



CRIMINAL RECORD SCREENING GUIDELINES

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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. THE CRIMINAL RECORD SCREENING AREA

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 (CRS) area (the CRS area) is responsible for the coordination 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 Coordinator CRS is the only person permitted to obtain criminal record checks direct from CrimTrac.

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

3. WHO NEEDS A CRIMINAL RECORD CHECK

3.1 Prospective Employees

All prospective employees (internal and external) are required to obtain a criminal record check to work in or provide a service to WA Health. This also includes people who are promoted, transferred, seconded on temporary deployment within and across Health entities (for example within the Metropolitan Health Service (MHS) and between MHS and WA Country Health Service).

WA Health employers or entities are listed in the section 'Scope' of the WA Health Criminal Record Screening 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- an unsatisfactory national criminal record check will result in the offers of appointment being withdrawn or in the employment contract being deemed null and void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.

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Appointees 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 employer 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 was obtained within the previous 12 months.

Existing employees moving from one health employer to work for another health employer 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.

3.3 Students On Placements

Students 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.

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

It is the responsibility of the student placement coordinator to check that students on placement have a current criminal record check prior to their 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:

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- 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 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 each health service area's responsibility 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 area will liaise with agencies to ensure this occurs.

It is the responsibility of managers and supervisors to liaise with Nurse West and the Office of Criminal Record Screening 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 employed from overseas on either a temporary or permanent work visa, are required by WA Health to:

- obtain 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 **and**
- apply for an Australia-wide Police Certificate.

Information regarding police certificates and specific country information can be found on the website of the Department of Immigration and Citizenship (DIAC) at www.immi.gov.au (Form 47P).

Criminal record screening certificates must accompany any application to provide services within WA Health and must have been issued within the six (6) months prior to their application for a position in WA Health.

The certificates need to be forwarded to the CRS area for assessment in accordance with WA Health's CRS Policy. Where an individual has not already obtained an Australia-wide Police Certificate, the CRS area can arrange the required criminal record screening check.

It is the individual's responsibility to obtain police checks from overseas. Any employment contract will be contingent upon the individual supplying this information and the information being assessed as indicating no barrier to appointment.

In all cases, the cost of meeting WA Health's requirements to provide criminal record screening rests with the employee

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

3.7 Other People Engaged In Providing Services to WA Health

Other people engaged in providing 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, adults on work experience, chaplains and academics.

To arrange CRS checks for volunteers and other people in this category, area health services are responsible for liaising directly with the DoH CRS area.

The cost associated with the CRS checks will be borne by the employer.

Appendix 1 contains a flow chart illustrating the process these persons would follow to obtain a DoH Criminal Record Screening Check.

It is the responsibility of managers and supervisors to check that volunteers have a current criminal record 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 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.

Recommended applicants 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 also 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 area health service 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, secondees and redeployees from other agencies.
- b) Where a formal recruitment, selection and appointment process is followed, the ARS sends to 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 Unit 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 area for verification and confirmation of clearance. A copy (or an electronic image of that form) should also be retained on the individual's hard and/or electronic copies of his/her 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 hard and/or electronic copies of the applicant's personal file.
- h) The ARS enters the details of the individual into the CRS database which the CRS area forwards to CrimTrac to be screened.

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- i) The CRS area 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
- 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 service.

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.
- l) When an individual has a possible name match in the national names index, CrimTrac sends written notification to the CRS area within ten (10) working days.
- m) When an individual is found to have a criminal record which includes a serious offence, the CRS area obtains a copy of the individual's consent form from the ARS.
- n) Where convictions are identified, the Coordinator CRS formally reviews the contents of the individual's criminal record and discusses the individual report with the relevant area health service workforce director or their delegate.
- o) The relevant area health service workforce director 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 possible, the Coordinator CRS informs the individual in writing and provides advice of grievance procedure.
- q) The relevant area health service workforce director or delegate advises HCN to stop the appointment process or initiate the termination process.

5. PERSONS FOUND TO HAVE A CRIMINAL RECORD

During the screening process, CrimTrac forwards a written report to the CRS Coordinator if an individual has criminal convictions. The Coordinator CRS reviews the contents of the individual's criminal record and discusses the individual report with the relevant health service workforce director or their delegate if appropriate.

A final decision regarding a person's suitability to work in WA Health should not be made until the person has been given adequate opportunity to discuss the record in order to:

- verify that it relates to him/her
- check for its accuracy, and
- provide details in writing within seven (7) working days of any relevant matters that they wish considered in relation to the matter.

The final decision to appoint or not to appoint the applicant will be made by the workforce director further to advice provided by the Coordinator CRS.

Where the health service 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.

A health service deciding not to appoint a person because of a criminal conviction will advise the CRS Coordinator and 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, as well as the fact 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 a health service wishes to make an offer of employment not consistent with the advice provided by the DoH CRS area, a written submission should be prepared and referred to the Director Corporate Governance.

The CRS area 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 Coordinator CRS.

