty To Educate Youth about Risk of Sexual Abuse by Volunteers. *Parks & Recreation*, 35(12), 36–41.
13. Kutz, GD (2010). K–12 Education: Selected Cases of Public and Private Schools That Hired or Retained Individuals with Histories of Sexual Misconduct. Report to the Chairman, Committee on Education and Labor, House of Representatives. U.S. Government Accountability Office, Washington, DC, USA.
14. National Crime Agency (2013). The Foundations of Abuse: A thematic assessment of the risk of child sexual abuse by adults in institutions. London, UK.
15. Smith, M & Aitken, J. Minister of Education (2012). Ministerial Inquiry into the Employment of a Convicted Sex Offender in the Education Sector. Wellington, NZ.
16. Sonntag, B (2012). State Auditor’s Office Performance Audit: Protecting Children from Sex Offenders in Child Care, Foster Care and Schools. State Auditor, Washington, USA.
17. U.S. General Accounting Office (GAO) (1997). Fingerprint-Based Background Checks: Implementation of the National Child Protection Act of 1993. Report to the Honorable Fred Thompson, U.S. Senate, Washington, DC, USA.
18. U.S. Government Accountability Office (GAO) (2011). Child Care: Overview of Relevant Employment Laws and Cases of Sex Offenders at Child Care Facilities. Report to the Ranking Member, Committee on Education and the Workforce, House of Representatives (vol. GAO–11–757, p. 32), Washington, DC, USA.
19. Waul Webster, M & Whitman, J (2008). Who’s Lending a Hand?: A National Survey of Nonprofit Volunteer Screening Practices. The National Center for Victims of Crime, Washington, DC, USA.

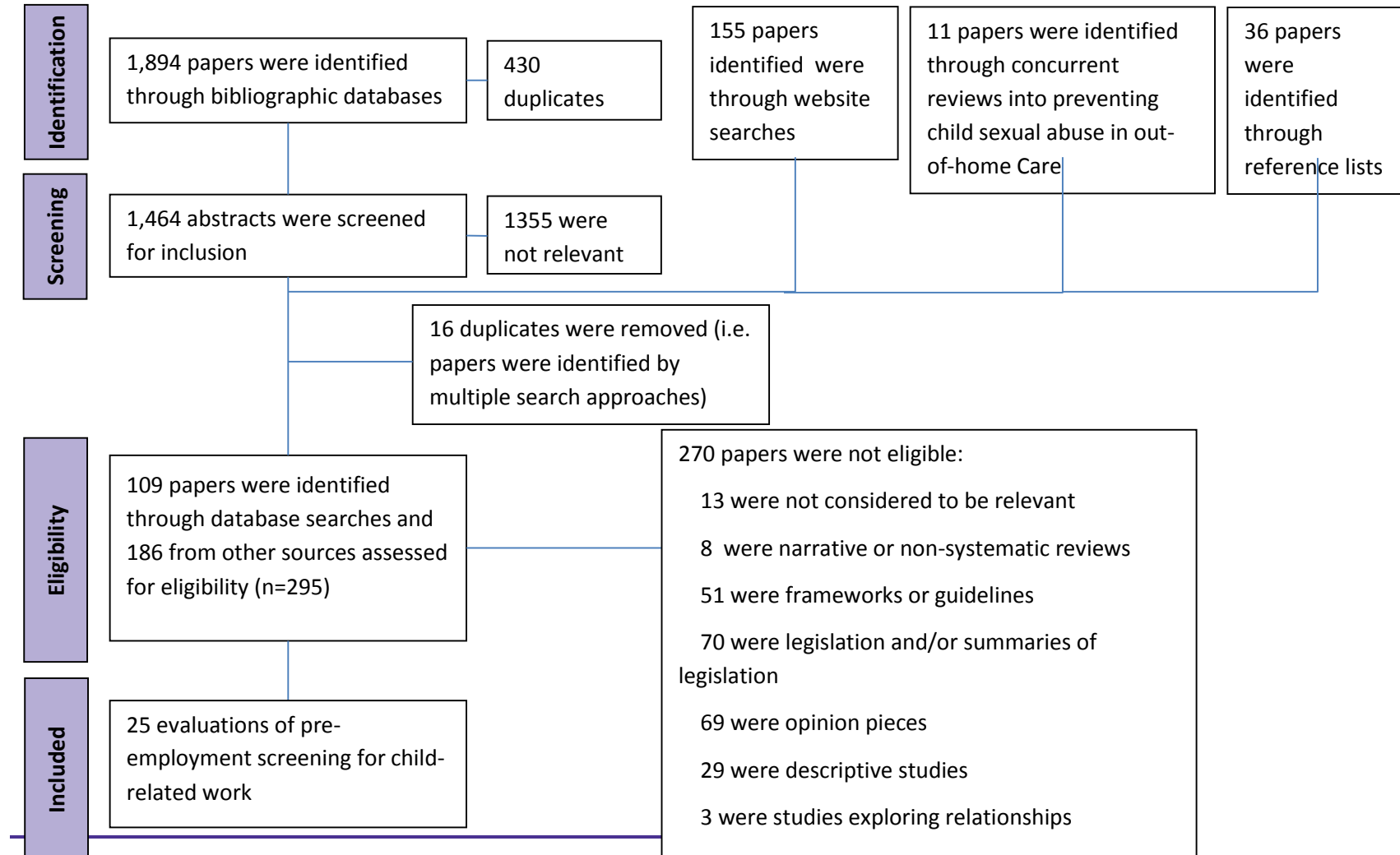
### Qualitative analyses of submissions or hearings (n=4)

1. Hanafin, S & Brooks, AM (2008). Analysis of submissions made on national review of compliance with ‘Children First: National Guidelines for the Protection and Welfare of Children’. Office of the Minister for Children and Youth Affairs, Minister for Health and Children, Dublin, Ireland.
2. Joint Committee on Child Protection (2006). Report on Child Protection. Houses of the Oireachtas, Dublin, Ireland.
3. Ministry of Social Development (2012). The Green Paper for Vulnerable Children: Complete Summary of Submissions. Wellington, NZ.
4. Productivity Commission (2010). Contribution of the Not-for-Profit Sector. Research Report. Canberra, Australia.

### Evaluations of classification tools (n=2)

1. Abel, GG, Wiegel, M, Jordan, A, Harlow, N, Hsu, YS & Martinez, M (2012). Development and validation of classification models to identify hidden child molesters applying to child service organizations. *Children and Youth Services Review*, 34(7), 1378–1389.
2. Herman, KC (1995). Appropriate Use of the Child Abuse Potential Inventory in a Big Brothers/Big Sisters Agency. *Journal of Social Service Research*, 20(3–4), 93–103.

**Figure 1. Flow of papers through the scoping review of pre-employment screening practices for child-related work that aim to prevent child sexual abuse.**



## 4.2 Study characteristics

### 4.2.1 Retrospective case studies and/or surveys (including inquiries) (n=19)

Nineteen of the 25 included studies adopted a retrospective case study and/or survey approach in order to evaluate pre-employment screening practices that aim to prevent child sexual abuse. Six of these 19 evaluations were public or ministerial inquiries into cases of child sexual abuse by paid or unpaid staff at child- or youth-serving organisations or institutions (Bichard, 2004; Brannan et al 1993; Department of Health, 1996; Government of Ireland, 2009; Kirkwood, 1992; Smith & Aitken, 2012).

These retrospective case studies and/or surveys were conducted in Australia, New Zealand, the Republic of Ireland, the United Kingdom and the United States (see Table 2). Relevant case studies and/or surveys were located in all the countries identified as most relevant for the work of the Royal Commission (and, therefore, the countries for which website searches were conducted, see section 3.1.2), with the exception of Canada.

**Table 2. Countries in which the retrospective case studies and/or surveys were conducted (n=19).**

Country in which evaluation was conducted	Number of retrospective case studies and/or surveys
Australia	<ol style="list-style-type: none"> <li>1. Attorney-General's Department (2011)</li> <li>2. Budiselik et al (2009)</li> <li>3. Budiselik et al (2010)</li> </ol>
New Zealand	<ol style="list-style-type: none"> <li>1. Smith &amp; Aitken (2012)</li> </ol>
Republic of Ireland	<ol style="list-style-type: none"> <li>1. Department of Health (1996)</li> <li>2. Government of Ireland (2009)</li> <li>3. Hanly (2010)</li> </ol>
United Kingdom	<ol style="list-style-type: none"> <li>1. Bichard (2004)</li> <li>2. Brannan et al (1993)</li> <li>3. Kirkwood (1992)</li> <li>4. National Crime Agency (2013)</li> </ol>
United States	<ol style="list-style-type: none"> <li>1. Davis &amp; Wells (1994–1995)</li> <li>2. Kutz (2010)</li> <li>3. Sonntag (2012)</li> </ol> <p><b>Figure 1</b> 4. U.S. General Accounting Office (1997)</p> <ol style="list-style-type: none"> <li>5. U.S. Government Accountability Office (2011)</li> <li>6. Waul Webster &amp; Whitman (2008)</li> </ol>
Not stated explicitly, but likely US based on information provided	<ol style="list-style-type: none"> <li>1. Braga (1993)</li> <li>2. Kozłowski (2000)</li> </ol>



Child-related work, broadly defined, was the most commonly addressed target group (addressed in seven of the 19 relevant retrospective case studies and/or surveys). These studies addressed both paid employees and volunteers. Three of these studies (Budiselik, Crawford & Squelch, 2009, 2010; Attorney-General’s Department, 2011) explored the Australian system and related definitions of child-related work (for an overview of the types of child-related settings subject to screening regulations in Australia, see Australian Institute of Family Studies, 2013). In the remaining international retrospective case studies and/or surveys, the institutions identified by evaluation authors as being relevant to a broad definition of child-related work included day care; faith groups; foster care; hospitals; hostels; industrial and reform schools; residential care homes/children’s homes; schools; secure juvenile facilities; services for children with special needs; youth groups; and youth sports teams.

