

# Criminal History Record Check (Police Record Check)

A Police Record Check can provide important information (in addition to the Working with Children Check) that can be used to assess a person's suitability to work and/or volunteer with children and young people. The assessment of criminal history information is an important risk management strategy designed to ensure that an organisation does not knowingly expose children and young people to a person that may place them at risk.

Criminal history records, which are based on criminal conviction data, tend to underestimate the true incidence of offending. Child sexual offenders may continue to offend without ever being caught, as most children, young people and adults do not disclose their abuse or report their abuse to authorities. For this reason, Police Record Checks form part of CAM's broader approach to safeguard children and young people.

It is important to note that a criminal record does not automatically exclude a person from working or volunteering in the Archdiocese and is only part of the assessment process.

From a child safety perspective, criminal history information is useful in assessing whether a person:

- may pose a risk to children and young people (and others)
- is unsuitable to perform the inherent requirements of a role.

It is not an act of discrimination to find a person unsuitable for a particular role if the person is unable to perform the inherent or essential requirements of a role.

## EXAMPLE

A parish group is considering hiring a bus driver to transport young people from nearby secondary schools to a community centre to serve meals to the homeless. In addition to an interview process, a Working with Children Check, and a current and valid Victorian Driver's Licence, the parish group would like to ensure that the person chosen for this position is able to perform their role duties in a safe way.

Criminal history information can provide additional and relevant information to assist the volunteer group to assess the suitability of candidates. In assessing the suitability of candidates, the volunteer group will need to select the candidate who is most likely to be able to 'drive young people safety' to the community centre. When reviewing candidates, criminal history information about driving offences may assist the parish group to select a suitable candidate.

## WHO IS REQUIRED TO UNDERTAKE A POLICE RECORD CHECK?

All CAM clergy and employees are required to undertake a Police Record Check.

While all volunteers in Archdiocesan parish, agency and entities are required to undertake a WWCC, not all volunteers are required to undertake a Police Record Check. Police Record Checks are required for those applying for or volunteering in specific roles and/or activities that are considered to pose a high risk to children and young people within Archdiocesan parishes, agencies and entities.

Parish, agency and entity Safeguarding Committees are required to consider the inherent requirements of each volunteer role and assess the potential risks to children and young people to determine whether a Police Record Check is required for specific roles and/or activities that will be performed by volunteers.

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Some examples of activities within volunteer roles that require a Police Record Check include:

- driving
- home visiting
- visiting special care facilities (e.g. refuges, hospitals, nursing homes)
- visits to community support agencies (e.g. disability support centres)
- overnight stays (e.g. camps, interstate or overseas trips)
- records and/or financial management with access to personal information about families, children and young people (e.g. name, address, date of birth, family circumstances).

Parish, agency and entity Safeguarding Committees are encouraged to seek advice from the Professional Standards Unit if they require any assistance in determining the need for a Police Record Check for specific volunteer roles.

## WHEN IS A POLICE RECORD CHECK REQUIRED?

A Police Record Check is required upon commencement and every 3 years.

In the interim period, while a Police Record Check has not yet been obtained, the person is required to complete the Criminal History Statutory Declaration form.

## ONGOING OBLIGATION TO DISCLOSE RELEVANT CRIMINAL HISTORY INFORMATION

In addition, in the intervening period prior to the next Police Record Check, those who are subject to a Police Record Check are required to inform their 'employer' if they are charged with or convicted of any criminal offence which is, or may reasonably be regarded as:

- relevant to their position
- relevant to the inherent requirements of their position
- posing a risk to children and young people.
- The requirement to disclose any relevant charges and convictions to their employer, is included in the Code of Conduct.

## REVIEW PROCESS FOR CRIMINAL HISTORY INFORMATION

All criminal history record information e.g. disclosable outcomes, will be treated in the strictest confidence.

Should a history of criminal offences be revealed through this process, this matter will be directed to:

- the Professional Standards Unit and Human Resources for assessment of convictions or charges that may pose a risk to children, young people and others
- the Vicar General and the Professional Standards Unit for members of the clergy.

An assessment of criminal history information will be based on the following principles:

- the relevance of the offence(s) to the requirements of the role
- the nature of the offence(s) and its relationship to the particular role and the values of the CAM parish, agency or entity

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- the role and its involvement with children, young people and vulnerable persons
- possible risks to children, young people and vulnerable persons
- the time elapsed since the most recent offence
- the scope of the criminal history (e.g. whether there is evidence of an extended criminal history indicating a pattern of behaviour)
- the number and frequency of offences (e.g. to establish a pattern of behaviour)
- whether the offence(s) was committed as an adult or as a juvenile
- the severity of the punishment imposed
- whether an offence is still a crime or whether the offence has been decriminalised
- the person's character since the offence(s) was committed
- other mitigating factors that may be relevant for consideration.

Clergy, employees and volunteers will be informed in writing of the issues of concern and the information that has been disclosed through the Police Record Check process and will be provided with an opportunity to provide further information or dispute any disclosable outcomes.

CAM will undertake a risk assessment process to determine:

- whether the person is able to meet the inherent requirements of the role
- possible risk posed to children and young people
- whether the person can be appointed or continue in their position.

The person will be notified in writing of the outcome of the risk assessment and provided with support if they are unable to continue in their role.

## REQUIREMENTS FOR THOSE WHO HAVE PREVIOUSLY RESIDED OVERSEAS

People who have resided outside Australia for 12 months or longer over the past five years are required to obtain a criminal record check for all countries of citizenship and for each country the applicant has lived in for 12 months or longer.

This requirement applies to:

- employees
- applicants for employment
- specific volunteer roles – see Criminal History Record Check Requirements for Volunteers
- migrant priests
- priests
- seminarians who have undertaken study overseas
- visiting clergy.

If a particular criminal record check cannot be obtained from a particular country, per Department of Foreign Affairs advice, it is necessary to obtain a statutory declaration that outlines efforts made to obtain a foreign police

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check and a disclosure of any charges or spent convictions related to serious sexual, violent or drug related offences.

## PARISH, AGENCY AND ENTITY RESPONSIBILITIES IN RELATION TO NATIONAL CRIMINAL RECORD CHECKS

Archdiocesan parishes, agencies and entities must sight the original Police Check document and maintain a register of all national criminal record checks including the person's name, date of birth, position, police certificate reference number, date of issue and renewal date to ensure that checks are undertaken for all relevant roles every 3 years.

Related documents National Police Record Check Policy



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