

Police Check and Working with Children Check Policy

Document number: PO2023-035

Approval

Policy owner	Executive Director, People, Culture and Safety		
Approved by	Executive Leadership Team and State Council		
Date approved	25.01.2023 & 25.02.2023	Review date	25.02.2026

Purpose

1. The Society of St Vincent de Paul (NSW) and the company titled the St Vincent de Paul Society NSW (together the Society) have a responsibility to ensure that Society Personnel (members, volunteers and employees) do not place the people we serve and the Society at unnecessary risk. Such risks include risk to people we serve, children and young people, vulnerable adults, other Society Personnel, risk to the security of the Society's assets and reputation, and risk to the Society's ability to carry out its works lawfully.
2. The purpose of this policy is to:
 - ensure that the Society appropriately manages potential risks associated with the engagement of Society Personnel
 - provide details regarding the Society's requirements for National Criminal History Checks (Police Checks) and Working with Children Checks (WWCCs).

Scope

3. This policy applies to all Society Personnel (members, volunteers, employees, and office holders).

Related policies and procedures

4. Related Society policies and procedures include:
 - Code of Conduct
 - Privacy Policy
 - Records Management Policy
 - Recruitment Policy
 - Safeguarding Children and Young People Policy
 - Safeguarding Vulnerable Adults Policy.

Policy principles

5. The Society employs a range of recruitment and selection measures for all Society Personnel to reduce the potential of engaging people who may pose a risk to children and young people, vulnerable adults and the Society's assets and reputation. These include:
 - National Criminal History Checks (Police Checks)
 - Working with Children Checks
 - interview, pre-employment checks and two referee checks
 - compliance learning and development.
6. The Society requires all interviews of potential Society Personnel engaged in child-related work and working with vulnerable adults to include Safeguarding interview questions.
7. The Society requires all existing and prospective Society Personnel over the age of 18 years to undertake working with children and national Police Check screening as part of the employment and engagement process.

8. People under the age of 18 who are engaged as members, volunteers or employees are not required to have a Police Check or Working with Children Check until they reach the age of 18.
9. All Society Personnel have an ongoing commitment to immediately inform the Society of any disclosable court outcome or criminal convictions. This is a requirement in the Society's Code of Conduct.

National Criminal History Check (Police Check)

10. The Society will ensure that Police Checks are renewed every three years and reserves the right to request Police Checks to be undertaken in respect of any Society Personnel at its discretion.

Working with Children Check

11. The Society will not allow any person without the appropriate Working with Children Check clearance to engage in any child-related work.
12. Working with Children Checks are valid for five years. In accordance with legislative requirements and the Office of the Children's Guardian procedures, all Society Personnel are required to renew their check before it expires.

Persons with a criminal record

13. The Society will only discriminate against a person on the basis of a criminal record where it is assessed that the particular criminal record would prevent a person from fulfilling the inherent requirements of their role. The Society will not discriminate on this basis where the criminal record is assessed as immaterial to the person's role.

Exemptions from Working with Children Check and Police Checks

For Members

14. Working with Children Check and Police Check exemptions may be approved by the CEO in consultation with the Safeguarding Team in very limited circumstances, and only where:
 - 1) the member is marked as inactive in the Society's data base, and
 - 2) the member:
 - does not have contact with the people we serve
 - does not have contact with persons under the age of 18 years whom the Society assists
 - does not have access to confidential information regarding the people we assist, or children and young people connected to the Society
 - does not have any access to the Society's funds.
15. The CEO may approve an exemption in consultation with the relevant Central Council President, only if there is a compelling reason to do so, and only if the above requirements are met.

For Employees and Volunteers

16. Employees and volunteers cannot be exempt from Police Checks.
17. Exemptions from Working with Children Checks can be sought through the Safeguarding Team in very limited circumstances:
 - where it is not required under legislation, and
 - where the employee or volunteer:

- does not have contact with the people we serve
- does not have contact with persons under the age of 18 years whom the Society assists
- does not have access to confidential information regarding the people we assist, or children and young people connected to the Society.

18. All exemptions must be approved by the CEO in consultation with the Safeguarding Team.

19. The Safeguarding Team may seek the CEO's approval for the exemption of a group or class of employees or volunteers whose role meets the criteria above.

Roles and responsibilities

20. All Society Personnel must:

- obtain and maintain the currency of their Working with Children Check and Police Check
- provide Working with Children Check details to the Society for verification
- provide accurate information and identification for the processing of their Police Check
- report any criminal charge, restraining order, loss of licence, or loss of certification or registration which may impact their Police Check status (this is also a requirement of the Code of Conduct)
- understand that the Society will take appropriate action if they do not maintain the currency of their Working with Children Check or Police Check, including suspension or termination, where appropriate and justified.

