

# Pre-Employment Safety Screening.

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## • 1. Procedure Statement

At RCH appropriate employment screening procedures will be adopted in the recruitment and placement of staff, students and volunteers.

To comply with this procedure, Staff, Students, Volunteers, Observers, Contractors and Honorary Appointments must undergo a National Police Record Check and a Working With Children (WWC) Check. A visiting Observer (Australian or International) where the period of visitation is greater than 14 days must also comply with this procedure.

A National Police Certificate is different to a WWC Check and each must be applied for separately.

The WWC Check is an initiative of the Victorian Government and is administered by the Department of Justice. The WWC Check helps to protect children from sexual or physical harm by checking a person's criminal history for serious sexual, violence or drug offences and findings from professional disciplinary bodies. The introduction of the WWC Check creates a mandatory minimum checking standard across Victoria. *The RCH is designated as a Paediatric Ward for the purposes of compliance with the Working With Children Act 2005. Therefore all work conducted on Hospital premises is considered 'child related'.*

A National Police Certificate, alternately named a Police Check, is a background check on an individuals name against criminal history records from across Australia from the previous ten years.

All employment with The RCH is subject to and conditional upon a satisfactory clearance of WWC Check and Police Check.

## 2. Related Procedures

- [Appointment, Promotions & Transfer](#)
- [Fixed Term Appointment](#)
- [Appointment of Medical Observer](#)
- [Senior Medical Staff Appointment & Recruitment](#)

### 3. Definition of Terms

**National Police Record Check** is a national criminal history record check conducted by Victoria Police.

**Fit2WorkCheck** is an online criminal history record check.

**Working With Children (WWC) Check** is a check on a person's criminal history for serious sexual, violence or drug offences and findings from professional disciplinary bodies.

**Department of Justice (DOJ)** is the Government body in which the legislation and administration of the WWC check sits in the State of Victoria .

### 4. Scope

#### 4.1 Persons covered by this Procedure

- All internal and external applicants for employment at RCH.
- All interstate and international applicants for employment at RCH.
- Murdoch Children's Research Institute (MCRI), Melbourne University and Genetic Health Services Victoria (GHSV) staff and their external staff.
- All undergraduate and post graduate students undertaking a clinical placement.
- Observers and Honorary Appointments
- Volunteers
- Visiting staff
- Casual Bank staff

The nature of the employment such as whether it is permanent or temporary, full time, part time, casual or agency does not alter the requirement that a National Police Record Check and WWC Check is undertaken.

#### 4.2 Exceptional Circumstances

##### 4.2.1 National Police Checks

- In exceptional circumstances for urgent operational requirements, the CEO may consent in writing to an individual providing services or commencing employment at RCH before the result of a National Police Record Check is known.
- The CEO must record in writing the operational reasons which justify waiving the usual requirement that all service providers or new employees undergo a National Police Record Check.

##### 4.2.2 WWC Checks

The following categories do not require a WWC Check:

- Secondary School Work Experience Students under the age of 18 years.

- An 18 or 19 year old student volunteer where your volunteer work has been organised by your educational institution.
- Teachers who hold a current Victoria Institution of Teaching (VIT) Card.

### **4.3 How to comply?**

#### **4.3.1 New Staff members, MCRI, Melbourne Uni and GHSV Staff**

- All new staff must provide People & Culture with a National Police Certificate or complete a Fit2Work form along with 100 points of ID to People & Culture to conduct the check. New staff will be required to pay for their own Police Check ( See 5.1)
- All new staff must provide evidence of a WWC Check before commencement. Evidence includes the Application Receipt number as a result of the lodgment of a WWC Check at Australia Post Outlet or a copy of a current WWC Check card.
- On renewal, all staff must supply Human Resources with a copy of their renewal receipt or photocopy of their renewed card. Staff covered by the procedure are not permitted to continue to work on the RCH site until such time as they provide a copy of the updated WWC check or lodgment receipt.

#### **4.3.2 Interstate and International Appointments**

- Interstate applicants will need to contact the Victorian Department of Justice (DOJ) for an application form and lodge their application directly with an Australia Post outlet. Non Victorian WWC cards are not valid in Victoria.
- People & Culture and Victoria Police do not conduct international checks. International checks are subject to the legislation of the country where the person was a resident. Any overseas applicant should contact the relevant overseas police force to obtain a criminal or police records check. The certificate must be in English, or certified translation in English and not be older than three months at time of arrival at RCH.
- If an overseas applicant is unable to provide a police record check from their country of origin because of local difficulties, People & Culture must be contacted for guidance on reference checking and verifying an applicant's identity.
- International applicants can apply for the WWC check upon arrival in Victoria at any participating Australia Post outlet.

