

## POLICE CHECK POLICY

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<b>Policy Type:</b>	Organisation
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<b>Responsible Officer:</b>	Coordinator Human Resources
<b>Owner:</b>	People and Culture
<b>Responsible Director:</b>	Corporate Performance
<b>Relevant Legislation/Authority:</b>	Aged Care Act 1997 Working With Children Act 2005
<b>DOCSETID:</b>	1026548

### 1. PURPOSE

Police checks are an important part of the assessment of a person's suitability for engagement at the City of Greater Bendigo (the City). The purpose of this policy is to assist the City to meet its regulatory requirements and duty of care to clients, employees, the public and its assets by ensuring that relevant employees and volunteers do not have a criminal record which may adversely affect these obligations. This policy sets out how the City manages the requirement for employees, preferred candidates, volunteers and potential volunteers to have police checks conducted prior to, and while undertaking their role with the City.

### 2. SCOPE

This policy applies to City employees, preferred candidates, volunteers and potential volunteers of the City.

### 3. DEFINITIONS

**Police check (National Police History Check)** - a process of conducting a police records search about an individual's criminal history for the purposes of employment, voluntary work and occupation related licensing or registration to ensure the integrity of individuals placed in a position of trust.

**Child-related work** - working with or caring for children in any of the occupational fields referred to as 'services, places, bodies or activities' in the Act that involves contact with a child that is direct, regular and a part of the person's duties (not incidental to the work).

**CrimTrac** - the agency responsible for developing and maintaining national information sharing services between state, territory and federal law enforcement agencies. CrimTrac provides accreditation to the range of organisations that provide the National Police Checking Service.

**CrimCheck** - the accredited organisation that provides a web-based National Police Check Service and processes police checks on behalf of the City.

**No Disclosable Court Outcomes (NDCO)** - a police check result which indicates that there is no police history information (PHI) that is held or that can be released to the submitting organisation.

**Disclosable Court Outcomes (DCO)** - a police check result which indicates that PHI exists that can be released to the submitting organisation. The police history information may include:

- charges
- court convictions – including any penalty or sentence
- findings of guilt with no conviction
- court appearances
- good behaviour bonds or other court orders
- pending matters awaiting court hearing
- traffic offences

#### 4. SITUATIONS REQUIRING A POLICE RECORD CHECK

Employees, preferred applicants and volunteers whose role or position description requires work in the following situations will require a police check:

- working with the aged, frail or people with a disability (including staff who are reasonably likely to interact with clients or contact clients by phone, volunteers who have unsupervised interaction with clients and executive decision makers for activities under the Commonwealth Home Support Programme)
- working within early learning centres
- entering private homes
- authorised officers who undertake prosecution for offences
- managing highly confidential information (including but not limited to People and Culture, Executive Office, Community Services, Executive Assistants to Directors, Information Services, Risk Management, Finance & Payroll) as determined by the recruiting manager or people manager
- cash handling/receipting (as defined in the Cash Handling Policy)
- access to valuable artworks
- Executive/Senior Management (CEO, Directors and Managers)

Additional positions or work areas (other than those identified above) may be deemed as requiring a satisfactory police check, by the Manager, People and Culture, the Manager Executive Services or the recruiting manager.

With the exception of positions and work areas that require regular police checks to meet legislative or regulatory requirements, police checks will generally only be conducted prior to commencement of employment. However, a police check may be requested from an employee or volunteer at any time as required.

## **5. EXEMPTIONS**

Employees and volunteers under the age of sixteen (16) years are not required to undertake a police check (but are required to undertake a police check upon turning 16 years of age).

## **6. RECRUITING TO AN ADVERTISED POSITION**

Position advertisements (and position/role descriptions for those positions) in the abovementioned work areas should include the following statement (or similar):

*All final applicants for this position/role will be asked to consent to a police check. Please note that people with criminal records are not automatically barred from applying for this position. Each application will be considered on its merits.*

Offers of employment/volunteer agreements to a position/role in the abovementioned work areas should include the following statement (or similar):

*This offer of employment/volunteer agreement is subject to the City receiving a satisfactory police check*

An applicant who refuses to complete the police check form will not be considered for the position for which they have applied.

## **7. WORKING WITH CHILDREN**

Employees and contractors, working in any position within the organisation which involves child-related work within the definition of the Victorian Working With Children Act (2005) must have a current Working with Children (WWC) Check.

All volunteers and potential volunteers of the City, regardless of their role, must have a current WWC Check.

For further information on WWC Checks, please refer to the Working with Children Check Policy.

## **8. CRIMCHECK PROCESS**

### **8.1 Costs**

The City will cover the cost of a police check for employees in positions where a police check is not legally mandatory and for subsequent police checks required for Community Services (Home Support) employees.

For applicants/candidates of a position where a police check is legally mandatory or required under regulatory/funding commitments or obligations, the applicant/candidate will be required to provide a police check at the time of application or prior to the commencement of employment. The cost of the police check is the applicant/candidate's responsibility.

The City will cover the cost of police checks for volunteers.

## **8.2 Police Check Results**

### **8.2.1 No Disclosable Court Outcomes (NDCO)**

A NDCO result indicates that there is no disclosable police history information held by any police agencies. If a NDCO result is obtained, CrimCheck will email the City to advise 'Clear-All States'. The People and Culture Unit will notify the Manager/recruiting manager of the outcome and any offer of employment, position or role can then be confirmed with the preferred candidate/volunteer.

