



Delivering a **Healthy WA**



Government of **Western Australia**
Department of **Health**

Criminal Record Screening Policy

The Department of Health is undertaking a review of all aspects of the Criminal Record Screening Policy and Guidelines (Policy). The provisions of the Policy remain in force while it is being reviewed.

Scope

This policy and associated guidelines apply to all persons employed within or providing a service to WA Health. WA Health incorporates the following entities:

- Department of Health
- Metropolitan Health Services
- Peel Health Service
- WA Country Health Service

This is a system-wide policy and supersedes all policies and guidelines related to criminal record screening in WA Health.

This policy does not cover the requirements of the *Working with Children (Criminal Records Checking) Act 2004*. All staff and prospective employees should be aware that there are serious implications for anyone working with children or engaging people who will work with children without a Working with Children Check. For more information, go to the Working with Children Checks website at <http://www.checkwwc.wa.gov.au/default.htm>

This policy does not cover the requirements for national police criminal record checks of relevant staff in aged care which came into effect on 1 March 2007. These requirements apply to all Australian Government subsidised services, specifically:

- Residential Aged Care.
- Community aged care services under the *Aged Care Act 1997*: Community Aged Care packages (CACP).
- Flexible care services under the *Aged Care Act 1997*: Extended Aged Care at Home (EACH) and Extended Aged Care at Home Dementia (EACHD) packages, Multi-Purpose Service places and Transition Care.

For more information about the Police Certificate for Aged Care Providers, go to <http://www.health.gov.au/internet/main/publishing.nsf/Content/ageing-quality-factsheet-policechecks.htm>



Policy Statement

WA Health has a duty of care to take all reasonable steps to provide protection from harm to all clients receiving health services from:

- government organisations
- non-government organisations funded by government
- volunteer organisations involved in government services
- private contractors providing services to government.

WA Health also has a responsibility to the community to ensure that all necessary measures are taken to ensure employees fulfil their obligations as public officers with integrity.

To assist WA Health to meet these obligations, the criminal records of all individuals who work in or provide services to WA Health will be screened. These include:

- employees (including permanent, temporary, casual and sessional employees, persons on secondment, persons who are redeployed from other public sector agencies and appointees from overseas)
- independent contractors (including tradespeople and training consultants), their employees, self-employed clinicians (including those from overseas)
- private agency staff/consultants
- students on placement (excluding persons under 18 on work experience)
- persons engaged in any other capacity (e.g., volunteers, adults on work experience, chaplains, academics).

It has been a requirement since 1 November 1997 that no new appointments to the above categories were to be made without a satisfactory criminal record check. However, in circumstances of urgent workforce demand, a person may commence work pending a satisfactory criminal record. These instances require the approval of the workforce director, their equivalent or delegate.

An individual will not need to apply for a separate WA Health criminal record check if they have been issued with an:

- Australian National Police Certificate or
- Australian National Police Certificate for working in Australian Government subsidised aged care services.
and
 - the certificate has been issued within the previous 12 months
and
 - the certificate(s) does/do not list any convictions that contravene this policy.

An employee, volunteer, contractor or other persons providing a service to WA Health must advise their employer in writing of:

- any change in their criminal record **or**
- any criminal charges that are before the courts.



Failure to provide this advice would constitute a breach of discipline and appropriate action would be taken in accordance with the Misconduct and Discipline Policy for employees of WA Health.

People applying for a criminal record check will be treated fairly, equitably and in accordance with the principles of natural justice. Any action taken will be documented, transparent, legally defensible and capable of review.

All people applying for criminal record checks must sign a consent form before the check can be undertaken by DoH. Any person refusing to complete and sign a consent form or meet the cost of the criminal record check will be precluded from appointment.

All information will be dealt with in the strictest confidence and in accordance with the contract for the provision of criminal history information with the CrimTrac and relevant legislation and policies. All WA Health employees involved in tasks related to criminal record screening are required to declare potential, perceived or actual conflict of interest.

Unless otherwise agreed by the employer; appointees, applicants, visiting practitioners, students and persons engaged in any other capacity in WA Health are required to pay for their own criminal record check. Employees coming to WA Health on secondment or through redeployment are also required to pay for their own criminal record checks. The criminal record check for volunteers will be paid for by the relevant health entity.

Persons employed from overseas

People who are to be employed by WA Health from overseas on either temporary and/or permanent work visas are required by WA Health to provide evidence of both:

- (a) A criminal record check from their country of origin and from any other country in which they have lived for one (1) year or more in the last ten (10) years
- Any criminal record check in a language other than English must also be accompanied by a 'certified copy' of an English translation of the criminal record.
 - Certified copies are copies authorised, or stamped as being true copies of originals, by a person or agency recognised by the law of the country in which the person is currently residing as having the authority to authorise or stamp such documents.
All Department of Immigration and Citizenship (DIAC) offices outside Australia have the facility to certify or witness documents. A 'Service Delivery Partner' may be able to provide this service on behalf of the department if there is an agreement in place with the Australian Office. Applicants can visit the DIAC website for more information on offices outside Australia: www.immi.gov.au/contacts/overseas/
 - The original criminal record check must also be provided with the translated certified copy.



