

## Police records check policy

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*HDKA promotes a commitment to child safety, wellbeing, participation, empowerment, cultural safety and awareness including children with a disability, Aboriginal and Torres Strait Islander children and/or communities and children from cultural and/or linguistically diverse backgrounds.*

*HDKA has a zero tolerance of child abuse and a duty of care to prevent and manage child abuse risks including physical and online environments.*

### Purpose

This policy will provide guidelines to:

- Institute procedures to ensure all non-teaching staff have current and regular police records checks.
- Assist in protecting child sexual or physical harm by checking a person's criminal history for serious sexual, violence or drug offences and serious disciplinary findings from professional bodies.

### Values

HDKA is committed to:

- Protecting the health and safety of children and the right for all children to be safe and feel safe at all times.
- Maintaining clear procedures for processing police checks and handling information relating to the checks.

### Scope

This policy applies to members of the Management Team, Nominated Supervisor, Certified Supervisor, educators, staff, students, volunteers and contractors involved in the programs and activities of services administered by HDKA.

### Background

A National Police Records Check (Victorian) is a verification of 'disclosable court outcomes' listed on a National Police Records Check (Victorian) Certificate.

Disclosable court outcomes released in accordance with State and Federal legislation are listed on a National Police Records Check (Victorian) Certificate, as may be outstanding court matters. Information is generally limited to prosecutions initiated by police.

The Certificate is based upon a check of the National Names Index (NNI) using the applicant's name, date of birth and fingerprints if applicable. The Certificate issued in response to an application is to be read with consideration of the following:

- The Certificate will not contain convictions recorded under another name or alias, unless the applicant has disclosed these in the application or has submitted to a fingerprint comparison search.
- The Certificate will not contain convictions yet to be recorded in the NNI, due to a time lapse between the conviction and the updating of the NNI.
- Offences prosecuted by non-police organisations may not have been submitted to the NNI and therefore may not be included.
- Convictions of the applicant which cannot be disclosed because they are deemed 'spent convictions' will not be listed.

### Legislation

- Child Safe standards

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- *Children, Youth and Families Act 2005 (as amended 2014)*
- *Failure to Disclose 2014*
- *The Charter of Human Rights and Responsibilities Act 2006*
- *Working with Children Act 2005*
- *Child Wellbeing and Safety Act 2005*
- *Family Law Act 1975*

### Policy

1. Police record checks accepted includes National Police Records Check (Victorian) provided they have been conducted less than six months prior to actual commencement of employment with HDKA.
2. Other checks such as National Police Records checks from other states of Australia or International Police check may be accepted on approval from the Executive Officer.
3. All non-teaching staff employed by HDKA will be police checked:
  - On initial appointment, when they will be appointed 'subject to a satisfactory police check'
  - Every subsequent 3 years while they remain in HDKA's employment.
4. Where the police check returns a result (ie the staff member has a criminal conviction) the Executive Officer will make the final decision about their appointment and/or ongoing employment.
5. The staff member's privacy will be protected at all times.

### Procedure

1. All Police Records Check (Victorian) applications are made via the on-line application form available at [www.police.vic.gov.au](http://www.police.vic.gov.au). Please ensure that you complete the Victorian check.
2. Existing staff and prospective staff including contractors and students are required to apply for their own police records check at their own cost.
3. The original police check certificate must be sighted, copied and certified by the Executive Officer and returned to the staff member.
4. In order to maintain the regular 3-yearly checks HDKA will do the following:
  - In the last week of every term a report will be printed showing the expiry dates of all non-teaching staff.
  - At the beginning of the following term, any non-teaching staff whose police check expires within that term will be requested to complete a Victorian police check.
5. Those staff are required to provide the original police check to HDKA for checking and a copy placed in personnel files.
6. Appointees or non-teaching staff will be notified that they will only be contacted regarding the results of their police vet if it returns results which will have a possible impact on their appointment/ ongoing employment.
7. Should a current staff member, volunteer, contractor or student be charged with an offence that would be disclosed by a police check they must immediately inform the Executive Officer. Failure to promptly notify HDKA will be treated as a serious breach of policy and action will be taken in accordance with HDKA disciplinary procedures.
8. International police checks are unable to be conducted by Victoria Police and are subject to the legislation of the country where the person was a resident. Any prospective employee or volunteer from overseas will be required by HDKA to contact the relevant overseas police force to obtain a criminal or police check.
9. If an international police check cannot be made referee checks must be conducted with three reputable referees who personally knew the individual while they were residing in the other country.

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### Service policies

- *Child safe environment*
- *Code of conduct*
- *Performance management and discipline*
- *Recruitment and selection*