



Pre-employment Integrity Check Policy

1. Purpose

The *Pre-Employment Integrity Check Policy* (the policy) ensures the consistent application of pre-employment integrity checks (PEICs) across the WA health system.

The policy sets out the process for determining a preferred applicant's eligibility for employment within a WA health system entity. This is a pre-employment check that occurs once the WA health entity has selected the preferred applicant(s) and will occur before an offer of employment is made.

A determination will be made regarding the preferred applicant's eligibility for employment if one or more of the following circumstances have occurred.

The preferred applicant:

- was dismissed previously by a WA health system entity for:
 - a breach of discipline under the *Health Services Act 2016* (HS Act)
 - a breach of discipline or misconduct prior to the proclamation of the HS Act
 - a breach of discipline under the *Public Sector Management Act 1994* (PSM Act)
 - a suspension or conditional registration as a registered health practitioner under the *Health Practitioner Regulation National Law (WA) Act 2010*
 - a serious offence as defined in the PSM Act, and in accordance with section 150(3) of the HS Act.

- resigned from (or contract expired with) a WA health entity prior to the commencement of a process or the determination of a finding regarding:
 - a breach of discipline, where the matter concerns a serious risk to the safety or protection of patients, staff or a WA health entity
 - a charge for a serious offence that has not reached a court decision.

- was subject to a report or notification under section 146 or section 167 of the HS Act, which resulted in the Department Chief Executive Officer (CEO) determination to register the person in the System Manager Case Management System (CMS) for the purpose of a PEIC.

This policy should be read in conjunction with the [MP 0033/16 Recruitment, Selection and Appointment Policy](#) and the [MP 0125/19 Notifiable and Reportable Conduct Policy](#).

This policy is a mandatory requirement for health service providers under the Integrity Policy Framework pursuant to section 26(2)(f) of the HS Act.

This policy is a mandatory requirement for the Department of Health pursuant to section 29 of the PSM Act.

2. Applicability

This policy is applicable to all WA health entities, as defined in this policy.

The requirements contained within this policy are applicable to the services purchased from contracted health entities where it is explicitly stated in the contract between the contracted health entity and the State of Western Australia or Health Service Provider. The State of Western Australia or Health Service Provider contract manager is responsible for ensuring that any obligation to comply with this policy by the contracted health entity is accurately reflected in the relevant contract and managed accordingly.

3. Policy Requirements

The System Manager (System-wide Integrity Services (SWIS) on behalf of the Department CEO) must:

- assess reports of notifiable and reportable conduct to determine the need to register a person in the CMS for the purposes of the PEIC process
- register staff members and Department of Health employees in the CMS where required, for the purpose of the PEIC process
- inform the role nominated by the recruiting WA health entity of the preferred applicant's PEIC record, providing information relevant to the health service provider's consideration of the preferred applicant's eligibility
- inform Health Support Services (HSS) once the information has been provided to the recruiting health service provider
- maintain the CMS for the purpose of the PEIC process
- ensure access to the CMS is limited to authorised personnel, and provide relevant access provisions to health support services
- ensure information obtained through the PEIC process is maintained in a confidential and appropriate manner.

Health support services must:

- initiate the PEIC and, if a record is found, suspend the appointment process and inform the System Manager
- if no record is found, continue the appointment process.

WA health entities must:

- ensure an appointment review process is in place for determining the preferred applicant's eligibility for employment following the PEIC
- assess the appropriateness of involving the employing manager in the appointment review process
- as part of the recruitment and selection process, advise applicants that all preferred applicants will be subject to a PEIC to determine eligibility for appointment
- request a PEIC of all preferred applicants
- afford the preferred applicant an opportunity to respond to information obtained through the PEIC within a minimum of five working days, and consider this in making a decision
- make decisions relating to whether to proceed or not proceed to appointment within five working days of receipt of the preferred applicant's submission, or as soon as reasonably practicable

- when making a recommendation to proceed or not to proceed, take the following into consideration:
 - recency of the conduct
 - seriousness of the conduct
 - whether it was a single or multiple occurrence of the conduct
 - any evidence of a pattern of conduct – which may indicate behavioural/performance issues of concern
 - relevance of identified issues to the duties to be performed
 - provision of truthful and complete information
 - evidence of contrition/remorse
 - any other relevant considerations, including the preferred applicant's submission, if provided
- inform the preferred applicant of the determination in writing, outlining the reasons for the decision
- advise HSS in writing to proceed or not proceed with the employment process, and the System Manager of the outcome
- if a determination is made not to proceed to appointment, ensure this policy is applied to any subsequent preferred applicant
- ensure that decision making is transparent, affords procedural fairness, is capable of review, and documented in accordance with the relevant record keeping plan.

4. Compliance Monitoring

The System Manager, through System-Wide Integrity Services, will:

- request from a WA health entity a copy of the documented arrangements for the management of the PEIC process on an annual basis at the end of the financial year
- monitor and review data within the CMS associated with this process on an ongoing basis, for assurance purposes
- assess this documentation and data and prepare an annual compliance report for the Department CEO as at the end of the financial year.