Further information regarding criminal record screening and specific country information can be found on the DIAC website at: www.immi.gov.au

- (b) An Australia-wide National Police Certificate.
Where an individual has not already obtained an Australia-wide Police Certificate, the DoH, Criminal Record Screening Office (the CRS Office) can arrange the required criminal record screening check.

All certificates need to be forwarded to the WA Health CRS Office for assessment in accordance with the WA Health's CRS Policy.

It is the individual's responsibility to obtain a criminal record screen from overseas. The cost of meeting WA Health's requirements to provide criminal record screening rests with the employee. Any employment contract will be contingent upon the individual supplying this information and the information being assessed as indicating no barrier to appointment.

Persons Found to have a Criminal Record

A Decision Making Committee comprising the Manager of the employing area and the relevant Workforce Director or their delegate (e.g., HR Manager) are responsible for making decisions on behalf of the Director General on whether criminal convictions are relevant to the position for which a person is being considered or the services to be provided to clients. The CRS Coordinator will provide an advisory role to inform and facilitate this decision making process.

The relevance of identified convictions, the recency of any convictions and the nature of the employment/position being sought will be taken into account in making employment related decisions where a criminal record check discloses a criminal record. All criminal record information for an individual will be considered including convictions and Western Australian spent convictions. Previous criminal convictions or pending charges will not necessarily preclude appointment or involvement in the provision of services.

A person who has been convicted of a serious sexual offence(s) will not be employed or involved in the provision of services to clients. Other serious offences (for example, those involving threat or injury to another person and serious drug offences) relevant to the duties of the position may also render a person unsuitable for employment and/or provision of services to clients.

See the WA Health Criminal Record Screening Guidelines for more information on the decision making process.

Recording and Reporting

The CRS Office will maintain reports on:

- details of applicants who are not to be employed because of a criminal record
- details of applicants who will be employed but have a criminal record
- previous employees who are not to be re-employed due to a criminal record.

Printed copies can only be valid at the time of printing.

Record Keeping

The CRS Office will maintain records of:

- the criminal record of employees. The contract between WA Health and CrimTrac requires that any information relating to criminal history is to be kept only by the CRS Coordinator in accordance with the contract between WA Health and CrimTrac; and
- the original certified copy of the overseas translated criminal record check.

Definitions

For the purposes of this policy, the following definitions apply:

CrimTrac is a Commonwealth Government Agency which delivers and maintains:

- national policing information services
- advanced national police investigation tools
- national criminal history record checks for accredited agencies.

Employer (WA Health):

WA Health employers are Department of Health, Metropolitan Health Services, WA Country Health Service and Peel Health Service.

Natural Justice and Procedural Fairness:

Natural justice is about the concept of fairness, which can be described as 'justice should be done *and* be seen to be done'.

The principles of procedural fairness are:

- decision makers must act fairly and without bias
- a person should not be judge in his/her own case
- all parties to the matter should have the opportunity to have their case and all relevant arguments considered before a decision is made
- all persons need to be informed of the basis of a decision, where that decision affects them.

Serious Offence:

A 'serious offence' means a crime or crimes committed against a person or persons for which a court has recorded a conviction and has handed down a penalty of at least twelve (12) months imprisonment or a fine of \$15,000.

Spent Conviction:

In Western Australia, the *Spent Convictions Act 1988* provides for certain convictions to be *spent* (expunged from the record) generally after ten (10) years and provided there have been no further convictions.



Relevant Legislation

- Public Sector Management Act 1994
- Equal Opportunity Act (WA) 1984 as amended
- Human Rights and Equal Opportunity Act 1986
- Freedom of Information Act 1992
- Spent Convictions Act (WA) 1988
- Industrial and workplace relations acts (State and Federal)
- Common law principles of confidentiality, duty of care and negligence

Supporting Documentation

- WA Health Criminal Record Screening Guidelines

Accessing Policies

- Policies are located on Holii
(<http://intranet.health.wa.gov.au/>)

Other Relevant Documents

- Western Australian Public Sector Code of Ethics
www.opssc.wa.gov.au/ethics/codeofethics/index.htm
- WA Health Code of Conduct
- [Public Sector Standards in Human Resource Management](#)
- Contract between Department of Health and CrimTrac
- Corruption and Crime Commission of Western Australia, Notification Guidelines , Third Edition February 2005
- WA Health Criminal Records Screening Guidelines
- WA Health Grievance Resolution Policy
- WA Health Misconduct and Discipline Policy
- Local health service grievance resolution procedures



Authority

Endorsed by:	Director General
Review Date:	March 2012 This document has been developed in accordance with the WA Health Workforce Policy Development Framework. This policy remains effective until a subsequent version is endorsed by the Director General. CRS Policy Final March 2010
Link to Policy page:	via the Whole of Health Holii Policies link at: http://intranet.health.wa.gov.au/policies/doh_policy.cfm
Primary Contact:	Branch: Workforce Policy and Planning Directorate: Development Division Phone: Email: policyofficer@health.wa.gov.au

Please Note:

- The links in this document are provided as a service. Links to documents can be volatile. If the link is broken you may need to search for the document.