Four retrospective case studies and/or surveys solely addressed staff at schools, and another four addressed residential childcare providers or staff at children’s homes. Three studies focused on volunteers at organisations serving children and/or youth (including sports and recreation, religious leadership, youth development and other non-profit human services).

The target group addressed in Braga (1993) was unclear; the only information provided was that a ‘reference check for prior history of child abuse, a legally mandated procedure’ (p. 85) was explored. However, the case identified as relevant to this scoping review examined the alleged sexual abuse of a child in a residential treatment program by a night-shift worker.

**Table 3. Target groups addressed in retrospective case studies and/or surveys.**

Target groups addressed	Number of retrospective case studies and/or surveys <sup>1</sup>
Child-related work, broadly defined (including both paid employees and volunteers)	<ol style="list-style-type: none"> <li>1. Attorney-General’s Department (2011)</li> <li>2. Budiselik et al (2009)</li> <li>3. Budiselik et al (2010)</li> <li>4. Davis &amp; Wells (1994–1995)</li> <li>5. Government of Ireland (2009)</li> <li>6. National Crime Agency (2013)</li> <li>7. U.S. General Accounting Office (1997)<sup>2</sup></li> </ol>
Teachers and other private and public school staff, including volunteers	<ol style="list-style-type: none"> <li>1. Bichard (2004)</li> <li>2. Brannan et al (1993)</li> <li>3. Kutz (2010)</li> <li>4. Smith &amp; Aitken (2012)</li> </ol>
Residential childcare providers or staff at children’s homes	<ol style="list-style-type: none"> <li>1. Department of Health (1996)</li> <li>2. Hanly (2010)</li> <li>3. Kirkwood (1992)</li> <li>4. Sonntag (2012)</li> </ol>
Volunteers at organisations serving children and/or youth	<ol style="list-style-type: none"> <li>1. Kozlowski (2000)</li> <li>2. U.S. General Accounting Office (1997)<sup>1</sup></li> <li>3. Waul Webster &amp; Whitman (2008)</li> </ol>
Foster care providers and other adults who live and/or work in these settings	<ol style="list-style-type: none"> <li>1. Sonntag (2012)</li> <li>2. U.S. Government Accountability Office (2011)</li> </ol>
Unclear	<ol style="list-style-type: none"> <li>1. Braga (1993)</li> </ol>
<sup>1</sup> Note that some studies addressed multiple target groups.	

Target groups addressed	Number of retrospective case studies and/or surveys <sup>1</sup>
<p><sup>2</sup> Note that one evaluation comprised two stages, each focusing on a different target group (U.S. General Accounting Office 1997).</p>	

#### 4.2.2 Qualitative analyses of submissions or hearings (n=4)

Four of the 25 included evaluations comprised of qualitative analyses of submissions or hearings held by governmental bodies or commissions. These were conducted in Australia (Productivity Commission, 2010); New Zealand (Ministry of Social Development, 2012) and the Republic of Ireland (Hanafin & Brooks, 2008; Joint Committee on Child Protection, 2006).

Three of these four qualitative analyses of submissions or hearings explored child-related work, broadly defined as paid and unpaid work involving unsupervised access to children (Hanafin & Brooks, 2008; Joint Committee on Child Protection, 2006; Ministry of Social Development, 2012). One focused on volunteers at Australian not-for-profit organisations working with children (Productivity Commission, 2010).

#### 4.2.3 Evaluations of classification tools (n=2)

Two of the 25 included evaluations explored classification tools that were developed with the aim of identifying people applying for child-related work who may be ‘hidden’ child sexual abusers (offenders who are yet to be detected – also known as Dunkelfeld offenders) or potential child sexual offenders (those who have not yet committed an offence but may be at risk of doing so) (Abel et al, 2012; Herman, 1995).

However, the authors of both of these studies conclude that the evaluated classification tools were neither sufficiently effective nor ethically feasible and that further research is needed before such tools can be implemented. Abel et al (2012) found that their tool would result in 10 per cent of applicants being incorrectly identified as abusers, while only 50 per cent of abusers would be correctly identified as such. Herman (1995) concludes that the tool appeared limited in its ability to identify child sexual abusers, stating also that limited conclusions can be drawn based on this study due to the limited sample size, the subjective rating system and the lack of a matched control group comprising non-sexual offender males.

Therefore, these two evaluations of classification tools are not considered further in this scoping review. More information on the characteristics of these studies and key relevant findings stated by evaluation authors can, however, be found in the completed data extraction forms in Appendix 3.

### **4.3 Relevant key findings stated by evaluation authors**

In this section, we attempt to provide an overview of the key findings of the included evaluations that are relevant to this scoping review on pre-employment screening practices that aim to prevent child sexual abuse. We note that scoping reviews do not involve an appraisal of the quality of the evidence or any assessment of the effectiveness of the interventions or approaches being tested (Arksey & O'Malley, 2005). Thus, in this section we identify key themes in the findings or conclusions stated by the evaluation authors themselves, without making any judgement as to the validity of these statements from the supporting evidence available.

As mentioned in section 4.2.3, two of the 25 evaluations included in this scoping review were evaluations of classification tools. The authors of these two evaluations deemed these two classification tools to be neither sufficiently effective nor ethically feasible and recommended that further research be conducted before such tools can be implemented. Therefore, these two evaluation studies are not considered further in this section. Consequently, the following summaries of key findings stated by evaluation authors are based on the 19 retrospective case studies and/or surveys and the four qualitative analyses of submissions or hearings included in this review (that is 23 of the 25 included evaluations, with the two exclusions being the evaluations of classifications tools).

Two major topics emerged in the literature on pre-employment screening practices that aim to prevent child sexual abuse. The first related to the effectiveness and feasibility of criminal background checks. The second topic concerned other types of pre-employment screening practices, such as reference checks, employment interviews, checks of disciplinary body proceedings and verification of identity and education/qualifications. Such sources of non-criminal background information were commonly referred to in the literature as sources of 'soft information'. Definitions of soft information included 'information regarding people who may pose a risk to children but who do not have any criminal convictions for child abuse' (p. 29, Hanly, 2010), and 'information arising from previous investigations or inquiries or the experiences of others who have dealt with the individual in question, which gives rise to concern, but which was not or would not be a sufficient evidential basis for prosecution and conviction' (p. 87, Joint Committee on Child Protection, 2006). This section on relevant key findings stated by evaluation authors is therefore divided into two subsections: 4.3.1 'Criminal background checks', and 4.3.2, 'Other pre-employment screening practices'. Finally, employment prohibition findings related to the outcomes of such pre-employment screening practices are explored in section 4.3.3.

#### **4.3.1 Criminal background checks**

Criminal background checks as a potential pre-employment screening practice for preventing child sexual abuse were mentioned in nearly all the retrospective case studies and/or surveys and qualitative analyses of submissions or hearings included in this review (21 of 23, the exceptions being Brannan et al 1993, and Kirkwood, 1992).

Authors of all 21 evaluations expressed the opinion that criminal background checks are an important component of the screening process for people applying for child-related work. However, the effectiveness and feasibility of conducting criminal background checks on people applying to child-related work was also questioned by many of the authors of these 21 evaluations, as was the relative importance of criminal background checks and other pre-employment screening practices, such as those aiming to identify sources of soft information.

*In support of the importance, feasibility and/or effectiveness of criminal background checks*  
 Relevant key findings stated by evaluation authors in support of the importance, feasibility and/or effectiveness of criminal background checks are summarised in Table 4. Cases where criminal background checks *were not conducted* and unsuitable people with criminal backgrounds *were employed* in child-related work most commonly had findings that supported the importance, feasibility and/or effectiveness of criminal background checks.

Correspondingly, cases where criminal background checks *were conducted* and unsuitable people with criminal backgrounds were subsequently *not employed* in paid or unpaid (volunteer) child-related work also commonly had findings that supported the importance, feasibility and/or effectiveness of criminal background checks. Two studies provided such examples for unpaid (volunteer) child-related work specifically (U.S. General Accounting Office, 1997; Waul Webster & Whitman, 2008).

**Table 4. Relevant key findings, as stated by evaluation authors, in support of the importance, feasibility and/or effectiveness of criminal background checks**

Relevant key findings, as stated by evaluation authors, in support of the importance, feasibility and/or effectiveness of criminal background checks	Number of evaluations
Criminal background checks <i>were not conducted</i> and unsuitable people with criminal backgrounds <i>were employed</i> in child-related work	<ol style="list-style-type: none"> <li>1. Braga (1993)</li> <li>2. Kutz (2010)</li> <li>3. National Crime Agency (2013)</li> <li>4. Sonntag (2012)</li> <li>5. U.S. Government Accountability Office (2011)</li> </ol>
Criminal background checks <i>were conducted</i> and unsuitable people with criminal backgrounds were subsequently <i>not employed</i> in paid or unpaid (volunteer) child-related work	<ol style="list-style-type: none"> <li>1. Attorney-General’s Department (2011)</li> <li>2. Davis &amp; Wells (1994–1995)</li> <li>3. U.S. General Accounting Office (1997)</li> <li>4. Waul Webster &amp; Whitman (2008)</li> </ol>
The perceived effectiveness of criminal background checks by those involved in recruiting people into child-related work	<ol style="list-style-type: none"> <li>1. Davis &amp; Wells (1994–1995)</li> <li>2. Hanly (2010)</li> </ol>
The perceived lack of effect of criminal background checks on the willingness of qualified people to apply for positions, including volunteer positions	<ol style="list-style-type: none"> <li>1. Davis &amp; Wells (1994–1995)</li> <li>2. U.S. General Accounting Office (1997)</li> </ol>
Information about served, pardoned and quashed criminal convictions is perceived by screening agencies to give a more accurate picture of the applicant’s suitability	<ol style="list-style-type: none"> <li>1. Attorney-General’s Department (2011)</li> </ol>

The effectiveness of criminal background checks, as perceived by those involved in recruiting people into child-related work was explored in Davis & Wells (1994–1995) and Hanly (2010) (see Table 4). However, both these studies stress that, although respondents to their surveys felt that criminal background checks were an important component of pre-employment screening practices, respondents expressed reservations concerning the limited effectiveness of criminal

background checks alone in protecting children from abuse by staff. Hanly (2010) reports that 'Overall managers felt strongly that although vetting [criminal background checks] did provide a safeguard it was a minimum in terms of safeguards that could be applied and vetting alone could not be depended upon to provide a flawless safeguard to young people in residential care' (p. 32). Similarly, Davis & Wells (1994–1995) state that about one-third of agencies rated national, fingerprint-based (FBI) checks, and less than one-quarter rated local checks, as one of their top three most effective screening practices. Respondents to the survey conducted by Davis & Wells (1994–1995) most frequently selected employer reference checks and personal interviews as one of their top three most effective screening practices. Other types of pre-employment screening practices identified by evaluation authors as potentially being important in safeguarding children are explored in section 4.3.2.