21. The People Services Team within People and Culture must:

- ensure pre-employment checks are completed for prospective employees including Working with Children Checks and Police Checks
- monitor employee Police Checks and Working with Children Checks and ensure renewal process is implemented
- remind employees to renew required checks, report on renewal progress and escalate as required (renewals are required every three years for a Police Check and five years for a Working With Children Check)
- verify and record Working with Children Check details on employees' files
- conduct a risk assessment and make recommendations to the relevant Executive Director if a Police Check returns an adverse disclosable court outcome result
- ensure appropriate records of Police Checks are kept in accordance with the Society's Privacy Policy and Records Management Policy
- escalate situations to Managers and Regional Directors/Directors where Police Checks and Working with Children Checks have not been renewed or have expired
- support Team Leaders, Managers, Directors and Executive Directors to address policy non-compliance with employees through disciplinary action as required
- recommend to the appropriate Executive Director that an employee or volunteer should be moved to a non-child related role or stood down, in instances where the employee or volunteer does not comply with Policy Check or Working with Children Check.

Managers, Regional Directors and Directors must:

- remind employees of their obligation to renew their Working with Children Check and their Police Check at the required interval (when they receive notification from the People Services Team)
- escalate situations to the appropriate Executive Director and People and Culture Team for appropriate action where Police Checks and Working with Children Checks have not been renewed by a volunteer or employee.

22. Regional Directors and/or Regional Retail Managers must:

- ensure all members and volunteers in their area understand their responsibilities under this policy
- monitor member and volunteer Police Checks and Working with Children Checks
- ensure the effective implementation of processes for obtaining and renewing Police Checks and Working with Children Checks for all members and volunteers
- verify and record Working with Children Check details and Police Check status on members' and volunteers' files in the Society's member and volunteer data base
- inform the relevant Executive Director of non-compliance issues and in consultation with Executive Director and People and Culture Services take appropriate action to address non-compliance and take required disciplinary action
- conduct a risk assessment and make recommendations to the relevant Executive Director if a Police Check returns a disclosable court outcome result
- ensure volunteers in the Vinnies retail outlets are compliant with this Policy and support those who are not compliant to become compliant.

23. The Safeguarding Team must:

- determine and make recommendations to the Chief Executive Officer and State Council President regarding whether specified roles (employee/volunteer and members respectively) are demonstrably not child-related work under the *Child Protection (Working with Children) Act 2012* and could therefore be exempt from Working with Children Check screening requirements
- undertake a review and risk assessment of any proposed exemptions to Working with Children Checks or Police Checks to provide advice to the relevant Executive Director, Chief Executive Officer and State Council President, as required.

24. Executive Directors must:

- ensure all Personnel in their area understand their responsibilities under this policy
- consider all risks before recommending an exemption for Working with Children Checks to the Chief Executive Officer
- review risk assessments for disclosable court outcomes and as appropriate approve engagement of individuals.

25. The Chief Executive Officer must:

- not provide an exemption where a Working with Children Check is required under legislation

- consider all risks and, based on recommendations from Executive Directors or Director Retail, be satisfied that specified positions demonstrably do not require a Working with Children Check before approving an exemption
- consider all risks and, based on recommendations from the Society’s Safeguarding Team, be satisfied that specified positions are demonstrably not child-related before approving an exemption from a Working with Children Check.

26. Conference Presidents must:

- ensure all people applying to be members or volunteers are advised of the requirements of this policy
- liaise with Regional Directors to ensure that all required checks (police, working with children and two referee checks) are completed prior to members and volunteers commencing their roles
- support and assist new and existing members and volunteers with required paperwork.

27. Regional Council and Central Council Presidents must:

- work with the Regional Directors to ensure that effective processes are in place and that members and volunteers are maintaining compliance.

Review

28. This policy and its implementation will be reviewed every three years, or on a needs basis as required to align with legislative or practice changes.

Further assistance

29. Society Personnel should speak with their manager or supervisor regarding any questions about the implementation of this policy. For members, this is their immediate superior and could be a Conference President, Regional Council President, or Central Council President.

30. Feedback regarding the implementation of this policy can be provided to the Executive Director, Governance, Legal and Risk.