This information is available in alternative formats upon a request.





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CRIMINAL RECORD SCREENING GUIDELINES

CONTENTS	Page
1. Introduction	2
2. The Criminal Record Screening Office	2
3. Who Needs A Criminal Record Check	2
4. Submitting and Recording a Criminal Record Screening	5
5. Persons Found to have a Criminal Record	8
6. Relevance of Criminal Convictions	9
7. Payment of Criminal Record Checks	9
8. Compliance Checks	10
9. Confidentiality	10
10. Recording and Reporting	11
11. Grievance Resolution	11

Appendix 1: Criminal Record Screening Process

Appendix 2: Identification Documents for Criminal Record Screening Checks in WA Health

Appendix 3: WA Health Human Resource Information System Criminal Record Screening Codes

Appendix 4: Decision Making Template



1. INTRODUCTION

These guidelines are to be read in conjunction with the WA Health Criminal Record Screening Policy <http://intranet.health.wa.gov.au/hwl/policies/index.cfm>.

2. CRIMINAL RECORD SCREENING OFFICE

The Department of Health (DoH) has a contract with CrimTrac (a Commonwealth Government Agency) to receive Australia-wide criminal record checks for employment reasons.

The DoH Criminal Record Screening Office (the CRS Office) is responsible for the co-ordination and maintenance of criminal record screening across WA Health and the monitoring of compliance with the standards and safeguards incorporated in the contract between the DoH and CrimTrac. The CRS Coordinator is the only person permitted to obtain criminal record checks direct from CrimTrac.

All officers working with criminal record screening in the DoH CRS Office are required to have annual criminal record checks irrespective of current employment status and sign a confidentiality agreement. Disciplinary action will be taken against any officer who is found to have breached confidentiality.

3. WHO NEEDS A CRIMINAL RECORD CHECK

3.1 Prospective Employees

WA Health employers or entities are listed in the section 'Scope' of the WA Health Criminal Record Screening Policy.

All prospective persons working in or providing a service to WA Health including persons from overseas are required to obtain a criminal record check. This also includes people who are promoted, transferred, seconded, or on temporary deployment within and across Health entities (e.g., within the Metropolitan Health Service (MHS) and between MHS and WA Country Health Service).

Prospective employees from overseas must provide evidence of international and national criminal clearance as per the WA Health CRS Policy.

All information for applicants and advice for internal and external advertised positions (whether permanent, temporary or casual) will include the following statement:

'It is the policy of WA Health that all employees undergo criminal record screening. The screening is carried out by the Department of Health and the cost is borne by the employee.'

All employment contracts must include a statement indicating that in accordance with the WA Health Criminal Record Screening Policy:

- employment is subject to a satisfactory national criminal record check
- an unsatisfactory national criminal record check will result in the offer of appointment being withdrawn or in the employment contract being deemed null and void
- an employee must advise the employer of any change in their criminal record and pending charges that may arise during the course of their employment.

Prospective employees with prior WA Health employment who have had a break in service of longer than six (6) months from WA Health are required to be screened as prospective employees prior to their return to work. For example, this could include fixed term contract employees who are reappointed on another contract and casual employees who have remained in casual pools but not worked for more than six (6) months. If the break in service from WA Health is for six (6) months or less, the employee is not required to be rescreened if their criminal record check was conducted within the last three (3) years.

It is the responsibility of managers and supervisors to confirm that new employees have a current criminal record check prior to their commencing work.

3.2 Existing Employees

Existing employees moving from one position to another within the same health service (e.g. different departments in Royal Perth Hospital) without a break in service are treated as a continuing employee and will not need to be screened if they have previously undergone a WA Health Criminal Record Check or an Australia-wide National Police Certificate that was obtained within the previous 12 months.

Existing employees moving within Health entities (e.g., Bentley Health Service to Armadale Health Service) and across Health entities (e.g., moving from Royal Perth Hospital to WACHS) on a temporary or permanent basis are treated as new employees and will need to be screened (or rescreened) unless they hold either a WA Health Criminal Record Check, obtained within the past three (3) years, or an Australia-wide National Police Certificate obtained within the previous 12 months. If the employee does not hold either of these clearances, there will be requirement to be screened. The cost of such screening will be covered by the employee, unless otherwise agreed by the employer.

An employee must advise the employer of any change in their criminal record and of any pending charges.

3.3 Students on Placements

A criminal record check is not required for persons under 18 years of age on work experience placements.

Students who are over 18 years are to obtain a criminal record check prior to the commencement of their first placement. Educational institutions are responsible for arranging criminal record checks for students on practicums/work placements.

It is the responsibility of the student placement coordinator to check that students over 18 years on placement have a current criminal record check prior to them commencing work.

3.4 Independent Contractors, Private Agencies and Non Government Organisations

Independent contractors who provide services to WA Health must have a criminal record check prior to being engaged.

