



Overarching DCP Record Screening Policy

Objective

The objective of the Department's Record Screening Policy is to:

- have a high standard of record screening for people engaged by the Department (either directly or through an external organisation or funded agency) particularly in roles that work with children, young people and vulnerable adults.
- ensure that a person with an adverse criminal or departmental record is not engaged or continues their employment/services in any capacity inconsistent with the Department's duty of care towards the protection and care of children and other vulnerable people.
- ensure that the Department is compliant with the Working with Children (Criminal Record Checking) Act 2004.

Scope

Working with Children Check

The Department is committed and required by law, to ensure applicants' engaged in a paid or unpaid capacity, who are in 'child related' work as defined by the Working with Children (Criminal Record Checking) Act 2004 have applied for a Working With Children (WWC) Check within 5 days of being engaged in this work.

It is the Department's policy that no one should be engaged in child-related work (as per the Working with Children (Criminal Record Checking) Act 2004) unless they have applied for the WWC card. The only exception is where children need to be placed with a carer in an emergency situation in which case the carer must apply for the WWC card within 5 days of the children being placed in their care.

Criminal Record Check

All applicants' engaged by the Department (either directly or through an external organisation or funded agency) will also be required to have a national criminal history check. Further, applicants' (18 years of age or over) who will have contact with clients and/or children in the CEO's care or access

to clients and/or children's confidential records and who have not previously lived in Australia and/or have lived in Australia for less than 5 years, are required to complete an international criminal record check.

DCP Client and Child Protection Check

The Department will also review its own client and child protection records for applicants being engaged in positions who will have likely contact with clients, including children, and access to confidential Departmental records and persons being assessed to provide care for a child.

Human Resource Check

As part of its selection and recruitment process for all new permanent employees, the Department checks HR records to ensure that unsuitable or ineligible applicants are not employed or re-employed by the Department.

Policy Statement

Record screening checks are a compulsory part of the Department's selection and continuing employment/engagement process.

The Department is concerned to not discriminate against an applicant on the basis of a criminal and Departmental record and as part of its assessment seeks to balance the individual's rights with the Department's duty of care to its clients.

The Department undertakes an individual assessment of an applicant's particular criminal and Departmental record and the inherent requirements of the particular job and the relationship between these. There are certain circumstances however, where if the indications are such that an applicant with a particular criminal or Departmental record poses an unacceptably high risk if he or she is engaged in a particular position they may not be engaged in that position.

For a position in which a person will be, or could likely be, working with children and vulnerable clients, one of the overriding factors is to ensure that the safety and well-being of children and clients is protected. In this circumstance, an 'inherent requirement' of the position is that the individual can be trusted to work with children and clients without endangering their safety and well-being.

Certain convictions and records that relate to harming a child or an adult, such as serious offences of a sexual or violent nature, unless their are extenuating circumstances, will automatically result in the person's ineligibility to be engaged or assessed as suitable to work in client contact positions or those involving access to confidential records, with the Department and its portfolio agencies.

Individuals who are assessed as having an adverse record which leads to a decision to not engage them, or raises concerns about their continued

engagement, will be fully informed of the Department's view; be given an opportunity to respond; and, will have a right to seek a formal review of the decision according to the principles of natural justice and procedural fairness.

Each case will be considered on its merits and consistency in decision making will be applied through consultation with the Director Business Support and Coordination in the interests of fairness and equity, and to maintain legislative and Departmental standards.

People affected by this policy have the right to expect:

Processes which are culturally sensitive and ensure the:

- right to knowledge about the criminal record checking procedure;
- informal opportunity to query decisions;
- a formal invitation to seek a review of a decision not to engage them or to disclose adverse information about them;
- information disclosed will not identify the names of persons not party to the consented check;
- information disclosed will be an accurate reflection of the record circumstance and the minimum necessary in relation to the purpose of the check.

Decision making that is:

- fair, consistent, unbiased
- based only upon relevant factors consistent with the objectives of this policy;
- open and transparent to review;
- neither arbitrary or capricious.

Compliance with all relevant legislation.

The maintenance of appropriate levels of confidentiality.

All decision making processes and management practices must embody the standards of behaviour as documented in the Public Sector Code of Ethics and must reflect the spirit and intent of the Department's Code of Conduct.

Responsibilities

It is the responsibility of any employee engaged in "child related work" to apply for and maintain a current WWC card.

Effective Date

22 February 2013