



HR Criminal History Check Procedure

1. Policy Reference

1.1. Criminal History Check Policy

2. Relevant Documentation

2.1. Equal Opportunity Policy

2.2. Position Description

2.3. Grievance Policy and procedures

2.4. Recruitment of Staff policy

2.5. DFC Funding Agreement

3. Procedure

This procedure is to be read in conjunction with the CHC Policy

3.1. Tailem Bend Community Centre will ensure that all staff and volunteer position descriptions include requirements for a criminal history check. This will be based on the potential or expected level of unsupervised contact that each staff member or volunteer is likely to have with frail aged or other vulnerable people or the potential or expected degree of access to money, confidential information and intellectual property of the Centre. This applies to positions that are permanent, full-time or part-time and to positions that are temporary including contract and casual positions.

3.2. Positions at Tailem Bend Community Centre that currently require a criminal history check are:

Unpaid: All Paid: All

3.3. Once a Criminal History Check Certificate has been supplied, participant is required to present it to the Tailem Bend Community Centre Coordinator.

3.4. At interview a question will be asked such as "As you know, a requirement of this position is a criminal history check. Is there anything you would like to discuss before we go ahead with this process". (see employment procedures).

3.5. Tailem Bend Community Centre has a VOAN with SAPOL that allows criminal records checks to be conducted at no cost for volunteer staff. Forms will be completed online by participants and handed to The Coordinator to enter VOAN Information, and then taken by participants to the local police station with appropriate ID for submission.

3.6. In normal circumstances the Authority to Access Offender History Information (national police check) will take ten to fourteen working days to be processed and reply sent to Tailem Bend Community Centre. This entails SAPOL referring to local and national offender history databases, undertaking name matching and assessing the history, if present.

3.7. A reply in writing from the Police Department will be returned to the participant in a sealed envelope marked 'confidential'. The certificate should then be presented to The Coordinator for assessment and recording in personnel file.

3.8. The Coordinator will not release specific details of the criminal record to any party other than the Committee, but will indicate that a record exists that:

- Precludes the applicant from appointment
- Deserves further investigation in the form of a second interview.

3.9. If the applicant has a criminal record other than one which automatically precludes employment, this in itself is not sufficient grounds for not employing. The Coordinator and the Board will be responsible for taking the following factors into account in order to determine suitability for employment:

- The nature and seriousness of the offence and circumstances involved. For example, offences involving violence will be considered more serious than offences involving theft. Other offences should be considered in terms of potential safety of Centre participants e.g. as a passenger in the car of someone who has repeated drink/driving or dangerous driving offences, etc.
- Whether the criminal record means that he or she would be unable to perform the 'inherent requirements' of the particular job and in accordance with Equal Opportunity Act 1986 e.g. a recent conviction of theft might preclude the appointment of a paid or unpaid employee to cash handling tasks.
- When the offence occurred (even if an offence is not technically spent, it may have occurred five or so years ago which is a significant space of time without any repeated offences).
- The number of offences (repeat offences might suggest the behavior was not a one-off mistake).

3.10. Determining a person's suitability on the basis of these factors can lead to arbitrary and discriminatory practices against persons with criminal records for offences for which they have already been judged, sentenced and served their punishment. Therefore, great personal care and responsibility should be used in making decisions.

3.11. Referee work history reports and the second interview should be used to ensure the applicant has a fair opportunity to have other relevant aspects of their behavior considered and to have the opportunity to discuss the implications of their conviction to the position for which they have applied.

3.12. If these additional processes reveal information, which supports the notion of the applicant's suitability for employment, then the Management Committee should be notified and a recommendation put in writing to the Management Committee. The Management Committee is the only authority who can authorise appointment of a person with a criminal record.

3.13. Following the decision to appoint or not appoint the applicant, the outcome of the Authority to Access Offender History Information will be returned to the applicant..

3.14. The applicant's personal file will only indicate that the person has undergone a police check. The record number and date of sighting will be noted and signed by Coordinator.

4. References

- 4.1 Sample policies and procedures – Mount Barker Family House
- 4.2 SAPOL
- 4.3 Our Community Help Sheet – Screening Prospective volunteers
- 4.4 Equal Opportunity Commission

Date first formulated	26/01/2006	
Dates approved by Board	V1	June 2016
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Related Documents	HR Equal Opportunity Strategy Position Description HR Grievance Strategy and Procedures Recruitment of Staff policy DFC Funding Agreement HR Criminal History Check Strategy HR Criminal History Check Flow Chart Children's Protection Act 1993	
Signed on behalf of TBCC Board of Management by:		
Name: Lorraine Cresp		
Position held: Chairperson		Signature: 