The lack of effect of criminal background checks on the willingness of qualified people to apply for positions, as perceived by those involved in recruiting people into child-related work, supported the feasibility of criminal background checks as a pre-employment screening practice for the prevention of child sexual abuse. The U.S. General Accounting Office (1997) explored this issue specifically in relation to volunteer positions.

A review conducted by the Australian Attorney-General's Department (2011) explored the use of information about a person's served, pardoned and quashed Commonwealth convictions when determining whether individuals are suitable for working with children. It concluded that such information was perceived by screening agencies to give a more accurate picture of the applicant's suitability.

#### *Concerns associated with conducting criminal background checks*

Table 5 presents relevant key findings, as stated by evaluation authors, addressing concerns associated with conducting criminal background checks in order to safeguard children. The most commonly stated concerns relate to the feasibility of criminal background checks in terms of associated costs, and time delays in the recruitment process due to the time needed to complete a criminal background check and the resulting decision to employ a person before the check is complete. The Australian Productivity Commission (2010) highlighted that such costs and time delays in the recruitment process were especially a problem for not-for-profit organisations that are heavily reliant on volunteers. This was compounded by the lack of portability of criminal background checks across jurisdictions, resulting in an increased number of checks needing to be conducted. Concurring, the U.S. General Accounting Office (1997) noted that costs and time delays associated with criminal background checks were a particular problem for many youth-serving organisations with a large volunteer base due to the seasonal and/or part-time nature of the work.

Evaluation authors identified factors that may decrease the likelihood of, or preclude the possibility of, criminal background checks correctly revealing an applicant's relevant criminal history as concerns. One of the most commonly noted factors was the risk that an applicant may have changed their name, or give a pseudonym or nickname. Thus, unless criminal background checks were run against all possible names of the applicant, the applicant's relevant criminal history may be missed. Bichard (2004), Braga (1993), Kutz (2010) and Smith & Aitken (2012) provide multiple examples of cases where child sex offenders were unknowingly hired by organisations after a criminal background check run against a nickname, pseudonym or changed name resulted in no 'hits'. Another factor frequently identified by authors of the included evaluations was the risk that an applicant may have committed relevant offences in other

jurisdictions, thus highlighting the necessity of criminal background checks in other jurisdictions (international or interstate jurisdictions, for example) and legal frameworks to enable this.

**Table 5. Relevant key findings, as stated by evaluation authors, addressing concerns associated with conducting criminal background checks.**

Relevant key findings, as stated by evaluation authors, addressing concerns associated with conducting criminal background checks	Number of evaluations	
Time delays in the recruitment process due to the time needed to complete a criminal background check and/or the resulting decision to employ a person before the check is complete	<ol style="list-style-type: none"> <li>1. Bichard (2004)</li> <li>2. Davis &amp; Wells (1994–1995)</li> <li>3. Department of Health (1996)</li> <li>4. Hanafin &amp; Brooks (2008)</li> <li>5. Hanly (2010)</li> </ol>	<ol style="list-style-type: none"> <li>6. Kutz (2010)</li> <li>7. Productivity Commission (2010)</li> <li>8. U.S. General Accounting Office (1997)</li> <li>9. Waul Webster &amp; Whitman (2008)</li> </ol>
Costs associated with conducting criminal background checks	<ol style="list-style-type: none"> <li>1. Budiselik et al (2009)</li> <li>2. Davis &amp; Wells (1994–1995)</li> <li>3. Kutz (2010)</li> </ol>	<ol style="list-style-type: none"> <li>4. Productivity Commission (2010)</li> <li>5. U.S. General Accounting Office (1997)</li> <li>6. Waul Webster &amp; Whitman (2008)</li> </ol>
The risk that an applicant may have changed their name, or give a pseudonym or nickname	<ol style="list-style-type: none"> <li>1. Bichard (2004)</li> <li>2. Braga (1993)</li> <li>3. Kutz (2010)</li> </ol>	<ol style="list-style-type: none"> <li>4. Smith &amp; Aitken (2012)</li> <li>5. U.S. General Accounting Office (1997)</li> </ol>
The need to check for criminal offences in other jurisdictions (international or interstate jurisdictions, for example)	<ol style="list-style-type: none"> <li>1. Budiselik et al (2009)</li> <li>2. Department of Health (1996)</li> <li>3. Hanafin &amp; Brooks (2008)</li> </ol>	<ol style="list-style-type: none"> <li>4. Kutz (2010)</li> <li>5. U.S. General Accounting Office (1997)</li> </ol>
The risks posed by those exempt from mandatory criminal background checks (for example, parent volunteers whose child is present, or other adults that share the home with the caregiver and child)	<ol style="list-style-type: none"> <li>1. Budiselik et al (2009)</li> <li>2. Hanafin &amp; Brooks (2008)</li> </ol>	<ol style="list-style-type: none"> <li>3. Joint Committee on Child Protection (2006)</li> <li>4. Sonntag (2012)</li> </ol>
A lack of reporting, confirmation and, therefore, criminal background checks of other adults that may be living in institutions (such as foster or childcare homes)	<ol style="list-style-type: none"> <li>1. Sonntag (2012)</li> </ol>	<ol style="list-style-type: none"> <li>2. U.S. General Accounting Office (2011)</li> </ol>
Issues related to conflicting child protection and child welfare legislation regarding the need for, and actions to be taken based on, criminal background checks	<ol style="list-style-type: none"> <li>1. Budiselik et al (2010)</li> </ol>	
Infringing on a person’s right to exoneration, privacy and/or rehabilitation due to sharing information about served, pardoned and quashed criminal convictions	<ol style="list-style-type: none"> <li>1. Attorney-General’s Department (2011)</li> </ol>	

Risks posed by those exempt from mandatory criminal background checks (for example, parent volunteers whose child is present, or other adults that share the home with the caregiver and child) was another concern commonly identified by evaluation authors. These authors highlighted the need for criminal background checks to be mandatory for all types of child-related work. However, respondents to the Attorney-General Department's (2011) review raised issues with the ambiguity of broad definitions of employment types such as 'working with children' in legislation enabling criminal background checks across a wider range of child-related work. Thus, it is necessary to provide clear and specific definitions of the types of positions to which the legislation applies.

Other factors that may limit the effectiveness of criminal background checks as a safeguard were specific to residential settings where adults other than caregivers may be present (for example, foster or childcare homes). The ramifications of a lack of reporting, confirmation and, therefore, criminal background checks of other adults living in such settings were illustrated in Sonntag (2012) and the U.S. Government Accountability Office (2011). Sonntag (2012) identified 24 cases where confirmed sex offenders went undetected because foster care and childcare providers failed to inform agencies that offenders lived in their homes. The U.S. Government Accountability Office (2011) identified seven case examples where sex offenders were hired or allowed to reside at unlicensed or licensed childcare facilities by relatives or acquaintances who were aware of the offender's previous offences.

Other concerns associated with criminal background checks noted by evaluation authors included issues related to conflicting child protection and child welfare legislation regarding the need for, and actions to be taken based on, criminal background checks (Budiselik et al, 2010), and 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 (Attorney-General's Department, 2011).

#### **4.3.2 Other pre-employment screening practices**

As noted in section 4.3.1, the authors of many of the included evaluations emphasised that criminal background checks appear to be universally considered an important component of pre-employment screening practices. However, such statements were almost never made without emphasising the limited effectiveness of using criminal background checks as the only pre-employment screening practice safeguarding children from sexual abuse by staff. Indeed, many concerns were raised regarding factors that limit the feasibility and/or effectiveness of criminal background checks as a safeguard protecting children from sexual abuse.

This section explores other, non-criminal background checks, and pre-employment screening practices that aim to prevent child sexual abuse. Evaluation authors identified these practices as being potentially effective and feasible complements to criminal background checks. These other pre-employment screening practices are often referred to in the included evaluations as sources of soft information; that is, 'information regarding people who may pose a risk to children but who do not have any criminal convictions for child abuse' (Hanly, 2010). Pre-employment screening practices other than criminal background checks identified by evaluation authors as necessary components of a comprehensive pre-employment screening procedure are presented in Table 6.



### *Need for thorough reference checks*

The need for thorough reference checks was one of the most commonly reported findings regarding non-criminal background check pre-employment practices (see Table 6). A thorough reference check includes direct contact with previous employers (not relying solely on written references provided by the applicant) and direct questions to referees about any concerns they might have regarding the applicant's suitability to work with children. The importance of thorough reference checks is exemplified in cases where unsuitable people gained employment in child-related work following a lack of, or poorly conducted, reference checks and then went on to sexually abuse the children in their care (Bichard, 2004; Department of Health, 1996; Government of Ireland, 2009; Kirkwood, 1992; National Crime Agency (NCA), 2013; Smith & Aitken, 2012; Waul Webster & Whitman, 2008).

