

Police Checks

Victorian Standard

Introduction

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Best practice to maximise the safety and health of children and young people requires that all applicants for paid and unpaid work involving actual or potential access to children or young people should undergo a rigorous assessment of suitability prior to employment or placement. This assessment includes the consideration of any police record that may make the person unsuitable for the role.

This standard is based on Department of Human Services and Victoria Police guidelines. It is important to note at the outset that police records checks are not in themselves a rigorous assessment of suitability. Police records checks should be conducted as part of a comprehensive approach to pre-employment screening and ongoing staff supervision. Other essential elements of good child protection practice include:

- Structured reference checks;
- Clear, written job descriptions (including assessment criteria);
- Well-planned job interviews;
- A staff and volunteer induction program;
- A structured process of staff supervision and support; and
- A comprehensive complaints process to ensure that any concerns are dealt with promptly and fairly.

Advice in relation to these and other relevant matters can be found in the Council's Child Protection Policy Standard, based on the "Choose With Care" framework developed by Child Wise Australia. For a copy of the Child Protection Standard simply email your request to accyo@escor.com.au or phone The Australian Council for Children & Youth Organisations on (03) 9804 8521.

The following standard outlines the minimum requirements in relation to conducting police records checks in Victoria.

1 Who is protected?

This standard provides protection for any person under 18 years of age. There are also additional classes of people aged 18 and over who are regarded by the Department of Human Services as being at risk. A full listing of children and young people at risk is contained in Appendix 1.

2 Categories of people to whom this standard applies:

This standard applies to the following classes of people whose role involves actual or potential unsupervised access to children and young people:

- Full-time staff
- Part-time staff
- Casual and relieving staff
- Contract staff
- Managers of direct care staff

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2 Categories of people to whom this standard applies:

continued

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- Volunteers working with children and young people
- Primary caregivers (including but not limited to foster parents, other home-based caregivers, mentors etc.)
- Students on short-term placement
- Volunteers assisting during an industrial dispute.

3 When should a Police Check be conducted ?

Police Checks are required when:

- An employee or volunteer is first employed in or transferred to a direct client contact role;
- A student is placed in the organisation in each year of their course of studies;
- A temporary staff member or volunteer is engaged in a direct client contact role.

4 Steps prior to interview

All of the following must contain notification that any offer of paid employment or voluntary placement will be subject to a satisfactory police records check:

- Job advertisement
- Written position description
- Application form

The applicant should be provided with a 'Consent to Check and Release National Police Record' form (hereafter referred to as the 'consent form') prior to interview.

The applicant should also be advised in advance to bring at least one original photographic proof of identity document (driver's licence or passport) and a birth certificate to the interview.

5 Identification of applicants

The applicant must provide the two original forms of identification referred to above at interview. (Note: the use of a photographic proof of identity together with birth certificate reduces the likelihood of false identification being produced.)

Copies should be made of both original forms of identification and retained by the organisation - and the originals returned to the applicant.



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6 The Consent Form

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Consent forms can be obtained on-line from the “Forms & Permits” section at www.police.vic.gov.au

A completed consent form should be signed by the applicant and witnessed as part of the interview process.

The consent form of the preferred applicant should be forwarded to the Victoria Police.

7 Submitting form and payment

Current costs are as follows:

- Paid staff: \$24
- Volunteers: \$12 (by prior arrangement with Victoria Police)

Organisations are entitled to request job applicants and volunteers to cover their own costs in relation to applying for a police check. Alternatively, organisations can take responsibility for the cost. This is a matter for the organisation’s discretion.

Full details regarding submitting the form and payment (including how to apply for the volunteer discount) can be downloaded from the Victoria Police website: www.police.vic.gov.au

Documents available from the Victoria Police website are:

- ‘Consent to Check and Release National Police Record’ form;
- ‘Procedure for Organisations Conducting National Police Checks’;
- ‘Police Records Information Release Policy - Information Sheet’; and
- ‘Application Form for the Volunteer Fee.’

