



Police Check and Statutory Declaration Policy

At LINK, we are committed to meeting our clients' needs by working safely. This policy and associated procedures outline the mandatory requirements for police record checks for anyone employed within LINK, seeking to work as a staff member, contractor, or volunteer.

The policy follows the guidance from the Commonwealth Home Support Program and Department of Human Services.

Objectives:

LINK ensures that a Police Check is undertaken and a Statutory Declaration is provided for all potential employees, volunteers, contractors and students before they commence their role at LINK. Police record checks work alongside LINK's Code of Conduct, Staff Recruitment, Child Safe and Volunteer Management Policies to ensure quality services are provided to vulnerable customers in a safe environment.

Responsibilities:

Statutory Declaration

Before commencement in a role at LINK, all employees, volunteers, contractors and students are required to provide a statutory declaration, as found in the Police Check guidelines, stating they have never been convicted of murder or sexual assault; or have never been convicted of, and sentenced to imprisonment for, any other form of assault.

Police Record Check Processing

Employees, volunteers, contractors and students must consent to National Police Check to engage in work at LINK. CrimCheck is the service that we use to undertake Police checks. This gives details of any criminal history in Australia.

The relevant Managers are responsible for:

- Conducting Police Checks on employees, volunteers, contractors and students seeking to be employed with LINK;
- Conduct Police Checks on employees, volunteers, contractors and students on a three-yearly ongoing basis;
- Where there are no disclosable outcomes, promptly advise recruiting managers of this outcome;
- Crimcheck Reference numbers to be stored on personal file in accordance with the Information Privacy Act 2000;
- Compliance monitoring of this policy, and
- Employment Agreements and Volunteer Position Descriptions clearly articulate the pre, and post-employment requirements regarding Police Checks.

As outlined in the terms, conditions and contract with contractors, any cost associated with Police record check for contractors, agency/outsourced employee will rest with the external contractor/agency.

Review Process for Criminal History

In the circumstance that a police record check reveals a disclosable court outcome for an employee or volunteer, an applicant will not automatically be precluded from a job or placement. A review process to occur which will involve a meeting between the relevant Manager and employee or volunteer where the individual will have the opportunity to provide more information relating to the circumstances relating to their police record status.

LINK will ensure that its approach is consistent with the principles of natural justice, fairness and Code of Conduct and it's Equal Opportunity Policy. Applicants who have committed 'minor' crimes more than 7 years previous, may be considered. A minor crime may be a crime that is against property. For example, graffiti. A [list of criminal offences](#) is found on the Legal Aid website.

Committing and Reporting Criminal Charges and Convictions During Employment

All employees, volunteers, contractors and students of LINK are required to give written advice notifying their relevant manager if charged with an Indictable Offence in the three-year period between obtaining and renewing their police check. The advice is required immediately after:

- Being charged with having committed an indictable offence and details of the alleged offence/offences
- Or
- Being convicted of an indictable offence and details of the offence/offences and the penalty imposed.

The notification of a relevant charge or conviction by an employee, volunteer, contractor or student may warrant a police check to be conducted on the employee, irrespective of previous checks undertaken.

If an employee, volunteer, contractor or student has been convicted of a precluding offence they will not be allowed to continue their role until a Disclosable Outcome Review has been carried out by the relevant Manager.

All new employees, volunteers, contractors and students are to be made aware of their obligations under this policy.

Payment of fees for Police Checks

The costs associated with conducting a Police Check undertaken in accordance with this policy is paid by LINK as prescribed in the fee schedule for Crimcheck Police Checks.

