



Police Check Procedure

Supporting Police Check Policy which was Approved by the St Vincent de Paul Society NSW State Council on 10 July 2013

Version Control

Contact names	Role / position	Version number	Date	Review date
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Procedure Statement

The St Vincent de Paul Society, NSW (the Society) will undertake Police checks as part of the engagement of all new Conference, Associate, Volunteer Members, Volunteers and Employees in accordance with this document.

This document should be read in conjunction with the St Vincent de Paul Society, NSW Police Check Policy, 2014.

Scope

This Procedure covers the engagement of all Conference, Associate, Volunteer Members and Volunteers and Employees after 1 May 2014. A Police check may not be required if the role is for either an Associate or Volunteer Member or Volunteer which is considered low risk. A Police Check may also not be required if a volunteer is undertaking any role of less than 3 months duration except at the discretion of the relevant Central Council President or Executive Officer.

The current cost of each Police check for the engagement of an employee is \$42 from 1 March 2014 and will be borne by the Society's Workplace Relations Team, where they undertake the recruitment process for State Council or for any Central Council or Special Works. Where the Central Council or Special Work undertakes the recruitment process themselves for any employee they will be responsible for meeting the costs of the Police check.

The current cost of each Police check for the engagement of any Member or Volunteer is \$15.77 from 1 March 2014 and will be borne by the Central Council, State Council or Special Work where the Member or Volunteer will be working.

Purpose

The Society has a responsibility to ensure that its Conference, Associate, Volunteer Members, Volunteers and Employees will not place the Society at unnecessary risk. Risks could include risk to other personnel, clients, staff and children, risk to security of the Society's assets and risk to the Society's ability to lawfully carry out its works. This Procedure details how police checks will be undertaken in the Society.

Definitions

Associate Member

Associate Members generally assist and support conference members and perform unpaid work for the Society. They are not full members and do not attend Conference meetings. Associate Members are established by a procedure established by State Council.

Authorised Police Check Officer

- An employee in the Society who is authorised to undertake a Police Check as part of the engagement of any Member or Volunteer (or

employee if appropriate) in a Central Council, State Council or Special Work by the Society.

- Each Central Council will have at least one nominated employee (by the relevant Executive Officer) to undertake checks through the CCER online system for the engagement of all Members and Volunteers working in that Central Council including Special Works.
- The State Support Office will have a number of nominated employee/s who undertake checks for the engagement of any Members and Volunteers in the State Support Office and its Special Works (e.g Support Services).

Conference Member

Conference Members are those who are desirous of living their Catholic faith, or are committed to the ethos, mission, aims, and objects of the Society, and who seek to live out their faith and commitment in action through the spirit of Christian charity. They do this by loving and serving their neighbour in need and participating effectively in Conference meetings, formation programs and charitable activities of the Society. Conference members are registered by a procedure established by the relevant State or Territory Council..

Employee

An employee is a person who is hired to provide services in exchange for compensation (pay) (Australian Taxation Office, 2012). An employee is a paid member of staff. The Rule (Part III, 2012, Article 26) describes the role of employees in a way that clearly refers to paid persons as 'employees'. This includes contractors.

Member

In this document the term Member includes Conference, Associate and Volunteer Members.

Police Check

A Police Check is a check undertaken by the Catholic Commission for Employment Relations on behalf of the Society, of the national criminal database which is administered by the Federal Crimtrac Agency to identify and release relevant unspent criminal convictions of a named individual. This database covers only unspent Australian criminal convictions and a search will not identify any 'spent criminal convictions'. Also known as a National Criminal Records Check.

Police Check Coordinator

An employee responsible on behalf of the Society for notifying the Catholic Commission for Employment Relations (CCER) of all those Society employees who have been authorised by their Executive Officer to undertake and receive police checks through the online CCER website and for ensuring that any changes in those who have been authorised are promptly reported to the CCER in the agreed way. The Police Check Coordinator is based at the State Support Office.

Selection Panel

A Selection Panel is normally comprised of at least one individual who is responsible for undertaking interviews and making recommendations for appointment or engagement in connection with the engagement of individuals for any Society position (any Member, Volunteer or Employee).