For organisations which do not have internet access, the forms can also be requested from Victoria Police Public Enquiry Service on ph. (03) 9247 5907

8 What is contained in a National Police Certificate?

For details of the matters disclosed in (and matters excluded from) a National Police Certificate refer to the Victoria Police ‘Police Records Information Release Policy - Information Sheet’.

9 When can the preferred applicant commence?

An offer of paid employment or voluntary placement should not be made until the National Police Certificate has been received and assessed.

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10 Receipt of National Police Certificate

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In the event that the National Police Certificate contains **no disclosable court outcomes and/or pending matters** (and other screening procedures such as reference checks have been completed) an offer of employment may be made.

In the event that the National Police Certificate results in a **disclosable court outcome and/or pending matter** the organisation will need to make an assessment of suitability.

It is important to note at the outset that an applicant should not be automatically precluded from a job or placement on the basis of having a police record.

Against this, it should also be noted that it is not unlawful to discriminate against a person on the grounds of a relevant police records check result. A series of suggested criteria for assessing suitability is contained in **Appendix 2**. The process for determining the applicant's suitability should ensure that:

- an assessment of suitability is made in accordance with the written assessment criteria for the role;
- the applicant is provided with an opportunity to respond to the contents of the police record;
- a recommendation is provided to a senior manager for decision;
- any decision made for or against a person is able to be justified; and
- the completed check, manager's decision and written reasons for decision are stored in a secure location and state whether the police records check was satisfactory or unsatisfactory. **Note: details of the applicant's police record (if any) must not be included in any written record.**

11 Decision not to employ due to police record

A decision not to employ or place an applicant because of a National Police Records Check result and the rationale for the decision must be communicated to the applicant.

A person denied employment or placement because of a National Police Records Check is to be provided with the opportunity to discuss the results and the rationale for the decision. This will usually involve the individual contacting the Victoria Police Public Enquiry Service to have the matter reviewed.

If the applicant believes that a significant injustice has occurred an avenue for review of the decision must be made available.

An additional copy of the completed National Police Certificate must not be provided to the applicant. If the applicant requests a copy, they should be referred to the Victoria Police for this purpose.



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12 Student placements

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For guidelines in relation to Police Checks for students working within an organisation as part of a short-term course placement refer to **Appendix 3**.

13 International records

The Victoria Police **do not** conduct international checks. International checks are subject to the legislation of the country where the person was a resident. Any applicant from overseas should contact the relevant overseas police force to obtain a criminal or police records check. **Note:** Some countries will not release information regarding an individual for personal or third party purposes.

Where police records checks cannot be made, referee checks must be conducted with a number of individuals who personally knew the individual while they were residing in the other country. **Note:** The credentials of a person acting 12 as a referee must be verified and can include previous employers, government officials, and family members. Overseas applicants should not commence until this process is satisfactorily completed.

14 Privacy and confidentiality

Victoria Police releases information to employers, community groups and other organisations only with the consent of the individual concerned and on the understanding that once released it will be regarded as strictly confidential. If an individual authorises that the result of his/her police check be sent directly to your organisation, it must not subsequently be forwarded to any other individual (including the subject of the check) or organisation and must not be incorporated into any manual or electronic database or filing system.

15 The keeping and destruction of records

(a) Consent forms: Once an appointment has been made the consent forms of all applicants (successful and unsuccessful) should be shredded.

(b) National Police Certificates: In order to comply with Victoria Police policy, any criminal history information released to an organisation must not be incorporated into any manual or electronic database or filing system. Any access recording system used for audit and investigation purposes can only contain the individual's name and the date and number of the National Police Certificate.

The National Police Certificate of the successful applicant should be destroyed once the appointment is made. A secure record should be kept in the form of the pro forma table set out in the attached Checklist.

Note: If future verification of a staff member's or volunteer's criminal record is ever required for legal, audit or investigation purposes this information can be retrieved by the Victoria Police.

