

BACKGROUND CHECKS POLICY

1 Context

1.1 Context

The St Vincent de Paul Society Canberra/Goulburn (the Society) require reasonable confidence that members, volunteers and employees; particularly those who have contact with vulnerable persons we are assisting, are of suitable character and do not expose these persons to an unacceptable risk and/or damage the reputation of the Society.

The Society is required to comply with various Federal and State/ Territory legislative requirements. In addition to this, many government funding agreements (both Federal Government and ACT/NSW Government) will require that Society personnel working in programs related to funding must have completed particular types of background character checks.

This policy provides the Society's minimum requirements for background checks.

2 Roles and Responsibilities

2.1 Scope

This policy applies to all members, volunteers and employees of the Society in the Canberra/Goulburn archdiocese.

Roles	Responsibilities
Territory Council	<ul style="list-style-type: none"> Oversee policy compliance. Demonstrate a culture of compliance with the policy through Council practices and operations. Identify, lead, promote and participate in member policy compliance activities in line with strategic goals and values.
Board	<ul style="list-style-type: none"> Oversee policy compliance. Demonstrate a culture of compliance with the policy through Council practices and Identify, lead, promote and participate in volunteer and employee policy compliance activities in line with strategic goals and values.
CEO	<ul style="list-style-type: none"> Lead the development of a policy compliance culture within the organisation. Ensure policy compliance metrics are used, measured and progress tracked to Strategic Plan activities and subsequent organisational change.
Group Directors	<ul style="list-style-type: none"> Provide quarterly policy compliance reporting (as relevant). Support policy compliance activities and subsequent organisational change. Orientate new staff members, students and volunteers to policy compliance systems.
Members, volunteers, employees, contractors and students	<ul style="list-style-type: none"> Promote and demonstrate commitment to policy compliance and assist with the implementation of reporting and processes.

3 Policy Principles

The Society requires a rigorous character checking process that applies to members, volunteers and employees. At the same time this process should not be unnecessarily intrusive or time consuming.

The following principles apply to background checking in the Society:

- All requirements under Federal, State/ Territory legislation must be met.
- All requirements of contracted funding agreements must be met.
- Additional requirements will apply to members, volunteers and employees as deemed appropriate by the Territory Council (for members) and the CEO (for employees and volunteers).
- WWVPs or WWCs are a statutory requirement wherever members, volunteers or employees engage in work directly involving children or vulnerable people. Where specified positions, in particular areas that are demonstrably not child-related work, the Director may seek an exemption through the Society's Safeguarding Team. All requests supported by the Safeguarding Team will be forwarded to the CEO for approval.
- National Police Checks and records of other clearances for members will be coordinated and documented through the Conference Support Team.
- National Police Check and records of other clearances for employees and volunteers will be coordinated and documented through the People & Culture Team.
- If the police background check detects disclosable outcomes or unspent convictions, the authorised officers for members, volunteers and employees prepare the risk assessment (Appendix 5). The risk assessment is forwarded for review to; the Territory President (members), the CEO (employees and volunteers)
- The applicant will be notified of the outcome in writing.
- Working With Vulnerable People (WWVP) Cards in ACT and Working With Children Cards (WWCC) in NSW, are owned by the individuals and are transferrable between employers, with the costs being borne by the individual. WWVP Cards attract no fee for members and volunteers.
- Any costs associated with obtaining police background checks for members, volunteers and employees will be borne by the Society.

4 Policy Details

Legislative Requirements:

- All people who regularly visit nursing homes and hospitals must first obtain a satisfactory National Police Check.
- Any NSW members, volunteers or employees working closely with children, in designated activities or a regulated workplace, must complete and maintain a satisfactory Working with Children Check.
- All ACT conference members who undertake home visitations must hold a current Working with Vulnerable Persons clearance and National Police Check.

- No member, volunteer or employee may participate in an overnight camp or other children’s activity unless they hold a current Working with Vulnerable Persons clearance.
- Any member, volunteer or employee who has regular contact with vulnerable persons in a designated activity or regulated workplace in the ACT must hold a current and maintain a Working with Vulnerable People clearance.