6. RELEVANCE OF CRIMINAL CONVICTIONS

The main focus of decision-making should be on those offences which are relevant in terms of the duties the applicant will be expected to undertake. For instance, 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, although they have a bearing on a person's trustworthiness.

Where checks indicate 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, 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 accepted on 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 a one off 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 in great fear retaliating against an assailant
 - 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 Coordinator, Criminal Record Screening 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 area 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 area 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 area on the destruction of information pertaining to criminal records.

Officers working with criminal screening records are required to sign strict confidentiality agreements. Any officer giving unauthorised access to details of criminal records will be disciplined and may be subject to criminal prosecution.

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 Coordinator, Criminal Record Screening.

10. GRIEVANCE RESOLUTION

When a decision is taken not to employ/appoint a person because of a criminal conviction or pending charges, the Coordinator CRS 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.

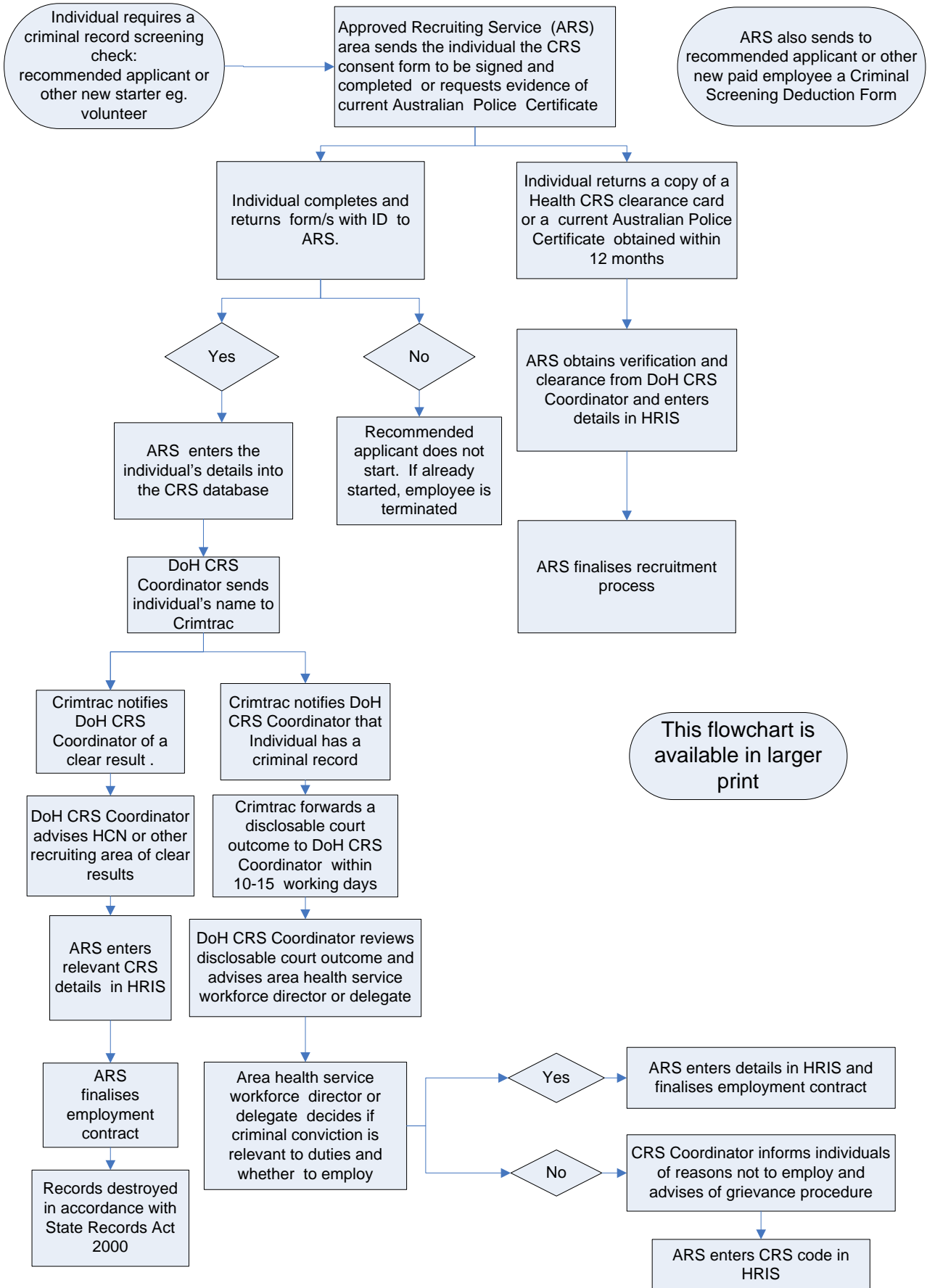
The following process will apply:

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

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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) • 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 • an acceptable 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>Isolated Area Aborigine</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 Unit for screening. HCN is waiting for confirmation that the employee is clear to employ.