

YMCA Geelong – CRIMINAL HISTORY RECORD CHECK POLICY



OFFICE USE ONLY

Policy Number	Date Approved	Date Last Amended	Status
YG 139-O	28/01/2022	28/01/2022	APPROVED

1. CRIMINAL HISTORY RECORD CHECK POLICY

2. INTRODUCTION

YMCA Geelong is committed to keeping our staff, patrons, clients and members of the public safe by undertaking thorough pre-employment screening in the form of national criminal history record checks (NCHRC).

3. POLICY

All new employee and volunteer appointments to YMCA Geelong are required to undergo a Criminal Record Check at commencement of their engagement if over 18 years of age. A previous Criminal Record Check shall not be relied on for this purpose. A new employee or volunteer will not commence work until YMCA Geelong has processed the NCHRC on our internal system and the result is known on YMCA Geelong criminal record history check system. (This is paid for by Y Geelong).

Employees/Volunteers approaching their 18th birthday will be asked to undertake a NCHRC three months prior to the time they turn 18.

Agency Personnel

Designated Senior staff will receive NCHRC results and make decisions about suitability of employment from the People and Culture Director.

Re-Checking

Re-checking is required by YMCA Geelong at the discretion of the YMCA Manager / People and Culture Department if a new Criminal Record Check is required throughout employment.

YG 139-O Criminal History Record Check Policy V5 DRAFT

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Determining Relevant Criminal History

In accordance with the Australian Human Rights Commission Act 1986, if an employee is denied employment or dismissed on the basis of a criminal record, there must be an inherent link between the criminal history and the requirements of the job.

It is the discretion of the relevant Agency Personnel to determine whether a particular crime history is relevant to the position of employment and if the appointment or continued employment would put YMCA Geelong at risk.

Exemptions

There may be circumstances that need to be considered when conducting a NCHRC. These are limited to: age of applicant (minor) and length of time an applicant has lived in Australia in these cases it is at the discretion of the relevant Agency Personnel as to whether a NCHRC is performed.

International Police Record Checking

If a staff or volunteer has lived overseas for at least six (6) months in the last five (5) years, they are required to complete an international police check. This check should be obtained before they commence at the Y. More information on how to obtain an international police check can be found at the following link <https://auspost.com.au/police-checks/international>

If an international police check cannot be obtained from a particular country, the candidate must obtain a statutory declaration or local legal equivalent that outlines effort made to obtain the check and the candidate must disclose any charges or convictions related to child abuse and exploitation.

If there is an adverse result from this check, much like a National Police Check, a risk assessment form must be completed. Please visit the Feel Safe, Be Safe section of the Towards One Y page to view this form. Further information on managing an adverse check can also be found here - <https://www.nacro.org.uk/resettlement-advice-service/support-for-practitioners>

If an international police check has been obtained in the past six (6) months, Y Geelong will accept this as a suitable International Police Record Check. The candidate must pay for the IPC to be completed and provided evidence prior to receiving a Letter of Appointment.

Adverse Finding/ Risk Assessment-

A police check differs from the WWCC, it provides a list of any offences a person has committed prior to the date the certificate is granted.

The Y's must ensure that a Police Check, is obtained for each and all Y People, and is verified prior to their commencement. Where the Police Check is not obtained and verified prior to commencement, the Y will implement the following risk management strategies:

- limited child related duties
- constant supervision
- Seeking approval from the CEO in written for the exemption or delayed processing.

Details relating to the Y Person's attempt to obtain the check must also be recorded in their file.

If there is an adverse check that involves a child or young person related offence, this candidate is not suitable and this is non-negotiable. If there is another type of adverse check returned then a risk assessment must be completed using the appropriate risk assessment template below as to whether the recruitment of the staff or volunteer continues. If it does, appropriate strategies must then be put in place to manage this risk.

Things to consider regarding an adverse check include:

- The offence type
- Age of the applicant at the time of offence
- Time lapse since offence was committed
- Frequency of offences
- Individuals explanation of the offence

National Criminal Record History Check Risk Assessment Template

Name of applicant:		
Post/role applied for/current post:		
Level of risk assessment required (<i>Green – low level, Amber – medium level, Red –high level</i>)	Green – no risk assessment needed (explain why?) <input type="checkbox"/>	Amber – Safeguarding Lead to carry out risk assessment <input type="checkbox"/>
		Red – Safeguarding Lead and HR to be present at risk assessment <input type="checkbox"/>
Question	Yes/No	Please provide details
Has the applicant declared any criminal convictions, cautions, reprimands, final warnings in Australia or any other country, or are they under police investigation?		
Is this a single offence or has there been more than one offence?		
Has any other relevant information been provided?		
Nature of conviction(s) or police intelligence disclosed		
Offence(s):		
Date of caution/conviction		
Sentence received:		
Age at time of offence(s)		
Current age:		
Length of time since conviction(s)		

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Other relevant information / comments:

Date of Interview:		Time/location of Interview:	
Interviewer one name:		Role:	
Interviewer two name:		Role:	
Other person's present			

Question	Please provide details
Do you agree that the information on the disclosure is correct? If not, why?	
What were the circumstances surrounding the offence(s)?	
How do you feel about the offence?	
What efforts have been made to not reoffend?	
Additional questions:	
Are you subject to any police investigations at present? (If so give further details)	
Is there anything else you would like us to consider?	
Why do you want to work for the Y?	