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Appendix 1

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While this policy is designed to protect all children and young people who require support services, the Department of Human Services has identified the following client groups as facing particular risk from unsupervised contact with inappropriate persons:

- any person under the age of 21 years who is subject to an order of the court of Victoria which relates to their welfare;
- any person under the age of 18 years who is subject to a protective service notification, investigation or involvement;
- any person who is subject to an order of the Children's Court or subject to guardianship, following a protection application;
- any person under 18 years to be placed for adoption by Human Services;
- any person under 18 years who receives a residential or home based care or other service funded through Protection and Care and/or Supported Accommodation and Assistance Program (SAAP);
- any person who is deemed an eligible person under the Intellectually Disabled Persons' Services Act 1986;
- any person who receives a facility based or in-home accommodation service funded under the Disabled Persons' Services Act 1986;
- any person who receives services for care or treatment of a mental illness, under the Mental Health Act 1986;
- any person who receives services through Specialist Children's Services in the Child & Family Health Program;
- any person who receives treatment through the School Dental Health Program, the School Nurses Program, the Tuberculosis (TB) Program and by the Melbourne Sexual Health Centre;
- any person defined as a patient under the Alcoholics & Drug-dependent Persons Act 1968 (Section 28 Sentencing Act).

Appendix 2

When considering a National Police Certificate containing findings of guilt and/or pending matters the organisation should give consideration to:

- the relevance of the criminal offence in relation to the job or placement. For example, a history of sexual offences, matters of violence including assaults and robberies, repeated drug use or dishonesty offences are clearly not acceptable;
- the nature of the offence and the relationship of the offence to the particular job or placement for which the applicant is being considered. For example, persons who have committed offences against children involving harm or exploitation of a child, such as sexual offences or offences involving violence against children, are not suitable where there is contact with children or the likelihood of contact with children;
- 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. For example, cultural factors, mitigating or extenuating circumstances; i.e. provocation, peer group pressure at time of the offence and the circumstances in which the offence was committed or the effect of alcohol; and
- the person's general character since the offence was committed.

Police checks for students 17 years and over seeking placement within an organisation should be administered by the relevant course coordinator.

The course coordinator should make specific arrangements with the appropriate manager. All checks for students are to be completed prior to confirming the first placement and in each subsequent year of study. The student's police check will remain valid for the current course year only. The student has the responsibility to notify any change to the status of their police records during the course year to the Placement Coordinator(s).

The student may:

- bring the National Police Certificate to their placement interview; or
- arrange for the Placements Coordinator(s) to sight and copy the original National Police Certificate; or
- the relevant course coordinator can submit certified results of police checks on students seeking placement to the relevant manager. In the case where the check results in disclosable court outcomes, outstanding charges or matters under investigation that have not been heard at court, then a certified copy of the National Police Certificate is to be submitted for assessment to determine their suitability for placement.

To avoid duplication and extra expense, students should obtain their own National Police Certificate. Students must complete the consent form by providing their name and address, as the return address, to ensure personal ownership of the National Police Certificate.

Students receiving no wages or salary for the placement are eligible to receive a reduced rate for the National Police Records Check. In order to access this reduced rate the educational institution must obtain prior approval from the Victoria Police (the CVF Number) and the course coordinator must sign the Declaration of Volunteer/Student Status on the consent form. Please consult the 'Procedure for Organisations Conducting National Police Records Checks' for further information.

Students should contact the Victoria Police Public Enquiry Service on **(03) 9247 5907** for this purpose and use the consent form available only from Victoria Police. However, the preferred option by the Victoria Police is for bulk transfer of student consent forms at enrolment by arrangement by the course coordinator, where possible. Payment for the National Police Records Check should be by cheque payable to the Victoria Police made out by the student.

In this way a student may provide certified copies of the National Police Certificate without violating Victoria Police confidentiality rules and the legislative requirements of Victoria's *Information Privacy Act 2000*.

