



ALL SERVICES

POLICE CHECK PROCEDURE

1.0 PURPOSE

To ensure all personnel who work with or volunteer their time to Wesley Mission Victoria (WMV) do have satisfactory criminal record checks that do not negatively impact on their role within the organisation. Requirements for a Criminal History Check (CHC) are to be in line with the contractual obligations of the state and federal funding bodies and the policies of WMV.

2.0 SCOPE

- 2.1 It is a Wesley Mission Victoria (WMV) requirement that all staff, volunteers, students, agency and caregivers have undergone full pre-appointment Criminal History Checks (CHC). Requirements for a CHC are to be in line with the contractual obligations of the state and federal funding bodies.
- 2.2 All staff and volunteers are in addition required to undergo CHC's every three years.
- 2.3 WMV utilises the services of **PRM Group P/L** and are bound by a client contract.
- 2.4 The applicant cannot commence any duties until a decision is made on whether to engage them. This decision will be made based on the results of a CHC.
- 2.5 A CHC will be regarded by PRM Group as current for a period of three years from the applicant's start date only and the PRM system flags that a CHC is due for renewal.
- 2.6 If an employee or volunteer resigns and is to recommence employment/engagement with WMV after three months has expired, another CHC is required.
- 2.7 The **Working with Children Act 2005** requirements are addressed in a separate procedure where additional screening processes are required for people who volunteer or work with children (Refer *WMV HR QP 36 Working With Children Check Procedure*).
- 2.8 For staff / volunteers who have been citizens or permanent residents of another country other than Australia since turning 16 years of age, **who are unable to produce an international criminal history check**, a Statutory Declaration is required to be provided before starting in any role, stating:
- (a) that they have never been convicted of murder or sexual assault; and
 - (b) have never been convicted of, and sentenced to imprisonment for, any other form of assault in a country other than Australia.

2.9 International Checks

International CHC's are subject to the legislation of the country where the person was a resident. Applicants who have been in Australia under two years should contact the relevant overseas police force to obtain a criminal or police records certificate. They must be able to demonstrate the authenticity of the results to WMV.



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2.10 Agency Staff

In relation to agency staff, it is the responsibility of their employment agency to undertake current and twelve monthly CHC's. The agency will confirm this responsibility with WMV by providing an annual statement of compliance; and that there are no disclosable outcomes that would prohibit placement. Agencies must be on WMV's 'Approved' list.

2.11 Students

In relation to students, it is the responsibility of their respective educational institution to undertake CHC's and confirm with WMV that this has been done and that there are no disclosable outcomes that would prohibit placement.

2.12 Consultancy/Direct Contact Staff

In relation to Consultancy/direct contact staff, it is the responsibility of the consultancy / contractor agency to undertake CHC's and confirm with WMV that this has been done and that there are no disclosable outcomes that would prohibit placement.

3.0 PROCEDURE

3.1 Informed Consent

- 3.1.1 All job advertisements and associated documents must include the statement 'Position is subject to a satisfactory police records check'.
- 3.1.2 **Employees only** - once an HR QF 02 Application for Employment Form is signed by the applicant, it will be taken as their understanding that a position will only be offered once a satisfactory CHC is returned.
- 3.1.3 The requirement for a CHC at the commencement of position and every three years from this date shall be clearly stated in relevant position descriptions and terms of appointment.
- 3.1.4 The Chair of all interview panels must explain the Criminal History Check during the interview process and/or information sessions. **Annex A: Criminal History Check Information Sheet** lists the discussion topics that are required to be covered in an interview or information session.
- 3.1.5 Applicants should be informed that if they are **not** short-listed for a role their '**Consent to Check and Release National Police Record**' form will be securely destroyed and that any online records are securely maintained and deleted accordingly.

3.2 Applications for Criminal History Check (Staff / Volunteers)

- 3.2.1 All applicants are to fill in and sign a CHC Police Check Form General consent form available from "The PRM Group's" website (see www.prm.net.au). The completion of this form **must** occur with the informed consent of an employee / volunteer. This requires them to present identification which satisfies the 100-point ID check.



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3.3 When entering details into the online system

3.3.1 Program administration staff (nominated staff are set up as 'Public Users' of The PRM Group's online system) are to enter the applicant's details from their consent form into the online CHC system. The PRM Group upload all CHC to CrimTrac daily at 2pm and a result is usually available within 1-2 days.