Spent criminal conviction

A “spent conviction” is a conviction of a Commonwealth, Territory, State or foreign offence that satisfies all of the following conditions:

- it is 10 years since the date of the conviction (or 5 years for juvenile offenders); and
- the individual was not sentenced to imprisonment or was not sentenced to imprisonment for more than 30 months; and
- the individual has not re-offended during the 10 years (5 years for juvenile offenders) waiting period; and
- a statutory or prescribed exclusion does not apply.

The Criminal Records Act 1991, NSW governs the effect of a person’s conviction for a relatively minor offence if the person completes a period of crime-free behaviour. In relation to NSW convictions, a conviction generally becomes a “spent conviction” if a person has had a 10 year crime-free period from the date of the conviction. However, certain convictions may not become spent. These include:

- where a prison sentence of more than 6 months has been imposed (periodic or home detention is not considered a prison sentence);
- convictions against companies and other corporate bodies;
- sexual offences pursuant to the Criminal Records Act 1991; and
- convictions prescribed by the Regulations.

Unspent criminal convictions

Is a criminal conviction in Australia identified for an individual through a National Criminal History check which is not spent. Criminal convictions outside Australia will not be identified through the National Criminal Record check. Also known as disclosable court outcomes.

Volunteer

A Society volunteer is a person who performs unpaid work. The term ‘volunteer’ applies to students, interns, corporates, and others who perform unpaid work for the Society such as through various schemes including ‘work for the dole’ and ‘community service order’ schemes.

Volunteer Member

Volunteer members are those who respect the ethos, mission, aims, and objects of the Society and who volunteer in any of the Society’s works. Volunteer Members are registered by a procedure established by the State Council.

Roles and Responsibilities

Authorised Police Check Officer (APCR)

- Appointed by relevant Executive Officer to undertake Police checks in that Central Council, Special Works or other area
- Undertakes criminal records checks online through the Catholic Commission for Employment Relations (CCER) website for the engagement of any Members, Volunteers (and employees if appropriate) and in State Council for all employee engagements
- Receives the results of criminal records checks
- In Central Councils the APCR provides the results to the Executive Officer for consideration for Volunteers and to the Central Council President for Members where any unspent convictions have been identified
- In State Support Office the APCR provides results to the relevant Executive Officer in connection with the appointment of all employees
- APCR has been authorised in State Support Office for MAVE (Members and Volunteers), COMPEER (Volunteers) and SPARK (Volunteers)
- Maintains confidentiality of criminal record check documentation and supporting proof of ID documentation
- Ensures secure retention of all associated documentation (as detailed in paragraph 11 below) for the engagement of Members, Volunteers and employees for a period of not less than 7 years and for a period of not less than 3 months for applications which have not been successful.

Catholic Commission for Employment Relations (CCER)

- Provide access through a website to Authorised Police Check Officers to undertake online Police Records checks for the engagement of all Members, Volunteers and Employees.
- Liaise with the Police Check Coordinator as necessary concerning Society Authorised Police Check Officers.

Central Council Executive Officer

- Authorise at least one member of staff to act as the Authorised Police Check Officer for the engagement of all Conference, Associate, Volunteer Members, Volunteers (and employees if appropriate) to that Central Council
- Ensure that any local arrangements established for checking proof of identity for any applicants take into account the need to protect the confidentiality and privacy of those individuals at all times
- Notify the Police Check Coordinator of the contact details of the Central Council Authorised Police Check Officer and when any changes occur
- Provide support and advice to the Central Council President on the assessment of risks for instances where unspent criminal convictions have been identified in connection with the engagement of all new Members
- Receive notification of unspent criminal convictions identified from Authorised Police Check Officers for Volunteers and Employees

- Approve exemptions from a Police Records check as detailed in the policy for the engagement of Associate and Volunteer Members, and Volunteers
- Undertake a risk assessment for the engagement of Volunteers and Employees where unspent criminal convictions have been identified from a Police Records check
- Decide on the basis of the risk assessment whether the individual is engaged or not and completes an appropriate report in writing as a record of the assessment (Sample template is at Appendix A)
- Undertake a telephone interview with an applicant (if considered appropriate) to seek clarification about any unspent criminal conviction information obtained as part of the Police Records check (Sample interview questions and report is at Appendix B)
- Authorise payment to the Catholic Employment Commission for fees payable for each National Criminal Records check conducted in that Central Council.
- Ensure that appropriate local records are maintained securely at the Central Council office in accordance with paragraph 12 below.