### **8.2.2 Disclosable Court Outcome (DCO)**

A DCO result indicates that there is police history information returned by one or more police agencies that may pertain to the employee. If a DCO result is obtained, CrimCheck will provide information on the disclosable outcome/s to the City.

Employees, preferred candidates, volunteers or potential volunteers are not automatically precluded from a position or role on the basis of receiving a DCO result on a police check. Any decision made for or against a person should be made in consultation with People and Performance and fully documented.

## **8.3 Disclosure of police history information**

An employee, preferred candidate, volunteer or potential volunteer is not automatically precluded from an offer or employment or volunteer role on the basis of declaring disclosable outcomes. If an employee, preferred candidate, volunteer or potential volunteer discloses police history information, the police check process will be undertaken to obtain further information and assist the City in assessing the individual's suitability for the role.

## **8.4 Assessment Criteria for DCO result**

In the event of a DCO result People and Performance, in conjunction with the Manager, will assess the information obtained and give consideration to the following assessment criteria:

- i. Relevance of the offence to the position/role
- ii. The nature of the offence and the relationship of the offence to the particular position/role for which the applicant is being considered  
(For example – persons who have committed offences against children, are not suitable where there is contact with children)
- iii. The length of time since the offence took place
- iv. Whether the person was convicted or found guilty and placed on a bond
- v. Whether there is evidence of an extended police record
- vi. The number of offences committed which may establish a pattern of behaviour which renders the employee/applicant/volunteer/potential volunteer unsuitable
- vii. Whether the offence was committed as an adult or a juvenile

- viii. The severity of punishment imposed
- ix. Whether the offence is still a crime, that is, has the offence now been decriminalised
- x. Whether there are other factors that may be relevant for consideration  
(*For example - cultural factors or mitigating or extenuating circumstances*)
- xi. The person's general work behaviour and Culture since the offence was committed

If after the assessment of the police history information it is decided to offer employment or a volunteer role the offer can be confirmed with the preferred candidate.

Where the assessment results in the candidate/potential volunteer being deemed not suitable for the position, the Manager will inform the candidate/potential volunteer of the decision and its rationale. The candidate/potential volunteer will be offered the opportunity to discuss the results. The Manager must inform the candidate/potential volunteer that all relevant police check documentation will be destroyed.

## **9. OFFERS OF EMPLOYMENT**

For positions where a police check is required under regulatory/funding commitments, applicants are required to produce a police check at the time of interview or be in the process of making an application.

Preferred candidates for identified positions in Community Services (see section 4) must have a satisfactory police record check prior to being offered employment.

For positions where a check is not legally mandatory or required under regulatory/funding commitments or obligations, the preferred candidate will be offered the position subject to a satisfactory police check. In this instance the letter of offer will clearly state that the offer of employment is subject to City of Greater Bendigo receiving a satisfactory police record check.

## **10. EXISTING EMPLOYEES & VOLUNTEERS**

Employees/volunteers are required to advise their people manager/supervisor if they are charged with a criminal offence which is punishable by imprisonment, or if found guilty, could reasonably be seen to affect their ability to meet the inherent requirements of the work/role they are engaged to perform. If a Home Support employee or volunteer is arrested for a precluding offence (as defined by the Aged Care Act 2007) they are to advise their people manager as soon as reasonably possible. The City may at any time request a police check from employees/volunteers working in a position/role which relates to situations listed in section 4.

Employees/volunteers working within Community Services and/or as identified in the Commonwealth Home Support Programme Grant Agreement (including, Home Support and office staff of the Community Services unit, staff who are reasonably likely to interact with clients or contact clients by phone, volunteers who have unsupervised interaction with clients and executive decision makers for activities under the programme) are required to undergo routine police checks in line with licensee and regulatory requirements (every three years).

All existing employees recruited, seconded or appointed to a position which relates to situations listed in section 4 who do not have a police check which is less than 6 months old, are required to complete a police check. The same process applies.

All existing volunteers who undertake a secondary/different role which relates to situations listed in section 4 and do not have a police check which is less than 6 months old, are required to complete a police check. The same process applies.

Where an employee or volunteer is found to have a DCO result, the Manager People and Culture in consultation with the employee's/volunteer's manager, will inform the employee/volunteer who will be provided an opportunity to discuss the results. The Manager People and Culture must inform the employee/volunteer of any action to be taken.

## 11. RELATED DOCUMENTS

Employees are encouraged to access the related internal documents which are available on the intranet and/or external resources which are available as per the below.

These include:

- Cash Handling Policy
- Recruitment and Selection Policy
- Working With Children Check Policy

Further information or advice on this policy should be directed to People and Culture

## 12. HUMAN RIGHTS COMPATIBILITY

The implications of this policy have been assessed in accordance with the requirements of the Victorian Charter of Human Rights and Responsibilities.

## 13. ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this, such a change may be made administratively. Examples include a change to the name of a Business Unit, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be made through consultation with the staff Consultative Committee and with the approval of EMT or where required, resolution of Council.

## 14. DOCUMENT HISTORY

Date Approved	Responsible Officer	Unit	Change Type	Version	Next Review Date
2006		People & Performance	Administrative	1	2010
AUG 2016	JW	People & Performance	Review	2	AUG 2020
SEPT 2017	JW	People & Culture	Update	3	SEPT 2021
FEB 2019	JW	People & Culture	Administrative	4	SEPT 2021