- Be sure to select the correct 'type of employment' - for volunteers, the applicant must be legitimately unpaid staff. WMV must apply to the Australian Federal Police (AFP) for authority to submit volunteer applicants for a CHC. (*The account administrators will arrange this with The PRM Group*).
- Carefully review the online form prior to submitting in case of any errors which need to be corrected. If you realise an error has been made after submitting the form, then you must advise the Administrative Coordinator promptly to correct any errors.
- If you find an error on the printed form, **do not** – re-enter the form into the system. This will result in a **duplicate entry which you will be invoiced for**. Only the PRM Group can delete duplicate checks, and only before they are uploaded to CrimTrac daily at 2pm.

3.4 Assessment of Records

3.4.1 The Program Administration Coordinator is to check their PRM online account daily for the results of any applications, and follow up:

- A '**clear**' result is highlighted in the system in green. A certificate is attached to the online system, which can be printed for personnel file, but not handed to the individual.
- If a '**disclosable**' outcome is found (a conviction is recorded against the applicant), the applicant's name will be highlighted in orange. No details of the disclosable CHC result will be available online, however an email with the report will be sent to the Program Administrator or Regional Administration Managers (RAM's) within a couple of days of the result being flagged.
- Results **requiring further investigation** are highlighted in purple on the online system. This means that the check is being further investigated, often because the applicant has a similar name to another person and it will need to verify the correct identity of the applicant. These checks will take longer than others on the online system, as they are investigated manually.
- When a staff/volunteer check is within three months of having to be conducted again (all checks repeated every 3 years), it will be flagged in 'fire-engine red' on the online system. In such cases **another CHC must be conducted for the individual**, following the process outlined above.

3.4.2 Where an applicant withdraws from the recruitment process, their signed CHC form must be securely destroyed and any CHC application removed from the online system. If the CHC application has already been processed, the RAM's must be informed in order for them, as a system Administrator, to remove this record from the online system.



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3.5 Disclosable Outcomes

3.5.1 *An applicant (being an employee or volunteer) should not automatically be precluded from a job or placement on the basis of having a **disclosable outcome**. For any applicants with 'disclosable' results, the Manager and the Executive Manager must consult *the CEO* in making a decision on whether to engage the applicant. The Executive Manager should also consult senior management within the respective funding body. The Manager will then inform the applicant of the decision and update their local Program administration as to status of appointment.*

3.5.2 *Where an applicant has a disclosable outcome,, the Manager needs to:*

- *confirm with the applicant that the details of the disclosable record are correct*
- *ensure the assessment is conducted with consideration for the criteria listed below*
- *before employment is formally offered, a discussion occurs with the relevant DHS regional senior program manager about the intention to employ an individual with such a record*
- *following the discussion with the funding provider, the manager must obtain an email from the DHS regional senior program manager that confirms the outcome to either employ or not employ the individual (without reference to the details of the disclosable record), and*
- *any decision made for or against a person is able to be justified and is fully documented.*

3.5.3 *The Manager should give consideration to the following **assessment criteria**:*

- *the relevance of the criminal offence, in relation to the job or placement*
- *the nature of the offence and the relationship of the offence to the particular job or placement for which the applicant is being considered*
- *the length of time since the offence took place*
- *whether the person was convicted or found guilty and placed on a bond*
- *whether there is evidence of an extended police record*
- *the number of offences committed which may establish a pattern of behaviour which renders the applicant unsuitable*
- *whether the offence was committed as an adult or a juvenile*
- *the severity of punishment imposed*
- *whether the offence is still a crime, that is, has the offence now been decriminalised*
- *whether there are other factors that may be relevant for consideration, and*
- *the person's general character since the offence was committed.*



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- 3.5.4 If a decision is made **to proceed** with engaging the applicant, the WMV (and funding body as applicable) decision and rationale should be documented and forwarded to WMV Human Resources Department to securely store on the personnel file whilst the individual remains with WMV. All copies of their certificate must be securely **destroyed within 90 days**.
- 3.5.5 If an applicant **is rejected** on the grounds of a relevant police record, they must be informed of the decision and its rationale by the Manager, and provided with an opportunity to discuss the results. If the applicant believes that a significant injustice has occurred, the Manager or Executive Manager may refer the applicant to the *WMV HR QP 08 Grievance Procedure*. Once the applicant is informed of the decision, **all** copies of their certificate must be securely **destroyed within 90 days**.
- 3.5.6 **Offences Post Employment** - Once employed, staff, volunteers, students, contractors and consultants are required to report in writing to their Manager/Executive Manager the details of any occasion on which they are arrested, and/or charged with any criminal offence. This should be within 24 hours of such an event, if practicable or otherwise as soon as possible (*refer to 3.5.1 & 3.5.2*). Depending on the offence and the requirements of the staff members' position the Manager/Executive Manager will be required to determine the appropriate action.

Within Aged Care services or as required by the funding body at Wesley Mission Victoria, disclosable offence(s) post employment may lead to summary dismissal.

