**Police Checks Policy**

**PURPOSE**

The purpose of this policy is to create a positive work environment that encourages the fair and lawful treatment of its employees.

Insert org name runs a diverse range of programs with varying requirements. As a part of the organisation’s wider risk management program, it is best practice to develop a robust Police Check Policy to; prevent discrimination, ensure that children and minors are adequately supervised and are not put at risk.

This policy specifically addresses legal requirements in regard to our Occasional Childcare, After School Tutoring, Ethnic Language School classes and other situations if in contact with children and/or minors.

Working with Children Checks are compulsory under the Act and are required for all persons working with children and minors under the age of 18 years.

**SCOPE**

This policy applies to all insert org name people - existing and prospective staff, volunteers, committee members, office bearers and any member who as a volunteer, is involved in or wishes to be involved in providing services to our clients.

**POLICY STATEMENT**

The Centre/House has a commitment to protect and not place at unreasonable risk, vulnerable people, members of the communities we serve, our Centre/House workforce and anyone who enters our workplace.

All Centre/House employees are in the scope of this policy and must undertake a National Criminal Check and a Working with Children Police Check prior to commencement and prior to every expiry date thereafter.

They must also inform the Manager/Coordinator or Administration Officer, if during their employment or placement with the Centre/House, they are charged with, or convicted of any criminal offence which is or reasonably may be regarded by the Centre/House as relevant to their position, or to the inherent requirements of their position.

In conducting a police check, our organisation demonstrates due diligence, equity and fairness in its selection and appointment of existing and prospective insert org name people. The Centre/House obtains all Criminal History records using an accredited CrimCheck agency, approved to access the CrimCheck National Police Checking (and tracking) Service.

The Centre/House will not accept previous police checks, however, where an applicant has not resided in Australia or has recently arrived in Australia, the Centre will request the applicant to provide an international police clearance, or other suitable records/documentation.

In conducting police checks, including Working with Children Checks, the Centre/House will always comply with:

* all relevant legislation of the State and Commonwealth
* any state and territory or local authority, in particular legislation which prevents discrimination on the basis of criminal records
* the Commonwealth Spent Convictions Scheme
* its obligations as set out in the Contract with the CrimCheck Accredited Agency.

This policy sets out the Centre/House’s approach to obtaining a National Criminal Police check and Working with Children Check, as a pre-requisite for employment and / or placement in all Centre/House positions and as a condition of the continuing nature of that relationship.

**PROCEDURES**

In regard to Police checks for volunteers engaged directly by the Centre/House, the Centre/House will

bear the cost of required checks prior to commencement. Police and Working with Children Checks

remain the property of the organisation or individual to whom it was sent.

Volunteers/student on placements, referred to us through agencies must be provided with police checks and the agency shall cover the costs.

Paid positions must provide the above checks at their own expense upon request, unless arranged otherwise with the Manager/Coordinator.

Casual or temporary staff members engaged through an agency will need to produce results of National Criminal and WWC Police checks for consideration, every time they commence a period of employment. Cost to be borne by referring agency.

It is the responsibility of this Centre/House to:

* Check appropriate processes are in place to ensure fairness and confidentiality in considering results of police checks
* Verify result of check is authentic and issued within the last 6 months
* Consider if there is anything in the check to prevent person attending the service
* Ensure appropriate records are kept
* Inform prospective staff/volunteer of reason for check and if they refuse a Police or WWC check this may exclude them from attending the service.

All Police checks will be conducted in conjunction with normal recruitment processes, based on merit - free of discrimination.

If any check shows convictions, opportunity will be given to explain the incident as is stated and in the Adverse Police/WWC Check Policy. This Policy must be followed in these circumstances. All Police and WWC checks will remain confidential.

With regard to the Childcare Service, the representative of the Licensee and the Primary Nominee only will be allowed access to the Checks of Childcare Service – related persons.

**Responsibilities**

Compliance with this policy:

* all people referred to in the scope are required to comply with this policy
* Authorising Officer (Manager/Coordinator) and Authorised Personnel; is responsible for and have the authority to request a police check through our preferred CrimCheck broker
* must protect Police History Information at all times
* must not retain or reproduce Police History Information
* is responsible for the overall management of Police History Information
* assesses all disclosable outcomes on a case by case basis against the inherent and / or essential requirements of the position
* acts as the point of contact for the insert org name workforce for matters relating to police checks, this policy and associated procedures and guidelines.

**DEFINITIONS**

As identified in the chart below:

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| --- | --- |
| **Item** | **Definition** |
| Authorised Officer (AO) | Designated Human Resources staff who are authorised to request police checks, handle Police History Information (PHI) and other data relevant to applicants.  |
| Applicant | An individual who provides written informed consent to authorise ABC Company to conduct a police check of their name |
| Disclosable outcome | Record of court convictions and findings of guilt, to which provisions of relevant spent convictions / non-disclosable legislation and / or information release policies have been applied. |
| Spent convictions | Refers to the Commonwealth Spent Convictions Scheme. The scheme allows a person to disregard some old criminal convictions after ten years (or five if a juvenile offender) and provides protection against unauthorised use and disclosure of this information |

**Legislative Framework**

* Privacy Act 1988 (Cth)
* Crimes Act 1914 (Cth)
* Freedom of Information Act 1982 (Cth)
* Family Assistance Law Act – 14 (C’Wealth)

**Related Documents**

* Human Rights and Equal Opportunity Commission – ‘On the Record – Guidelines for the prevention of discrimination in employment on the basis of a criminal record’
* Commonwealth Spent Convictions Scheme
* Access and Equity Policy
* Adverse Police/WWCC Policy
* Privacy and Procedure

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| --- | --- | --- | --- |
| Policy/Procedure name | Police Checks Policy  | Version | 1 |
| Policy number | Insert Policy Number | Date developed | Insert Month/Year |
| Drafted by  | Manager/Coordinator | Approved by CoM | Insert Month/Year |
| Responsible person | Manager/Coordinator | Scheduled review date | Insert Month/Year |
| Policy Area | Operational |