National Police Check Policy

- All members and employees must undergo a satisfactory National Police Check prior to appointment.
- The Society will not accept National Police Checks provided by third parties (from other employers or from the individual themselves) due to the risk of the report being tampered with.
- All volunteers who are in high-risk roles must undergo a satisfactory National Police Check.
- If a National Police Check on a member detects disclosable outcomes or an unspent conviction, the Territory President will decide their suitability for membership based on a risk assessment taking into account the nature and date of the conviction.
- If a National Police Check on an employee or volunteer detects disclosable outcomes or an unspent conviction, the CEO will decide their suitability for engagement based on a risk assessment taking into account the nature and date of the conviction.
- Persons who complete National Police Checks will be provided with a copy of their Report as per the process in Appendix 4 of this Policy.
- Where a police check is required for a member, volunteer or employee it must be renewed every 3 years. The costs of this will be borne by the Society.

5 Approval and Review

Related Documents		
Working with Vulnerable People (Background Checking) Act (ACT)		
Child Protection (Working With Children) Act (NSW)		
National Standards for Volunteer Involvement 2015		
The Rule of the St Vincent de Paul Society, 7th Edition		
St Vincent de Paul Society Canberra/Goulburn Enterprise Agreement		
Safeguarding Children and Vulnerable People Policy		
Authorisation		
Approved by:	Chief Executive Officer	
<i>Please contact the owner for enquiries and proposed changes</i>		
Responsible Officer:	Director People & Culture	
Phone:	Email:	HumanResources.CG@vinnies.org.au
Review		
To be reviewed each 3 years or as required.		
Record of Issues		
Version No	Issue / Re-issue Date	Nature of Amendment
1	Approved 15 November 2013	New Policy
2	Approved 1 November 2017	Reviewed and updated
3	March 2024	Renamed Background Check Policy from Character Check Policy

		Reviewed and updated New Template
Users must check Records Management System to verify that this is the current version before use. The versions maintained in the Records Management System are the official controlled documents and any downloaded or printed hardcopy is uncontrolled. No changes are to be made to this document without the agreement of the Owner and must be approved by the responsible manager before implementation.		

Appendix 1: Definitions

Term	Definition
Member	a conference, associate or volunteer member as defined in The Rule 7th edition.
Vulnerable person	a child under the age of 18 years or an adult who is experiencing disadvantage and accesses an activity or service related to the disadvantage.
Satisfactory police check	a verification through an official National Criminal History Records check of police records that a person does not have a police record of certain disclosable outcomes or unspent convictions.
High-risk roles	those responsible for running programs for children or young people, those with direct unsupervised access to vulnerable persons, or those with direct access to significant amounts of Society funds.
Unspent convictions	a conviction that appears on a police check, noting that some past convictions may not appear if they are deemed to be "spent" under Federal and State spent conviction schemes.

Appendix 2:

Requirement for Checks

This matrix applies to members, volunteers and employees under the Rule of the St Vincent de Paul Society, 7th Edition. In reference to working with children or vulnerable people:

- If based in NSW, the Working with Children checks apply
- If in ACT, Working with Vulnerable People checks apply

Employees	Work with Vulnerable People (ACT)	Working with Children (NSW)	Criminal Background Check (Police Check)	References/ Good Character Declaration
Centres – Retail/ Warehouse & Distribution				
- Area Manager	<i>If based in ACT</i>	<i>If based in NSW</i>		
- Centre Manager	<i>If based in ACT</i>	<i>If based in NSW</i>		
- Assistant Centre Manager	<i>If based in ACT</i>	<i>If based in NSW</i>		
- Centre Key Holder [^]				
- All other Centre Employees				
- Warehouse and Distribution				
Corporate Office/ Administration and Support				
CEO and Directors				
Special Works				
Volunteer Programs				
Community Engagement, Youth and Young Adults				

