

<p>POLICY TITLE</p> <p>Pre-employment/Pre-placement Police Checks</p>
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Supporting Policies	DHS – Pre-employment/Pre-placement Safety Screening (Police Checks)
Policy Reference No:	<i>Issue No. 1</i>
Policy Authorisation	Chief Executive Officer Committee of Management
Policy Administration	
Manager Policy development	Research, formulation, drafting and review
Manager Human Resources	Implementation and Consultation
Approval Date	28th March 2006
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Review Date	April 2007 or as required

1.0 Organisational Context

As a Community Service Organisation funded by DHS (current Service Agreement) to provide services to specific clients, CHSS is required, at times, to ensure it complies with particular DHS policy directives. The **Pre-employment/Pre-placement Safety Screening (police checks)** policy is one such policy directive.

2.0 Policy Intent

The Intent of this policy is to:

- Ensure that all persons employed by CHSS who have direct client contact¹ or who are in direct management of client services, have had a police check carried out and a clearance provided prior to them commencing employment with CHSS.
- Ensure all caregivers, their spouses, dependents or relatives, who have direct contact or the potential for direct contact with a CHSS client have had a police check carried out and a clearance provided prior to any client placement being undertaken.
- Ensure that all volunteers and students on placement with CHSS have had a police check carried out and a clearance provided prior to commencing volunteer duties or student placement.
- Provide a fair and equitable process in the Assessment of Police Checks that result in a Disclosable Record.
- Ensure that as a further measure in the assessment process for potential employees of CHSS, referee checks are also carried out.

¹ See Definitions of what constitutes Direct Contact.

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3.0 Legislation/Regulations/Compliance Requirements

- *Information Privacy Act 2000* (Vic)
- **Department of Human Services:**
Service Agreement Compliance Requirements:
Policy Standard 5.3 (Pre-employment/Pre-placement Safety Screening [Police Checks]).²

4.0 Application

This policy and its associated processes and practices apply to all current and potential employees of CHSS, carers, volunteers and students on placement at CHSS.

5.0 Definitions

- **Direct Contact** (Employment) *Actual unsupervised contact or the potential for unsupervised contact.*
- **Direct Contact** (Carer Placements): *Actual unsupervised contact or the potential for unsupervised contact.* For example, if the child in placement was staying overnight (or intends to stay overnight or longer) with someone else (relative, friend etc), and the primary carer was not present (or is not going, then a police check will need to be carried out on the relative or friend and/or parents/guardians of that relative or friend
- **Direct Contact** (Volunteers/Students on Placement) *Actual unsupervised contact or the potential for unsupervised contact.*

6.0 Policy Statement

6.1 Police checks conducted by Victoria Police are required:

- Before a person can be employed with CHSS;
- as part of the assessment criteria and process prior to approval as a caregiver with CHSS;
- before a student on placement is placed with CHSS;
- before a volunteer is placed with CHSS;
- before a young person/child in placement can stay with relatives/friends (where the Carer is not present).

² A substantial portion of this policy and its processes has been extracted from *DHS Service Agreement Information Kit for Agencies*, Departmental Policies and Procedures, DHS Victoria available at: http://www.dhs.vic.gov.au/srvc_agmnt/chpt53.htm

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- 6.2 Only **designated people** within CHSS shall arrange police checks. At present these people are:
- The Human Resource Manager; and
 - In the absence of the Human Resource Manger, the Chief Executive Officer.
- 6.3 Police checks will only be undertaken by CHSS after obtaining the individual's **written consent**.
- 6.3.1 **Exception – where an emergency placement is required.** In this circumstance, **Verbal Consent** can be obtained where it is impractical to obtain the individual's written consent.
- 6.4 In circumstances where an **Emergency Police Check** is required, CHSS' **Designated Person** will liaise directly with DHS to have such a police check undertaken (DHS has an Authorised Person who will request an emergency police check from Victoria Police).
- 6.5 All police checks (**except in the circumstances noted at [6.4]**) will be arranged directly with Victoria Police.
- 6.6 All requests for police checks must be submitted by CHSS using the prescribed Consent Forms (**National Police Records Check Consent Form**).
- 6.7 Confirmation of an offer of employment, or placement (Student or Volunteer), or approval as a Caregiver, in direct client services cannot occur until the police check has been assessed and a clearance has been given. **No person can commence employment, placement or undertake caregiver placement until a clearance is given.**
- 6.8 Disclosure of a police record or criminal history prior to commencing, or during a person's employment/placement with CHSS, is required under CHSS' Code of Conduct.
- 6.9 All CHSS Employment advertisements and any other documents detailing or describing work in direct client services with CHSS shall include the following:
- Subject to a satisfactory police records check...*
- 6.10 Police Records Checks shall **not** be carried out on persons under the age of 16 years.
- 6.11 **Strict confidentiality must be applied to all police checks.** This means that CHSS shall not forward or divulge the information contained in a police check to any other individual (other than the **designated people** within **CHSS and DHS** – i.e. Placement and Support Manager and/or Regional Corporate Services Manager) or organisation unless required by law.
- 6.12 **Police checks resulting in a Disclosable Record** - shall be investigated by the Human Resources Manager – in that person's absence, the Chief Executive Officer – only.