Non-government organisations funded by Government are required to progressively conduct criminal record checks on their prospective employees. This requirement will form part of their contract or funding agreement.

All contracts will include a statement indicating that in accordance with the WA Health Criminal Record Screening Policy:

- any contractor providing a service in WA Health must obtain a satisfactory national criminal record check
- any contractor/s receiving an unsatisfactory national criminal record check will result in the contract provided by that contractor/s being deemed null and void
- in the case of a contract for services by an agency, if any individual providing services on behalf of an agency receives an unsatisfactory criminal record check they will not be allowed to provide services to WA Health.

For assistance with the exact wording to use in contracts, contact State Health Supply by telephone on 1300 367 524 or email at HCN.Supply@Health.wa.gov.au.

It is the responsibility of each contract manager within the health entity to check the criminal record check status of all independent contractors prior to engaging them for services. Independent contractors who regularly supply services to WA Health are required to be rescreened every three years.

3.5 Private Agencies

Private agencies (including agencies providing temporary staff) are required to conduct criminal record checks that comply with the requirements of WA Health on their employees, before those employees are permitted to work in a position in WA Health.

Private agency staff who provide services regularly to WA Health are required to be rescreened every three (3) years. The CRS Office will liaise with agencies to ensure this occurs.

Nurses hired from a nursing agency are issued with CRS clearance card. If managers need to verify the CRS status of an agency nurse they should do so by contacting CRS Office.

It is the responsibility managers and supervisors to liaise with Nurse West and the CRS Office to ensure that agency staff have undergone a criminal record check within the past 3 years, prior to their commencing work.



3.6 People Employed From Overseas

People who are to be employed by WA Health from overseas on either temporary or permanent work visas are required by WA Health to provide evidence of both:

- (a) A criminal record check from their country of origin and from any other country in which they have lived for one (1) year or more in the last ten (10) years.
- Any criminal record check in a language other than English must also be accompanied by a 'certified copy' of an English translation of the criminal record.
 - Certified copies are copies authorised, or stamped as being true copies of originals, by a person or agency recognised by the law of the country in which the person is currently residing.
All Department of Immigration offices (DIAC) outside Australia have the facility to certify or witness documents. A 'Service Delivery Partner' may be able to provide this service on behalf of the department if there is an agreement in place with the Australian Office.
Applicants can visit the DIAC website for more information on offices outside Australia: www.immi.gov.au/contacts/overseas/
 - The original criminal record check must also be provided with the translated certified copy.

Further information regarding criminal record screening and specific country information can be found on the DIAC website at: www.immi.gov.au

- (b) An Australia-wide National Police Certificate.
Where an individual has not already obtained an Australia-wide Police Certificate, the CRS Office can arrange the required criminal record screening check.

All certificates need to be forwarded to the WA Health CRS Office for assessment in accordance with WA Health's CRS Policy.

It is the individual's responsibility to obtain a criminal record screen from overseas. The cost of meeting WA Health's requirements to provide criminal record screening rests with the employee. Any employment contract will be contingent upon the individual supplying this information and the information being assessed as indicating no barrier to appointment.

3.7 Other People Engaged To Provide Services to WA Health

Other people engaged to provide services to WA Health must have a criminal record check prior to being engaged. This includes persons engaged in any other capacity, for example volunteers, chaplains and academics.

To arrange CRS checks for volunteers and other people in this category, each health entity is responsible for liaising directly with the DoH CRS Office.

The cost associated with CRS checks for volunteers and other people in this category will be borne by the employer.



Appendix 1 contains a flow chart illustrating the process these persons would follow to obtain a WA Health CRS check.

It is the responsibility of managers and supervisors to check that volunteers have a current CRS check prior to their commencing work.

4. SUBMITTING AND RECORDING CRIMINAL RECORD SCREENING REQUESTS

All people applying for criminal record checks must sign a consent form before the check can be undertaken by WA Health. Any person refusing to complete and sign a consent form or meet the cost of the criminal record check will be precluded from appointment.

Applicants for a CRS must produce identification documentation to the value of 100 points (refer Appendix 2) as part of the process of obtaining a criminal record check. Any combination from the list may be provided.

Individuals may either provide originals in person which will be photocopied and endorsed by the sighting officer or certified copies of the documents. Copies should be certified according to the guidelines available at www.justice.wa.gov.au. Information on former names or aliases if any (for example a marriage certificate or Deed Poll change of name) must also be provided where necessary.

All persons undergoing a criminal record check are required to state whether they have any current or pending charges or convictions. A person with a pending charge or conviction can only be appointed to a position after the outcome of the current or pending charge or conviction is known.

In times of urgent workforce demands, a conditional offer of appointment may be made to an appointee. In such a case, the appointment letter must state that the continuation of employment is subject to a satisfactory criminal record check being received. The decision to make a conditional offer of appointment to a person will be made by the relevant, Workforce Director.

4.1 The Criminal Record Checking Process for WA Health Employees

Appendix 1 contains a flow chart illustrating the criminal record screening process for employees and other individuals. Specific aspects about the screening process are discussed in this section of the guidelines.

