

Criminal and Related History Screening Policy

1. Applies to

This policy applies to:

- all Calvary employee

2 Purpose

This Policy outlines the mandatory requirements for National Criminal Record Checks ('NCRCs') including Working with Vulnerable People Check and Working with Children Checks ('WWCCs') for staff employed within the Services and for persons seeking to be employed in Calvary.

3 Policy

Statement

Consistent with our values of hospitality, healing, stewardship and respect, Calvary is committed to not place at unreasonable risk vulnerable people, members of the communities we serve, Calvary staff and anyone who enters a Calvary workplace.

This policy sets out Calvary's approach to obtaining a NCRC and WWCC or WWVPC as a pre-requisite for employment in all Calvary positions and as a condition of the continuity of employment. At Calvary all staff must have a valid NCRC prior to commencement and renewed every 3 years thereafter.

All Services must identify if, in addition to the NCRC the WWCC and WWVPC is required and develop a local procedure to address. All staff in 'child related work' must have a valid WWCC prior to commencement and renewed in accordance to the jurisdiction requirements.

Staff must advise in writing to their Manager and/or Human Resources if during their employment with Calvary they are charged with, or convicted of any criminal offence. If convicted, Calvary will assess based on the risk assessment process described herein which could lead to the contract/agreement being terminated. Failure to advise may result in disciplinary action being taken and/or termination. In conducting a NCRC and WWCC, Calvary is demonstrating due diligence, duty of care and equity and fairness in its selection and appointment of prospective staff and retention of existing staff.

Calvary and Calvary Community Care are accredited agencies approved to access the Australian Criminal Intelligence Commission (ACIC). The rest of the services process applications through a third party ACIC accredited agency. Whilst Calvary accepts a valid WWCC's from an accredited agency, Calvary will not accept a previous NCRC or a NCRC completed from another organisation.

In conducting a police check, Calvary will always comply with:

- all relevant legislation of the Commonwealth, or any state and territory or local authority, in particular legislation which prevents discrimination on the basis of NCRC and WWCC
- the Commonwealth Spent Convictions Scheme
- its obligations as set out in the Contract with ACIC

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The difference between a National Criminal Record Check and a Working with Children Check

NCRC identify and release relevant criminal history information relating to convictions, findings of guilt or pending court proceedings. However, due to spent conviction/non-disclosure legislation and information release policies, there are limitations on the information a Police Check can provide (e.g. the Spent Convictions Scheme stipulates that prior convictions are not to be disclosed where 10 years have passed from the date of the conviction).

As the object of a WWCC is to make an assessment of the level of risk an individual poses to children's safety, WWCC's are more extensive, but also more targeted than Police Checks. For example, WWCC's draw together information from various sources, but may include a primary focus on certain types of offences (e.g., sexual offences, offences related to the harm or mistreatment of a child). In general, WWCC's give consideration to:

- convictions - whether or not they are considered spent or were committed by a juvenile
- apprehended violence orders and other orders, prohibitions or reporting obligations
- charges (i.e., where a conviction has not been recorded because, for example, a proceeding has not been heard or finalised by a court, or where charges have been dismissed or withdrawn)
- any relevant allegations or police investigations involving the individual relevant employment proceedings and disciplinary information from professional organisations (e.g., organisations associated with teachers, childcare service providers, foster carers, and health practitioners).

Across the five Calvary jurisdictions that currently carry out WWCCs (NSW, NT, SA, TAS and VIC) and the ACT, which carries out a Working with Vulnerable People Background Check, there are differences in what information is considered and what sources of information are drawn upon. [Appendix 1](#) provides a comparison of the information considered in WWCC and the Working with Vulnerable People Background Check across these jurisdictions.

Who must undergo a Working with Children Checks?

As at June 2013, all jurisdictions in Australia have some form of child-related employment pre-screening legislation. These laws make it mandatory for certain individuals engaged in occupations such as education and childcare, child protection, child and family welfare, health, entertainment and recreation, and religious instruction to meet screening requirements.

There are differences across the states and territories in who is required to undergo screening, and how different occupations are identified. An outline of the settings in which WWCC is required in each jurisdiction is provided in [Appendix 2](#). State and territory contact details are provided in [Appendix 3](#), as is a summary of requirements for each jurisdiction in [Appendix 4](#).

4 Responsibilities

National Authorised Officer

The National Human Resources Advisor must oversee the processes and systems used by the Authorised Officers and Authorised Personnel at Calvary and

- Is the key point of contact for ACIC and manages this relationship, oversees any audits and reporting requirements
- is responsible for the maintenance of this policy and procedure
- is responsible for developing and monitoring a system of registering and de-registering Authorised Personnel

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- is responsible for training and education of Authorised Officers and Authorised Personnel.

Accredited agencies (Calvary services) must delegate authority to staff members who occupy identified roles. These staff members will undertake the roles of ACIC Authorised Officers or Authorised Personnel's on behalf of Calvary.