#### **4.3.3 Undergraduate and Postgraduate Students on Placement at RCH**

- RCH's Relationship Agreement with the University of Melbourne and its Student Clinical Placement Agreements with the tertiary institutions from which it accepts students place the obligation to obtain evidence of a National Police Record Check and a WWC Check on the tertiary institution who requests the placement. Information about students is provided to People & Culture before the placement commences in accordance with procedure agreed with the tertiary institution.
- In the case of students undergoing placement, National Police Certificates are considered valid for the current university year.

#### 4.3.4 Work Experience Students on Placement at RCH

- Victoria Police do not conduct National Police Record checks of persons aged 16 years or under. Work experience students in this age category will not require a National Police Record Check before commencing at RCH.
- WWC checks are only conducted with those over the age of 18 years old.

#### 4.3.5 Observer

An Observer must be 'directly supervised' at all times whilst in the Hospital. They should not be left alone with a patient of the Hospital or allowed to conduct child related work.

A Supervisor is defined as a person who has the role of overseeing the visit by an Observer. To be considered 'directly supervised', the supervision must:

- Be undertaken by a person who has a WWC Check and Police Check.
- The Supervisor must accompany the Observer at all times.

Direct supervision, although requiring a constant physical presence, should be done so using a common sense approach; for example, the supervisor may leave the room for a toilet break or to make a phone call.

Australian based Applicants are required to provide the following:

- A certified copy of their current police clearance (not older than three months at the time of arrival at RCH) from their home State or Territory.
- Where the State or Territory has a reciprocal WWC Check legislation, the Observer must provide a WWC Check from their home State or Territory.
- Where the period of observership is greater than 14 days the Observer must provide evidence of their Victorian WWC Check card/application.

International based Applicants:

Observers, visiting Professors or other Eminent International visitors will be required to provide a police clearance certificate from their home country. The certificate must be:

- In English, or certified translation in English.
- Not be older than three months at time of arrival at RCH.
- Where the period of observership is greater than 14 days, in addition to the police clearance, the medical observer must provide evidence of their Victorian WWC Check card/application.

#### 4.4 Volunteers

- The RCH Volunteers office is responsible for obtaining the Consent to Check and Release National Police Record and WWC Check from all prospective RCH volunteers.

#### **4.5 All new applicants are able to commence upon satisfactory assessment of the police record check results and the WWC check application (which must be provided to People & Culture).**

Those who have not completed these checks or cannot provide satisfactory assessment will not be able to commence employment at RCH.

An employee's ongoing employment is subject to and conditional upon the return of a satisfactory National Police Certificate and a satisfactory WWC Check. Further, if at any time during employment with the Hospital, the employee is charged with a serious offence, the employee is obliged to immediately notify their line manager/supervisor and the People & Culture Department of all the relevant details of the charges that they are facing.

## **5. Procedure details - National Police Check**

### **5.1 National Police Checks**

When a National Police Record Check is conducted it is done as a nation-wide name check. If information is obtained about a police record from a state or territory outside Victoria, the legislation which applies in that jurisdiction is applied to the information before it is released.

#### **At the recruitment interview:**

- When positions are advertised, the advertisement must contain information that the appointment is subject to a satisfactory National Police Record Check.
- At interview, the Applicant is informed that the successful candidate will need to complete a National Police check and any appointment is subject to a satisfactory National Police Record Check. Applicants and interviewers need to comply with the requirements on the form in regard to proof of identity documents.

A Police Check can be obtained via the following means;

- **OPTION 1** - Provide RCH with a certified copy of the National Police Record Check conducted by Victoria Police, provided it is within 3 months from the join date; or
- **OPTION 2** - Complete a Fit2Work form [online](#) and submit the form and pay for it at Australia Post along with 100 points of ID. The Check is then provided to RCH; or
- **OPTION 3** - Complete a Fit2Work form and the authority to deduct \$40.60 (inc GST) from the first pay and submit the form along with certified copies of 100 ID points to the Royal Children's Hospital as part of the new starter paperwork.

#### **Fit2work check via People & Culture:**

- The fit2work system allows designated authorised officers to login and perform online National Criminal History Record Checks on prospective/current staff and volunteers without having to engage a third party to help in the process. RCH has appointed 5 authorised officers to facilitate this process who are all members of People & Culture and Medical Workforce Unit teams. (Note fit2work will not conduct international criminal history checks)
- The fit2work system interrogates the National AFP database (all 8 police jurisdictions - Federal, NSW, VIC, QLD, SA, NT, WA and TAS) in real time and is currently the only system permitted to do this. This direct access allows most checks (75-80%) to be returned within 60 seconds unless some sort of 'match' or further enquiry is required.
- In order to perform the Criminal History check, the applicant / employee must first give their consent to undergo the check itself and provide People & Culture with 100 points of identification and provide a signed authority to deduct the cost of the fit2work check costs.
- People & Culture will distribute the necessary, documentation including consent forms and instructions for the 100 points identification process once the successful/preferred candidate has been identified by the hiring manager. Once this information has been returned to People & Culture / Junior Medical Staff Department, the checks may be conducted via the fit2work system.
- **Please Note:**
  - A 'match' or further enquiry does not necessarily indicate any actual criminal record, it could be that there are several names of a similar nature in the database and a straightforward check cannot be conducted.
  - Approximately 80% of check results are processed and received immediately once lodged by RCH.
  - 20% will be referred for Manual Processing, which means it can take up to 20 business days for a result to be released.
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  - the commencement date may change to a date after the result is known.