It was also highlighted that prospective employers need to be alert to the fact that ambiguous, evasive or undetailed references may actually reflect underlying concerns on the part of the referee. Hanly (2010) and the Government of Ireland (2009) present many case examples where referees were reluctant to share soft information regarding their concerns about a person's suitability to work with children for a variety of stated reasons, such as not knowing how to, or being afraid to, voice their concerns regarding an 'unmentionable' issue such as child sexual abuse; believing that the indications of sexual abuse they had observed were a 'one off' and would not occur again (for example, due to the offender's apparent repentance), despite a desire on their own part to see the person 'move on'; not wanting to sully a person's character without absolute proof that they had sexually abused children; and a desire to see the employee move on to other employment as quickly as possible due to their concerns about the risks this person posed to the safety of the children in their own organisation. Hanly (2010) noted the interesting dichotomy such reservations pose. They noted that many of the managers of residential centres for children who responded to a questionnaire and partook in semi-structured interviews '... referred to the need to obtain as much reliable and detailed information in a reference on a prospective employee and the dependency on trust in the author of the reference for all relevant information. On the other hand, some of those same managers did indicate reluctance on their own part to make some matters of concern known to prospective employers either in writing or verbally on the basis that their preference was to move the person on from their service.' (p 31, Hanly, 2010).

### *The need for checks against other sources of relevant information*

Another common finding stated by evaluation authors was that criminal background checks may have limited effectiveness as they only reveal relevant conviction information (see Table 6). As presented in section 4.3.1 above, the Australian Productivity Commission (2011) noted the use of information about a person's served, pardoned and quashed Commonwealth convictions when determining whether individuals are suitable for working with children. In line with this were the calls by many evaluation authors to conduct not only criminal background checks, but also checks of an applicant's relevant history against other sources of information on suspected or substantiated child abuse. This could involve checks against, for example, child-abuse registries, children's court decisions, disciplinary body proceedings and/or teacher registries.

**Table 6. Relevant key findings, as stated by evaluation authors, exploring other pre-employment screening practices.**

Relevant key findings – other pre-employment screening practices	Number of evaluations	
The need for thorough reference checks (for example, by obtaining them directly from previous employers by asking direct questions about any concerns regarding the applicant’s suitability to work with children)	<ol style="list-style-type: none"> <li>1. Bichard (2004)</li> <li>2. Davis &amp; Wells (1994–1995)</li> <li>3. Department of Health (1996)</li> <li>4. Government of Ireland (2009)</li> <li>5. Hanafin &amp; Brooks (2008)</li> </ol>	<ol style="list-style-type: none"> <li>6. Hanly (2010)</li> <li>7. Kirkwood (1992)</li> <li>8. National Crime Agency (2013)</li> <li>9. Smith &amp; Aitken (2012)</li> <li>10. Waul Webster &amp; Whitman (2008)</li> </ol>
The need for structured employment interviews with a focus on determining the applicant’s suitability to work with children	<ol style="list-style-type: none"> <li>1. Bichard (2004)</li> <li>2. Davis &amp; Wells (1994–1995)</li> <li>3. Department of Health (1996)</li> <li>4. Government of Ireland (2009)</li> </ol>	<ol style="list-style-type: none"> <li>5. Kirkwood (1992)</li> <li>6. National Crime Agency (2013)</li> <li>7. Smith &amp; Aitken (2012)</li> </ol>
The need for other sources of information on suspected or substantiated child abuse (such as child abuse registries, children’s court decisions and disciplinary body proceedings)	<ol style="list-style-type: none"> <li>1. Budiselik et al (2009)</li> <li>2. Davis &amp; Wells (1994–1995)</li> <li>3. Hanafin &amp; Brooks (2008)</li> <li>4. Hanly (2010)</li> </ol>	<ol style="list-style-type: none"> <li>5. Joint Committee on Child Protection (2006)</li> <li>6. Smith &amp; Aitken (2012)</li> <li>7. U.S. General Accounting Office (1997)</li> </ol>
The need to critically examine an applicant’s employment history and/or written application (to identify employment history gaps and thus be able to seek clarification on what these are a result of, or to identify ambiguous responses to direct questions about criminal history)	<ol style="list-style-type: none"> <li>1. Bichard (2004)</li> <li>2. Department of Health (1996)</li> </ol>	
The need to verify the applicant’s identity using methods such as photo-based documents or fingerprinting	<ol style="list-style-type: none"> <li>1. Bichard (2004)</li> <li>2. Braga (1993)</li> <li>3. Kutz (2010)</li> </ol>	<ol style="list-style-type: none"> <li>4. Smith &amp; Aitken (2012)</li> <li>5. U.S. General Accounting Office (1997)</li> </ol>
The need to verify the applicant’s education or qualifications (in order to determine if they are qualified to undertake child-related work)	<ol style="list-style-type: none"> <li>1. Brannan et al (1993)</li> <li>2. Department of Health (1996)</li> </ol>	<ol style="list-style-type: none"> <li>3. Government of Ireland (2009)</li> <li>4. Smith &amp; Aitken (2012)</li> </ol>

### *Need for structured employment interviews*

The evaluation authors also commonly identified the need for structured employment interviews with a focus on determining the applicant's suitability to work with children (see Table 6). Cases where children were sexually abused by staff members who had not been screened with a thorough pre-employment interview exemplified this need (Bichard, 2004; Department of Health, 1996; Government of Ireland, 2009; Kirkwood, 1992; National Crime Agency (NCA), 2013; Smith & Aitken, 2012). The National Crime Agency (NCA) (2013) mentioned a particular approach that may assist in conducting structured employment interviews with a focus on determining the applicant's suitability to work with children – namely, value-based interviewing. The value-based interviewing approach was developed by the National Society for the Prevention of Cruelty to Children (NSPCC) in the United Kingdom. Erooga (2009) describes it as an 'interview process designed to systematically assess the values, motives, attitudes and behaviours of those who apply for jobs in organisations that work with and for children against a clearly defined framework, based on the values of the organisation' (see also Value Based Interviewing: Keep Children Safer through Recruitment: NSPCC factsheet, NSPCC, 2013).

### *Need to verify the applicant's identity*

As noted in section 4.3.1, one of the more commonly noted factors that raise concerns as to the effectiveness of criminal background checks was the risk posed when an applicant changes their name, or gives a pseudonym or nickname. One commonly suggested approach that may minimise this risk is to verify an applicant's identity using methods such as photo-based documents or fingerprinting (see Table 6). Bichard (2004), Braga (1993), Kutz (2010) and Smith & Aitken (2012) provide examples of cases where this was not done and an applicant's relevant history was therefore not verified. Verification of an applicant's identity is not only necessary when conducting criminal background checks but also when conducting other pre-employment screening practices. This was exemplified by the case inquired into by Smith & Aitken (2012), where an individual who was unqualified to teach and was a convicted sex offender changed his name to usurp the identity of a person who was qualified to teach and did not have a criminal record in order to secure teaching positions in two schools.

### *Need to verify the applicant's education or qualifications*

The evaluation authors presented numerous case examples that revealed the need to verify an applicant's education or qualifications in order to determine their suitability for child-related work (Brannan et al, 1993; Department of Health, 1996; Government of Ireland, 2009; Smith & Aitken, 2012) (see Table 6 also). One of the early inquiries conducted into cases of child sexual abuse in the United Kingdom, Brannan et al (1993), focused on the case of Ralph Morris, a principal at a private residential school ('Castle Hill') who sexually abused students. The inquiry team concluded that 'The detailed background of Ralph Morris is not included as a ghoulish reminiscence, rather an attempt to highlight the ease with which he was able to fool the system. His presenting image was accepted without question and his impressive list of qualifications never verified' (p. 27, Brannan et al, 1993).

### *The need to critically examine an applicant's employment history and/or written application*

The evaluation authors also expressed the importance of critically examining an applicant's employment history and/or written application (see Table 6). It was suggested that such a practice should be conducted with the aim of, for example, identifying gaps in the applicant's employment history. Such gaps may indicate occurrences in the applicant's past that they wish to conceal, as they may bring their suitability to work with children into question; for example, that the employee was imprisoned for a period or in an employment position that ended in a dismissal due to suspected inappropriate behaviour. It was therefore suggested that clarification should be sought from the applicant on why these gaps existed in their employment history. Depending on the reasons given for possible gaps in employment, or the credibility of such reasons, the employer could then aim to be extra alert to possible issues that may affect the applicant's suitability to work with children when in contact with previous employers or criminal background screening agencies.

The evaluation authors suggested that written applications should be 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. Prospective employers must then critically examine the answers to such questions and request follow-up information where relevant (from, for example, law-enforcement agencies, previous employers or the applicant themselves). Kutz (2010) highlighted the necessary, and unfortunately often overlooked, step of critically examining applicants' responses to questions regarding criminal history. They presented three case examples where schools failed to ask applicants, who all were registered sex offenders, about troubling responses to such questions. In the first case, an applicant answered 'yes' when asked if he had been convicted of 'a dangerous crime against children'. However, the school could provide no information to suggest that it followed up with the applicant or law enforcement about this admission before hiring the offender. The offender was later arrested for sexually abusing a young female student at the school. In the remaining two cases, applicants (who were also registered sex offenders) 'did not provide any response when asked about previous criminal history and school officials could not provide evidence that they had inquired about the discrepancy or required the applicant to provide the information' (p. 7, Kutz, 2010).