Authorised Officers

- assesses all disclosable outcomes and Police History Information (PHI) on a case by case basis against the inherent and/or essential requirements of the position
- is responsible for the overall management of PHI for their service
- is responsible for registering and de-registering Authorised Personnel
- is responsible for internal audit of their PHI processes in accordance with this policy and procedure and any subsequent corrective action
- Authorised Personnel
- is responsible for and have the authority to process NCRC and validate WWCC
- must protect PHI at all times
- must communicate any disclosable outcomes along with PHI to AO for risk assessment
- must not divulge PHI to any other staff member
- acts as the point of contact for the Calvary staff for matters relating to NCRC and WWCC.

5 Procedure

National Criminal Record Check (NCRC)

- 5.1 A NCRC can only be requested for the purposes of employment screening, probity checking and personnel security vetting of existing and prospective staff who is employed or seeking to be employed by Calvary.
- 5.2 On hiring, the cost for the NCRC will be in accordance with the staff member's contract/agreement. If silent, the Calvary service will bear the cost. Every subsequent check post-employment will be covered by Calvary (i.e. every 3 years).
- 5.3 The requirement for a NCRC checking will be advised during the interview process and at the offer of employment with Calvary.
- 5.4 A NCRC can only be requested after an informed consent form has been completed by the person whose name will be checked and identity has been established using the ACIC 100-point check methodology.
- 5.5 NCRC applications are processed by APs using the ACIC system in accordance with contractual obligations.
- 5.6 When a NCRC is completed, the AP will retain its reference number and update 3 year renewal date on Chris21 (**Staff Details/ Security Clearance – CRC** tab screen) and destroy the 100 points ID check and Police History Information along with Risk Assessment form (if applicable) immediately. The 3 year renewal date is calculated from the date the application was cleared (this is updated in the '*Date CRC Issued*' field). The '*CRC Expiry Date*' field will trigger an automatic email reminder to the employee 60 days/10 days to notify manager and employee of the upcoming renewal.
- 5.7 No Calvary site should retain a National Police History Check result or an Applicant's Informed Consent for longer than **twelve (12) months** following release of the result, unless legislation applying to Calvary mandates a longer document retention period.

- 5.8 If a Calvary site is retaining the National Police History Check result or an Applicant's Informed Consent form, a process needs to be developed which ensures that all documents are destroyed before the 12th month approaches. This process needs to be audited regularly for compliance with ACIC Service Agreement.
- 5.9 Existing staff will receive an email notification 2 months before their NCRC expires. The same notification will be sent to the manager to ensure the staff member provides relevant documents on time. A new informed consent form must be completed by existing staff whose name will be checked and whose identity has been established using the ACIC 100-point check methodology every 3 years. If staff do not submit the documentation required to renew their NCRC in time, they will be notified that their NCRC has expired and may be stood down from employment, until the process is complete. Depending on relevant legislation the Calvary site may grant a grace period of 30 days prior to suspension.
- 5.10 Where a disclosable outcome arises, the AP will inform the AO who must then assess the applicant's PHI in accordance with all Privacy laws and take into consideration the Human Rights and Equal Opportunity Commission Act 1986 (Cth), Commonwealth Spent Convictions Scheme and the Crimes Act 1914 (Cth) and apply the *risk assessment process (Appendix 5)*.
- 5.11 The AP can provide the AO with PHI, however must not summarise, précis or otherwise alter Police History Information provided by ACIC in this process. The individual must be informed of the outcome and be given an opportunity to provide details around the conviction.
- 5.12 AO's must not discriminate on the grounds of a criminal record when making a decision. It is not an act of discrimination to find a person unsuitable for a particular role if an applicant's criminal record means that he or she is unsuitable to perform the inherent or essential requirements of that role. The risk assessment process helps to guide the AO to the appropriate determination.
- 5.13 The AO is to advise the recruiting manager that an assessment of a disclosable outcome has been risk assessed and they recommend not to hire. No details of the PHI should be revealed.
- 5.14 An existing staff member, who is charged with an offence that will lead to a court process and possible conviction is required to notify their manager or HR or their employer (if a contractor), within 5 working days. Following this notification, and depending on the nature of the offence, charge or conviction, the employee may be stood down until the risk assessment process has taken place to determine their suitability to remain working for Calvary. The risk assessment must be conducted in accordance with the process set out in this policy. Failure to notify in these circumstances, without a suitable explanation, may result in disciplinary action being taken and/or termination.
- 5.15 Where the disclosable outcome relates to an existing staff member, the AO may need to engage the reporting manager in the risk assessment process. HR is to consider whether the staff member had previously voluntarily disclosed the outcome to the reporting manager and what was the manager's response to the staff member at the time. Dependent on the risk assessment of the disclosable outcome for an existing staff member consideration of redeployment options and controls may be required if the risk relates to their current role. These controls should be documented.
- 5.16 The AP and AO must maintain complete confidentiality and protect the applicant's identity at all times and ensure the information about an applicant's criminal record is always used for the purposes for which it is intended.

5.17 A disclosable outcome does not automatically exclude an individual from working or volunteering at Calvary. When assessing the relevance of an applicant's PHI, the AO will consider the following:

- the relevance of the PHI to the inherent requirements of the work they will be required to do
- the seriousness of the conviction or offence
- the severity of any penalty imposed
- whether the offence has been decriminalised or removed from the statutes
- whether in relation to the offence there was a finding or guilt but without conviction, which may generally indicate a less serious view of the offence by the courts
- the age of the applicant when the offence occurred
- the period of time that has elapsed since the offence took place
- whether the applicant had a pattern of offences
- the circumstances in which the offence took place – for example, domestic situation
- whether the applicants circumstances have changed since the offence was committed, for example, previous drug use
- the attitude of the applicant to their previous offending behaviour.

