



# HR Criminal History Check Strategy

(Forms part of Human Resources Management Policy)

## 1. Purpose and Scope:

- 1.1. This document provides guidelines to the board and staff of Tailem Bend Community Centre Inc (TBCC) when recruiting staff and volunteers for the consistent and fair collection of confidential criminal history information that will form part of the overall risk management process of Tailem Bend Community Centre.

## 2. Definitions:

- 2.1. Criminal History Check – An application made to South Australian Police (SAPOL) to see if an individual has a criminal history record. SAPOL conducts a national check which will show a proven court outcome in Australia.

## 3. Background:


- 3.1 TBCC recognises their responsibility in ensuring that 'fit and proper' staff and volunteers are recruited. One element of this process includes requesting access to person history information for a potential employee or volunteer whose position involves handling money or will bring them into contact with children or other vulnerable centre participants. Participants may be vulnerable because of their age, because they have a disability, or because of their circumstances and may include children, youth, older people, people with physical, developmental, social, emotional or other disabilities and people who have been victims of trauma, crime or torture. This is a condition of funding for some funding bodies.
- 3.2 It is important to remember that a criminal record in itself is not fair grounds to **not** employ a person. To avoid discrimination on the basis of criminal record, an employer can only refuse to appoint a person if the person's criminal record means that he or she is unable to perform the 'inherent requirements' of the particular job or unless the record was for a sexual offence against children or adults. This policy and associated procedures are designed to limit the possibility of discrimination occurring and to maximize the privacy of the applicant.
- 3.3 A National Police Certificate is prepared according to SAPOL 'spent conviction policy' which is based on Commonwealth Spent Conviction Legislation in keeping with the *Crimes Act 1914* and includes 'active history' only. A National Police Certificate will list all proven court outcomes which have occurred within the previous 10 years for an adult or five years for a juvenile. Older offences will not be released unless the individual has re-offended and 'reactivated' the older offences. People working with minors and offences involving violence are exempted from this Act and consequently their convictions remain on record.

## 4. Strategy:

- 4.1 TBCC will ensure that paid and unpaid appointments to TBCC for positions that involve working directly or closely with frail aged, other vulnerable centre participants or handling cash will be subject to the outcome of an Authority to Access Person History Information.
- 4.2 All successful applicants for positions that involve working directly or closely with frail aged, other vulnerable centre participants or handling cash are required to complete an Authority to

Access Person History Information form for a criminal history check. If the person does not consent to this, then he/she is immediately precluded from appointment.

- 4.3 Sexual offences against adults or children or any offences against children or other vulnerable clients will preclude an applicant from paid or unpaid employment with TBCC. This also applies to current employees who are changing positions where the new position involves working directly or closely with centre participants and/or children.
- 4.4 Strict confidentiality and privacy will exist in relation to criminal history checks. Disciplinary action will be taken against anyone who discloses information without authorisation.
- 4.5 TBCC will ensure that information irrelevant to the position will not be used to deny employment.
- 4.5 It is the responsibility of the Board of TBCC to make the final decision based on a fair and equitable process.
- 4.6 Discussion Paper Summary – Discrimination in Employment on the basis of criminal record.

<b>Policy date first formulated</b>	December 2015 (previously Criminal History Check Policy V1 24/08/2007)	
<b>Dates approved by Board</b>	V1 (Incorporated into Human Resources Management Policy as HR Criminal History Check Strategy)	June 2016
<b>Next Review Date</b>	June 2019	
<b>Related Documents</b>	HR Criminal History Check Procedures HR Criminal History Check Flow Chart Human Resources Management Policy Privacy and Confidentiality Policy Risk Management Policy	
<b>Signed on behalf of TBCC Board of Management by:</b>		
<b>Name:</b> Lorraine Cresp		
<b>Position held:</b> Chairperson		<b>Signature:</b> 



# HR Equal Opportunity Strategy

(Forms part of Human Resources Management Policy)

## 1. Purpose and Scope:

This document provides guidelines to the board, staff, volunteers and participants of Taillem Bend Community Centre Inc (TBCC) to promote equality of opportunity, foster and encourage unprejudiced attitudes, prevent discrimination and allow people to participate in the economic and social life of the community. This document reflects TBCC's commitment to create an environment that is free of discrimination and in which all people are permitted equal access and opportunity to progress to the full extent of their ability.