### *The relative effectiveness of criminal background checks and other pre-employment screening practices*

The Davis & Wells (1994–1995) study was the only included evaluation that attempted to quantitatively test the effectiveness of criminal background checks compared to other pre-employment screening practices. They did this using a self-report survey of child- and youth-serving agencies. They reported that organisations that only conducted 'basic screening' (including personal interviews, reference checks with past employers and confirmation of educational status) were almost equally as likely to identify unsuitable applicants and have valid reports of child abuse as organisations that conducted 'basic screening' plus criminal background checks. However, we note that the information provided by Davis & Wells (1994–1995) regarding the data that formed the basis of this comparison is limited. The Davis & Wells (1994–1995) study is a summary report of a study described in full in another publication, Wells et al (1995), which was unfortunately not able to be obtained for inclusion in this scoping review as it is no longer available (Howard Davidson, Director, American Bar Association (ABA) Center on Children and the Law, personal communication, 16 January 2014).

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

Pertinent to both criminal background checks and other pre-employment screening practices is 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. This need was implicit in all 25 of the evaluations included in this scoping review, although few evaluations explored this topic specifically.

The few studies that did explore employment prohibitions highlight the fact that, even in the face of evidence of child sexual abuse, prohibiting a person from gaining further contact with children through child-related work is not always a matter of course. The Government of Ireland (2009) found that, 'When confronted with evidence of sexual abuse, the response of the religious authorities was to transfer the offender to another location where, in many instances, he was free to abuse again. Permitting an offender to obtain dispensation from vows often enabled him to continue working as a lay teacher' (p. 454, volume IV). In concordance with these observations is the finding of Waul Webster & Whitman's (2008) survey of non-profit youth-serving organisations that 'The majority of [but notably not all] organizations disqualify a volunteer for a child abuse report' (p. 14). The U.S. Government Accountability Office (2011) found that this was also an issue when other adults were living in childcare institutions. They identified multiple case examples where sex offenders were hired or allowed to reside at unlicensed or licensed childcare facilities by relatives or acquaintances who were aware of the offender's previous offences.

The Irish Joint Committee on Child Protection (2006) realised the need to address this issue, recommending 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. 88).

## 5. DISCUSSION

The aim of this 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.

In order to provide an overview of the findings of this scoping review, section 5.1 discusses the findings in the context of their relevance to the questions outlined in the aims of this scoping review report (see section 2.2), namely:

- Which studies have evaluated pre-employment screening practices for child-related work that aim to prevent child sexual abuse? Which evaluation methods did they employ? (Summarised in section 5.1.1, 'Study characteristics'.)
- Which target groups were addressed in these evaluations? Where were the evaluations conducted? (Summarised in section 5.1.1, 'Study characteristics'.)
- What are the key relevant findings of these evaluations, as stated by the evaluation authors? Which pre-employment screening types were highlighted in these evaluations (for example,, criminal history checks or reference checks)? (Summarised in section 5.1.2, 'Relevant key findings stated by evaluation authors'.)

This discussion section also explores whether the findings of this scoping review suggest any gaps in the literature regarding evaluations of pre-employment screening practices that aim to prevent child sexual abuse (section 5.2); the accordance of the findings of this review with other non-systematic, narrative reviews on the topic (section 5.3); possible interpretations and implications of these findings (section 5.4); and the limitations of this scoping review (section 5.5).

### 5.1 Summary of findings

This scoping review identified 25 relevant evaluations of pre-employment screening practices for child-related work that aim to prevent child sexual abuse (for a list of included studies, see Table 1). In addition, eight narrative or non-systematic reviews, 51 frameworks or guidelines, 70 pieces of legislation and/or summaries of legislation, 69 opinion pieces, 29 descriptive studies, and three studies exploring relationships to generate theory were identified on this topic but excluded as they did not meet the evaluation inclusion criteria (see Appendix 1 for the citation details of all the studies excluded from this scoping review, grouped by exclusion category).

#### 5.1.1 Study characteristics

The 25 relevant evaluations identified in this scoping review were categorised into three general pragmatic categories of evaluation approaches in order to facilitate an overview of their relevance:

1. Retrospective case studies and/or surveys (including inquiries)
2. Qualitative analyses of submissions or hearings
3. Evaluations of classification tools.

Category 1 above, retrospective case studies and/or surveys, comprised the majority of the included studies (19 of 25). Six of these 19 evaluations were public or ministerial inquiries into cases of child sexual abuse by paid or unpaid staff at child- or youth-serving organisations or institutions. Four of the 25 included evaluations comprised qualitative analyses of submissions or hearings held by governmental bodies or commissions.

The remaining two included evaluations of classification tools that were developed with the aim of identifying people applying for child-related work who may be ‘hidden’ child sexual abusers (offenders who are yet to be detected – also known as Dunkelfeld offenders) or potential child sexual offenders (that is, those who have not yet committed an offence but may be at risk of doing so). However, the authors of both these studies conclude that the evaluated classification tools were neither sufficiently effective nor ethically feasible and that further research is needed before such tools can be implemented. Therefore, these two evaluations of classification tools were not considered further in this scoping review. More information on the characteristics of these studies and key relevant findings stated by evaluation authors can, however, be found in the completed data extraction forms in Appendix 3.

The evaluations were conducted in Australia, New Zealand, the Republic of Ireland, the United Kingdom and the United States (see Table 2). Thus, evaluations were located in all the countries identified as most relevant for the work of the Royal Commission (and, therefore, for which website searches were conducted; see section 3.1.2), with the exception of Canada.

The target group addressed most commonly was child-related work, broadly defined. These studies addressed both paid employees and volunteers. Target groups addressed in the other studies included teachers and other private and public school staff, such as volunteers, residential care providers or staff at children’s homes, volunteers at child- or youth-serving organisations, and foster care providers and other adults who live and/or work in these settings.

It is noteworthy that the majority of the potentially relevant papers and the included evaluations were reports identified through website searches. This provides insight into the nature of the literature on pre-employment screening practices that aim to prevent child sexual abuse; the empirical discourse around these practices appears to largely be communicated through governmental and non-governmental agencies’ reports (so-called grey literature) and to a lesser degree through peer-reviewed scientific journals.

### **5.1.2 Relevant key findings stated by evaluation authors**

In this section, we attempt to provide an overview of the key findings of the included evaluations that are relevant to this scoping review on pre-employment screening practices that aim to prevent child sexual abuse. We note that scoping reviews do not involve an appraisal of the quality of the evidence or any assessment of the effectiveness of the interventions or approaches being tested (Arksey & O’Malley, 2005). Thus, in this section we attempt to summarise the key themes in the findings or conclusions stated by the evaluation authors themselves, identified in section 4.3. This is done with the reservation that we have not made any judgements as to the validity of these statements using the evidence available to support them.

Two major topics emerged in the literature on pre-employment screening practices that aim to prevent child sexual abuse. The first related to the effectiveness and feasibility of criminal background checks. The second topic concerned other types of pre-employment screening practices, such as reference checks, employment interviews, checks of disciplinary body proceedings, and verifying identity and education or qualifications. Such sources of non-criminal



background information were commonly referred to in the literature as sources of soft information.

One of the most noteworthy and pervasive findings of this scoping review was that criminal background checks were seldom explored in isolation; other pre-employment screening practices such as those aiming to identify sources of soft information, were repeatedly raised by the evaluation authors as necessary components of comprehensive pre-employment screening practices for child-related work that aim to prevent child sexual abuse.

#### *Criminal background checks*

Criminal background checks as a potential pre-employment screening practice for preventing child sexual abuse were mentioned in nearly all the retrospective case studies and/or surveys and qualitative analyses of submissions or hearings included in this review. All the evaluation authors expressed the opinion that criminal background checks are an important component of the screening process for people applying for child-related work. However, the effectiveness and feasibility of criminal background checks was questioned by many of the evaluation authors.

The evaluation authors reported the following findings supporting the importance, feasibility and/or effectiveness of criminal background checks:

- Examples of cases where criminal background checks *were not conducted* and unsuitable people with criminal backgrounds *were employed* in child-related work
- Examples of cases where criminal background checks *were conducted* and unsuitable people with criminal backgrounds were subsequently *not employed* in paid or unpaid (volunteer) child-related work
- The perceived effectiveness of criminal background checks by those involved in recruiting people into child-related work
- The perceived lack of effect of criminal background checks on the willingness of qualified people to apply for positions, including volunteer positions
- Information about served, pardoned and quashed criminal convictions is perceived by screening agencies to give a more accurate picture of the applicant's suitability.

We identified the following key themes addressing concerns associated with conducting criminal background checks in order to safeguard children against child sexual abuse in the findings of the evaluations:

- Time delays in the recruitment process due to the 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.

Many case examples were explored that stressed the very real risk that these concerns pose to the children, including cases where child sex offenders were unknowingly hired by organisations after a criminal background check run against a nickname, pseudonym or changed name resulted in no 'hits', as well as cases where sex offenders were hired or allowed to reside in foster and childcare homes due to a lack of reporting, confirmation and, therefore, criminal background checks on other adults living in such settings.

#### *Other pre-employment screening practices*

As noted above, the authors of many of the included evaluations emphasised that criminal background checks appear to be universally considered an important component of pre-employment screening practices. However, such statements were almost never made without emphasising the limited effectiveness of using criminal background checks as the only pre-employment screening practice safeguarding children from sexual abuse by staff. Indeed, many concerns were raised regarding factors that limit the feasibility and/or effectiveness of criminal background checks as a safeguard to protecting children from sexual abuse.