AOs will also pay particular consideration to the following:

- any offence involving harm or exploitation of vulnerable people
- any serious alcohol or drug related offences that indicate a pattern of dependence
- any offence involving dishonesty.

5.18 For overseas applicants, the police record check will be conducted by the Department of Immigration and Border Control and form part of the applicant's visa application, upon which the appointment is conditional.

5.19 However if legislation applying to a service mandates an international police clearance, Calvary can request overseas applicants (including New Zealand) to provide the following:

- A Police Clearance (dated within 3 months) from their home country and any country they have been citizens or permanent residents in the last 10 years for a period of 12 months or more since turning 16 years of age;
 - Any police clearance in a language other than English must be accompanied by a 'certified copy' of an English translation of the police clearance.
- If unable to provide a police clearance (dated within 3 months) from any country they have lived in, they must complete a Statutory Declaration (*Appendix 6*) stating they have no pending criminal charges or convictions and character reference checks (*Appendix 12*) with at least two individuals who personally knew the individual while they were residing in the other country. This should be undertaken as a very last resort if the international police clearance is actually unavailable and cannot be obtained.
 - The applicant must be informed that referees will be asked whether they have knowledge or information concerning the applicant, which would adversely affect the applicant from performing the job, including any relevant criminal offences. The credentials of persons acting as referees must be verified and can include previous employers, government officials and family members.

Working with Children Check

5.20 Where a person in child-related work is required to obtain a WWCC Clearance as a condition of employment, it is that person's responsibility to pay and apply through the accredited agency of the Jurisdictions within which Calvary operates. Sites must ensure they fulfil their states legislative requirements in relation to WWCC or equivalent check and clearance requirements.

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- 5.21 Each service is responsible for creating their individual WWCC procedures in accordance with their jurisdiction requirements.
- 5.22 The person seeking a WWCC Clearance must apply for the appropriate clearance as outlined below:
- Non-volunteer clearance – a person with a non-volunteer clearance can be engaged in either paid or unpaid child-related work.
 - Volunteer clearance – a person with a volunteer clearance can be engaged in unpaid child-related work.
- 5.23 Once a person obtains their WWCC Clearance number as part of their application for child-related work, the WWCC Clearance number must be provided to the AP to verify that it is still valid and current.
- 5.24 The verification and screening process is to be initiated by the AP via the relevant online system.
- 5.25 When a WWCC Clearance is verified with the accredited agency, the possible results are outlined below:
- a clearance to engage in any child-related work for a certain time period based on the jurisdiction, with the staff member continually monitored for relevant new records during the life of the clearance; or
 - a bar against working with children, which means it is a criminal offence to engage in any child-related work, whether paid or unpaid.
- 5.26 Unless a person's WWCC Clearance has been verified as cleared and the person has met all other requirements a person cannot be:
- employed or engaged in child-related work; or
 - be placed on any other employment list for child-related work.
- 5.27 The accredited agency will cancel a person's WWCC clearance if they become aware that the person is a disqualified person or they are satisfied that the person poses a risk to the safety of children.
- 5.28 The accredited agency will notify the employer in writing if, at any time following the initial verification by the employer:
- the person's WWCC clearance is cancelled (i.e. the person is now "barred"); or
 - the person becomes subject to an "interim bar".
- 5.29 Should either of the above occur, the person is to be removed from child related work immediately. In addition, the matter is to be referred to AO as soon as possible.

Contractors - Service/Utilities (Stakeholders)

For short term/one off delivery/repair work, no NCRC is required. If a contractor is required to enter hospital wards or work premises for the delivery or repair of equipment, the person is to be supervised and informed of the areas they are permitted to enter.

For long term contracts/tendered agreements where the company/organisation is contracted for building services and where the contractor is not providing any direct services to clients or patients, Calvary does not undertake any NCRC. If as a result of a risk assessment, it is determined that the workers engaged by the contractor should undergo NCRC, it is the responsibility of the contracted company to organise them.

Any Calvary site can request a long term contracting business to provide a written statement at the commencement of each calendar year, stating that a satisfactory NCRC has been carried out on all employees

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who will, or may be contracted to Calvary. The statement must also certify that all employees who will or may be contracted to Calvary are familiar with relevant legislative requirements. Calvary will, from time to time, carry out audits to ensure compliance with agreed processes in relation to contractors.