Section C: Risk factors

Question	Yes/No	Please provide details
Have the individual's circumstances changed since the offence(s)? If so, how?		
Are offence(s) relevant to the worker's position?		
Is the applicant taking part in a specific remedial/action program?		
Does the nature of the job present any opportunities for the post holder to re-offend in the place of work? If so, how?		
Does the job role involve regular one-to one/unsupervised contact with vulnerable groups and/or colleagues?		
Does the post involve direct contact with the public?		
Does the position involve direct responsibility for finance or items of value?		
Does the position involve a significant level of trust i.e. physical treatment or caring for people?		
Were suitable references obtained and ID checked? (If references gave cause for concern, please state details)		
What level of supervision does the post holder receive?		

Section D: Decision

Summary of risk assessment:

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 Updated: 08/02/2016, 28/03/2019, 13/05/2021
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 Next Review: 08/02/2025

Outcome:	<input type="checkbox"/>	Approve (no conditions)	
	<input type="checkbox"/>	Approve (with conditions) – State:	
	<input type="checkbox"/>	Reject (give reasons)	
Signed:		Role:	
Date:			
Date applicant was informed of result			
Response from applicant			
Audited by:	Date, comments and learning shared:		

4. DEFINITIONS

Agency Personnel - Designated Senior Managers including, but not limited to Chief Executive Officers, People and Culture Director who are required to make decisions about suitability of employment.

5. SCOPE

The Criminal History Record Check Policy applies to YMCA Geelong Inc. and applies to YMCA Geelong employees and volunteers.

6. ROLES AND RESPONSIBILITIES

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Department/Area	Role/Responsibility
Corporate Services Manager	Oversee the implementation of the Criminal History Record Check Policy and ensure the policy cycle is implemented.
People and Culture Director	Undertake NCHRC on behalf of organisation and provide reporting as per procedural requirements to Managers. Receive NCHRC results and make decisions about suitability of employment.
Managers (Recruiting Manager or Officer)	Comply with the policy and any related procedures. Receive payroll report (as outlined in the procedure) to confirm NCHRC have been completed.

7. MONITORING, EVALUATION AND REVIEW

Compliance with this policy will be evaluated in two ways:

- Through the Payroll System by checking that all employees have Criminal History Record Check recorded.
- Through volunteer databases by checking that all volunteers have Criminal History Record Check recorded.

This Policy will be monitored by the Senior Management Team, People and Culture Director reviewed three yearly basis.

8. SUPPORTING DOCUMENTS (LINKS TO PROCEDURES, LEGISLATION, FORMS, WORK PRACTICES)

Australian Human Rights Commission Act 1986

Approved by: CEO

Meeting number and date: 23/02/2016

Resolution number:

Effective date: 23/02/2016 ,04/04/2019

Review date: 08/02/2019, 28/03/2019

Policy Owner: CEO

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Contact Details policy owner: Ph: 5221 8344 E: geelong@ymca.org.au
 Amendment history:

Version	Date	Author	Change Description
V1	11/02/2014	Shona Eland	Uploaded to YMCA Geelong Policy Template included scope, monitoring and evaluation clauses.
V2	08/02/2016	Shona Eland	Updated International Police Record check requirements.
V3	28/03/2019	Chris Mawson	<p>Clause 3 added A new employee or volunteer will not commence work until the result is known on YMCA Geelong criminal record history check system</p> <p>Agency Personnel Designated Senior staff will receive NCHRC results and make decisions about suitability of employment from the People and Culture Director.</p> <p>Re-Checking Re-checking is required by YMCA Geelong a minimum of every three years however It is at the discretion of the YMCA Manager if a new Criminal Record Check is required between this period of time.</p> <p>International Police Record Checking added Any applicant who has resided overseas will be required to contact the relevant overseas Police Force to obtain a Criminal or Police Record Check and produce this as evidence to the People and Culture Director for assessment prior to commencing employment at YMCA Geelong</p> <p>Victoria Police and CrimTrac accredited agencies do not conduct international police checks.</p>
V4	13.05.2021	Adele Andrew	Update International Police Record Checking to new National Safeguarding Guidelines from 23.03.2021.
V5	28.01.2021	Shona Eland	Include Adverse finding included. Risk Assessment Template added Policy Clause add to include under 18 years International Police Record Check procedure updated

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			Update Renewal of NCRPC timelines- delete three years and changed as required throughout employment
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As adopted by the YMCA Geelong on 28/01/2022



Chief Executive Officer YMCA Geelong Inc