Evaluation authors identified the following pre-employment screening practices other than criminal background checks as necessary components of a comprehensive pre-employment screening procedure:

- Thorough reference checks (for example, those obtained directly from previous employers by asking direct questions about any concerns regarding the 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; for more information, see Erooga, 2009)
- Checks against other sources of information on suspected or substantiated child abuse, (including, child-abuse registries, children's court decisions and disciplinary body proceedings)
- Critically examining an applicant's employment history and/or written application (for example, to identify employment history gaps and thus be able to clarify their causes, or to identify ambiguous responses to direct questions about criminal history)
- Verifying the applicant's identity using methods such as photo-based documents or fingerprinting
- Verifying the applicant's education or qualifications (in order to determine if they are qualified to undertake child-related work)

The need for pre-employment screening practices other than criminal background checks was supported and underscored by many case examples where such practices were not followed and,

as a result, unsuitable people gained employment in child-related work and went on to sexually abuse the children in their care.

Although thorough reference checks were one of the pre-employment screening practices most commonly identified as being necessary, an interesting dichotomy emerged in the literature regarding this topic. Many case examples were presented where referees were reluctant to share soft information regarding their concerns about a persons' suitability to work with children for a variety of stated reasons, such as not knowing how to, or being afraid to, voice their concerns regarding an 'unmentionable' issue such as child sexual abuse; believing that the indications of sexual abuse they had observed were a 'one off' and would not occur again (for example, due to the offender's apparent repentance), despite a desire on their own part to see the person 'move on'; not wanting to sully a person's character without absolute proof that they had sexually abused children; and a desire to see the employee move on to other employment as quickly as possible due to their concerns about the risks this person posed to the safety of the children in their own organisation. Thus, despite most people involved in recruiting people into child-related work positions considering reference checks to be an important source of soft information, many also admit their reluctance to share such information with other prospective employers.

The Davis & Wells (1994–1995) study was the only included evaluation that attempted to quantitatively test the effectiveness of criminal background checks compared to other pre-employment screening practices (note that this study did not explore child sexual abuse exclusively). They did this using a self-report survey of child- and youth-serving agencies. However, we note the limited nature of the information provided by Davis & Wells (1994–1995) regarding the data that formed the basis of this comparison. They reported that organisations that only conducted 'basic screening' (including personal interviews, reference checks with past employers and confirmation of educational status) were almost equally as likely to identify unsuitable applicants and have valid reports of child abuse as organisations that conducted 'basic screening' plus criminal background checks. More information may be available in the full report of this study (Wells et al, 1995) however this full report was unfortunately not able to be obtained for inclusion in this scoping review as it is no longer available (Howard Davidson, Director, American Bar Association (ABA) Center on Children and the Law, personal communication, 16 January 2014).

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

Pertinent to both criminal background checks and other pre-employment screening practices is 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. This need was implicit in all 25 of the evaluations included in this scoping review, although few evaluations explored this topic specifically. Findings from the included studies that did explore employment prohibitions highlighted the fact that, even in the face of evidence of child sexual abuse, prohibiting a person from gaining further contact with children through child-related work is not always a matter of course.

## **5.2 Gaps in the literature**

Perhaps the most striking gap in the literature identified by this scoping review is the lack of quantitative tests of the effect of pre-employment screening practices on rates of child sexual abuse. The Davis & Wells (1994–1995) study was the only included evaluation that attempted to quantitatively test the effect of criminal background checks on child abuse compared to other

pre-employment screening practices (note that this study did not explore child sexual abuse exclusively). However, we note the limited nature of the information provided by Davis & Wells (1994–1995) regarding the data that formed the basis of this comparison. For example, no information was provided on how many agencies were surveyed, how the agencies surveyed were selected, the time period during which the survey was conducted, or if and how cases of child abuse were validated. This lack of information most likely due to the fact that the Davis & Wells (1994–1995) study is a summary report of a study described in full in another publication (Wells et al, 1995). This full report was unfortunately not able to be obtained for inclusion in this scoping review as it is no longer available (Howard Davidson, Director, American Bar Association (ABA) Center on Children and the Law, personal communication, 16 January 2014).

Although a range of concerns associated with criminal background checks were explored in the included evaluations (including those related to costs, delays in recruitment and other limitations), only one identified study evaluated ethical concerns related to criminal background checks. The Australian Attorney-General's Department (2011) reviewed the operation of Subdivision A of Division 6 of Part VIIC 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. This review considered concerns raised in submissions about how sharing such information could possibly infringe on a person's right to privacy, rehabilitation and employment. We did not identify any evaluation studies that explored such ethical concerns in relation to pre-employment screening practices other than criminal background checks (that is, sources of soft information). However, we note that such ethical concerns may be addressed in, for example, opinion pieces that were excluded from this scoping review, as the primary aim was to identify evaluations on the effectiveness of pre-employment screening practices that aim to prevent child sexual abuse. This topic is also discussed briefly in section 5.4.2, 'Interpretation and implications of key findings'.

Another notable gap in the literature is that few studies evaluated employment prohibitions based specifically on the outcomes of pre-employment screening practices, although the need to disqualify people found unsuitable from working with children was implicit in all the included studies.

In summary, this scoping review did not identify any rigorous quantitative evaluations of the effect of pre-employment screening practices and related employment prohibitions on rates of child sexual abuse.

### **5.3 Accordance with other non-systematic reviews of the literature**

The findings of this scoping review are largely in accordance with those of other non-systematic reviews of the literature. Namely, that many evaluation authors highlight the need for comprehensive pre-employment screening practices including both criminal background checks and other sources of soft information. Furthermore, many of the other review authors note the scarcity of studies that attempt to quantitatively test the effect of pre-employment screening practices on rates of child sexual abuse.

In their synthesis on existing literature on 'educator sexual misconduct', Shakeshaft (2004) identified possible safeguards against child sexual abuse, including mandatory criminal background checks and asking former employers if the job applicant had a history of sexual misconduct. However, Shakeshaft (2004) noted that 'While there are no studies that examine the effectiveness of these strategies, best practice advice identifies these practices as possibly

creating a climate in which educator sexual misconduct is reduced or eliminated' (p. 47), and specifically that 'there is no data about the effectiveness of such legislation [fingerprint-based background checks] for preventing or detecting sexual abusers' (p. 41).

Another evaluation included in this scoping review, U.S. General Accounting Office (1997), conducted a non-systematic review of the literature on the effects of criminal background checks on volunteerism. However, they identified only two opinion pieces – both published by the Boy Scouts of America – that explored this topic. These pieces raised the issue of the potentially negative effects of fingerprint background checking fees on rates of volunteerism. However, the U.S. General Accounting Office (1997) noted these findings to be purely speculative, as such fees were not actually in place at the time these pieces were published. However, the findings stated by the evaluation authors concurred with this opinion, noting that costs associated with conducting criminal background checks were of particular concern for organisations with a large volunteer base (Productivity Commission, 2010; U.S. General Accounting Office, 1997).

The inquiry into the operation of Madonna House in Ireland (Department of Health, 1996) included in this scoping review also involved a non-systematic review of the literature. The Department of Health concluded that 'Recommendations of inquiries and reviews, as well as the findings of research studies, make proposals that alleviate, or would seem likely to alleviate, the problem of institutional abuse. However, little evaluation has taken place and there is clearly a need for research to establish their effectiveness' (p. 41, Department of Health, 1996).

Hanly (2010) (also included in this scoping review) undertook another non-systematic review of the literature and concluded that it 'demonstrated that there has been little direct research conducted on vetting either in Ireland or elsewhere and, in particular research that examines the views of those responsible for this task' (p. 28). The authors noted that the majority of the literature comprised inquiry reports and that these reports emphasised the importance of 'police/Garda checks, reference checks, comparison of employees' records with references supplied, and the sharing of "soft information" amongst relevant professionals in the area' (pp. 28–29, Hanly, 2010).

## 5.4 Interpretation and implications of the scoping review findings

In this section, we attempt to interpret the findings of this scoping review and the key themes that emerged in the findings of the evaluations, as stated by the evaluation authors. We also discuss the implications of these findings in the context of research, policies, legislation and other frameworks addressing pre-employment screening practices for child-related work that aim to prevent child sexual abuse. In accordance with the approach taken throughout discussion of the findings of this scoping review, we have divided this section into two sub-sections. In the first section, we interpret and discuss the implications of the types of evaluations identified in this scoping review. The second section interprets and discusses the key findings identified in this scoping review.

Many of the findings identified in this scoping review are relevant to the issues raised by the Royal Commission into Institutional Responses to Child Sexual Abuse in *Issues Paper 1: Working with Children Check*, including whether or not the WWCC should be national and, if so, what features should be included in such a scheme; the records that should be included in the check; and how the effectiveness of any existing or proposed WWCC should be evaluated and/or monitored.

#### **5.4.1 Interpretation and implications of the types of evaluations identified in this scoping review**

As indicated in section 5.1, we identified only one evaluation that attempted to quantitatively test the effect of criminal background checks on child abuse compared to other pre-employment screening practices. The limitations associated with this evaluation were noted in section 5.1.

The lack of quantitative evaluations of the effectiveness of pre-employment screening practices has been noted in other non-systematic narrative reviews on pre-employment screening. This finding is not surprising as the nature of this issue presents several methodological difficulties that are not easily overcome. The first is that it is difficult to explore the effects of specific pre-employment screening practices in isolation (an issue also noted by Davis & Wells, 1994–1995). It is likely that organisations employing comprehensive pre-employment screening practices are also characterised by other factors that may minimise the risk of child sexual abuse, and vice versa (for more information on ‘positive organisational cultures’, see Irenyi, Bromfield, Beyer & Higgins, 2006, and the further discussion later in this section). Furthermore, the potential deterrent effect of pre-employment screening practices on the number of child sexual abusers seeking child-related work is even harder to isolate, as noted by the U.S. Department of Health and Human Services (1985).