The areas responsible for the recruitment of staff are Health Corporate Network (HCN) and some medical administration units. These areas will be referred to collectively as 'Approved Recruiting Services' (ARS) in this document.

- a) The relevant manager advises ARS of the name of the recommended applicants/appointees prior to their commencement. This includes casual employees, contract employees, seconded staff and persons who are redeployed from other public sector agencies.
- b) Where a formal recruitment, selection and appointment process is followed, the ARS sends the recommended applicant the criminal record screening consent form



and a Criminal Screening Deduction (CSD) form with the letter of recommendation. The CSD form allows WA Health to deduct the criminal record check fee from the applicant's first pay.

- c) For all other new starters, the ARS or the relevant manager provides the appointee with the new starter criminal record screening consent form and the CSD form prior to commencement.
- d) If the individual has had a DoH criminal record check in the previous three (3) years, the ARS confirms the details with the CRS Office and ensures the details on the individual's human resource information system (HRIS) record is correct.
- e) If the individual produces a current Australian National Police Certificate that has been issued within the previous 12 months, the ARS forwards a copy to the CRS Office for verification and confirmation of clearance. A copy (or an electronic image of that form) should also be retained on the individual's personal file. The same is true for persons from overseas with a valid work visa.
- f) If the individual has not had a WA Health criminal record check within the past three (3) years, or an Australian Police Certificate obtained within 12 months, he/she returns the completed and signed criminal record screening consent form to the ARS as instructed in recruitment documentation together with identification documents to the value of 100 points as identified in Appendix 2.
- g) The ARS places the original consent form (or electronic image of that form) on the the applicant's personal file.
- h) The ARS enters the details of the individual into the CRS database which the CRS Office forwards to CrimTrac to be screened.
- i) The CRS Office notifies the ARS when initial results of the check have been received from CrimTrac. This information identifies those individuals who do not have a criminal conviction, those who do have a criminal conviction and where there is a possible name match on the police database.
- j) The ARS enters specific identifier details in the human resource information system (HRIS) to indicate the status of the employee's criminal record screening process in relation to the following:
 - a DoH Criminal Record Screening Check
 - a current Australian National Police Certificate
 - a current Australian National Police Certificate for working in Australian Government subsidised aged care or
 - an international police check.

The following details need to be entered into the HRIS when employing people from overseas:

- country of origin
- visa type
- visa expiry date
- country of Passport

- passport number
- contract expiry date (in case the visa ends before the contract ends)
- visa sighted (date)

- the status of the employee's criminal record screening process in relation to:
 - a DoH Criminal Record Screening Check
 - a current Australian National Police Certificate
 - a current Australian National Police Certificate for working in Australian Government subsidised aged care or
 - an international police check.
- health insurance certification details as received from the manager of the employing health entity for people employed on Temporary 457 visa holders.
- Declaration and Consent form – completed and signed.

Appendix 3 contains the specific details to be entered into HRIS.

- k) If a clear result is received from CrimTrac, the ARS enters the details into Lattice/Alesco.
- l) When an individual has a possible name match in the national names index, CrimTrac sends written notification to the CRS Office within ten (10) working days.
- m) When an individual is found to have a criminal record which includes a serious offence, the CRS Office obtains a copy of the individual's consent form from the ARS.
- n) Where convictions are identified, the CRS Coordinator conducts a formal review of the contents of the individual's criminal record and discusses the individual report with the relevant Decision Making Committee (see point 5 of these guidelines).
- o) The Decision Making Committee decides if the criminal conviction/s is/are relevant to duties to be performed or the services to be provided to clients.
- p) If a decision is made that the convictions of the individual are such that employment in WA Health is not appropriate, the CRS Coordinator informs the individual in writing and provides details of the grievance procedure.
- q) The relevant Workforce Director or delegate advises HCN to stop the appointment process or initiate the termination process.

5. PERSONS FOUND TO HAVE A CRIMINAL RECORD

If it is identified during the screening process that an individual has a criminal conviction, CrimTrac provides a written report to the CRS Coordinator. The CRS Coordinator reviews the contents of the identified criminal record and provides advice to the manager of the employing area and the relevant Workforce Director or their delegate of the employing area.



When providing this advice, the CRS Coordinator will:

- Verify that the information relates to the individual undergoing the criminal record screening process
- Check its accuracy
- Contact the individual undergoing the criminal record screening process, giving them an opportunity to provide any details in writing within seven (7) working days, of any relevant matters that they wish to have considered in relation to the matter.

5.1 Decision Making Committee

A Decision Making Committee will be responsible for making decisions on behalf of the Director General concerning applicants whose convictions are disclosed as a result of criminal record check.

The Decision Making Committee will comprise the manager of the employing area and the relevant Workforce Director or their delegate (e.g., HR Manager). The CRS Coordinator will provide advice to inform and facilitate this decision making process. Other members of the Committee will be determined on an as needs basis. The Committee will convene as often as required and in a timely manner to fulfil its functions satisfactorily.