6 Related Calvary Documents

- National Police Check Risk Assessment Form
- Individual site WWCC Procedures
- Code of Conduct
- Recruitment Selection Procedure
- Contractor Management Procedure
- Vehicle Selection and Driver Safety Procedure







7 Definitions

- **Calvary or Services** means the Little Company of Mary Health Care and all of its employing entities
- **Staff** means:
 - Every Calvary employee (permanent full time and part-time, casual or fixed term)
 - Contractors/sub-contractors and any of their employees whilst engaged on work for Calvary and with access to Calvary systems and/or contact with patients/residents/clients
 - Volunteers and unpaid employees
 - Students on placement
- **Authorised Personnel (AP)** means designated Human Resources or Payroll staff members who are authorised to request NCRC, handle Police History Information (PHI) and other data relevant to applicants.
- **Applicant** means an individual who provides written informed consent to authorise Calvary to conduct a NCRC of their name
- **Authorised Officer (AO)** The National Director - People and Organisational Development, National Director – Legal Governance and Risk and members of the Human Resources Committee.
- **Overseas Applicant** means a person who is employed or engaged directly from overseas, including from New Zealand.
- **National Criminal Record Check (NCRC)** means national criminal history record check conducted by ACIC.
- **Australian Criminal Intelligence Commission (ACIC)** means an Australian government executive agency, established by agreement between the Commonwealth, states and territories in July 2000
- **Disclosable outcome** means 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
- **National Criminal Record Check (NPHC)** otherwise known as a ‘police check’ NCRC is requested when an informed consent form has been completed by the person whose name will be checked and identity has been established using the ACIC 100-point check methodology
- **Police History Information (PHI)** information relating to disclosable court outcomes or other information regarding the name provided to ACIC and included within a police check PHI is only released subject to relevant spent convictions/non-disclosure legislation and/or information release policies
- **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.

8 References

- Child Protection (Working with Children) Regulation 2013
- Child Protection (Working With Children) NSW Act
- Working with Vulnerable People ACT (Background Checking) Act 2011.
- Working with Children VIC Act 2005 (the Act)
- Education and Early Childhood Services (Registration and Standards) SA Act
- Care and Protection of Children NT Act 2014
- Accountability Principles Act 1998
- Records Principles 1997
- Information Privacy Act 2000
- (Commonwealth) Aged Care Act 1997
- Australian Privacy Principals
- Privacy Act 1988 (Cth)
- Commonwealth Spent Convictions Scheme Crimes Act 1914 (Cth)
- Freedom of Information Act 1982 (Cth)
- Human Rights and Equal Opportunity Commission – ‘On the Record – Guidelines for the prevention of discrimination in employment on the basis of a criminal record’
- Human Rights Act 2004
- Anti-Discrimination Act 1977

9 List of Attachments

Appendix 1	: Information considered in Working with Children Checks	
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Appendix 3	: State and territory contact information for Working with Children Checks	
Appendix 4	: Working with Children Check summary of requirements	
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Appendix 7	: (NPCS) - Obtaining informed consent and identity documents digitally	 National Police Checking Service - Fa
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Appendix 11	: (NPCS) - The NPCS Process	 National Police Checking Service (NPI)
Appendix 12	: Employment Reference Check	 Employment Reference Check – N

APPENDIX 1 - INFORMATION CONSIDERED IN WORKING WITH CHILDREN CHECKS

Jurisdiction	Information considered
ACT	<p>The Vulnerable People Background Check is comprised of:</p> <ul style="list-style-type: none"> ▪ A risk assessment conducted by the Commissioner for Fair Trade which can include checking for charges and convictions whether committed in the ACT or elsewhere for any: sexual offence; offence against the person; offence involving violence; offence involving dishonesty or fraud; offence relating to property; offence involving possession of or trafficking in a drug of dependence or controlled drug; an offence against an animal; and a driving offence. ▪ Consideration is given to non-conviction information in relation to a relevant offence (or an alleged relevant offence) involving the following: where a person has been charged with the offence but a proceeding is not finalised; the charge has lapsed, been withdrawn or discharged, or struck out; the person has been acquitted of an alleged offence; a conviction for an alleged offence has been quashed or set aside; an infringement notice for an alleged offence has been served, or the person has a spent conviction for the offence. ▪ Consideration may also be given to apprehended violence orders; care and protection orders for a child for whom the person has or had parental responsibility; and professional disciplinary proceedings against the person.
NSW	<p>The Working With Children Check is comprised of:</p> <ul style="list-style-type: none"> ▪ A National Police Check for charges and convictions (including spent convictions) for: any sexual offence (including but not limited to, sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge); any assault, ill treatment, neglect of, or psychological harm to a child; any registrable offence; offences of attempting, or of conspiracy or incitement, to commit any of the above offences. ▪ Consideration of whether any of the above offences were committed in New South Wales and were punishable by penal servitude or imprisonment for 12 months or more; or whether any of the above offences were committed elsewhere and would have been an offence punishable by penal servitude or imprisonment for 12 months or more if the offence had been committed in New South Wales. ▪ Consideration of relevant matters, including all matters irrespective of whether they are considered spent or were committed as a juvenile (relevant matters include charges that may not have been heard or finalised by a court; are proven but have not led to a conviction; or have been dismissed, withdrawn or discharged by a court). ▪ Consideration of relevant Apprehended Violence Orders. <p>Consideration of relevant employment proceedings, reportable conduct, any sexual offences or sexual misconduct, committed against, with or in the presence of a child, including a child pornography offence; any child-related personal violence offence; any assault, ill treatment or neglect of a child; any behaviour that causes psychological harm to a child; or an act of violence committed by an employee in the course of employment and in the presence of a child. As part of an additional risk assessment, the Children's Guardian may give consideration to a range of different factors regarding previous matters that triggered the risk assessment. The Children's Guardian may also consider any other matters deemed necessary for an assessment to be made.</p>
NT	<p>The Working with Children (Ochre Card) Clearance Screening is comprised of:</p> <ul style="list-style-type: none"> ▪ A National Police Check - offences of most significance included sexual offences involving children, violent offences involving children and drug related offences involving children. ▪ An analysis of employment history, including an assessment of references and/or disciplinary proceedings instigated as a result of malpractice. ▪ Other material, which may include assessing whether an individual has attempted to change behaviours or address triggers to behaviours if they have a criminal history, etc.
SA	<p>Under the Children's Protection Regulations 2010, the Department of Communities and Social Inclusion provides a wider screening assessment which includes:</p> <ul style="list-style-type: none"> ▪ A National Criminal Records Check. ▪ South Australian Police information regarding alleged offences regardless of outcome, including spent convictions, pending charges and non-conviction charges and circumstantial information around charges and convictions. ▪ Information from other jurisdictions. ▪ Information sourced from professional registration bodies.
TAS	<p>The Working With Children Check is comprised of: The Working with Children Check obtains applicants' national criminal histories from sources in Australia. This includes information about:</p> <ul style="list-style-type: none"> ▪ Convictions for all criminal offences the person may have. ▪ All "spent" convictions (convictions that don't ordinarily need to be declared). ▪ Any "pending" charges (charges that have not yet been decided by the court).