5. Related Documents

The following documents are mandatory pursuant to this policy:

- N/A

6. Supporting Information

The following information is not mandatory but informs and/or supports the implementation of this policy:

- [Pre-employment Integrity Check Process Diagram](#)

7. Definitions

The following definition(s) are relevant to this policy.

Term	Definition

Breach of discipline	<p>Pursuant to section 161 of the <i>Health Services Act 2016</i>, ‘an employee commits a breach of discipline if the employee:</p> <ul style="list-style-type: none"> (a) disobeys or disregards a lawful order; or (b) contravenes – <ul style="list-style-type: none"> (i) any provision of the [that] Act or the Public Sector Management Act 1994 applicable to that employee; or (ii) any public sector standard or code of ethics; or (iii) a policy framework; or (c) commits an act of misconduct; or (d) is negligent or careless in the performance of the employee’s functions; or (e) commits an act of victimisation within the meaning of the Public Interest Disclosure Act 2003 section 15.’ <p>Pursuant to section 80 of <i>Public Sector Management Act 1994</i>, ‘an employee commits a breach of discipline if the employee:</p> <ul style="list-style-type: none"> (a) disobeys or disregards a lawful order; or (b) contravenes – <ul style="list-style-type: none"> (i) any provision of [that] Act applicable to that employee; or (ii) any public sector standard or code of ethics; or (c) commits an act of misconduct; or (d) is negligent or careless in the performance of his or her functions; or (e) commits an act of victimisation within the meaning of section 15 of the Public Interest Disclosure Act 2003.’
Employee	<p>In relation to the Department of Health, an employee means:</p> <ul style="list-style-type: none"> (a) in accordance with section 3 of the <i>Public Sector Management Act 1994</i>, ‘a person employed in the Public Sector by or under an employing authority’ (b) under the <i>Health Services Act 2016</i>, a person employed under s 22. <p>In relation to health service providers, and in accordance with section 6 of the <i>Health Services Act 2016</i>, ‘an employee includes:</p> <ul style="list-style-type: none"> (a) the chief executive of the health service provider; (b) a health executive employed in the health service provider; (c) a person employed in the health service provider under section 140; (d) a person seconded to the health service provider

	under section 136 or 142.’
Employing authority	<p>Pursuant to section 103 of the <i>Health Services Act 2016</i>, ‘employing authority means:</p> <ul style="list-style-type: none"> (a) in relation to a chief executive – the Department CEO; (b) in relation to a health service provider, health executive or an employee (other than a chief executive) of a health service provider - <ul style="list-style-type: none"> (i) if the health service provider is a board governed provider – the board; (ii) if the health service provider is a chief executive governed provider – the chief executive;’ <p>Pursuant to section 5 of the <i>Public Sector Management Act 1994</i>, ‘employing authority means in relation to:</p> <ul style="list-style-type: none"> (a) a chief executive officer (other than a chief executive officer referred to in section 4), the Commissioner; or (b) a chief employee (other than a chief employee referred to in section 4), the person or board, committee or other body specified by a written law as being the employer of the chief employee; or (c) a department or organisation or an employee (other than a chief executive officer or chief employee) employed in a department or organisation — <ul style="list-style-type: none"> (i) subject to subparagraph (iii), if a chief executive officer or chief employee is the accountable authority of the department or organisation, the chief executive officer or chief employee; or (ii) subject to subparagraph (iii), if a board, committee or other body established under a written law is the accountable authority of the department or organisation, that board, committee or other body; or (iii) if a written law confers on a person or board, committee or other body the power to appoint or employ staff, the person or board, committee or other body;’ <p>or</p> <ul style="list-style-type: none"> (d) ‘a ministerial office or a ministerial officer, the Minister, or, when used otherwise than in relation to a public sector body or a chief executive officer, chief employee, employee or ministerial officer,

	means employing authority of any public sector body, chief executive officer, chief employee, employee or ministerial officer.’
Employing manager	The person immediately responsible for the advertised position.
Matter reportable to the Ombudsman	<p>A matter reportable to the Ombudsman is a reportable allegation or a reportable conviction as defined in sections 19F and 19H of the <i>Parliamentary Commissioner Act 1971</i>.</p> <p>Under section 19F(1), ‘a reportable allegation is any information that leads a person to form the belief on reasonable grounds that an employee of a relevant entity has engaged in reportable conduct or conduct that may involve reportable conduct, whether or not the conduct is alleged to have occurred in the course of the employee’s employment’.</p> <p>In line with section 19F(2), this does not include information about a reportable conviction.</p> <p>Under section 19G(1):</p> <p>‘reportable conduct is the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded and whether the conduct occurred before, on or after commencement day —</p> <ul style="list-style-type: none"> (a) a sexual offence; (b) sexual misconduct; (c) a physical assault committed against, with or in the presence of, a child; (d) an offence prescribed by the regulations for the purposes of this paragraph.’ <p>Note also that under section 19G(3), conduct includes an act or omission.</p> <p>Under section 19(2), ‘reportable conduct does not include conduct that is:</p> <ul style="list-style-type: none"> (a) reasonable for the discipline, management or care of a child or of another person in the presence of a child, having regard to [... the characteristics of the child, and any relevant code of conduct or professional standard]; or (b) trivial or negligible and that has been or will be investigated and recorded as part of another workplace procedure; or (c) of a class or kind exempt from being reportable conduct under section 19N(1).’ <p>Under section 19H:</p>