The Committee will review the information provided by the CRS Coordinator in order to make a final decision regarding a person's suitability to work in WA Health. Both the manager of the employing area and the relevant Workforce Director are required to complete and co-sign the "Decision to Employ" form (Appendix 4).

Where the health entity does not support the appointment of the person, a direction "not to appoint" will be issued. If employment has commenced, the contract will be made null and void, and the employee must cease work immediately.

If based on a criminal conviction a "not to appoint" decision is made, the employing authority is to advise Health Corporate Network. The CRS Coordinator will inform the individual in writing and provide advice of the grievance procedure.

The individual should be informed of the reason for the decision and that they can request a review of the decision (see Grievance Resolution Process discussed in Section 10 of these guidelines). Any such request must be made within seven (7) working days.

Where an employing area makes a final decision that is not consistent with the advice provided by the CRS Coordinator, a written record of this decision is to be made and provided to the Corporate Governance Directorate.

The CRS Office will maintain records of the details of applicants who are not to be employed or previous employees who are not to be re-employed due to a criminal record. It is a condition of the contract between DoH and CrimTrac that any information relating to criminal history is to be kept only by the CRS Coordinator.



6. RELEVANCE OF CRIMINAL CONVICTIONS

The main focus of decision-making should be on those offences which are relevant to terms of the duties the applicant will be expected to undertake. For example, the most relevant categories of offences in relation to the protection of patients/clients and vulnerable persons may be seen as violent, sexual and drug offences. Offences of dishonesty may be less relevant in terms of protecting vulnerable persons from physical harm, as they have a bearing on a person's trustworthiness.

If checks reveal a criminal conviction, applicants and applications will be assessed against the following categories to determine suitability for employment/placement or provision of services:

- convictions that will most likely lead to a refusal to be employed, provide services or be accepted on placement in WA Health, regardless of when the offence(s) was committed are:
 - convictions for crimes of a violent or sexual nature
 - convictions for dealing or trafficking in illegal drugs
 - convictions related to premeditated fraud or stealing.
- convictions that may be regarded as sufficiently serious to warrant refusal of employment, or provision of service or acceptance on a placement are:
 - convictions that result in a 12 month prison sentence
 - convictions for an offence that would normally result in dismissal if committed by a person employed in WA Health.
- other convictions that are not so serious as to warrant automatic exclusion will be reviewed against mitigating factors such as:
 - number of incidences or whether the caution or conviction was an isolated incident or whether there are several cautions/convictions
 - age of the person at the time of the offence
 - recency of the conviction
 - type of offence(s) and its (their) relevance to the job
 - context for the behaviour, for example, the conviction for assault was the result of a premeditated act or someone acting in self defence
 - particularly stressful circumstances at the time of the offences and which may now have changed
 - availability of evidence leading to a conclusion of a change in attitude and demeanour from the time of the offence
 - the person's attitude to the offence(s) such as remorse shown, acknowledgement of responsibility for the offence or recognition of the harm caused.



7. PAYMENT OF CRIMINAL RECORD CHECKS

Prospective employees can have the cost of the criminal record check deducted from their first pay by completing a Criminal Screening Deduction Form during the recruitment process. Alternatively, individuals may forward payment by cheque, money order or cash to:

Criminal Record Screening
Department of Health
Level 1 B Block
189 Royal Street
East Perth WA 6004.

People employed from overseas or individuals who have a valid Australian Police Certificate or other acceptable clearance and who need to be issued with a DoH CRS Clearance Card, will be required to pay a small administrative fee.

The cost per check to individuals will change from time to time to reflect increase variations in CrimTrac charges, GST requirements and the like.

8. COMPLIANCE CHECKS

The CRS Coordinator can conduct random compliance checks. Confidentiality will be maintained at all times.

9. CONFIDENTIALITY

It is a condition of the DoH's contract with CrimTrac that all records are maintained in a strictly confidential manner. To ensure that these conditions are met, CrimTrac may conduct a spot check of the CRS Office at any time.

Criminal record information will not be used for any purpose other than to determine suitability for appointment to a position, continuing employment or the provision of services to clients.

The only records kept by the CRS Office will relate to cases where a criminal record results in a person being considered unsuitable for employment or the provision of services to clients. Details of criminal record checking outcomes will not be kept on a personal or advertised vacancy file.

The *State Records Act 2000 (WA)* informs the CRS Office on the destruction of information pertaining to criminal records.



Officers working with criminal screening records are required to sign confidentiality agreements and will be made aware of the consequences of a breach. Any officer giving unauthorised access to details of criminal records (either electronic or paper copies) will be disciplined and may be subject to criminal prosecution. Additionally, all officers working with criminal record screening in the DoH CRS Office are required to have annual criminal record checks irrespective of current employment status.

Where there is a requirement to transmit criminal record information, it must be securely bound and sealed before it is sent. The facsimile transmission of information should only be used in urgent circumstances and with the prior approval of the CRS Coordinator.