	<ul style="list-style-type: none"> All "non-conviction" charges (those that have been finalised by the court but didn't result in a conviction).
VIC	<p>The Working With Children Check is comprised of:</p> <ul style="list-style-type: none"> A National Police Check - offences with most significance include serious sexual offences, serious violent offences, serious drug related offences, offences against the <i>Working With Children Act 2005</i> (Vic.) itself. A review of relevant findings from prescribed professional disciplinary bodies. Information sought from other bodies such as courts, the Director of Public Prosecutions and any employee within the meaning of the <i>Public Administration Act 2004</i>, Corrections Victoria and employers - including, where a court: made a formal finding of guilt in relation to an offence; convicted the applicant of an offence, accepted a plea of guilt from the applicant, or acquitted the applicant of an offence because of mental impairment. Information about any spent convictions, juvenile convictions and findings of guilt, pending charges, and the circumstances surrounding any charges or convictions. <p>In addition, the following individuals are ineligible to apply for a Working with Children Check:</p> <ul style="list-style-type: none"> Registered sex offenders within the meaning of the <i>Sex Offenders Registration Act 2004</i>, or subject to an extended or interim extended supervision order under the <i>Serious Sex Offenders Monitoring Act 2005</i>. Individuals subject to a detention order, including a interim detention order, or a supervision order including an interim supervision order under the <i>Serious Sex Offenders (Detention and Supervision) Act 2009</i>.

APPENDIX 2 - CHILD-RELATED SETTINGS SUBJECT TO SCREENING REGULATIONS	
Jurisdiction	Types of child related settings subject to regulations
ACT	<p>Employees and volunteers aged 16 years and over working in regulated activities or services for children are required to obtain a Working with Vulnerable People Background Check. Regulated activities and services are those provided under the <i>Children and Young People Act 2008</i>; child protection services; justice facilities for children, or activities or services resulting from a sentence, detention, probation, parole or other order that could be made by a court in relation to a child; childcare services; child education services; child accommodation services; counselling and support services for children; and commercial services for a child or young person. Commercial services or activities conducted for children include: an entertainment or party service, a gym or play facility, photography service, or a talent or beauty competition.</p> <p>Individuals need to be registered to work in these child specific regulated activities and services by 7 November 2013 as part of phase 1 of the implementation of the <i>Working with Vulnerable People Background Checking Act 2011</i>. The following activities or services that are provided to children or mainly used by children will also be regulated and phased in over years two through five of the implementation: religious organisations (phase 2); coaching and tuition, vocational and educational training, activities or services provided by clubs, associations or movements (e.g., sports clubs) (phase 3); providing public or private transport (phase 5).</p> <p>Services contracted to government are required to employ "fit and proper" people. This is interpreted as a requirement to obtain a National Police Check.</p>
NSW	<p><i>Employees and volunteers over the age of 18 engaging in child-related works are required to hold a Working With Children Check clearance.</i> Individuals who work face-to-face with children in one of the following child-related industry sectors need to obtain a check: child development and family welfare services, mentoring or counselling services; child protection; children's health services, including in wards of hospitals where children are treated; clubs, associations, movements or other bodies (including cultural, recreational or of a sporting nature) providing programs or services for children; respite care or other support services for children with a disability; early education and child care services, including nanny services; education services such as provided by schools and other education institutions, including private coaching or tuition of children; sporting, cultural or other entertainment venues used primarily by children and entertainment services for children; detention centres and juvenile correctional centres; any religious organisation; residential services including refuges used by children, long-term home stays, boarding houses and overnight camps; transport services for children, including school bus services and taxi services used for children with disabilities; supervision of school road crossings; and youth workers. In addition the following child-related roles are defined as child-related work: an approved provider or manager of and education and care services; a certified supervisor of education and care services; an authorised carer (foster carers and other authorised carers of children in statutory and supported out-of-home care); an assessment officer; the Principal Officer of a designated agency; and the Principal Officer of an accredited adoption service provider. Prospective adoptive parents; adults who reside at the home of an authorised carer, family day care service provider or home-based education and care service provider also require a Working with Children Check.</p>
NT	<p>Employees and volunteers aged 15 years and over working in the following areas are required to obtain Working With Children Checks: child protection services; education or care services; education facilities for children; juvenile detention centres; accommodation services for children in private residential premises; refuges or other residential facilities used by children; wards of hospitals or any other facilities</p>