Central Council President

- Receive and consider criminal conviction reports in connection with the engagement of any Member or Executive Officer in the Central Council
- Undertake a risk assessment with the support and advice of the Executive Officer for the engagement of any Members in the Central Council where a Police Records check has identified unspent criminal convictions.
- Ensure that appropriate records are made and securely retained in connection with any criminal conviction reports received.

State Deputy Chief Executive Officer

- Authorise at least one member of staff to act as a authorised Police Check Officer for the engagement of all Conference, Associate, Volunteer Members and Volunteers to State Council, or its Special Works including Support Services and the engagement of all employees to the Society, except in those cases where the recruitment is undertaken by the Central Council itself for an employee position
- Provide support and advice to the State President on the assessment of risks for instances where unspent criminal convictions have been identified in connection with the engagement of any new Members of State Council or its Special Works and in connection with the Society as whole as required.
- Authorise payment to the Catholic Employment Commission for fees payable for each Police Records check conducted for employees.

All Conference, Associate, Volunteer Members, Volunteers and Employees

- Have a responsibility to inform the Society of any relevant criminal convictions which may impact on their ability to undertake their responsibilities.
- This is one of the responsibilities of all Members, Volunteers and Employees in the Code of Conduct.

Police Check Coordinator

- Liaise with Executive Officers about Authorised Police Check Officers in their Central Council or State Council area
- Provide advice and support to Authorised Police Check Officers as required
- Liaise with the CCER in connection with Police Checks and notify them of contact details and changes of all the Society Authorised Police Check Officers.

State President

- Receive and consider criminal conviction reports received in connection with the engagement of any Member in the State Council
- Undertake a risk assessment with the support and advice of the Deputy Chief Executive Officer, for the engagement of any Members in the State Support Office where a Police Records check has identified unspent criminal convictions
- Ensure that appropriate records are made and securely retained in connection with any criminal conviction reports received

State Support Office Executive Officers

- Authorise members of staff as necessary to act as Authorised Police Check Officers for State Council
- Approve exemptions from a National Criminal Records check as detailed in the policy for the engagement of Associate and Volunteer Members, Volunteers and Employees
- Undertake a risk assessment for the engagement of employees in their area where unspent criminal convictions have been identified from a National Criminal Records check
- Receive notification of unspent criminal convictions identified from Authorised Police Check Officers for Volunteers and Employees
- Undertake a risk assessment for the engagement of Volunteers where unspent criminal convictions have been identified from a National Criminal Records check
- Decide on the basis of the risk assessment whether the individual is engaged or not and completes an appropriate report in writing as a record of the assessment (Sample template is at Appendix A)
- Undertake an interview by telephone with the applicant (if considered appropriate) to seek clarification about any unspent criminal conviction information obtained as part of the National Criminal Records check (Sample questions and report is at Appendix B)
- Ensure that appropriate local records are maintained in accordance with paragraph 12 below.
- Authorise payment to the Catholic Employment Commission for fees payable for each National Criminal Records check conducted for Volunteers and Members in their area of responsibility.

Workplace Relations Team

- As requested by Central Council, State Support Office and Special Works undertake recruitment of employees for the Society and obtain Police

checks for each position when recruitment is undertaken following interviews of shortlisted applicants.