Members and Volunteers	Work with Vulnerable People (ACT)	Working with Children (NSW)	Criminal Background Check (Police Check)	References/ Good Character Declaration
Centres – Retail/ Warehouse & Distribution				
- Volunteer Centre Key Holders or 'In Charge' roles [^]				
- All other Retail/ Warehouse & Distribution Volunteers				
Rheinberger Office Volunteers/ Members*				
Special Works Volunteers				
Community Engagement, Youth and Young Adults Volunteers				
Volunteer Programs Volunteers				
Associate or Volunteer Member - ACT				
Associate or Volunteer Member - NSW				
Member – ACT				
Member – NSW				

Legend ■ Not Required ■ Required ■ May be required

[^]WWVP/WWCC required to be held unless already held by Centre Manager and Assistant Centre Manager

*WWVP/WWCC required for High Risk Roles, and/or in areas where employees would be required to hold the clearance.

Appendix 3:

Activities listed under legislation in ACT and NSW

In ACT, the Working with Vulnerable People (Background Checking) Act 2011 lists the following as being Regulated Activities requiring workers to hold a WWVP card, if the activity, service or support is provided to vulnerable people:

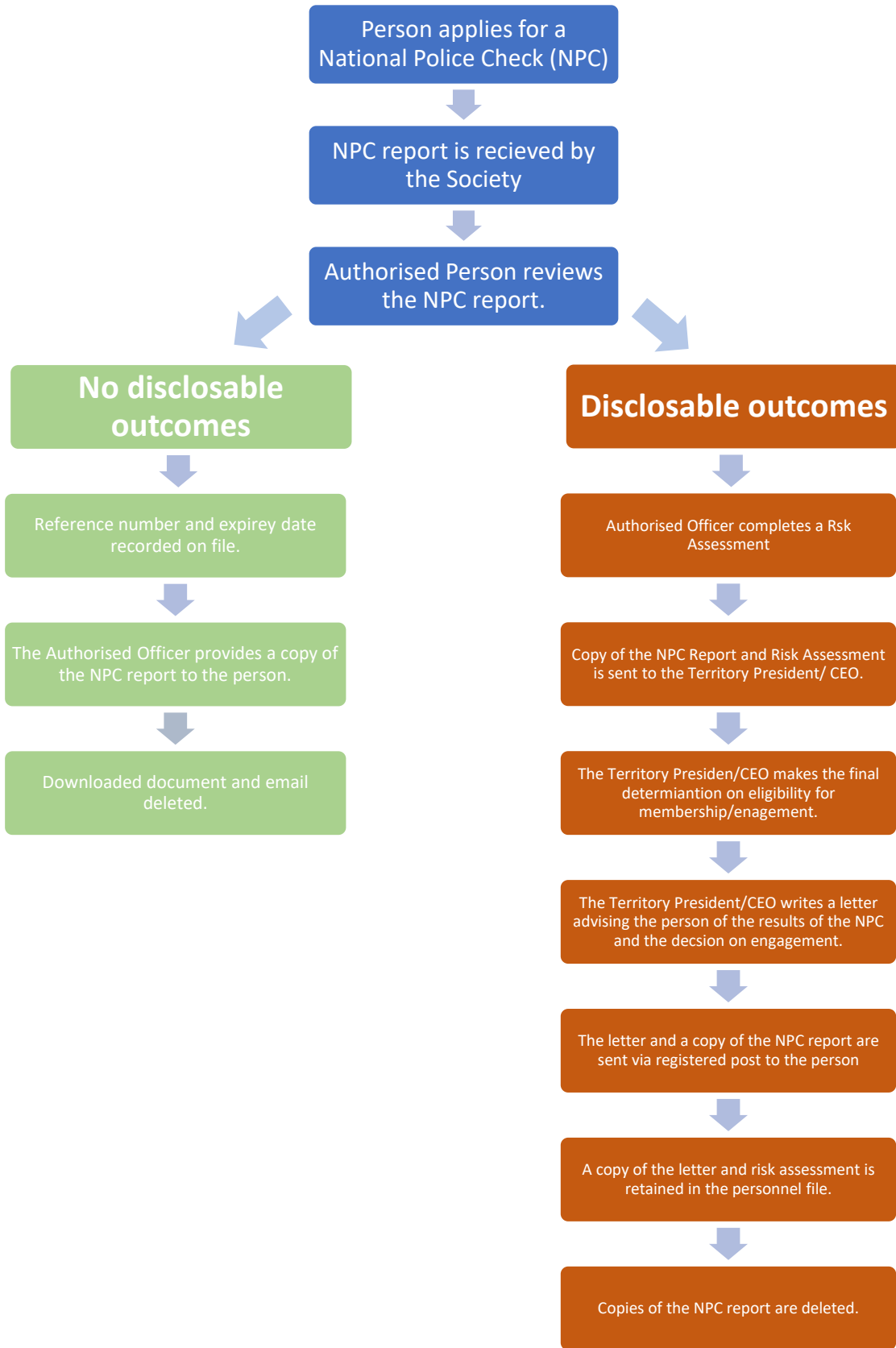
- Child accommodation, education, or protection services
- Childcare services
- Coaching and tuition
- Commercial services for children
- Community services
- Counselling and support services for children
- Disability services
- Justice facilities for children
- Religious organisations
- Respite care services
- Services for homeless people
- Victims of crime
- Clubs, associations, and movements
- Emergency services personnel
- Housing and accommodation
- Justice facilities
- Mental health
- Migrants, refugees, and asylum seekers
- NDIS activity
- Prevention of crime
- Services for addictions
- Transport
- Vocational and educational training.