10. RECORDING AND REPORTING

The CRS Office will maintain **reports** on:

- the details of applicants who are not to be employed because of a criminal record
- the details of applicants who will be employed but have a criminal record
- previous employees who are not to be re-employed due to a criminal record.

The CRS Office will maintain **records** of:

- the criminal record of employees. The contract between WA Health and CrimTrac requires that any information relating to criminal history is to be kept only by the CRS Coordinator
- the original certified copy of the any translated translated criminal record check.

11. GRIEVANCE RESOLUTION

When a decision is made not to employ/appoint a person because of a criminal conviction or pending charges, the CRS Coordinator must inform the applicant of the reason for the decision and the applicant must be provided with information about how they may request an independent review of the decision. Any such request must be made within seven (7) working days to the Director Corporate Governance at Corporate.Governance@Health.wa.gov.au.

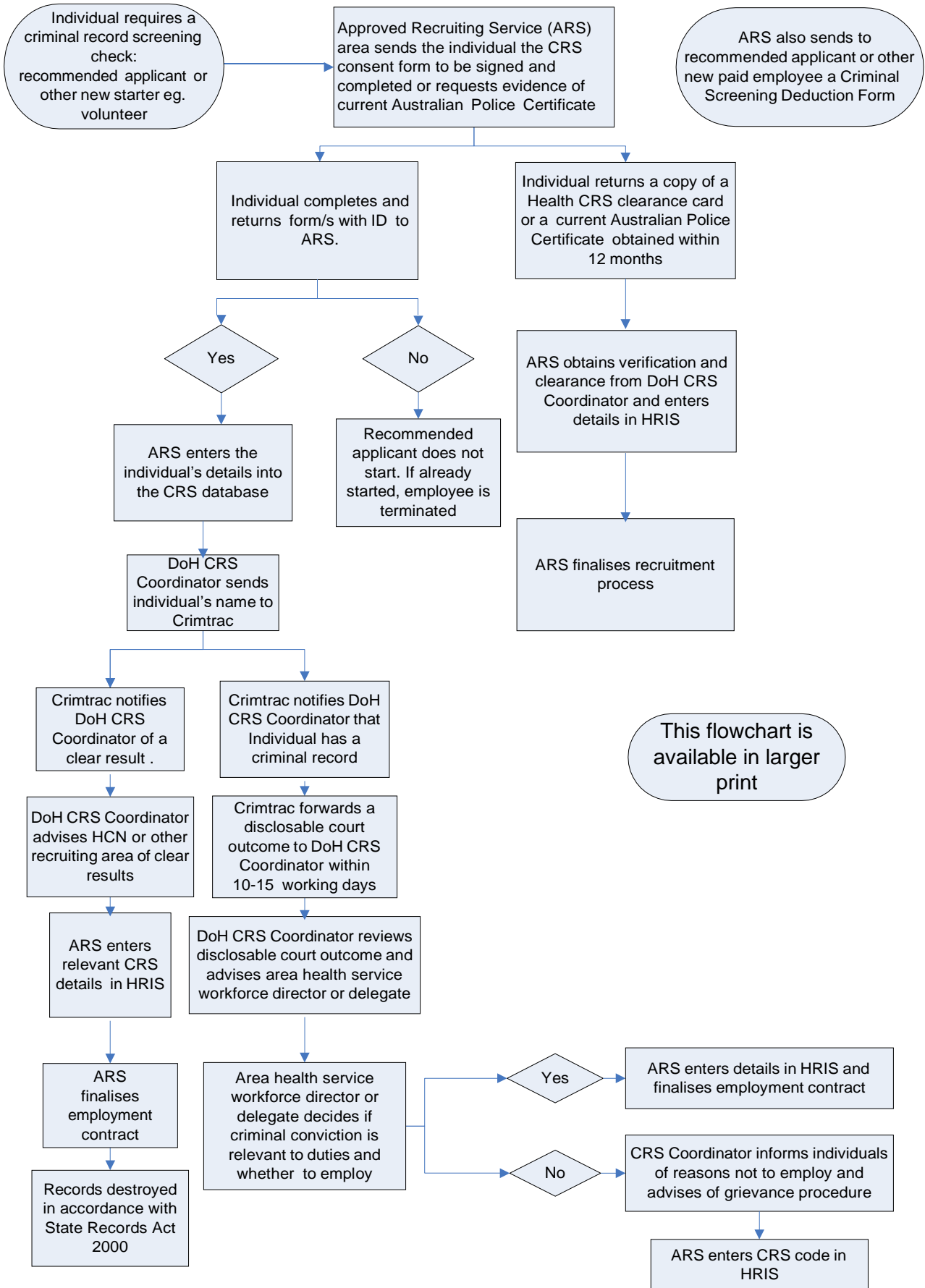
The following process will apply:

- upon receipt of a request for a review from the applicant the CRS Coordinator, the Director Corporate Governance arranges a formal independent review of the evidence and reports prepared by the CRS Office;
- after a final decision is made and endorsed by the Director General, the Director Corporate Governance advises all parties of this decision.