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	for health services in which children are ordinarily patients; clubs, associations or movements (including those that are of a cultural, recreational or sporting nature) with significant child membership or involvement; religious organisations; babysitting or child-minding services; fostering of children; transportation services for children; private tuition services for children; counselling or support services for children; overnight camps for children; road crossing services for school children; sports coaching or sport lessons for children; gym or play facilities, photographic services, talent or beauty competitions and entertainment or party services provided for or arranged for children. The Working With Children Check also applies to members of boards, management committees and partners in businesses that perform work with children (e.g., members of school councils or basketball associations) and anyone performing child-related work as a minister of religion or religious vocation; or a student conducting practical training for an education or training course.
SA	Employers and responsible authorities for government organisations and non-government organisations that provide health, welfare, education, sporting or recreation, religious or spiritual, child care or residential services wholly or partly for children must ensure that assessments are undertaken of the criminal history of persons before they are engaged or appointed as employees, volunteers, agents, contractors or subcontractors in prescribed positions. Prescribed positions are defined as involving regular contact with children or work in close proximity with children on a regular basis, unless the contact or work is directly supervised at all times; people supervising or managing persons in such positions; persons with access to records relating to children; or persons engaged in any other function prescribed by regulation. The <i>Children's Protection Act 1993</i> does not stipulate an age at which criminal history checks are to be obtained. Practice guidelines recommend that all persons (including young people under 18 years of age) be checked.
TAS	Employees, volunteers and students on practicum placements aged over 18 engaged in an approved education or care program under the <i>Education and Care Services National Regulations 2011</i> , Regulation 344 are required to undergo a safety screening clearance. The Good Character Check is undertaken for people who are employed, engaged or appointed as educators; nominated supervisors; people who work within family day care coordination units; and ancillary staff members of centre-based services such as cooks, gardeners and others who work as part of an education and care service. These services were previously licensed as long day care, outside school-hours care and family day care (or approved registration bodies). Services still regulated/licensed under the <i>Child Care Act 2001</i> include Centre Based Care Class 4 and Centre Based Care Class 5 (previously licensed as occasional care) and In-Home Child Care. Note that the Teachers Registration Board undertakes screening for Teachers with criminal convictions or charges considered under the <i>Teachers Registration Act 2000</i> (Tas.).
VIC	Employees and volunteers aged 16 and over working in child care services or other child-related services are required to apply for a Working with Children Check. Work that is classified child-related is work where the usual duties involve, or are likely to involve, contact with a child. Child-related services other than those classified child care services include: religious services; commercial services for children; coaching and tuition; clubs, associations and movements; child protection services; justice facilities for children; child education services (non-government); services to children with a disability; child accommodation services; counselling and support services for children; transport services for children; youth workers; child education services (government); teaching; vocational and training; and emergency services personnel not engaged in emergency management activities (e.g., delivering educational sessions in schools). Some individuals may not need to apply for a Working with Children Check. For example, you would be exempt if: you are a child under the age of 16; you only have incidental contact with children; you are a close relative of the child; you are a police officer or a correctional officer; you are a registered health practitioner; or, you are an emergency management worker dealing with an emergency.

APPENDIX 3 - STATE AND TERRITORY CONTACT INFORMATION FOR WORKING WITH CHILDREN CHECKS

Australian Capital Territory

Working with Vulnerable People Check [The Office of Regulatory Services](#)(link is external)
 Ph: (02) 6207 3000
 Email: wwvp@act.gov.au(link sends e-mail)

New South Wales

Working with Children Check [Office of the Children's Guardian](#)(link is external)
 Ph: (02) 9286 7219
 Email: check@kidsguardian.nsw.gov.au(link sends e-mail)

Northern Territory

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Working with Children Clearance	Northern Territory Government (link is external) Ph: 1800 72 33 68 Email: safent.police@pfes.nt.gov.au (link sends e-mail)
South Australia	
Child-related employment screening	Department for Communities and Social Inclusion (link is external) Ph: 1300 32 15 92 Email: screening@dcsi.sa.gov.au (link sends e-mail)
Tasmania	
Working with Children Registration	Department of Justice (link is external) Ph: 1300 13 55 13
Victoria	
Working for Children Check	Department of Justice and Regulation (link is external) Ph: 1300 652 879 Email: workingwithchildren@justice.vic.gov.au (link sends e-mail)