	<p>‘a reportable conviction is a conviction, whether before, on or after commencement day, for an offence under a law of this State, another State, a Territory or the Commonwealth that is an offence referred to in section 19G(1)(a) or (d).’</p>
Notifiable and reportable conduct	<p>For the purpose of this policy, notifiable and reportable conduct includes conduct by a staff member that:</p> <ul style="list-style-type: none"> • is suspected on reasonable grounds to constitute or may constitute professional misconduct or unsatisfactory professional performance – as defined in accordance with section 5 of the <i>Health Practitioner Regulation National Law (WA) Act 2010</i> (National Law) – and reportable to the Department Chief Executive Officer (Department CEO) pursuant to section 146(1) of the <i>Health Services Act 2016</i> • relates to mandatory notifications to the Australian Health Practitioner Regulation Agency (AHPRA) under the National Law • relates to all criminal offences • relates to a charge for a serious offence reportable to the Department CEO pursuant to section 146(2) of the <i>Health Services Act 2016</i> • relates to a breach of discipline pursuant to sections 160, 161 and 162 of the <i>Health Services Act 2016</i> • relates to suspected Minor or Serious Misconduct as defined in accordance with section 4 of the <i>Corruption Crime and Misconduct Act 2003</i> • involves a matter reportable to the Ombudsman under Division 3B of the <i>Parliamentary Commissioner Act 1971</i>.
Preferred applicant	A candidate selected as suitable and recommended for the advertised role.
Serious offence	<p>Has the same meaning as section 80A of the <i>Public Sector Management Act 1994</i>:</p> <p>‘Serious offence means —</p> <ol style="list-style-type: none"> (a) an indictable offence against a law of the State (whether or not the offence is or may be dealt with summarily), another State or a Territory of the Commonwealth or the Commonwealth; or (b) an offence against the law of another State or a Territory of the Commonwealth that would be an indictable offence against a law of this State if committed in this State (whether or not the offence could be dealt with summarily if committed in this jurisdiction); or (c) an offence against the law of a foreign country that would be an indictable offence against a law of the

	<p>Commonwealth or this State if committed in this State (whether or not the offence could be dealt with summarily if committed in this jurisdiction); or</p> <p>(d) an offence, or an offence of a class, prescribed under section 108.'</p>
Staff member	<p>In relation to a health service provider and pursuant to section 6 of the <i>Health Services Act 2016</i> means:</p> <p>(a) an employee in the health service provider; and/or</p> <p>(b) a person engaged under a contract for services by the health service provider.</p> <p>Note: Staff member includes a contracted medical practitioner engaged under a Medical Services Agreement.</p>
System Manager Case Management System	<p>The database administered by the System Manager provided to the health service providers to enter and track cases of conduct that may concern a breach of discipline.</p>
WA health entities	<p>WA health entities include:</p> <p>(i) Health service providers as established by an order made under section 32 (1)(b) of the <i>Health Services Act 2016</i>.</p> <p>(ii) Department of Health as an administrative division of the State of Western Australia pursuant to section 35 of the <i>Public Sector Management Act 1994</i></p>
WA health system	<p>The WA health system is comprised of:</p> <p>(i) the Department;</p> <p>(ii) Health Service Providers (North Metropolitan Health Service, South Metropolitan Health Service, Child and Adolescent Health Service, WA Country Health Service, East Metropolitan Health Service, PathWest Laboratory Medicine WA, Quadriplegic Centre and Health Support Services); and</p> <p>(iii) contracted health entities, to the extent they provide health services to the State.</p>

8. Policy Contact

Enquiries relating to this Policy may be directed to:

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9. Document Control

Version	Published date	Effective from	Review date	Amendment(s)
MP 0126/19	31 October 2019	31 October 2019	October 2022	Original version
MP 0126/19 v.1.1	12 December 2019	12 December 2019	October 2022	Minor amendment as detailed below.
Amendment to supporting information document 'Case Management System (CMS) Protocols-Administration of complaints. Document superseded by Case Management (CMS) User Document. Access restricted to authorised employees only.				
MP 0126/19 v.2.0	6 July 2023	6 July 2023	July 2026	Policy review and amendment as detailed below.
<ul style="list-style-type: none"> • Restructured and refined the purpose and policy requirements sections to improve clarity in relation to responsibilities and enhance the quality of the policy overall. • Updated compliance monitoring statement to reflect mandatory policy requirements. • Inclusion of supporting information document: Pre-employment Integrity Check Process diagram. • Removed supporting information: Case Management System (CMS) User Document (access restricted to authorised employees only) • Updated applicability section to reflect mandatory policy requirements. • Updated definitions table. • Minor amendments to wording to improve clarity and ensure consistency with legislation. 				

10. Approval

Approval by	Dr David Russell-Weisz, Director General, Department of Health
Approval date	25 October 2019

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