#### **Police check via Victoria Police process:**

- A *Consent to Check and Release National Police Record* form can be print from Victoria Police website. Once completed the applicant is to post to Victoria Police along with payment and 100 points of ID.
- If an applicant submits a Consent to check and Release National Police Record, Victoria Police advise that processing a *Consent to Check and Release National Police Record* takes a minimum of 10 days, however, the processing can take longer and the applicant cannot start until it is received.
- Once the check has been received back from Victoria Police a copy is to be given to People & Culture.

#### **5.1.2 Period of Validity**

- After processing the request, the National Police Certificate is current only at the date of issue. RCH establishes that a National Police Certificate to be valid for a period of three months.
- If the National Police Certificate reveals a disclosable outcome, RCH People & Culture must undertake an assessment of the suitability of the Applicant to be employed at RCH. People & Culture must make a recommendation to the relevant RCH Executive Director as to whether the Applicant should be employed at RCH.

### **Criteria to Assess Suitability of Applicant with Disclosable Outcome**

Criteria used by the DHS and which must be applied by RCH People & Culture when undertaking an assessment of the suitability of an Applicant with a disclosable outcome are as follows:

- i. The relevance of the criminal offence in relation to the job or placement;
- ii. The nature of the offence and the relationship of the offence to the particular job or placement for which the applicant is being considered;
- iii. The length of time since the offence took place;
- iv. Whether the person was convicted or found guilty and placed on a bond;
- v. Whether there is evidence of an extended police record;
- vi. The number of offences committed which may establish a pattern of behaviour which renders the applicant unsuitable;
- vii. Whether the offence was committed as an adult or a juvenile;
- viii. The severity of punishment imposed;
- ix. Whether the offence is still a crime, that is, has the offence now been decriminalized;
- x. Whether there are other factors that may be relevant for consideration;
- xi. The person 's general character since the offence was committed; and
- xii. The length of time since the offence took place.

If the RCH Executive Director wishes to employ an Applicant with a disclosable outcome, the CEO must be informed and confirm consent of the employment of the applicant in writing. The CEO's written consent must be stored with the Applicant's personnel file.

Any decision not to employ an Applicant due to a criminal record (and the reasons for the decision) must be communicated back to the individual by the Department Manager or People & Culture. In these circumstances, the National Police Certificate

can be made available for the applicant to view (please note: a copy of the National Police Certificate will not be provided to the Applicant concerned).

Where an Applicant feels aggrieved, he or she may discuss the decision with the Divisional HR Partner in the first instance. If the matter is still not resolved to the applicants satisfaction, it should be referred to the relevant Executive Director. Issues in relation to the actual content of the National Police Record Check need to be referred directly to Victoria Police.

## **6. Procedure details - Working With Children Check**

### **6.2 WWC Checks**

#### **6.2.1 Applying for a WWC Check**

- Application forms will be sent out to all new staff along with their new starter pack. They can also be requested directly from DOJ or obtained at any Australia Post outlet.
- The form is to be completed and lodged at any Australia Post outlet along with 100 points of ID and payment. If, after an application has been lodged, a staff member is charged, convicted or sentenced with any criminal offence, the staff member must inform RCH and the DOJ within 7 days of all the relevant details.
- Once lodged a copy of the receipt is to be submitted to People & Culture.
- Individuals are responsible for costs associated with application and ongoing renewal of a WWC Check

#### **6.2.2 Period of Validity & Maintenance**

- It is the employee's obligation to ensure they always have a valid WWC Check (valid for 5 years, see date on the WWC card) while working at The Royal Children's Hospital. While an employee holds a WWC Check, the employee must inform RCH and the DOJ if they are charged, convicted or sentenced with any criminal offence within 7 days. Failure to comply with this instruction is a breach of WWC Check obligations and the employee's contract of employment with RCH.
- It is the employee's obligation to notify the employer if your assessment status changes during employment.
- It is the employee's obligation to change the employer details with the DOJ WWC Unit
- DOJ will notify the employee 2 months before their WWC check is to expire. It is the employees responsibility to action this letter at an Australian Post Office and then to notify People & Culture at the RCH of the new expiry date with a copy of the receipt or photocopy of the renewed card.
- People & Culture will maintain a database of staff and their WWC Check expiry dates. If your name, address and/or phone numbers change while you hold a WWC Check, you must inform the Department of Justice within 21 days of this change.