Rick Lawford
Chief Executive Officer
April 2018

Context and/or Referenced Documents

[Accountability Principles 2014](#) Sections 48 and 50 – (Commonwealth)

Aged Care Act 1997 – (Commonwealth)

[Children’s Services Act 1996](#) – (Vic)

DHHS Funding Agreement Terms & Conditions (Vic)

[Disability Act 2006](#) – (Vic)

[Equal Opportunity Act 2010](#) – (Vic)

[Equal \(Employment\) Opportunity Act 1987](#) – (Commonwealth)

Home Care Standards (Commonwealth)

[Fair Work Act 2009](#) – (Cth)

[Privacy and Data Protection Act 2014](#) – (Vic)

[Working with Children Act 2005](#) – (Vic)

[Working with Children Regulations 2006](#) – (Vic)

The following Standards apply to this policy and supporting documentation:

[National Standards for Disability Services \(DSS\) – 2013](#) Standard 6 - Service Management

[National Quality Standard \(ACECQA\) – 2017](#) Quality Area 4 – Staffing Arrangements

Relevant Employment Awards and Agreements and Standard Conditions of Employment

LINK’s Child Safety Policy

LINK’s Volunteer Management Policy

LINK’s Code of Conduct

LINK’s Equal Opportunity Policy

Version History

Version Number	Date	Summary of Changes
1	July 2017	New Policy, as advised by CHSP Quality Audit
1.1	February 2018	Change to role titles
2.1	April 2018	Change to role titles and merging procedure document with policy document.

Authorisation

Authorization	Date	Next Review Date
Author: Miranda Blok, HSEQRC Coordinator	April 2018	April 2019
Authorized by: Rick Lawford, CEO	April 2018	April 2019

Police Check Procedure

When a new employee, volunteer, board member or contractor is appointed at LINK, the relevant Manager will:	
Request from Manager	The relevant Manager will provide the following to employees, volunteers, contractors and students for completion prior to commencement of employment or volunteering: <ul style="list-style-type: none"> - the details to complete a Police Check through Crimcheck (either in person or online) - a Statutory Declaration to be completed prior to or on their first day of employment or volunteering.
Request ID	If the Police Check application and ID is to be provided in person, the new employee/volunteer will be requested to present 100 points of Identification (ID) for LINK to conduct a Police Check. As detailed below.
National Police Check Process	Once receiving the 100 points of ID from the new employee/volunteer, the Manager will conduct a Police Check document through CrimCheck, an approved ASIC provider that lists an individual's disclosable court outcomes and pending charges sourced from the databases of all Australian police jurisdictions. A Police Check may also be referred to as: <ul style="list-style-type: none"> • National Police Checks may also be referred to as: • National Police History Check (NPHC) • National Criminal History Check • National Criminal Record • National Criminal Record Check
Statutory Declaration	A statutory declaration , as found in the Police Check guidelines, states the following: <ul style="list-style-type: none"> - I have never convicted of murder or sexual assault; or - I have never been convicted of, and sentenced to imprisonment for, any other form of assault.
	As outlined in the CHSP Police Certificate Guidelines 2017, "Statutory declarations are generally only required in addition to police checks in two instances: <ul style="list-style-type: none"> • For essential new staff, volunteers and executive decision makers who have applied for, but not yet received a police certificate. • For any staff, volunteers or executive decision makers who have been a citizen or permanent resident in a country other than Australia after the age of 16."
Follow up	Where there are no disclosable outcomes from a Police Check , promptly advise recruiting managers of this outcome so commencement can proceed and record the reference number on the personal file.
Disclosable Outcomes	In the circumstance that a Police Check reveals that an individual has a disclosable outcome (criminal record), depending on the timing, severity of the offence and risk to clients it poses the individual may not be precluded from employment/volunteering.

	<p>LINK will ensure that its approach is consistent with the principles of natural justice, fairness and Code of Conduct and it's Equal Opportunity Policy. Applicants who have committed 'minor' crimes more than 7 years previous, may be considered. A minor crime may be a crime that is against property. For example, graffiti. A Disclosable Outcome Review will be conducted also. A list of criminal offences is found on the Legal Aid website.</p>
	<p>To conduct a Disclosable Outcome Review on an individual, the relevant Manager will meet to discuss with the individual, and may seek advice from external sources where required to come to a decision on whether an individual can be employed or volunteer at LINK.</p>

The Relevant Manager is responsible to:

Record Keeping Responsibilities

- Conduct Police Checks on employees, volunteers, contractors and students on a three-yearly ongoing basis;
- Keep copies with reference numbers, stored in accordance with the Information Privacy Act 2000;
- Liaise with the HSEQRC Coordinator to ensure compliance monitoring of this policy.