In NSW, organisations must implement the Child Safe Standards under the Child Safe Scheme if they are already covered by the Reportable Conduct Scheme (entities listed in Schedule 1 of the Children's Guardian Act 2019), including organisations in the Education, Early Childhood, Health and Youth Justice sectors, are required to implement the Child Safe Standards. Local councils, religious organisations providing services to children and sport and recreation organisations providing services to children are also required to implement the Standards.

In NSW, the Child Protection (Working with Children) Act 2012 lists the following as being child-related activities requiring workers to hold a WWC card:

- child development
- child protection
- children's health services
- clubs or other bodies providing services for children
- disability services
- early education and childcare
- education
- entertainment for children
- justice services
- religious services
- residential services
- transport services for children
- any other service for children prescribed by the regulations.

Appendix 4: National Police Check Process



Appendix 5: Risk Assessment - Disclosable Court Outcome

Under the Background Check Policy, if a disclosable court outcome is received, then a comprehensive risk assessment must be conducted to determine if the criminal record is relevant to the role and whether it prevents the person from performing the inherent requirements of the role.

This risk assessment relates to (Name), who is the preferred candidate for (role) at (location).

1.1 Role

The role of (role name) involves the accountabilities and responsibilities noted in the (link to PD from library in SharePoint)

1.2 Disclosable Court Outcomes

(Name's) Disclosable Court Outcome includes the following (1,2,3 etc) matter/s:

- **(Date)** **(Offence)** e.g Drive Motor vehicle while licence suspended – 2nd offence
(Result) – e.g Conditional Release Order W/O Conviction; 12 Months Commencing 05/05/2021 Concluding 05/05/2022

1.3 Interview with (Name)

(Interviewer) spoke with (Name) on (date) to discuss his/her criminal history. (Name's) response to the disclosable outcome was:

Insert response here

Other interviews can be conducted, such as with character references.

1.4 Risk assessment requirements

When considering the relevance of a person's criminal record, the risk assessment must consider:

- the relevance of the conviction to the role in question
- the seriousness of the conviction or offence
- whether the offence involved violence or risk of harm to children, young people or other vulnerable groups
- whether there was a finding of guilt but without conviction, which indicates a less serious view of the offence by the courts
- the age of the applicant when the offences occurred
- the amount of time that has passed since the criminal activity took place
- whether the applicant has a pattern of offences
- the circumstances in which the offence took place
- whether the applicant's circumstances have changed since the offence was committed
- whether the offence has been decriminalised
- references from people who know about the offending history.