APPENDIX 1

**WA HEALTH
CRIMINAL RECORD SCREENING PROCESS**



This flowchart is available in larger print



APPENDIX 2

IDENTIFICATION DOCUMENTS FOR CRIMINAL RECORD SCREENING CHECKS IN WA HEALTH

Identification to the value of 100 points must be produced prior to commencing employment. Originals must be sighted and photocopies must be signed by the sighting officer. Where you have changed your name (ie through marriage or deed poll) evidence must be produced to support this.

TYPES OF IDENTIFICATION	POINTS
<ul style="list-style-type: none"> • Birth Certificate (original, certified copy or extract) <i>Note: Not valid to confirm citizenship if issued after 1986</i> • Current Passport/international travel document • Citizenship certificate (original or certified copy) <p><i>Use only one of the above</i></p>	70
<ul style="list-style-type: none"> • Drivers licence/permit • Public Service ID card • Centrelink benefits card • Tertiary student ID card <p><i>Name, signature and photograph where applicable must be supplied. Use only one of the above.</i></p>	40
<p>A signed written reference from:</p> <ul style="list-style-type: none"> • a financial body • a referee <p><i>The reference must confirm a twelve month association with the recommended applicant. Use only one of the above.</i></p>	40
Medicare Card	25
<p>Membership Card</p> <ul style="list-style-type: none"> • Union or trade/professional bodies 	25
<p>Recent arrival in Australia (less than six weeks)</p> <ul style="list-style-type: none"> • passport (resident) 	100
<p>Persons who are Aboriginal</p> <ul style="list-style-type: none"> • a written statement of confirmation of identification signed by two acceptable referees. 	100

APPENDIX 3

**WA HEALTH
HUMAN RESOURCE INFORMATION SYSTEM
CRIMINAL RECORD SCREENING CODES**

NB

Criminal record screening (CRS) need to placed in one section in the HRIS. All existing records are to be moved to this screen. This screen should allow for the recording of:

- ▶ License/Check Number (National Police Certificate /Visa Check will have a number)
- ▶ Date Acquired
- ▶ Date Last Tested
- ▶ Expiry Date
- ▶ Space For Comment – See below for relevant comments to insert in this section.

DoH Criminal Record Screening Check (CRS) is needed by the employee	
Comment	Explanation
Insert name of check - DoH CRS Check	Employee is a new employee or an existing employee moving to a new or temporary position without a current Australian National Police Certificate. Employee has successfully completed a DoH CRS Check.
Insert name of check - Conditional DoH CRS Check	Employee has applied for a DoH CRS Check and has been granted a check with certain conditions – A conditional DoH CRS Check. For example the Check may have been provided on the condition that it is repeated 12 months after the date of the first application.
Insert name of checks completed - international clearance and DoH CRS Check	Overseas recent arrival – employee has recently arrived on a temporary visa, has provided evidence of an international clearance (DoH requirement) and has received a satisfactory DoH CRS Check.



DoH CRS Check is NOT needed by the employee	
Comment	Explanation
Insert name of check – National Police Certificate	Employee has provided a current Australian National Police Certificate that has been issued within the previous 12 months and shows no current convictions. A photocopy of the original certificate has been placed on personal file.
Insert name of check – National Police Certificate for working in Australian Government subsidised aged care services	Employee has provided a current Australian National Police Certificate working in Australian Government subsidised aged care services that has been issued within the previous 12 months and shows no current convictions
From another agency where screening has taken place	Employee is a previous worker from an external agency/organisation, high school or university where screening has taken place. Evidence has been provided and placed on personal file.
From overseas – a recent arrival with permanent residency.	Employee has commenced within 6 weeks of first entry to Australia on a permanent Residency Visa.
Employee from another site within the same WA entity /employer – no screening required	Employee is a previous employee of another site within the same WA Health entity and has worked within the WA Health system since before the start of the DoH criminal record screening. Subsequently, the employee has never been screened.

DoH CRS Check is in process	
Comment	Explanation
Pending CRS Identification DOH	Employee's details have been sent to the CRS Office for screening. HCN is waiting for confirmation that the employee is clear to employ.



APPENDIX 4

DECISION TO EMPLOY

The manager and the Workforce Director are required to complete and co-sign this form. The form is to be forwarded to the CRS Coordinator for processing.

Individual's Name: _____

Position under Consideration: _____

Employment status: _____

Date & Location of Meeting: _____

Name of Manager of Employing Area: _____

Name of Workforce Director (or delegate): _____

Details of the conviction that contravened the CRS Policy (attach any relevant documentation):

Consideration:

- Is conviction relevant to the position? Yes / No
- Has the decision making process (as outlined in Section 6 of the Criminal Record Screening Guideline) been adhered to? Yes / No

Decision:

- Is the individual to be employed? Yes / No

If YES

List reasoning for the decision to employ this person.

If NO

List reasoning for the decision to terminate this person's employment.

Signed _____
Workforce Director (or delegate)

Signed _____
Manager, Employing Area

Coordinator Criminal Record Screening to update the CRS status in the database as advised by above decision.

Signed _____
CRS Coordinator

Dated _____