Another issue that creates methodological difficulties is the unknown but probably low, present day rate of reported institutional child sexual abuse by institutional employees. Statistically speaking, it is extremely difficult to detect and test for differences between groups with respect to the number of times a given event occurs (in this case, children who have been sexually abused in an organisation versus children who have not), as well as to discover reliable and valid risk factors, when the rate of occurrence is low (that is, the event is ‘rare’). There are many reasons why the event may be ‘rare’, and, in this instance, it may involve positive improvements in institutional care, such as pre-screening, as well as the more insidious nature of child sexual abuse, including fewer incidents being reported than actually occurred due to the fear, shame repression or other barriers to disclosure faced by child sexual abuse survivors. Consensus exists as to the numerous methodological difficulties posed by rare events in the statistical literature, and it is an issue frequently raised in the risk assessment literature (Gambrill & Shlonsky, 2000; Shlonsky & Wagner, 2005). A very large sample size would be needed to detect differences in a low rate of child sexual abuse (for example, if 2 per cent 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). In this example, only two events would occur on average across both groups in a random sample of 100 children in each organisation, thus making any differences between groups impossible to detect. Moreover, the sexual abuse would have to be disclosed and would have had to occur at the institutions being evaluated. However, with a sample size of 100,000, one would expect an average of 2,000 events across both groups. In this scenario, there may be a sufficient number of events to detect differences between the two types of organisations. However, such a study, at least prospectively conducted, would be prohibitively expensive. Compounding the challenge of a low base rate, which will be discussed in more detail later in this section, are low rates of disclosing, supervising, monitoring and responding to allegations of child sexual abuse in organisations. The influence that such factors may have on any measure of the effect of pre-employment screening on the observed rates of child sexual abuse are not easy to predict. For example, organisational cultures that encourage disclosing child sexual abuse (see section 5.4.2 for a discussion of these) may also have more comprehensive pre-employment screening

practices. Thus, the rate of disclosed and reported child sexual abuse may be confounded by such organisational characteristics.

Another methodological difficulty was raised by the Australian Attorney-General's Department (2011) (one of the evaluations included in this scoping review). They noted that 'Screening agencies were able to provide some data about the Commonwealth criminal history information they receive. However, there is currently no requirement to collect data and the data provided generally did not cover the full range of information sought by the review. Several screening agencies indicated that data about the quantity and nature of convictions disclosed to them is not collected or stored in an easily accessible manner. Collecting and compiling such information was not feasible due to the costs and labour involved' (p. 6, Attorney-General's Department, 2011). They therefore recommended that the quality of the data collected by these agencies be improved. Issues such as these are likely to apply to both criminal background screening agencies and organisations that conduct other types of pre-employment screening worldwide.

In summary, 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 practices (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. This scoping review identified many such case studies and inquiries. The remainder of this section will discuss the implications arising from the findings of the case studies and inquiries, in addition to the implications of findings that represent the opinions of key stakeholders through qualitative analyses of surveys and through submissions or hearings held by governmental bodies or commissions.

#### **5.4.2 Interpretation and implications of key findings**

One of the most noteworthy and pervasive findings of this scoping review was that criminal background checks were seldom explored in isolation; evaluation authors repeatedly raised other practices, such as those aiming to identify sources of soft information, as necessary components of comprehensive pre-employment screening practices for child-related work that aim to prevent child sexual abuse. The authors of many of the evaluations included in this scoping review emphasised that criminal background checks appear to be universally considered as an important component of pre-employment screening practices. However, such statements were almost never made without emphasising the limited effectiveness of using criminal background checks as the only pre-employment screening practice to safeguard children from sexual abuse by staff. Indeed, many concerns were raised regarding factors that limit the feasibility and/or effectiveness of criminal background checks as a safeguard protecting children from sexual abuse.

A factor frequently identified by authors of the included evaluations was the risk that an applicant may have committed relevant offences in other jurisdictions, thus highlighting the necessity of criminal background checks in international or interstate jurisdictions, and legal frameworks to enable this. This is in line with the work in Australia towards implementing nationally consistent approaches to Working With Children Checks and a framework for exchanging criminal history information across jurisdictions (Department of Families, Housing,



Community Services and Indigenous Affairs (2011)). Also of particular relevance are concerns related to 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), and a lack of reporting, confirmation and, therefore, criminal background checks of other adults that may be living in institutions (such as foster or childcare homes). These concerns suggest that the monitoring and regulation of child-related services provided in private homes is of particular concern. Other issues raised in relation to criminal background checks included associated costs and time delays, which are of particular relevance to not-for-profit organisations with a large volunteer base and organisations that need to recruit for work that is seasonal and/or part-time.

The literature on pre-employment screening practices highlights a range of components that are considered necessary to safeguard children against child sexual abuse, including those identified in this scoping review: reference checks; structured employment interviews (including value-based interviewing; for more information, see Erooga, 2009); critically examining the 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; and checking against other sources of information on suspected or substantiated child abuse, such as child-abuse registries, children's court decisions and disciplinary body proceedings.

In Australia, the latter form of soft information mentioned above is generally considered in Working with Children Checks. These checks include not only criminal history information (including pardoned, quashed or served Commonwealth convictions, Attorney-General's Department, 2011), but also other sources of soft information such as 'relevant employment proceedings and disciplinary information from professional organisations (e.g. organisations associated with teachers, childcare service providers, foster carers, and health practitioners)' (Australian Institute of Family Studies, 2013). The use of soft information for pre-employment screening practices in the Republic of Ireland was recently permitted by the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (note that soft information is referred to as 'specified information' in this bill). This bill was introduced following the recommendations of a series of inquiries, committee reports and reports of the Irish Special Rapporteur on Child Protection (Shannon) (Department of Children and Youth Affairs, 2013; Government of Ireland, 2009; Hanafin & Brooks, 2008; Houses of the Oireachtas, 2008; Joint Committee on Child Protection, 2006; Joint Committee on Justice, Defence and Equality, 2011; Office of the Minister for Children and Youth Affairs, 2008; Shannon, 2007, 2008, 2011, 2013). In the Irish National Vetting Bureau (Children and Vulnerable Persons) Act 2012, soft or specified information includes information received by the National Vetting Bureau from the police (such as that obtained during investigations) and by other organisations (such as, for example, the teaching, medical or dental councils; the Mental Health Commission; or the National Transport Authority) that – as a result of investigations, inquiries or regulatory processes – suspect that an individual may pose a risk to children. However, it must be noted that the use of such forms of soft information is not without its ethical and legal concerns. Thomas (2004) states that passing soft information such as 'details of acquittals or decisions not to prosecute where the circumstances would give cause for concern' (Thomas, 2004, citing the Home Office Circular 102/1988, Protection of children: disclosure of criminal background of those with access to children, para 17) was considered an infringement on civil liberties prior to 2002, when the Criminal Records Bureau was established in the United Kingdom.

Although thorough reference checks were one of the pre-employment screening practices most commonly identified as being necessary, many people also admitted their reluctance to share soft information with other prospective employers.

Referees' reluctance to share their concerns about a persons' suitability to work with children reflects an underlying issue that is common among both abused children and other adults in their environment when disclosing child sexual abuse. This point, although not related to the practical aspects of conducting pre-employment screening, is central to the feasibility and effectiveness of screening for criminal conviction information and other pre-employment screening practices, such as those aiming to identify sources of soft information. Without disclosure of sexual abuse, there would be no relevant criminal conviction or soft information to identify through pre-employment screening practices, no matter how comprehensive these practices are. Related to this, the low conviction rate and therefore low rate of sexual abusers with criminal records has repeatedly been raised as an issue affecting the effectiveness and feasibility of pre-employment screening practices (see, for example, Beyer, Higgins, & Bromfield, 2005; Department of Health and Human Services, 1985; Moriarty, 1990; Williams, 1991).

It is necessary to ensure that policies and procedures are in place for supervising, monitoring and responding to allegations of child sexual abuse, in addition to those that encourage disclosing child sexual abuse (for a summary of the literature available on this topic, see Irenyi et al, 2006). When combined, such practices will contribute to child sexual abuse being 'on the record' and therefore available for identification through pre-employment screening practices. The many cases presented in the report of the Commission to Inquire into Child Abuse (The Ryan Report) exemplified the need for such practices. This commission concluded that 'Cases of sexual abuse were managed with a view to minimising the risk of public disclosure and consequent damage to the institution and the Congregation. This policy resulted in the protection of the perpetrator. When lay people were discovered to have sexually abused, they were generally reported to the Gardaí [the police force of Ireland]. When a member of a Congregation was found to be abusing, it was dealt with internally and was not reported to the Gardaí' (p. 454, volume IV, chapter 6, Government of Ireland, 2009). The National Crime Agency (NCA) (2013) presented a case where a high level of child sexual abuse took place in a care home. Although concerns were escalating, key reports relating to allegations made by children were misplaced. They concluded that this was partly because 'Fragmented leadership combined with a demoralised workforce to stifle reporting, and appropriate pathways for making complaints were unclear' (p. 26, National Crime Agency, 2013). The case explored in the Ministerial Inquiry into the Employment of a Convicted Sex Offender in the Education Sector in New Zealand also highlighted this issue. Even after the sex offender had been arrested and physically removed from the school, the principal did not report this information to the New Zealand Teachers Council (NZTC). The principal erroneously assumed that this information would get to the NZTC through the police and had not realised the obligation to report this event (Smith & Aitken, 2012).

One of the evaluations included in this scoping review (Kozlowski, 2000) presented an interesting case that highlights the futility of conducting pre-employment screening for criminal background information when no such information exists. In this case, a plaintiff, who was repeatedly molested by his scoutmaster, claimed the Scouts were negligent in hiring the scoutmaster without a proper background check. However, the appeals court found the Scouts were not negligent in their hiring practices as there was 'no information accessible to the Scouts that would cause them to suspect that Paz [the scoutmaster] had a propensity to molest children' (p. 38, Kozlowski, 2000, citing appeals court decision). This decision reflects the fact that, when



no criminal background or soft information exists regarding an individual's suitability to work with children, pre-employment screening practices are futile. In this case, the appeals court took this line of reasoning one step further, concluding that an organisation could not be found culpable for failing to conduct a criminal background check when no information about a person's criminal background was available.