References

31. Legislation and regulations relevant to this policy include:

- *Child Protection (Working with Children) Act 2012 (NSW)*
- *Child Protection (Working with Children) Regulations 2013 (NSW)*
- *Privacy and Personal Information Protection Act 1998 (Cth)*
- *Children’s Guardian Act 2019 (NSW)*

Approval and amendment history

Version	Approval authority	Date	Amendment summary
Version 2	Deputy CEO, Jonathan Campton	July 2013	NA

Version 3	Deputy CEO, Dianne Lucas	March 2014	Not Available
Doc # PO2020- 035	Executive Leadership Team State Council	19.08.2020 22.08.2020	Replaces Police Check Policy V3.
Doc # PO2023- 035	Executive Leadership Team State Council	25.01.2023 & 25.02.2023	Updated to include references to Safeguarding Vulnerable Adults Policy, clarifications regarding exemptions and responsibilities across the Society.

Appendix 1: Definitions

1. Relevant definitions include:

<p>Bar/Interim bar/Auto bar (WWCC)</p>	<p>When conducting a Working with Children Check the NSW Office of the Children’s Guardian may determine that there is a risk to the safety of children if the applicant engages in child-related work.</p> <p>If the Office of the Children’s Guardian makes a determination that the applicant has committed a disqualifying offence or there is a risk to the safety of children if the applicant or holder engages in child-related work, the applicant will be issued with a bar. A bar is in place for 5 years at which point it can be reassessed.</p> <p>The Office of the Children’s Guardian may also determine that the applicant or holder is subject to an interim bar, which is a temporary bar on the applicant or holder engaging in child-related work. An interim bar is valid until notification from the Office of the Children’s Guardian or for a period of 12 months.</p> <p>Records listed in Schedule 2 of the <i>Child Protection (Working With Children) Act 2012</i> result in an automatic bar against working with children. Equivalent records from other states and territories also lead to an automatic bar.</p> <p>Once a bar is in place, it is an offence to work with children in a child-related role and penalties apply. It does not matter whether the work is paid or voluntary.</p>
<p>Child-related work</p>	<p>Child-related work is defined in Part 2 section 6 of the <i>Child Protection (Working With Children) Act 2012</i>, as work in a specific, child-related role or face-to-face contact with children in a child-related sector. Additional child-related roles can be found in the <i>Child Protection (Working With Children) Regulation 2013</i>.</p>
<p>Child Safe/Child Safe Culture</p>	<p>Child Safe means:</p> <ul style="list-style-type: none"> • adopting strategies and taking action to promote child wellbeing and prevent harm to children and young people • placing children’s participation, safety and wellbeing at the centre of practice by building a culture in alignment with the National Principles for Child Safe Organisations and NSW Child Safe Standards.
<p>Conviction</p>	<p>Means any conviction of a person, in NSW or elsewhere, of an offence involving reportable conduct, and includes a finding by a court that a charge for such an offence is proven even though the court does not proceed to a conviction (<i>Ombudsman Act 1974</i>).</p>

Criminal record discrimination	Criminal record discrimination occurs when someone does not experience equality of opportunity in employment because of their criminal record. This may include being refused a job, dismissed from employment, denied training opportunities or being harassed at work on the basis of their criminal record.
Disclosable court outcome	A disclosable court outcome refers to police information that can be released. Disclosable court outcomes may include information relating to court convictions (including penalties and sentences), charges, findings of guilt with no conviction and traffic offences.
Employee	An employee is a paid member of staff unless otherwise specified. This includes full time, part time, fixed term or casual staff, contractors providing services to the Society and those engaged in the performance of duties for the Society from a labour hire agency.
Executive Director	An Executive Director includes all Society Executive Directors and the Society's Chief Financial Officer.
Executive Leadership Team	The Executive Leadership Team includes all Executive Directors, the Chief Financial Officer and the Chief Executive Officer.
National Criminal History Check	<p>A national criminal history check is a 'point in time' name-based check of an individual's criminal history record. The process involves CrimTrac searching against a central index of names of persons of interest to police services in order to identify any potential matches.</p> <p>Where a potential match is identified, the name is referred for evaluation to the respective state or territory police service holding the record.</p> <p>The relevant police service(s) then releases the criminal history information to CrimTrac to pass on. Criminal history information is released subject to relevant commonwealth/state/territory spent convictions, non-disclosure legislation and/or information release policies.</p>
Member	<p>A member is a person who is part of a St Vincent de Paul Society Conference. This is an unpaid or voluntary role. For the purposes of legislative compliance, all requirements set out for volunteers in this policy and in child protection legislation also apply to members as Society Personnel.</p> <p>The term Member includes Conference, Associate and Volunteer members as per The Rule.</p>
Police Check	See National Criminal History Check.
Society Personnel	Any person (or group of people) engaged by the Society to assist in its works. This includes members, volunteers, employees, contractors and consultants.