- The Workplace Relations team will comprise a number of staff who are Authorised Police Check Officers under this Procedure.
- Provides advice and assistance to Police Check Coordinators across the Society, to the MAVE team as part of the engagement of Members and Volunteers for State Council as well as to COMPEER and SPARK for the engagement of Volunteers.
- Work with State Council Special Works Managers to identify Authorised Police Check Officers within State Council Special Works.
- Provide support and advice across the Society to those engaged in undertaking Police Checks and the conduct of any risk assessments where unspent convictions have been identified through a Police Check

Procedures

1. Police Records Check

As an individual's prior criminal convictions may be relevant to the performance of the duties of some positions, the Society has decided to require that prior to employment or engagement, preferred applicants must undergo a National Criminal Records Check for unspent convictions/charges that might be relevant to the position (unless a Police Check is not required in the Police Check Policy For the engagement of Members the PoliceRecords Check must be undertaken within the first two months of engagement as it is assumed that during this period new Members will only conduct a small number of visits accompanied by an experienced Member.

2. Completing a Police Records Check

It is expected that the Selection Panel must ensure that a Police Records Check is completed before a final offer of employment or engagement is made for all Employees, Volunteers and Associate Members (unless a Police Check is not required in the Policy). Offers of employment are conditional on the outcome of pre-employment clearances for Employees. In the case of the engagement of new Members, the Police Records check must be conducted within two months of any individual commencing work on an ongoing basis on behalf of the Society.

3. Society Exemptions and Risk Assessment

Where the Associate, or Volunteer Member or Volunteer position is considered low risk, or where the applicant is less than 18 years of age, a Police Records Check is generally not required. Each exemption must be approved and recorded by a Central Council or State Support Office Executive Officer. The individual must in these circumstances be asked to complete the Society's Good Character Declaration.

All roles can be classified as either low, medium or high risk in these circumstances.

- *Low risk roles*- no access to clients or Society funds (for example individuals working with another loading vehicles, or solely sorting donated goods or working in an administrative office based role)
- *Medium risk roles*-direct but supervised contact with clients and/or with small amounts of Society funds (for example working in a Vinnies shop, working as part of a team in a homeless centre such as in the kitchen,and night patrol services)
- *High risk roles*-direct and unsupervised contact with children and other vulnerable persons, and/or direct contact with large amounts of Society funds (for example home visitations, working in a homeless centre, on youth or disability programs, family care and support and managing a Vinnies shop)

4. Consent required

As part of the recruitment and selection process applicants must provide proof of identity, and for employee positions -citizenship status and qualifications. Applicants must also be asked to complete a Consent Form for the Police Records Check. It should be explained to applicants that appointment is conditional on a satisfactory Police Records Records Check and that if any unspent convictions are identified, they will be asked for clarification by the interviewer.

5. Completing the Police Records check

- Only Authorised Police Check Officers are able to undertake online PoliceRecords checks and receive the results of the records check through the CCER website, using a password.
- The Authorised Police Check Officers access the CCER website and enter in the details of the individual being checked. This information is obtained from the Consent Form that the individual has completed. Using the exact spelling of names and dates of birth are essential for a correct Records Check to be completed.
- The PoliceRecords check seeks to identify any convictions that are releasable in accordance with the Criminal Records Act 1991 (i.e not spent/unspent) which includes:
 - Sexual matters
 - Stealing, fraud, drugs, drink driving
 - Violence including a threat or injury to another person or
 - Other general criminal offences.
- The results of the PoliceRecords Check are made available on the CCER online system to the person undertaking the Records Check normally within 48 hours but can take longer and up to three weeks in some cases.

6. Where the check indicates no criminal records

If the record check shows no criminal records, the recruitment processes for that individual can proceed.

