
P030 – Criminal Record Check Policy

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1. Scope

This policy applies to all District 360 board members, management, managers, staff, contractors and volunteers.

2. Purpose

The purpose of this policy is to safeguard District 360 and its clients against appointing and recruiting staff or using volunteers and contractors who have been convicted of criminal offences that may present increased risks to the organisation. The risk includes a range of factors including possible fraud or the misappropriation of funds or the person's suitability to provide services to vulnerable people which includes the Aged and people with disabilities. The policy recognises the organisation's legal and moral duty of care obligations to its clients under Disability Services Standard 6.

The Policy also serves to outline District 360's commitment to, and process for, conducting NDIS checks, working with children check and National Police clearance for non-risk assessed roles are conducted consistently and in a non-discriminatory manner on employees.

3. Policy Statement

District 360 requires that all staff members, volunteers and contractors have received satisfactory NDIS checks prior to commencement of duties. Employer will be provided with an email for if staff have successfully gained the rights to work with people with disabilities via the NDIS worker screening check. Staff who are directly involved with delivering services to participants in their homes with/of children under the age of 18 years old will require a Working with Children Check. If the staff, volunteer or contractor has resided overseas, a criminal record check from the relevant jurisdiction(s) may also be required with a Statutory Declaration according to the Oaths, Affidavits and Statutory Declarations Act 2005.

The National Police clearance must be updated every 3 years for staff providing services to people with disabilities.

District 360 is committed to creating and maintaining safe and secure environments for all employees by ensuring:

- that all people with criminal records applying to join the company will be treated according to their merits, qualifications and suitability to the position.
- that employment screenings, including criminal history checks, working with children check and National Police clearance are conducted consistently and in a non-discriminatory manner.

While the principles of natural justice will apply in all decisions, the overriding consideration will always be given to the safety and wellbeing of all our service users and people with disabilities.

4. Definitions

Criminal history: The conviction/s for criminal offences recorded against a person. Criminal history does not include spent convictions, e.g. quashed convictions, pardons or those convictions for which a person was not sentenced or where the rehabilitation period has ended.

Employment screening: The process of undertaking criminal history checks or other relevant checks authorised by legislation to determine the suitability of a recommended applicant.

Proof of identity: Proof of identity must be either: Two primary identification documents; or One primary identification document and one secondary identification document; or any other document or documents that, in the chief executive's opinion, are capable of establishing the person's identity.

Recognised positions: Recognised positions are positions that have financial responsibilities (other than petty cash) or been recognised as carrying a risk to the safety and proper operations of the organisation and/or being detrimental to public confidence in the department if an individual with a relevant criminal history were engaged.

Recommended applicant: A person recommended for appointment to a role for which the provision of a criminal history is required.

5. Procedures

The following procedures are to be implemented to ensure that staff, volunteers and contractors have appropriate criminal records checks prior to undertaking any duties for the organisation.

District 360 may conduct a criminal history check of an employee or nominated applicant. A criminal history check will be initiated for an employee or potential employee who:

- is recommended for engagement in a recognised position
- is undertaking higher duties or is relieving at, below or above level in a recognised position for a period greater than 6 months

A criminal history check may be initiated for:

- potential employees recommended for engagement in non-recognised positions
- current employees as a result of changed employment circumstances which include:
 - redeployment
 - transfer or appointment to a position work performance
 - interchange arrangements
 - incorporation of new tasks or responsibilities into a position and higher duties.
 - contractors

The organisation will:

- Require potential staff members to obtain a satisfactory NDIS check prior to appointment to the position held in Disability Services.
- Require all contractors doing work for the organisation and likely to have contact with its clients to satisfy the organisation that criminal records checks have been obtained.
- Inform all prospective staff and volunteers that they will be required to provide criminal records check prior to commencing duty.
- Require short-listed applicants (staff or volunteers) to provide documentary proof of identity, such as a passport or driver's licence, when attending the selection interview.
- Require the recommended applicants (staff or volunteers) to obtain a satisfactory criminal record check prior to commencing duty.
- If any recorded criminal convictions are identified, refer the matter to the Director for a determination as to whether the specified conviction would be likely to place the clients of District 360 at any risk or breach the organisations duty of care obligations. As stated in the Duty of Care policy
- Base its determination on whether the conviction has been for an offence which directly relates to the duties, whether the position being sought would offer unsupervised opportunities for a similar offence to take place, whether the offence has occurred recently, whether there are single or multiple convictions and whether the conviction(s) reflect generally on the suitability of the person to become an employee or volunteer with the organisation.
- Remind staff to update their National Police Clearance every 3 years, this is mandatory for all staff members, volunteers and contractors of District 360 and must be submitted to HR for staff records.
- Preclude from employing staff that have a criminal record with disclosable offences that prohibit them from employment in Disability services such as a conviction of murder or sexual assault; or a conviction of, and sentencing to imprisonment for, any other form of assault.
- Make decisions based on criminal history without prejudice and according to the guidelines for the prevention of discrimination in employment based on criminal record.

District 360 screens for:

- NDIS Check (Worker Screening)
- Working with Children Checks
- Valid Professional body accreditation/registration checks

6. Performance Standards

The following performance standards must be met to ensure that the procedures specified in Section 5 are implemented effectively:

- All prospective staff members, volunteers and contractors have been informed of the requirement to provide a satisfactory criminal records check.
- Applicants (staff and volunteers) have provided proof of identity at the interview and the nature of those documents are recorded in the interview notes.
- All recommended staff members, volunteers and contractors have received a satisfactory criminal record check in all jurisdictions in which they have resided over the past ten years and copies have been stored on the personal file.
- In the event of any criminal convictions having been recorded against the person, the Director has made a formal determination about the person's suitability as a staff member, or volunteer and a copy of the determination has been appropriately filed.
- The organisation is satisfied that satisfactory criminal records checks have been obtained for all its contractors.

7. Review of The Policy

This policy will be reviewed on a yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.

8. Other relevant District 360 policies

Staff, especially managers and supervisors, are encouraged to read this policy in conjunction with other relevant District 360 policies, including;

- Staff Recruitment Policy

9. Relevant Legislations and Standards;

- Disability Services Act 1993
- National Standards for Disability Services

10. More information

If you have a query about this policy or need more information, please contact the management team at info@district360.com.au

11. Review details

Approval Authority	Tanya Johnston
Responsible Officer	Coco Johnston
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Last amended	- Reviewed the up to datedness of the information.