## 2. Definitions:

- 2.1. Direct Discrimination - when a person or organisation intentionally treats someone unfairly because of their age, sex, marital status, pregnancy, sexuality, impairment or race.
- 2.2. Indirect Discrimination – when there is a policy or a rule or a 'way of doing things' that might appear on the surface to be fair or neutral, but which has an unequal effect on certain groups of people because of their age, sex, marital status, pregnancy, sexuality, impairment or race.
- 2.3. Unlawful Discrimination – treating someone less favourably because of particular personal characteristics, or because they belong to a particular group of people.
- 2.4. Age Discrimination- unfair treatment of a person on the basis of their age.
- 2.5. Sex Discrimination - treatment of a person of one sex less favourably than a person of the other sex.
- 2.6. Racial Discrimination - unfair treatment of a person on the basis of race including colour, descent, ethnic origin or nationality.
- 2.7. Intellectual Impairment – refers to reduced intellectual capacity, either permanent or temporary.
- 2.8. Physical Impairment – may refer to the total or partial loss of a bodily function or a part of the body or malformation or disfigurement of a part of the body.
- 2.9. Sexuality Discrimination - unfair treatment of a person on the basis of sexuality whether they are heterosexual, homosexual, bisexual or transsexual.
- 2.10 Marital Status - unfair treatment of a person on the basis of whether a person is single, married, divorced, separated, widowed, or living in a de facto relationship with a person of the opposite sex.
- 2.11 Pregnancy – It is unlawful to treat a woman unfairly because she is pregnant, is suspected of being pregnant, or is expected to become pregnant in the future. In the area of employment, a woman has the right to work or continue to work during her pregnancy. She must be treated the same as other employees unless there are sound medical reasons for treating her differently.

## 3. Background:

- 3.1 Equal opportunity and anti-discrimination legislation has been enacted at both the State and Federal

levels. The South Australian Equal Opportunity Act (1984) specifically prohibits discrimination on the basis of:

- Age
- Sex
- Race
- Physical or Intellectual Impairment
- Sexual Preference
- Marital Status
- Pregnancy

In the areas of:

- Employment
- Education
- Provision of Goods and Services
- Accommodation
- Membership of Clubs and Associations
- Conferral of Qualifications
- Advertising
- Disposal of land

TBCC believes that recognising and promoting the full employment potential of its staff, tutors and volunteers will foster organisational excellence. Accordingly, it is committed to achieving Equal Opportunity throughout the organisation.

#### **4. Strategy:**

- 4.1 The overall responsibility for monitoring the effectiveness and review of this document lies with the Board of Management.
- 4.2 Whilst all paid and unpaid employees have a personal responsibility in the practical application of this strategy, specific responsibility falls upon the Board of Management.
- 4.3 Every Board member, employee and volunteer has a responsibility to treat people as individuals with different skills and abilities, without making judgements based on stereotypes, or on characteristics (such as sex, age, race, sexuality, disability, pregnancy or marital status) that are irrelevant to a person's ability to do a job.
- 4.4 TBCC has a responsibility to ensure that the working environment allows all paid employees and volunteers to work to their full potential, free from all forms of discrimination and harassment. In particular all Board members, staff and volunteers have a primary responsibility to ensure that proper standards of conduct are observed and that their behaviour does not create or condone circumstances that may lead to discrimination.
- 4.5 TBCC will ensure that paid employees and volunteers gain access to employment, promotion and training on the merit principle, and will be assessed on the basis of their skills, qualifications, abilities, prior work performance and aptitudes. That is, the applicant who best meets the needs of the job is the one selected, and the worker who best meets the needs of the job is the one retained.
- 4.6 All staff, volunteers and Centre participants are encouraged to raise equal opportunity issues or grievances through the TBCC grievance procedures or with the Equal Employment Opportunity Board. Confidentiality will be respected.

<b>Date first formulated</b>	December 2015 (previously Equal Opportunity Policy V1 24 <sup>th</sup> August 2007)	
<b>Dates approved by Board</b>	V1 (Incorporated into Human Resources Management Policy as HR Equal Opportunity Strategy)	June 2016
<b>Next Review Date</b>	June 2019	
<b>Related Documents</b>	Feedback and Complaints Policy Human Resources Management Policy Privacy and Confidentiality Policy Risk Management Policy	
<b>Signed on behalf of TBCC Board of Management by:</b>		
<b>Name:</b> Lorraine Cresp		
<b>Position held:</b> Chairperson		
		<b>Signature:</b> 