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6.13 Such investigation shall obtain all relevant information in relation to the **Assessment Criteria**.

6.14 **Assessment Criteria to be followed when a police check results in a Disclosable Record:**

- Relevance of the criminal offence in relation to employment, or placement, or Carer duties, within direct client services or management of direct client services for which the person is being considered.
- Nature of the offence and the relationship of the offence to employment, or placement, or Carer duties, within direct client services or management of direct client services for which the person is being considered.
- Whether the person was convicted or found guilty and placed on a bond.
- Whether there is evidence of an extended police record.
- The number of offences committed which may establish a pattern of behaviour or recidivism.
- Severity of punishment imposed.
- Whether the offence is still classified as a crime.
- Whether there are other factors that may be relevant for consideration.
- The person's general character since the offence was committed.

6.15 CHSS shall institute an **Assessment Panel** for all police checks resulting in a Disclosable Record. This panel shall comprise the following people:

- CHSS Human Resources Manager (CEO in that person's absence); and
- Two (2) members of CHSS' Committee of Management (one of which must be the Chairperson).

6.16 Completed police checks could possibly contain information of a highly sensitive nature – criminal convictions, findings of guilt, outstanding charges. As such, CHSS shall apply strict security in the storage and confidentiality of police checks.

This means:

- Police Checks must only be stored with the **Designated person** – as identified at [6.2].
- **Only Designated Persons (HR Manager, CEO and members of CHSS' Police Check Assessment Panel)** at CHSS shall have access to the information contained in the completed police check.
- It is the **responsibility of the Designated Person** to ensure security of storage, proper handling and confidentiality of the information.

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- At no time must the information (contained in a completed police check) released by Victoria Police to CHSS be stored in any manual or electronic database or Employee Records filing system.
 - Any recording system used for audit or investigation can only contain the individual's name, the date of the police check and the storage location of the completed check.
- 6.17 All completed police checks shall be held by CHSS whilst the employee, student on placement, volunteer, or caregiver remains employed, on placement, or carrying out caregiver functions with CHSS.
- 6.18 Where a person's employment ceases with CHSS, or where a student/volunteer placement ends, or where an approved caregiver no longer is registered with CHSS, that person's police check record shall be destroyed.

7.0 Practice Guidelines – Process for Police Check Requests and Process of Investigation of Disclosable Records

Police Check Requests:

- 7.1 Where a request for a police check is made:
- The Human Resource Manager (hereafter HRM) will contact the person who is to be checked and arrange for the required consent form to be completed and photocopies of other relevant information (i.e. Drivers Licence) provided. – **No other CHSS staff (except CEO) is to have access to the completed consent forms.**
 - Where an emergency/urgent police check is required, the HRM will contact the person who is to be checked, obtain **verbal consent (this is subsequently documented)** and any other relevant information. The HRM will always advise people being police checked of the process involved in the event that a police check results in a Disclosable Record.
 - The HRM will then forward the completed documentation and required payment to Victoria Police. Where an emergency/urgent police check is required, the HRM will contact DHS Placement and Support Manager with the request, providing the details either verbally over the telephone or via fax.
 - The results of all police checks are forwarded by Victoria police or DHS directly to the HRM or CEO in that person's absence.
 - The HRM will advise relevant staff as to whether employment, student or volunteer placement, or Carer approval can proceed.
 - The HRM shall inform the unsuccessful applicant or student or volunteer or Carer that the police check and any associated documents will be destroyed – e.g. shredded.

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Process of Investigation

7.2 Where a police check results in a Disclosable Record:

1. CHSS' Human Resource Manager is to investigate the Disclosable Record.
2. CHSS Assessment panel (Police Checks) determines employment/placement/caregiver suitability in accordance with Assessment Criteria.
3. Any decision taken not to employ an applicant, or not allow a student/volunteer placement to proceed, or not to approve a caregiver because of the result of a Police Records Check, and the reason behind such a decision, shall be communicated to the applicant/student/volunteer/caregiver.
4. The applicant/student/volunteer/Carer shall be given the opportunity to discuss the results and the reason for the decision. If the person believes that a significant injustice has occurred, he/she may appeal in person to the **CHSS Police Check Assessment Panel** or the **Human Rights and Equal Opportunity Commission**.
5. In circumstances where CHSS decides to employ/provide a placement for a student or volunteer/approves a caregiver with a Disclosable Record, the reason for this decision shall be communicated in writing to the Department of Human Services – Regional Corporate Services Manager.