



HR Criminal History Check Procedure

1. Policy Reference

1.1. Criminal History Check Policy

2. Procedure

2.1. Tailem Bend Community Centre will ensure that all staff and volunteer position descriptions include requirements for a Department Human Services (DHS) Screening 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.

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

Unpaid: All Paid: All

2.3. Via the DHS portal applications for Screenings can be commenced <https://screening.sa.gov.au/> TBCC completes the application which sends an email to the participant to commence application.

2.4. Once a Screening Certificate has been supplied, participant is required to present it to the Tailem Bend Community Centre CEO.

2.5. At interview participant will be notified they are required by law to tell us if they have committed a crime since last Screening.

2.6. Tailem Bend Community Centre has a VOAN with SAPOL that allows criminal records National Police checks to be conducted at no cost for volunteer staff. Completed forms by participants and handed to The CEO to enter VOAN Information, and then taken by participants to the local police station with appropriate ID for submission. Alternatively, participants can provide ID to TBCC for a Justice of the Peace (JP) to authorize and then mail it to GPO Box 1539 Adelaide SA 5001.

2.7. Note the Screenings supersede the National Police Checks.

2.8. TBCC 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.

2.9. 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 CEO 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 any legislative Acts 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).

2.10. 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.


2.11. 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.

2.12. 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.

2.13. 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.

2.14. The applicant's personal file will only indicate that the person has undergone a Screening. The record number and date of sighting will be noted and signed by CEO.

2.15. TBCC has a strong commitment to the safety and wellbeing of children and young people we must ensure at all times children are not at risk.

Date first formulated	26/01/2006	
Dates approved by Board	V1 V2 V3	June 2016 Feb 2018 April 2020
Next Review Date	April 2023	
Related Documents	<p>HR Criminal History Check Strategy HR Criminal History Check Flow Chart Human Resources Management Policy Privacy and Confidentiality Policy Risk Management Policy Legal Services Commission South Australia Aged care Charter of rights Aged care Standards Legal Services Commission Unions Australia Human Rights Commission Equal Opportunity Commission Children and Young People (Safety) Regulations 2017 (SA) National Principles for Child Safe Organisations Child safe environments Rights of every child Department Human Service DHS Critical Client Incidents Policy Coronial Overview of child protection legislation across state and territory jurisdictions Australian Institute of Family Studies Information Sharing Guidelines</p>	
Legislation	<p>Australian Crime Commission Act 2002 (Cth) (ACC Act) Work Health and Safety Act Work Health and Safety Regulations 2012 Codes of Practice Safework SA Return to Work SA Aged Care Quality and Safety Commission Act 2018 Aged Care Act 1997 Competition and Consumer Act 2010 Associations Incorporation Act 2009 Sex and Age Discrimination Legislation Amendment Act 2011 Woman Working Centre Australian Human Rights Commission Act 1986 Children's Protection Act 1993 (SA) Fair Work Act 2009 Volunteers Protection Act 2001 (SA) Family Law Act 1975 Equal Opportunity Act 1984 Children and Young People (Safety) Act 2017 Commonwealth Privacy Act 1988 State Records Act 1997 Guardianship and Administration Act 1993 Australian Human Rights Commission Act 1986 (Federal) Crimes Act 1914 (Federal) Fairwork Act 2009</p>	
Signed on behalf of TBCC Board of Management by:		
Name: Jack Hunt		
Position held: Chairperson		Signature: 
		5 October 2021