### **6.2.3 Interim Negative Notice (category 2 and 3 applicants as identified in the WWC check, Act 2005)**

- When a staff member receives an Interim Negative Notice, the staff member will be asked to make a submission in writing to the DOJ by a due date (at least 28 days from the date on the notice). If a submission is not made by the due date, a Negative Notice will be issued.
- The staff member has an obligation to inform The Royal Children's Hospital (People & Culture department or their Departmental Manager) of the interim negative notice or negative notice within 7 days.
- The Royal Children's Hospital receives an employer copy of the Interim Negative Notice from DOJ.
- A senior People & Culture staff member and the Departmental Manager will discuss the Interim Assessment Notice with the staff member, make a risk assessment in line with the guidelines in the Pre-Employment Safety Screening Policy and inform the relevant Executive Director.
- Based on the assessment and discussions, a decision will be made in regards to suspension, change in tasks to non child related work or continuation until a final assessment by the DOJ has been made.
- After consideration of the staff member's submission, the DOJ will make a final decision about the application and the person will be given either a Positive Assessment Notice or a Negative Notice.

### **6.2.4 Negative Notice (category 1 applicants and others after assessment of Interim**

- Negative Notice as identified in the WWC check, Act 2005)
- When a staff member has been issued a Negative Notice, the staff member cannot work in child related work. The staff member has an obligation to inform The Royal Children's Hospital (People & Culture department or their Departmental Manager) of the interim negative notice or negative notice within 7 days.
- The Royal Children's Hospital receives an employer copy of the Interim Negative Notice from DOJ.
- A senior People & Culture team member and the Departmental Manager will inform the relevant Executive Director to discuss termination of employment.
- The staff member's employment at RCH will be terminated immediately. The staff member should also be aware that the DOJ has restrictions on applying for a WWC Check following the receipt of a negative assessment (please click [here](#) for further details).

### **6.2.5 Checking Assessment Notice**

- People & Culture validate the Application Receipt Number or check the status of the assessment on the DOJ website.
- People & Culture receive an (Positive / Interim Negative / Negative) Assessment Notice from the DOJ.
- People & Culture record WWC Check number and expiry date.

- Those who already have a current WWC check need to contact DOJ and advise that they have been successful for in obtaining employment with RCH and that RCH are their main employer.

## 7. Responsibility

**7.1 All applicants must ensure they have completed their WWC check and national police check. If they are completing a Fit2work they must ensure they have supplied their 100 points of ID for the test to be completed by HR.**

It is the individual's responsibility to inform the People & Culture department when a Negative Interim Notice or a Negative Notice is issued.

It is the individual's responsibility to apply for a WWC Check, to include The Royal Children's Hospital as their employer and to change employer details with the Department of Justice upon leaving or joining The Royal Children's Hospital.

It is also the individual's responsibility to renew their WWC Check prior to it expiring and advising People & Culture of the new expiry date with a copy of the receipt or photocopy of the renewed card.

**7.2 All RCH Managers/Staff** involved in the recruitment of employees or volunteers and all staff with responsibility for the supervision of Observers and the supervision and or placement of undergraduate or post graduate students who attend RCH are to ensure a Police Check and WWC Check is completed as per the Procedure.

**7.3 RCH People & Culture Department** is responsible for providing information about how to obtain Police checks and WWC Checks and maintaining confidential information once they have been returned.

It is the organisation's responsibility to ensure that all employees and persons engaged by The Royal Children's Hospital have a valid WWC check.

People & Culture administers the process of checking compliance for existing employees by keeping a record of the application and / or card number and expiry dates for new employees as part of the credentialing process prior to commencement and communicates with the line manager and escalates to the Executive Director in case of non compliance.

People & Culture will inform the departmental manager and the relevant Executive Director if a Negative Interim Notice or a Negative Notice is issued. In the event of a Negative Interim Notice or a Negative Notice the organisation and the individual staff member are informed accordingly.

When a Negative Interim Notice is issued the relevant Executive Director in consultation with People & Culture conducts a risk assessment and makes the appropriate decision as per Department of Justice guidelines

When a Negative Notice is issued an employee cannot apply for or engage in child related work. People & Culture are responsible for informing the Department Head and Executive Director in order to terminate the staff member's employment , should this be necessary .

## **8. References**

Department of Justice

Victoria Police

## **9. Contacts**

Divisional HR Partner

Divisional HR Advisor

Medical Workforce Unit