1.5 Example Risk assessment

FACTORS		SCORE			
1	Relevance of offence(s) to duties	Is the offences(s) relevant to the duties e.g. driving offences are relevant if there are driving duties to be performed	Yes, relevant to duties	3	3
			No, not relevant to duties	0	
If "No" is ticked do not proceed further – "No Greater than Average" rating applies.					
2	Seriousness of offence(s)	Is offence(s) considered serious? i.e. punishable by penal servitude of 12 months or more.	Yes, for 3 or more offences	3	0
			Yes, for 2 or more offences	2	
			Yes, for 1 or more offences	1	
			No	0	
3	Contact with vulnerable persons	Does the offence(s) involve crimes against the person? E.g. assault	Yes	3	0
			No	0	
4	Victim information	The vulnerability and/or developmental difference between an applicant and the victim are considered for offences against the person	Victim was a child	3	0
			Victim was elderly or has a disability	3	
			Victim was an adult	2	
			No offence against a person	0	
5	Responsibility for finance or items of significant value	Does the offence(s) involve crimes of theft, fraud, dishonesty?	Yes	3	0
			No	0	
6	Responsibility for drugs/medication	Does the offence(s) involve drugs crimes?	Yes	3	0
			No	0	
7	Responsibility for licence/registration for position	Does the position require a particular licence or registration and will a criminal record prevent the licence being obtained?	Yes	3	0
			No	0	
8	Pattern of offences	There may be a pattern of offences, even with minor penalties/sentences which indicate a degree of risk because of persistent illegal behaviour.	Yes, for three or more offences	3	0
			Yes, for two or more offences	2	
			No	0	

9	Age of applicant when first offence committed	Offences committed as an adult are considered differently from the same offence(s) if committed by a child or juvenile. (less than 18 years). Was the person an adult?	Yes, person was an adult for two offences	3	2
			Yes, person was an adult for one offence	2	
			No person was under 18 years	1	
10	Recency of offences(s)	What period of time has elapsed since the most recent conviction(s)	Less than 2 years	3	3
			2 years to 5 years	2	
			5 years to 10 years	1	
			More than 10 years	0	
11	Penalty/sentence (the greater penalty applies)	The type of penalty/sentence awarded by the court may indicate the seriousness of the conviction e.g. a good behaviour bond, fine, probation or a custodial sentence (<i>a person if not suitable for employment in aged care if convicted and sentenced to imprisonment for any form of assault</i>)	Custodial Sentence	3	1
			Probation, good behaviour, suspended sentence, fine	2	
			Released (under section 10(1)(a)(b) or S556A)	1	
12	Mitigating or extenuating circumstances	Mitigating or extenuating circumstances may be considered in relation to the offence(s) committed. They might include provocation, relationship issues, depression, stress, other medical conditions, peer group pressure at the time of the offence(s) and the circumstance(s) in which the offence(s) were committed.	No	3	2
			Yes, but no verification available to be provided	2	
			Yes, verification provided	1	
13	Remedial actions/results	Degree of risk may be indicated by referee reports, counselling, peer and manager evaluations, probation and parole reports and stability of employment.	No	3	2
			Yes, but no verification available to be provided	2	
			Yes, verification provided	1	
14	Decriminalisation of offence(s)	The offence(s) committed has now been repealed from the statues or attracts much lesser penalties under current legislation.	No	3	3
			Yes, but no verification available to be provided	2	
			Yes, verification provided	1	
Total				16	

Assessed Level of risk presented by this candidate for the position:

Level of Risk	Assessment Score
High	(26 points or more)
Medium	(18 – 25 points)
Low	(1 – 17 points) Total = 16 Points (Example score)
No greater than Average	(0 points)

1.6 Territory President or CEO Recommendation

1. After considering the charges and responses (Territory President or CEO) does/does not recommend that (name) commence in the role. *Insert reason here.*

Taking into account all of the circumstances set out above, including:

Examples

- *E.g. The offences occurred 12 years ago*
- *The applicant has a stable work/volunteer history since the last offending*
- *The applicant has provided character references to show their development since the offending*
- *The offence is minor with a conditional release order given*

2. **I recommend/do not recommend** appointing (name) to (role name).

(Name)

Territory President or CEO

(Date)