In their narrative review of the literature, Irenyi et al (2006) identified key components necessary to minimise the risk of child maltreatment in organisational settings. When combined, these components build a 'positive organisational culture' where adults and children are confident that disclosure will be responded to appropriately; children are treated as individuals with rights; inappropriate behaviour is not tolerated; management styles are open and egalitarian; both adults and children feel confident to raise concerns; all paid and unpaid staff are trained in and have knowledge of aspects of child abuse such as child and adult grooming; and there is a focus on being 'child friendly' and not just 'child safe' (for references supporting the need for each of these components, see Irenyi et al, 2006).

The need to disqualify people identified as unsuitable to work with children following pre-employment screening was implicit in all of the literature identified in this scoping review. This is not surprising given the fact that without the intention to disqualify people who are shown to be unsuitable to work with children based on pre-employment screening practices such practices are pointless. Nevertheless, case examples presented and examined in the included evaluations highlighted that the enforcement of such employment prohibitions, even in the face of evidence of child sexual abuse, was not always a matter of course. This highlights the importance of employment prohibitions related to Negative Notices on Working With Children Checks in Australia, and the associated penalties for any individuals and organisations not adhering to these prohibitions.

Only one of the studies included in this scoping review included an evaluation of concerns related to possible infringements on a person's right to privacy, rehabilitation and employment; namely, the Australian Attorney-General's Department (2011). Their review considered concerns related to sharing information about pardoned, quashed or served Commonwealth criminal convictions (as allowed by Subdivision A of Division 6 of Part VIIC of the *Crimes Act 1914*). A number of the bodies invited to share their views on the operation of Subdivision A raised such concerns. However, the Attorney-General's Department (2011) reported that no formal complaints had been received by the information and privacy bodies that responded to the review, including the Office of the Australian Information Commissioner. Furthermore, they reported that, based on information obtained in the review, the screening agencies appear to comply with relevant safeguards aimed at ensuring 'that information provided under Subdivision A is only disclosed where there is a legislative requirement to do so, and is treated in accordance with relevant privacy laws' (p. 17). The Attorney-General's Department (2011) acknowledges privacy concerns raised by respondents, concluding that 'Although information received by the review does not suggest that the provisions have had an unjust impact on people seeking to work with children, further monitoring is required to establish with greater certainty whether or not any issues are arising' (p. 17).

The Irish Joint Committee on Child Protection (2006, also included in this scoping review) touch on this issue in association with their recommendation that 'further study of the means by which a comprehensive vetting system incorporating "soft information" might be established' (p. 88). However, they did not report any findings where their analyses of submissions to the Committee resulted in a possible infringement on a person's right to privacy, rehabilitation and employment.

The Joint Committee on Child Protection (2006) appears to dismiss the possibility that such ethical concerns preclude the use of soft information in screening practices, stating that '[t]he Committee does not consider that the constitutional protection of the good name of the citizen is an insurmountable obstacle to achieving this aim. [...] The Constitution does not prohibit this; what it requires is that the good name of the individual be protected from unjust attack and, in the case of injustice done, that the State, by its laws, should vindicate the good name of the citizen. There is no injustice in the State's putting in place the means to assess the suitability of individuals to engage in occupations or become involved in situations where they may have unsupervised access to children, and providing the means for publishing that assessment.' (p. 87, citing Article 40.3.2 of the Constitution of the Republic of Ireland). However, the Irish Special Rapporteur on Child Protection was later more cautious (Shannon, 2013), noting that while recent legislative measures are welcome (including the Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012, the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and the Children First Bill 2012), '[t]he application of these provisions will have to take account of the competing rights of privacy and a good name as protected under the Constitution' (p. 13).

Although only one evaluation identified in this scoping review reported findings related to possible infringements on an individual's right to privacy, rehabilitation and employment, we must stress that identifying such ethical studies was not the primary aim of this scoping review. Such ethical concerns may be addressed in, for example, opinion pieces that were excluded from this scoping review, as its primary aim was to identify evaluations on the effectiveness of pre-employment screening practices that aim to prevent child sexual abuse. We raise this issue in this section simply to stress the need to incorporate knowledge of ethical implications when considering the implementation of such practices.

In summary, the literature available provides many insights into the need for comprehensive pre-employment screening practices, which include criminal background checks as well as other pre-employment screening approaches, such as those that aim to identify soft information. Furthermore, there is a need for clear legislation permitting employment prohibitions based on the outcomes of pre-employment screening practices. However, many legitimate concerns were raised in relation to such pre-employment screening practices, such as, the costs and time delays associated with criminal background checks, or the risk that an applicant will take measures to conceal their identity and history. Additionally, consideration must be given to potential infringements on an individual's right to privacy, rehabilitation and employment, both before implementation and during the subsequent monitoring, evaluation and revision of such practices.

## **5.5 Limitations of this scoping review**

As stated in the scoping review methods, the aim of a scoping review is to systematically and transparently 'scope' or 'map' the nature and extent of the literature available, both published and unpublished, in a particular area of research. This was achieved through systematic searches of an extensive list of electronic databases and websites, manually searching website publication lists (when no search engine was available), contacting experts in the field and searching the reference lists of potentially relevant studies. It is important to note that scoping reviews do not assess study rigor, bias, or the effectiveness of the interventions or approaches being tested (Arksey & O'Malley, 2005).

However, due to the time-limited nature of this project, several methodological decisions were made that may have a bearing on the results of this study. First, while the search terms used were fairly inclusive, an expanded list might have yielded more studies. For example, the set phrase 'sex\* abus\*' was used to cover such terms as 'sexual abuse', 'sexually abused', 'sexually abusive' and 'sexual abusers'. An expanded form of this set phrase would be to search for the terms 'sex\*' and 'abus\*' near each other in a sentence, but perhaps in another order (for example, 'children who have been abused sexually') or with words in between ('many children were abused at this institution, often sexually', for instance). We also did not cover such terms as 'sexual assault' or similar, and these may have allowed us to find more relevant evaluations. That said, the possible derivations of terms employed cover the majority of studies in this area. Another factor that reduces the impact of the decision not to expand the search terms is the fact that the majority of the potentially relevant papers and the included evaluations in this scoping review were reports identified through the tailored website searches. Furthermore, the reference list checking and extensive tailored website searches provide assurance that the vast majority of applicable studies were located.

Another decision that may have yielded more studies was to disregard (albeit transparently) studies that were identified as possibly relevant but were not available online (n=27). We note, however, that when an organisation's website had a free 'request a publication' service (either an online form or an email address), a request was made for an electronic copy (such as a PDF or Word document) of all of the potentially relevant papers identified through all search approaches. Nonetheless, we believe that this compromise was acceptable, as almost all of these papers were quite dated. Of the 27 unavailable papers, 22 (81 per cent) were published before 2000 (see Appendix 1 for a complete list of excluded studies). We felt that, given the nature of the work conducted by the Royal Commission into Institutional Responses to Child Sexual Abuse, the time was better spent providing more rigorous summaries of later studies.

In addition, this scoping review differed from the approach of a systematic review in that it did not involve any contact with the authors of the eligible evaluations in order to ask for clarification or additional sources of unpublished information.

We have based our definitions of different study designs on those presented in the EPPI-Centre Keywording Strategy for Classifying Education Research (EPPI-Centre Keywording Strategy for Classifying Education Research, Version 0.9.7, 2003). These definitions were designed on 'pragmatic grounds' (EPPI-Centre Keywording Strategy for Classifying Education Research, Version 0.9.7, 2003, section A.13, pp. 12–13), and although we found them to be particularly useful for this scoping exercise, future syntheses of the evidence (such as rapid evidence assessments or systematic reviews) may need to redefine these study design classifications based on more rigorous statistical and research design principles.

## **5.6 Concluding remarks**

That this scoping review did not reveal any rigorous evaluations of the effects of pre-employment screening practices on rates of child sexual abuse is not surprising given the methodological difficulties inherent to this issue. However, the literature available provides many insights into the need for comprehensive pre-employment screening practices that include criminal background checks as well as other pre-employment screening approaches, such as those that aim to identify soft information.

The need for comprehensive pre-employment screening practices was supported and underscored by many case examples, as well as the opinions of key stakeholders identified by the authors of the included evaluations through qualitative analyses of surveys and submissions or hearings held by governmental bodies or commissions. Furthermore, the need for clear legislation permitting employment prohibitions based on the outcomes of pre-employment screening practices was raised. However, many legitimate concerns were also raised in relation to such pre-employment screening practices, such as concerns about costs and time delays associated with criminal background checks, or the risk that an applicant will take measures to conceal their identity and history. Additionally, consideration must be given to potential infringements on an individual's right to privacy, rehabilitation and employment both before implementation and during the subsequent monitoring, evaluation and revision of such practices.

The potential deterrent effect of comprehensive pre-employment screening practices may never be able to be quantified, but should not be disregarded solely for that reason. When combined with other policies and practices that promote a positive organisational culture, the literature on comprehensive pre-employment screening practices suggests that such practices likely contribute to safeguarding children against child sexual abuse.

## 6. References

(Includes only references cited in the text of this report. Refer to Table 1 for citation details of the 25 studies included in this review. Refer to Appendix 3 for details of all 270 excluded papers, listed by exclusion category – see section 3.2.2.)

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## **7. List of appendices in accompanying documents**

Appendix 1: Citation details of all 270 excluded papers by exclusion category

Appendix 2: Blank data extraction form

Appendix 3: Completed data extraction forms for each of the 25 included reports



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