- 3.5.7 Where a **disclosable result is identified during a three yearly check** the Manager and the Executive Manager must consult each other *in exercising reasonable judgement on deciding* on whether to continue engaging the employee/volunteer. The decision must be based on whether the disclosable outcome impacts on the ability of the person to conduct their prescribed duties, their level of service to clients and the integrity and reputation of the organisation. *The Manager should follow the requirements of 3.5.2 and consider the criteria as identified at 3.5.3. The Executive Manager should as a courtesy consult senior management within the respective funding body.* Depending on the offence and the requirements of the staff members' position the Manager/Executive Manager will be required to determine the appropriate action. *Any decision made for or against a person is able to be justified and is fully documented.*
- 5.5.8 Where the disclosable outcome impacts negatively on the ability of the employee/volunteer to meet the requirements of their position the Manager and Executive Manager can recommend the employees/volunteers termination. *The Human Resources Manager must be consulted if termination is recommended to ensure employment and discrimination law is adhered through any termination.*

4.0 Record Keeping

- 4.1.1 Certificates issued on the PRM online system are sufficient record of a clear CHC. A report can be printed from the online system if required, however must not be given to the individual.



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- 4.1.2 Signed copies of all applications for a CHC are legally required to be held by WMV for the length of employment and archived for a minimum period of seven years. It may be required by the AFP for any reason, including audit purposes.
- 4.1.3 Where the applicant indicates that they have a criminal history, the original signed copy of the CHC application is forwarded to AFP for manual processing and a copy of the form must be securely filed at Human Resources.
- 4.1.4 Completed CHC should be regularly “archived” in the online system, using the archive function, so that the “current” list remains easy to manage/view. These can be archived as either “non-disclosable” (i.e. clear) or “disclosable”. Any checks that are due for renewal will be flagged automatically on the “current” screen, whether they have been archived or not.

5.0 Confidentiality of Criminal History Checks

- 5.1.1 The Federal Police will only release information to WMV with the consent of the individual and on the understanding that once provided it will be regarded as strictly confidential. This information must not be forwarded to any other individual or organisation.
- 5.1.2 To comply with Federal Police policy, any recording system used for audit and investigation purposes can only contain the individual’s name, date of the check and whether or not the individual was approved for employment or placement. The PRM Group’s online register complies with these requirements.

6.0 Payment

- 6.1.1 The cost of CHC conducted by the PRM Group will be borne by the program making the application.
- 6.1.2 The PRM Group will invoice on a monthly basis for all CHCs undertaken, and it is the responsibility of each *Regional Administrative Manager* to ensure that all invoices are processed for payment promptly.

References

PRM Group

General enquiries can be made by contacting calling 9325 4555; fax: 9325 4666; email: aus@prm.net.au. Information can also be obtained from the PRM website www.prm.net.au.

Instruction Manual for administrators and users of The PRM Group can be found on-line.

Criminal Records Australia

For enquiries relating to any results received, contact Criminal Records Australian Federal Police on 02 6202 3333 or via the email link on their website at www.afp.gov.au.

DHS Guidelines – Service Agreement Information Kit for Funded Organisations – 5.6 Police Records Check Policy



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ANNEX A

INFORMATION SHEET FOR PROSPECTIVE STAFF AND VOLUNTEERS

Why does Wesley need to do a criminal history check?

All staff and volunteers of Wesley Mission Victoria (WMV) are required to undergo a police records check. This includes volunteers, contractors and consultants. The information collected minimises the potential risks to our clients. WMV are also required to collect such information as part of our contractual obligations with our various funding bodies.

What is informed consent?

Victoria Police and the Australian Federal Police do not release police history information to any organisation outside the sphere of law enforcement and / or the administration of justice without the individual's written consent. In order to obtain a national police certificate you must agree to complete and sign the appropriate application form. You will be given the opportunity to read the form and ask questions. Applicants who do not provide consent for the police check will subsequently be withdrawn from the application process.

What information will Wesley receive from the CHC?

Victoria Police and the Australian Federal Police release police history information on the basis of guilt and may also release information on matters that are currently being investigated or pending a court hearing. It is important to note that a finding of guilt without conviction is still considered a finding of guilt and will be released.

What happens if a criminal history record is found?

If you are not appointed to a position at WMV due to a **relevant** disclosable outcome on your police certificate you will be provided the opportunity to discuss this and the reasons for the decision. You may also be provided with a copy of your AFP police certificate. The police certificate will be destroyed in accordance with Victorian Police and/or Australian Federal Police requirements.

Contact Information

General enquiries can be made by contacting Criminal Records, Australian Federal Police on 02 6202 3333 or via the email link on their website.

For more detailed information please visit the Australian Federal Police website www.afp.gov.au.