Volunteer	A volunteer is any person who performs unpaid work for the Society.
Working with Children Check (NSW)	<p>Under the <i>Child Protection (Working with Children) Act 2012</i> (NSW) a Working with Children Check (WWCC) is a requirement for anyone who works or volunteers in child-related work in NSW. It involves a National Police Check (criminal history record check) and a review of reportable workplace misconduct.</p> <p>For paid employees or those who are self-employed, there's a fee for the Working with Children Check. For volunteers (this includes members), students on a professional placement, potential adoptive parents or authorised carer, there is no fee.</p> <p>Organisations are required to:</p> <ul style="list-style-type: none"> • register online with the Office of the Children's Guardian (OCG) • identify which roles require a Working with Children Check • verify all workers have a valid Working with Children Check, including new paid workers before they are hired, and existing workers and volunteers (new and current) • keep records of each person's date of birth, WWCC number, verification details and employment status (paid or volunteer) • ensure no worker with a 'barred', 'interim barred', or 'not found' Working with Children Check status is involved in child-related work.

Appendix 2: Police Check and Working with Children Check Procedures

Police Checks

Obtaining and renewing Police Checks

1. The Society conducts Police Checks on all Society Personnel aged 18 years and over prior to their engagement with the Society. This requirement must be stated in all position descriptions, job advertisements, and membership and volunteer application forms.
2. The cost of Police Checks is borne by the Society and allocated to the relevant cost centre.
3. The People Services Team will manage the process for obtaining Police Checks for employees and prospective employees.
4. Members and volunteers are encouraged to complete the Police Check online, and must ensure that the report is issued to the Society when completed.
5. Where a prospective member or volunteer is unable to complete a Police Check online, regional office staff who have been authorised by the Regional Director, will provide links and supporting information to applicants.
6. Police Checks must be renewed every three (3) years.
7. People and Culture Services will remind employees to renew their Police Checks at the following intervals:
 - 90 days prior - reminder to employee
 - 60 days prior - reminder to employee
 - 30 days prior - reminder to employee and Director.
8. Regional Directors and/or Regional Retail Managers must remind Society Personnel of the need to renew in the three months prior to the expiry of their Police Check. Renewal reminders must be completed in liaison with People and Culture Services Team. A reminder must be sent:
 - 90 days prior - reminder to member or volunteer
 - 60 days prior - reminder to member and volunteer and Conference President or Supervisor
 - 30 days prior - reminder to member and volunteer and Central Council President.

Police Check outcomes and risk management

9. If a disclosable court outcome is received then a risk assessment must be conducted in order to determine if the criminal record is relevant to the role and whether it prevents the person from performing the inherent requirements of the role, prior to making a decision about their engagement as an employee, member or volunteer. Based on the individual's disclosable court outcome and risk assessment, the Society must be satisfied that they do not pose a risk to the organisation or the people we serve.
10. When considering the relevance of a person's criminal record, the risk assessment must consider:
 - the relevance of the conviction to the role in question

- the seriousness of the conviction or offence
 - whether the offence involved violence or risk of harm to children, young people or vulnerable adults
 - 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
 - the amount of time that has passed since the criminal activity took place
 - whether the applicant has 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.
11. Consideration must also be given to spent conviction schemes both across the Commonwealth and New South Wales. Spent convictions of specific offences will be released where the check is required for certain purposes regardless of how old the convictions are.
 12. If the risk assessment indicates that a person should not be employed in a particular position, the person concerned should be given an opportunity to discuss or clarify information relating to the criminal record prior to a final decision being made.
 13. The responsibility for this risk assessment and final decision is as follows:
 - for all employees and volunteers – the relevant Executive Director
 - for all members – the relevant Regional Director and Executive Director, Membership, Volunteers and Regional Operations, in consultation with the relevant Central Council President.

Working with Children Checks

Obtaining and renewing Working with Children Checks

14. Working with Children Checks are obtained and 'owned' by the individual and must be provided to the Society to complete verification.
15. Members and volunteers do not pay a fee, provided they indicate in their application that the check is being obtained for volunteering purposes.
16. Employees must pay a fee when they apply for, or renew, their Working with Children Check.
17. Working with Children Checks must be renewed every five (5) years. All Personnel are required to renew their check before it expires in line with legislative requirements and the processes set out by the Office of the Children's Guardian.
18. Society Personnel in child related roles must not allow their Working with Children Checks to expire.
19. As the Working with Children Check is owned by the individual, the Office of the Children's Guardian will contact individuals 90 days prior to the expiry of their Working with Children Check to remind them that it is due for renewal. Society Personnel are responsible for renewing their own Working with Children Checks.