APPENDIX 4 – WWCC SUMMARY OF REQUIREMENTS

Jurisdiction	Act	Summary of Requirements
ACT	Working with Vulnerable People (Background Checking) Act 2011.	Staff are required to complete a Working with Vulnerable Persons Check (or the equivalent to WWCC) if they are engaged in regular and unsupervised work with persons under 18 years and for adults who are “experiencing disadvantage” and it is the staff members responsibility to obtain clearance. The Staff member is responsible for applying and paying for the application.
NSW	Child Protection (Working with Children) Act 2012	Staff in NSW is required to complete a WWCC if they are engaged in regular and unsupervised work with persons under 18 years and it is the Staff’s responsibility to obtain clearance. The staff member is responsible for applying and paying for the application online. The check is valid for 5 years.
NT	Care and Protection of Children ACT Act 2014	Staff are required to hold an Ochre Card (equivalent to WWCC) if they are engaged in regular and unsupervised work with clients under 18 years and is the staff member’s responsibility to obtain clearance. The staff member is responsible for applying and paying for the application. The check is valid for 2 years.
SA	Education and Early Childhood Services (Registration and Standards) Act 2011 Children's Protection Act 1993 (SA)	People who provide certain services to children will have to obtain: <ul style="list-style-type: none"> • A child related employment screening certificate or letter issued by the authorised screening unit (the Department for Communities and Social Inclusion Screening Unit) or • A NCRC from ACIC. The check is valid for 3 years. Community Care Support Workers are required to have a baby sitting license – Refer to WI092 S Residual Service Certificate (RSC) - South Australia.
TAS	Registration to Work with Vulnerable People Act 2013 (Tas.)	For Health, Counselling and Support Service for Children, WWCC will be effective from 1 April 2016. Currently there are no legal requirements for people working with children to undertake specific working with children checks Tasmania. Only a NCRC is required.
VIC	Working with Children Act 2005 (the Act)	Staff in Victoria is required to complete a WWCC if they are engaged in regular and unsupervised work with persons under 18 years and it is the staff member responsibility to obtain clearance. The check is valid for 5 years.

APPENDIX 5 - NATIONAL CRIMINAL RECORD CHECK POLICY – RISK ASSESSMENT

The National Criminal Record Check for **FULL NAME** disclosed a recorded criminal conviction for **CONVICTION 1, AND CONVICTION 2**. [Refer PHI attachment]

Calvary now has the obligation to assess this police certificate in order to make a decision whether to **EMPLOY OR CONTINUE EMPLOYMENT** the services of **NAME** at **SITE**.

An interview was scheduled for **DATE, TIME** to discuss with **NAME** the nature of the recorded offences and to assess the conviction. The process aims to be rigorous, defensible and transparent.

Important factors considered during the interview include the relevance and proportionality of the offence, in particular, whether or not the offence is relevant to the position of **XYZ** and secondly, whether denying **NAME** ongoing employment because of the past conviction would be a disproportionate response to the particular offence.

Date of Interview	
Location	
Interviewee	
Interviewer	
Also present	
<p>INTERVIEWER NAME outlined why NAME had been asked to speak with her, stating that the National Criminal Record Check that NAME had provided showed a recorded convictions against HIS/HER name and that under the legislation and Calvary’s policy we are required to assess this police certificate in order to make any recommendations about ongoing employment opportunities with Calvary.</p> <p>INTERVIEWER NAME noted that the recorded convictions against HIM/HER were DATED AND CONVICTION OF XYZ e.g. 7th February 2007, Driving under the influence and Exceed Speed Limit.</p> <p>INTERVIEWER NAME confirmed with NAME HIS/HER name, and date of birth as the XYZ.</p> <p>INTERVIEWER NAME requested that NAME explain the situation surrounding the convictions.</p> <p><i>E.g. NAME stated that it was her first on only offence, she got in the car after a few drinks to pick up her son who was at a party. Her son’s the designated driver had unknowingly left the party and he was going to walk home, which was a long distance and not safe part of town. She didn’t realize she would be over the limit as she had only had three drinks.</i></p> <p><i>As an outcome of her conviction of low range drink driving and speeding in 2007 – NAME was fined \$750, had her license suspended for 3 months and completed driver’s offenders program.</i></p> <p><i>NAME stated that she realizes her mistakes and is really embarrassed. She was only 25yrs at the time and has now matured a lot.</i></p> <p><i>At the end of the interview NAME stressed that this has not happened since this incident in 2007 and that she enjoys working for Calvary on a permanent part time basis.</i></p>	

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INTERVIEWER NAME thanked **NAME** for her time and for providing an explanation of the situation to him.

Assessment of circumstances (see Criminal and Related History Screening Policy XXX for further explanations on categories below)

Access:

E.g. **NAME** is **currently employed OR would be employed** as a **POSITION** at **SITE**, therefore she would have regular access to staff and clients of Calvary.

Relevance:

e.g. The convictions recorded against **NAME** has some relevance to the position she holds with Calvary in regard to her overall decision making and judgment, however the last incident occurred 3 years ago and there are other convictions. In addition, **NAME** is not required to drive as part of her duties.

Significance:

E.g. It is believed that the offence is not significant in relation to the duties **NAME** would have with Calvary as a Registered Nurse.

Proportionality:

E.g. **NAME** paid her fines and excluding **NAME** from employment would be seen as not proportional to the conviction.

Timing:

E.g. 2007 – no further convictions or known incidents since this time.

Employment History:

E.g. **NAME** has been employed as a Registered Nurse with Calvary since September 2005 – and is currently employed on a permanent part time basis with **SITE**. Feedback from Manager is that she is a valued employee.

Pattern:

E.g. There was one offence which was over 6 years ago, and no other offences have been recorded against **NAME**.

Likelihood:

E.g. It is believed there is minimal likelihood of a similar incident occurring if **NAME** was employed with Calvary **NAME** showed a willingness to answer all questions and was very honest and open about discussing this.

Consequences:

E.g. Any prospective incidences would be treated on a merit basis.

Treatment Strategies:

E.g. It is believed that no treatment strategies are required at this time.

RECOMMENDATION – It is recommended that **FULL NAME** employment application with Calvary be **not be progressed OR progressed and no further action taken**.

Risk Assessor:

Name	Signature	Position	Date

- Recommendation accepted.
- Recommendation **not** accepted. Details:

CEO/GM/Director:

<i>Name</i>	<i>Signature</i>	<i>Date</i>

**APPENDIX 6 - COMMONWEALTH OF AUSTRALIA
 STATUTORY DECLARATION
 STATUTORY DECLARATIONS ACT 1959**

1 *Insert the name, address and occupation of person making the declaration*

I,¹ _____ (Name)
 of _____ (Address)

make the following declaration under the *Statutory Declarations Act 1959*:

2 *Set out matter declared to in numbered paragraphs*

2
 I solemnly declare that I have: (Please tick one only):
 Continuously resided in Australia in the last 10 years
 Resided in an overseas country continuously for 12 months or more in the last 10 years since turning 16

Additionally, I solemnly declare that I have:

- never committed or been convicted of murder, sexual assault or any other form of assault, or
- never committed or been convicted of theft or deception, or
- never committed or been convicted of an offence against a child, or
- no outstanding police record or charges pending in Australia or another country.

Comments/Details:

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 *Signature of person making the declaration*

3

4 *Place*
 5 *Day*
 6 *Month and year*

Declared at ⁴ _____ on ⁵ _____ of ⁶ _____
 Before me,

7 *Signature of person before whom the declaration is made (see over)*

7

8 *Full name, qualification and address of person before whom the declaration is made (in printed letters)*

8

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A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

- (1) a person who is currently licensed or registered under a law to practise in one of the following occupations:
- | | | |
|----------------------|----------------------|--------------------|
| Chiropractor | Dentist | Legal practitioner |
| Medical practitioner | Nurse | Optometrist |
| Patent attorney | Pharmacist | Physiotherapist |
| Psychologist | Trade marks attorney | Veterinary surgeon |
- (2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or
- (3) a person who is in the following list:
- Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
 - Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)
 - Bailiff
 - Bank officer with 5 or more continuous years of service
 - Building society officer with 5 or more years of continuous service
 - Chief executive officer of a Commonwealth court
 - Clerk of a court
 - Commissioner for Affidavits
 - Commissioner for Declarations
 - Credit union officer with 5 or more years of continuous service
 - Employee of the Australian Trade Commission who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
 - (c) exercising his or her function in that place
 - Employee of the Commonwealth who is:
 - (a) in a country or place outside Australia; and
 - (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
 - (c) exercising his or her function in that place
 - Fellow of the National Tax Accountants' Association
 - Finance company officer with 5 or more years of continuous service
 - Holder of a statutory office not specified in another item in this list
 - Judge of a court
 - Justice of the Peace
 - Magistrate
 - Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*
 - Master of a court
 - Member of Chartered Secretaries Australia
 - Member of Engineers Australia, other than at the grade of student
 - Member of the Association of Taxation and Management Accountants
 - Member of the Australasian Institute of Mining and Metallurgy
 - Member of the Australian Defence Force who is:
 - (a) an officer; or
 - (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
 - (c) a warrant officer within the meaning of that Act
 - Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
 - Member of:
 - (a) the Parliament of the Commonwealth; or
 - (b) the Parliament of a State; or
 - (c) a Territory legislature; or
 - (d) a local government authority of a State or Territory
 - Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*
 - Notary public
 - Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public
 - Permanent employee of:
 - (a) the Commonwealth or a Commonwealth authority; or
 - (b) a State or Territory or a State or Territory authority; or
 - (c) a local government authority;
 with 5 or more years of continuous service who is not specified in another item in this list
 - Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
 - Police officer
 - Registrar, or Deputy Registrar, of a court
 - Senior Executive Service employee of:
 - (a) the Commonwealth or a Commonwealth authority; or
 - (b) a State or Territory or a State or Territory authority
 - Sheriff
 - Sheriff's officer
 - Teacher employed on a full-time basis at a school or tertiary education institution

1

- Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.
- Note 2 Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959 — see section 5A of the Statutory Declarations Act 1959.
- Note 3 If you have resided in a country other than Australia for 12 months or more in the last 10 years (since turning sixteen (16)) you are required to contact the relevant overseas police force to obtain a police record check in addition to the completion of a Calvary Community Care (CCC) Australian Police record check. Employment with CCC is subject to a satisfactory police record check from that country and Australia.

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