

## 3.14 POLICE CLEARANCE FOR STAFF

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<b>Policy Responsibility</b>	Administration		

### Document History

<b>Version</b>	<b>Date Amended</b>	<b>Details Comments e.g. Resolution Number</b>
	February 2019	19/02/2019/016

### INTRODUCTION

The Coomalie Community Government Council believes that all organisations providing services to youth, children, the disabled and the elderly have a responsibility to ensure that the rights of programs participants and users are adequately protected and that activities are conducted in a safe and healthy environment.

### OBJECTIVE

To set out the issues relating to the procedure for all staff to have a Police Clearance and Working with Children Check.

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### POLICY STATEMENT

The requirement to undergo a Criminal History Check and Working with Children Clearance will be indicated on all Position Descriptions.

Criminal History Check and Working with Children Clearance will be required for employment and will be updated on a regular basis, as considered necessary by the relevant Manager. The cost of obtaining the Police Clearances' will be borne by the Council for Employees applying for a Working with Children Clearance.

Criminal History Check and Working with Children Clearance's are conducted by the Federal Police Service and provide details of information recorded against an individual, including all criminal offences and any outstanding warrants. Documentation does not include spent convictions for the purposes of the *Spent Convictions Act 1988*. Only individuals are able to obtain their own police records, hence the applicant will be required to obtain the relevant documentation and provide it to the organisation.

1. Prior to any offer to employment or voluntary work, the applicant will be required to produce a Criminal History Check and Working with Children Clearance.
2. Criminal History Check and Working with Children Clearance information shall only be accessible to the Chief Executive Officer and relevant Managers.
3. Criminal History Check and Working with Children Clearance information on employees will be stored on a restricted personnel file and will remain confidential.
4. The need to undergo a Criminal History Check and Working with Children Clearance will be stated in the position description and recruitment documentation and at interview so that prospective employees are aware of the Coomalie Community Government's Council policy on Police Clearance and Working with Children Check.
5. Existing staff applying for advertised vacancies in any of the relevant positions will be required to produce a Criminal History Check and Working with Children Clearance prior to their promotion/transfer to the new position.
6. If an applicant refuses to produce a Criminal History Check and/or Working with Children Clearance, staff will then document that the applicant did not demonstrate that he/she possessed the essential selection criteria for the position.
7. All decisions on Criminal History Check and Working with Children Clearance must be timely and should not cause undue delay in the overall selection process.
8. An applicant who is denied employment or a volunteer position because of a criminal offence history will be given the opportunity to discuss the history with the relevant Manager.

### ***Assessment of Criminal Histories***

1. An applicant should not be automatically precluded from a position with the Organisation on the basis of having a criminal record, although certain convictions will deem the applicant unable to meet the selection criteria. Examples would include a history of sex offences if the position was responsible for children and matters of theft if the position involved contact with the disabled.
2. When considering prospective employees and volunteers with criminal histories, important factors to consider are:
  - The nature of the offence and the relationship of the offence to the particular position for which the applicant is being considered.
  - The length of time since the offence took place.
  - The number of offences committed. An accumulation of individual minor offences may be sufficient to warrant rejection. The question to be decided is whether or not the offences are considered to establish pattern behaviours which render the applicant unsuitable for employment.
  - Severity of punishment imposed.
  - Mitigating or extenuating circumstances which might be revealed in relation to the offence(s) committed. These could include provocation, age of applicant at the time of offence(s), and the circumstances in which the

offence was committed. Mitigating circumstances, however, may not necessarily always be in favour of the applicant.

- General character since the offence was committed. Relevant factors would include whether the person is currently employed and, if so, referee reports on his/her performance, other referee reports, steady employment record and favourable reports by past employers.
- Whether the offence is still a crime. The 'offence' may have now been decriminalised.

### ***Working with Children Clearance***

1. Coomalie Community Government Council volunteers that perform duties that require time to work with children must obtain a Working with Children Clearance.
2. The cost of the Working with Children Clearance for Coomalie Community Government Council volunteers will be borne by the Coomalie Community Government Council.

### ***Responsibility***

Managers of relevant areas are responsible for ensuring that Police Clearances are completed and updated in a satisfactory matter.