



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. Department of Human Services (DHS) Screening – An application made to South Australian DHS to see if an individual has a criminal history record. There are five screening options Child Safe, Aged Care, Disability, Vulnerable and Employment.

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 Screening checks help to ensure that people with a known history of violent or abusive behaviour do not work with children and other vulnerable people in their job or as a volunteer. Sometimes screening is required by law, but in other cases an employer or organisation may decide it's necessary.

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 a Screening.
- 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 relevant Screenings. 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.

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.

Policy date first formulated	December 2015 (previously Criminal History Check Policy V1 24/08/2007)	
Dates approved by Board	V1 (Incorporated into Human Resources Management Policy as HR Criminal History Check Strategy) V2 V3	June 2016 Feb 2018 April 2020
Next Review Date	April 2023	
Related Documents	<p>HR Criminal History Check Procedures 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	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	
Signed on behalf of TBCC Board of Management by:		
Name: Jack Hunt		
Position held: Chairperson		Signature: 
		5 October 2020