7. Where the check indicates criminal records

- If the record check reveals a criminal record, the CCER will provide details of the convictions to the Executive Officer..
- The Executive Officer (EO) will be required to contact the applicant to confirm that the details do accurately refer to them. When notifying the applicant verbally, including by telephone, the EO must ask the following questions to confirm the Applicant's identity:
 - full name
 - date of birth
 - current address
- If the applicant disputes the criminal record details disclosed, they should be provided with the contact details for CCER so that they can raise a dispute with CCER direct. Executive Officers must inform the applicant that until the result of this dispute is received, no decision can be made on whether they will be engaged.
- If the applicant does not dispute the details recorded on the Police Check, the Executive Officer will inform them that they (the EO) will need to undertake an Employment Risk Assessment to determine whether the convictions pose a risk in the particular work setting. This is to be considered in making the employment or engagement decision for that individual.
- The inherent requirements of the role/position should be considered *in relation to* the criminal record of an applicant during this process.
- Where the conviction concerns a Member the relevant Executive Officer will communicate this outcome to the Council President or to the State President in respect of the State Support Office and provide them with support and advice.
- The responsibility for this risk assessment and final decision rests with the relevant Executive Officer for all Employees and Volunteers and with the relevant Council President for all Members.
- The relevant Executive Officer will support the Council President in undertaking the risk assessment in respect of Members.
- The risk assessment may be delegated by Council Presidents or Executive Officers to suitably qualified and experienced persons but the final decision whether to engage an individual or not will rest with the relevant Council President for Members and Executive Officer for all others.

8. Risk assessment

The information which should be considered when assessing the relevance of any unspent criminal convictions for the position include:

- The seriousness of the conviction or offence and its relevance to the safety of clients, colleagues, employees and the public
- The relevance of the conviction to the job in question
- Whether the position involves direct contact with others, and the level of supervision the postholder will receive
- Whether the position involves direct responsibility for finance or items of value
- Whether the nature of the job might allow the position holder to reoffend in the place of work
- Whether there was a finding of guilt but without conviction which indicates a less serious view of the offence by the courts
- The age of the applicant when the offence occurred
- Considering the amount of time that has passed since the criminal activity took place
- Whether there is a pattern of offences
- The circumstances in which the offence took place
- Whether the applicant's circumstances have changed since the offence was committed
- Whether the offence has been decriminalised
- References from people who know about the offending history
- Any relevant information provided by the individual about the circumstances that led to the offence being committed.

The template at Appendix A may assist in the risk assessment.

The applicant may be telephoned -(see Appendix B template) to discuss or clarify information relating to a criminal record which has been identified from a Police Records check by the Executive Officer or Council President undertaking the risk assessment. During this telephone call the applicant will be given the opportunity to verify or dispute the record.

The risk assessment and decision needs to be recorded in document form. The Risk Assessment template at Appendix A can be used for this purpose. If any telephone interview is conducted with the applicant about the criminal record check result, notes of the interview also need to be recorded and signed by the person making the telephone call from the Society. The Telephone Interview Template at Appendix B can be used for this purpose.

9. Making an offer of employment or engagement

After a risk assessment has been undertaken, the relevant Council President (in respect of any Members) and Executive Officer (in respect of Volunteers and Employees) needs to make a decision whether to

engage the individual or not as part of the recruitment processes for that position.

10. Privacy

In handling personal information obtained through the employment process, the terms of the Privacy and Personal Information Protection Act 1998, apply. Any personal information including police records check reports should be filed securely at all times and not left on copiers, desks for any other person to pick up and read. The Society's Confidentiality and Privacy Policy, and the Records Retention Policy apply.

11. Retention of records

The results of criminal records checks and decisions in writing not to undertake a police records check or to undertake one when not required under the Policy to do so, any related risk assessment and interview notes need to be retained with other recruitment records for the position, need to be securely retained in accordance with the requirements of the Society's Record Retention Policy (which covers only records for those who are appointed).

In accordance with best practice principles all unsuccessful application records including, the results of criminal records check should be securely retained for a period of not less than and no more than 3 months in the Central Council office.

12. Audit and review of the process

From time to time the Workplace Relations Team will audit requests for Police Record checks for the engagement of Employees and decisions to appoint/engage based on the assessment of risk posed by criminal convictions. The Society must be able to supply records that will demonstrate adherence to the requirements of this Procedure and associated Policy. This will include:

- Consent forms signed by applicants
- Employment risk assessment information
- Records of any decisions not to undertake a police check for any individual or to undertake a police check when not required under the Police Check Policy
- Records of any telephone interviews with applicants seeking clarification of any criminal conviction results received.