20. Society Personnel must keep their contact details up to date with the Office of the Children's Guardian so that they receive renewal reminders. This can be done by logging into the Office of the Children's Guardian website: <https://ocg.nsw.gov.au/working-children-check/applicant/update-or-upgrade-your-wwcc-details>
21. In addition to the office of the Children's Guardian reminder, People and Culture Services must also remind employees to renew their Working with Children Check at the following intervals:
 - 90 days prior - reminder to employee
 - 60 days prior - reminder to employee
 - 30 days prior - reminder to employee and Director.
22. Regional Directors must remind members to renew their Working with Children Check.
23. Regional Retail Managers and Vinnies Services managers responsible for volunteers must remind volunteers to renew their Working with Children Checks.
24. Renewal reminders must be completed in liaison with People and Culture Services team, reminder must be sent:
 - 90 days prior - reminder to member or volunteer
 - 60 days prior - reminder to member and volunteer and Conference President or Supervisor
 - 30 days prior - reminder to member and volunteer and Central Council President.

Verification of Working with Children Checks

25. Working with Children Checks must be verified by the Society before they are considered valid. People and Culture Services, and authorized staff in other directorates must use the Office of the Children's Guardian online portal to enter the Personnel's application number or, clearance number to confirm verification. Verification details must be recorded in the appropriate Society system (either Society People or Preceda).

Personnel under 18 years of age

26. People under 18 years of age must not be engaged in an unsupervised high-risk role with direct access to children, vulnerable adults or to large amounts of Society funds. The Society must ensure that a Police Check is obtained for Society Personnel no later than three months after their 18th birthday.
27. Personnel who are under 18 years of age and engaged in child-related work must apply for a Working with Children Check in the three months prior to their 18th birthday.

Bar or interim bar on working with children

28. If a Working with Children Check on a new applicant returns a bar or interim bar from working with children, the Society can not legally engage the individual.
29. Where a person currently engaged by the Society receives a bar or interim bar from working with children, the Society will immediately remove them from any child-related role. The person may only continue their engagement in non-child related work with a risk assessment and the approval of the Chief Executive Officer in consultation with the Safeguarding Team. Where this involves a member, the relevant Central Council President and State Council President (where it involves a Conference, Regional or Central Council President) will also be consulted.

Exemptions and risk management

30. Only in cases where specified positions are considered low-risk roles, may an exemption from a Working with Children Check be sought. Exemptions must not be made in situations where there is direct access to people we serve, children or young people or direct access to Society funds.
31. The form to apply for an exemption from Police Checks (members only) or Working with Children Check can be requested from the Safeguarding Team.
32. Where employee or volunteer positions are demonstrably not child-related work and meet the criteria for exemption, the Manager or Director may seek an exemption through the Society's Safeguarding Team. All requests supported by the Safeguarding Team must be forwarded to the Chief Executive Officer for approval.
33. For employees and volunteers, exemptions must be assessed and reviewed by the relevant Executive Director, approved by the Chief Executive Officer, and must be recorded in writing and maintained by the Safeguarding Team.
34. For members, an application must explain why the exemption is sought and contain an undertaking signed by the member that:
 - the member will only engage in the activities outlined in the relevant exemption
 - the member will continue to abide by the ethos, mission, aims and objectives of the Society.
35. The application is to be endorsed by the member's Conference President who must:
 - certify that the member has satisfied the requirements for an exemption
 - acknowledge that the member will only engage in the activities outlined in the relevant exemption
 - explain how the member will remain connected to the Society.
36. Completed applications are to be forwarded by the Conference President to the Regional Director, copying their Regional President and Central Council President.
37. The Regional Director will review and submit the exemption to the Safeguarding Team prior to submission to the CEO for approval.
38. Exemptions will be approved by the CEO, in consultation with the relevant Central Council President and the Safeguarding Team.

Record keeping

39. In accordance with the Records Management Policy, Police Check and Working with Children Check details must be stored in a secure online location on the Society Personnel's file in the Society's respective data base.
40. Records of all exemptions will be maintained by the Safeguarding Team.
41. All employees and volunteers for whom an exemption has been granted will have this noted on their Personnel file by People and Culture.
42. Any member for whom an exemption has been granted is to be marked "Inactive" in the Society's member and volunteer data base.

Privacy

43. The Society will ensure that Police Check and Working with Children Check information is treated in the strictest of confidence and in accordance with the Society's Privacy Policy. Only authorised people will have access to Police Check and Working with Children Check information.