13. Maintenance of Authorised Police Check Officers

The Police Check Coordinator will regularly check the currency of names and contact details of each Authorised Police Check Officer and ensure changes are relayed to the Catholic Commission for Employment.

14. Where applicants are from overseas

A Police Records check will not ascertain whether an individual has any unspent criminal conviction in another country, for example New Zealand.

Occasionally individuals may be able to provide a police check obtained in their country of origin but this might not be sufficiently reliable. Where an applicant has been in Australia for a short time (e.g less than 3 years) greater reliance will need to be placed on the references, including those from overseas.

Criminal records checks can be obtained from a limited number of countries (for example, New Zealand, UK, Canada, USA and China) costing between \$75 and \$327 and can take up to 21 days. Contact should be made in all cases with the Workplace Relations Team at State Support Office for advice on conducting overseas criminal records checks before commissioning any such check.

Review

The effectiveness and ease of use of these Procedures will be reviewed by the Deputy Chief Executive 12 months after coming into operation.

Further advice or assistance

Further information or advice should be obtained from the Workplace Relations Team, at State Support Office on 9568 0220 or from the Volunteer Coordinator in the Member and Volunteer Engagement Team.

References

- St Vincent de Paul Society, NSW Police Check Policy, 2014.
- Australian Human Rights Commission- On the Record- Guidelines for the Prevention of Discrimination in Employment on the basis of Criminal Record 2012.
- St Vincent de Paul Society, NSW, Child Protection Policy, July 2012
- St Vincent de Paul Society, NSW, Volunteer Policy, under development
- St Vincent de Paul Society, NSW, Confidentiality and Privacy Policy, August 2010
- St Vincent de Paul Society, NSW, Records Retention Policy, June 2010
- St Vincent de Paul Society, NSW, Code of Conduct for Members, Volunteers and Employees, July 2013
- St Vincent de Paul Society, NSW, Workplace Manual, 2008

APPENDIX A

RISK ASSESSMENT
WHERE UNSPENT CRIMINAL CONVICTIONS HAVE BEEN IDENTIFIED

Candidate Name:

Date assessment:

Position applied for:

UNSPENT CRIMINAL CONVICTIONS IDENTIFIED

Criminal Records check results

PLEASE SEE THE COMPLETE LIST OF ISSUES TO CONSIDER AT PARAGRAPH 8 IN PROCEDURE

Some example questions to consider:

Seriousness of offence, did it involve assault or fraud?

e.g. domestic violence and the position is in a family care centre

How relevant is the offence to the position?

e.g. if the offence is drink driving and driving is or is not required in the position and if the offence is theft related and the position does or does not have access to any cash or items that might be stolen

Will the nature of the job allow the offender to reoffend?

Is there a pattern of offences?

e.g. a number of offences involving assault of others in pubs or after drinking alcohol every so many weeks

How old was the applicant when the conviction occurred?

e.g. a single offence of vandalism committed over four years ago when the applicant was 17 years old

What were the circumstances of the offence? (phone call to clarify as per paragraph 8

e.g. shoplifting food from a supermarket to feed children five years ago when partner was unemployed

RISK ASSESSMENT DECISION (detail reason for decision)

Name undertaking assessment:

Signature:

APPENDIX B

**TELEPHONE INTERVIEW
NOTES TO CLARIFY UNSPENT CRIMINAL CONVICTION RESULTS**

Candidate Name:

Date Phone call:

Position applied for:

SUGGESTED CHECKLIST FOR PHONE CALL

1. Check identity- spelling of name and date of birth
2. Notify candidate of unspent criminal conviction results
3. Ask candidate to confirm if information is correct

(If candidate denies any of the information is correct suggest they contact the Catholic Commission for Employment Relations by email or phone: 02 9390 5255)

4. Ask candidate to explain the circumstances of the criminal conviction/s (i.e why each occurred)

e.g. Can you please let me know why each offence was committed?

5. Ask candidate if they have anything else they would like to say about the conviction and the likelihood of it happening again
-

NOTES of Phone Discussion with Candidate

Name undertaking phone call:

Signature

Date passed to Executive Officer for consideration: