

<b>Title:</b> Employment Safety Screening		<b>No:</b> 42211
<b>Policy Owner:</b> Chief Executive Officer		
<b>Policy Operational Delegate:</b> Executive Manager- People and Culture		
<b>Date approved:</b> August 2019 <b>Date reviewed:</b> May 2023		<b>Suggested Review date:</b> May 2025
<b>Purpose:</b> To ensure that the organisation provides a robust safety screening framework for all employees, contractors, students, volunteers and board members, complies with the Department of Families Fairness and Housing (DFFH) employee safety screening policy, and can demonstrate its commitment to providing quality services in a safe environment.		
<b>Application</b> All employees, contractors, students, volunteers and Board members	<b>Type:</b> Policy and Practice	<b>Policy group:</b> People

## 1. Background

- 1.1. Family Life complies with the Victorian Child Safe Standards. Safety screening plays an important role in minimising the risk of employing unsuitable people. Family Life is committed to pre-employment/pre-volunteering and ongoing screening of all employees, contractors, students, volunteers and Board members as part of its commitment to providing a quality service to clients in a safe environment.
- 1.2. The DFFH employee safety screening policy aims to enhance service delivery for people who receive support from community service organisations. The policy applies to all organisations and authorised agencies funded or registered by DFFH and the Department of Education and Training, including Family Life. As a service provider of DFFH funded programs, Family Life are required to adhere to the DFFH safety screening policy. As a child safe organisation, we have chosen to apply this policy as a minimum standard across all program areas.
- 1.3. Safety screening is not a means of precluding people with an adverse history from employment with Family Life. The relevance of any adverse history is assessed strictly in relation to the work environment and position. All checks are undertaken in strict compliance with relevant privacy legislation. Pre-employment safety screening includes:
  - 1.3.1. Proof of right to work in Australia;
  - 1.3.2. Police record check (including Proof of Identity);
  - 1.3.3. Working with Children Check (WWCC);
  - 1.3.4. Referee checks on employment history (including disciplinary action disclosure); and
  - 1.3.5. Checks of qualifications and training (if relevant).
- 1.4. As part of the ongoing safety screening process, employees, contractors, students, volunteers and board members are required to:
  - 1.4.1. undertake a police check every three (3) years;
  - 1.4.2. ensure that their WWCC is current; and
  - 1.4.3. inform Family Life immediately if they are charged or convicted of any crime in Victoria, Australia or overseas.

## 2. Definitions

- 2.1. **Employee:** refers to all permanent, fixed term and casual employees engaged by Family Life via a contract of employment.
- 2.2. **Contractor:** refers to a person engaged by Family Life to provide services. Typically a contractor (or consultant) will be engaged to provide their services via a 'Statement of Work', have their own ABN, and invoice Family Life upon delivery of the project/services. Note: to meet the definition of a contractor for the purposes of this policy, a contractor will be located at a Family Life site/s or have reason to come onto a Family Life site/s and/or have physical access to Family Life staff and/or clients.
- 2.3. **Excluded:** corporate or business services contractors who do not have any requirement or need to come onto a Family Life site and/or have physical access to Family Life staff and/or clients. Excluded contractors may still have access to staff and/or client information remotely as a requirement for delivery of the contracted service. *Note: in the case of an excluded contractor who has remote access to staff and/or client information, the contract for the delivery of the service that Family Life has entered into will generally include a non-disclosure statement and/or a standard clause relating to the security/privacy of the data that the contractor has access to as a result of the contractual relationship.*
- 2.4. All contractors will bear the cost of the WWCC and Police Check.

## 3. Scope

- 3.1. All employees, contractors, students, volunteers and Board members.

## 4. Objectives

- 4.1. To ensure that the organisation provides a robust safety screening framework for all employees, contractors, students, volunteers and board members, complies with the Department of Families Fairness and Housing (DFFH) employee safety screening policy, and can demonstrate its commitment to providing quality services in a safe environment.

## Policy and Practice Provisions

### 5. Pre-employment information

As part of Family Life's online application process, all candidates (including students and volunteers) will receive information regarding the safety screening requirements (refer Appendix 1).

### 6. Proof of right to work in Australia (applicable for both paid and unpaid work)

It is the responsibility of all Australian businesses to employ legal workers. Employees are required to provide proof of their eligibility to work in Australia through provision of appropriate documentation including:

- Australian or New Zealand passport;
- Australian birth certificate and photo identification;
- Australian citizenship evidence and photo identification;
- Certificate of Status for New Zealand Citizens in Australia and photo identification; or

- an overseas passport and verification that they are a permanent resident by Family Life checking the Visa Entitlement Verification Online (VEVO) system showing that they are a permanent resident.

With this proof, these people can work without restrictions in Australia in line with Australian employment law.

Original documentation providing proof of eligibility to work in Australia must be provided to Family Life prior to an employment offer being made. Employees must inform Family Life of any changes to their eligibility to work in Australia.

## **Police Checks**

### **7. National Police Checks**

All Family Life offers of employment are subject to completion of a satisfactory police record check, which also serves as a Proof of Identity check. Employees are required to undertake a police record check every three years thereafter, and at any time during their employment as required by Family Life.

Police record checks are also required for volunteers and students completing placements with Family Life, and contractors engaged to perform services for Family Life. Candidates, volunteers, students and contractors are to complete a police record check and provide it to the hiring manager (or relevant Family Life representative) prior to formally being offered employment, or commencing as a student or volunteer, or as a contractor.

National police checks should be obtained through Family Life's preferred partner InterCheck via the Family Life secure application portal [here](#). InterCheck is an accredited broker with the Australian Government's ACIC (Australian Criminal Intelligence Commission) Agency. InterCheck is a secure, web based service conducted through an interface to ACIC, incorporating all information from the AFP, state and territory police of Australia.

Existing police checks will be accepted if the original certificate is provided and the date of issue is within three (3) months of the employee/student/volunteer commencing.

Family Life will cover the cost of undertaking a police check for all new hires, excluding contractors. Employees are responsible for the cost of renewing their police record check every three years.

National Police Checks are not required for persons aged under 18 years., however referee checks may be conducted. Teachers, parents and others who personally know the individual should act as referees and the credentials of any referees should be verified. The relevance of any adverse history is assessed strictly in relation to the work environment and position. All checks are undertaken in strict compliance with relevant privacy legislation.

As long as we have received a current Working with Children Check, non-Services Volunteers (Social Enterprise Volunteer Retail Assistant roles only) may commence their volunteering role prior to confirmation of a successful Police Check as long as it has been lodged and we have proof of application submission for the National Police Check (including International Police Checks where required). During that period volunteers are supervised by paid staff until their clear Police Check is received. This will be applied on a case by case basis, and Family Life reserves the right to hold commencement until the Police Check is received.

### **8. International Police Checks**

Candidates, students, volunteers and contractors who have resided continuously in an overseas country for 12 months or more in the last 10 years, are required to contact the relevant police force or apply for an international check through InterCheck to obtain a criminal/police record check. If the overseas residency occurred whilst the period was a minor, an international police check is not required.

Offers of employment, placements or contracting arrangements cannot be made until the international police check is received and reviewed by the relevant Family Life manager.

When an international police check cannot be undertaken, for example the country of residence will not release information regarding an individual for personal or third party purposes, or for asylum seekers and refugees, please refer to the DFFH Service Agreement Information Kit for the most up to date guidance.

Overseas applicants should not commence employment until the appropriate process is satisfactorily completed and this decision should be approved by the relevant Executive Group Member and Executive Manager- People and Culture.

Family Life will reimburse up to \$200 to cover the cost of undertaking an international police check, except for contractors.

## **9. Outcome of Police checks**

### **No Disclosable Outcome**

An offer of employment, placement or contracting arrangement can be made following receipt by Family Life of a police record with no disclosable court outcomes.

### **Disclosable Outcome**

If a criminal offence is disclosed in the outcome of a police check, the CEO must approve and advise whether to proceed with the recruitment process. The CEO will manage the assessment process in conjunction with the relevant Executive Group Member to determine the applicant's suitability for employment, placement or a contracting arrangement.

Police checks recording a disclosable outcome will be considered on a case by case basis, taking into account the relevance of the criminal record to the inherent requirements of the position.

A criminal record will not preclude a person from being employed, commencing a placement or commencing a contracting arrangement. Where the disclosable outcome is relevant to the inherent requirements of the position, the CEO will have final approval.

The relevant Executive Group Member together with the hiring manager, will ensure that:

- The candidate, student or volunteer, or contractor confirms that the details of the disclosable record are correct (if there is a dispute, refer to the Victoria Police website and search for Criminal History Information Dispute process);
- An assessment of the disclosable record of the candidate, volunteer or student or contractor is made to assess the overall risk of employing a person with a particular history in a particular role. *Note: for DFFH funded programs, the Safety screening assessment instructions and form available in the Service Agreement Information Kit must be used.*

The Family Life manager should give consideration to the following assessment criteria:

- The relevance of the criminal offence, in relation to the job or placement;

- The nature of the offence and the relationship of the offence to the particular job or placement for which the candidate is being considered;
- The length of time since the offence took place;
- Whether the individual was convicted or found guilty and placed on a bond;
- Whether there is evidence of an extended police record;
- The number of offences committed which may establish a pattern of behaviour which renders the candidate unsuitable;
- Whether the offence was committed as an adult or a juvenile;
- The severity of the punishment imposed;
- Whether the offence is still a crime, that is, has the offence now been decriminalised;
- Whether there are other factors that may be relevant for consideration; and
- The individual's general character since the offence was committed.

In the event that the Family Life manager makes the decision not to appoint a candidate, volunteer or student, or contractor with a disclosable record, they must:

- Inform the unsuccessful candidate and provide their rationale;
- Provide an opportunity for the unsuccessful candidate to discuss the results

***Disclosable outcomes for roles which involve caring for child protection clients:***

If a person's national police history includes a Category A offence, further steps need to be taken. This individual should not be engaged in any client contact role without the approval of the DFFH Director of the Office of Professional Practice and the Divisional Deputy Secretary. The relevant Executive Group Member is responsible for making contact with DFFH in these situations. Please refer to the latest version of the DFFH Service Agreement Information Kit to establish next steps.

For DFFH funded programs only:

- Before employment, placement or a contracting arrangement is formally offered, a discussion is to occur with the relevant DFFH Area Director/Regional Senior Program Manager about the intention to employ, place or engage in a contracting capacity an individual with such a record. The departmental representative cannot direct or make the decision, but should provide their opinion regarding any decision Family Life makes (in line with the principals outlined). A list of relevant DFFH Area directors is available on the DFFH website.
- Following the discussion, the DFFH Area Director sends an email to the Family Life manager to confirm the outcome of the discussion, including the Family Life manager's decision to either employ or not employ (or place or engage in a contracting arrangement) the individual (without reference to the details of the disclosable record); and
- Any decision made for or against an individual is able to be justified and is fully documented.

## **10. Working With Children Check (WWCC)**

The Working with Children Check (WWCC) helps to keep children safe by preventing those who pose a risk to the safety of children from working with them, in either paid or volunteer work. The WWCC is a mandatory minimum checking standard in Victoria (refer to <http://www.workingwithchildren.vic.gov.au/>).

All employees, volunteers and students and contractors are required to hold a Victorian WWCC prior to commencing work with Family Life. Any person issued with a Negative Notice will be unable to work in a paid or unpaid (or contracting) capacity at Family Life.

Employees must ensure their WWCC is an employee check and not a volunteer check. Individuals holding an existing employee or volunteer check prior to employment with Family Life must ensure they update or add Family Life to their list of organisations through the Department of Justice & Community Safety prior to commencement. Employees must also notify the Department of Justice & Community Safety of any changes to their personal and contact details.

It is the responsibility of the employee/volunteer to renew their WWCC every 5 years, ensuring it is current at all times and to provide evidence to Family Life. Volunteer checks are free. Employees and contractors are responsible for the cost of obtaining and renewing their WWCC.

Working With Children Checks are not required for persons aged under 18 years, however referee checks may be conducted.

On receipt of a current Working with Children Check, non-Services Volunteers (Social Enterprise Volunteer Retail Assistant roles only) may commence their volunteering role prior to confirmation of a successful Police Check as long as it has been lodged and we have proof of application submission for the National Police Check (including International Police Checks where required). During that period volunteers are supervised by paid staff until their clear Police Check is received. This will be applied on a case by case basis, and Family Life reserves the right to hold commencement until the Police Check is received.

Corporate and Employee Volunteers are to be supervised by a paid staff member.

## **11. Qualification Check**

Where relevant, a copy of the employee's qualifications must be provided to the Family Life hiring manager prior to an offer of employment or placement with Family Life. Where relevant, this obligation also applies to contractors.

If there are doubts about a qualification, the Family Life hiring manager should undertake an online check to verify that the qualification was awarded to the applicant. If an online check is not possible, the applicant should provide a letter from the registrar of the relevant institution confirming that the qualification was awarded to the candidate. If there are any concerns about the authenticity of the qualification as presented, the issuing institution must be contacted directly to verify that the particular qualification was completed and issued to the relevant applicant on the date specified. The hiring manager should seek advice from People & Culture if unsure.

## **12. Referee Checks**

Referee checks are a mandatory and important part of the safety screening process as they provide the best opportunity to discover past behaviours and predict future behaviour in the workplace.

It is a requirement that a minimum of two (2) referee checks be conducted for the preferred candidate, including contact with their most recent employer. When conducting referee checks, the referee check template (available on the Policy Hub) must be used.

Referee checks must be undertaken by an interview panel member or appropriate delegate and the candidate must provide permission for the referee to be contacted. Where the

candidate does not nominate their current (or a recent manager), the panel member may request that they speak to this person

### **13. Employment History (including disciplinary action disclosure)**

Prospective employees are required to disclose any formal disciplinary action taken against them by any current or former employer. This includes any finding of improper or unprofessional conduct by any Court or Tribunal of any kind and any investigations that the prospective employee has been subject of by an employer, law enforcement agency or any integrity body or similar in Australia or in another country.

Employees are to sign a statutory declaration regarding any previous disciplinary action or unprofessional conduct and any investigations upon commencement in the role. The statutory declaration (Appendix 2) is included as an attachment to the pre-employment information.

### **14. Storage of documentation and confidentiality**

Information obtained as part of the safety screening process must be treated with the highest level of confidentiality and privacy in accordance with the relevant legislation and standards. Refer to the DFFH website for detailed information on record storage and destruction.

### **15. Employees' ongoing responsibility**

As future risks are not mitigated by one-off safety screening at the recruitment stage, all employees are obliged to:

- Advise their manager if they are charged with a criminal offence which is punishable by imprisonment or, if found guilty, could reasonably affect their ability to meet the inherent requirements of their position; and
- Disclose any formal disciplinary action taken against them by any current secondary employer or former employer. This includes any finding of improper or unprofessional conduct by any Court or Tribunal of any kind and any investigations that the employee has been subject of by an employer, law enforcement agency or any integrity body or similar in Australia or in another country.
- Report any new criminal charges and/or disciplinary actions during their employment/engagement.

### **16. Breach of policy**

Any breach of this policy will be managed in accordance with the Family Life disciplinary policy.

## Appendix 1: Pre-interview information for applicants

Thank you for your application for a position at Family Life. We will review all applications received against the key selection criteria and contact you if you are short-listed for an interview. We detail below the information required at each part of the selection process and you should contact the hiring manager or People and Culture team should you require assistance at any stage.

A number of Family Life programs are funded by the Department of Families Fairness and Housing (DFFH). We endorse the DFFH employment safety screening policy, implemented to strengthen the protections and safeguards for people to provide a quality service in a safe environment. (For further information, please refer to the DFFH website at <https://fac.DFFH.vic.gov.au/service-agreement-information-kit-0>

Following an interview and prior to being made an offer of employment by Family Life, you are required to provide a number of documents and referee details.

You will need to:

- provide proof of your right to work in Australia by presenting one of the following:
  - Australian or New Zealand passport;
  - Australian birth certificate and photo identification;
  - Australian citizenship evidence and photo identification;
  - Certificate of Status for New Zealand Citizens in Australia and photo identification; or
  - an overseas passport and relevant details to allow Family Life to check you are a permanent resident using [Visa Entitlement Verification Online \(VEVO\)](#) system.
- obtain a police check prior (or provide an original certificate with a date of issue within three months prior to commencement date);
- present your current Working With Children Check card or, if card is in the process of being issued, written confirmation of passing the assessment from the Department of Justice (refer to <http://www.workingwithchildren.vic.gov.au/>). Please note this must be an Employee not Volunteer check;
- present your original academic transcript/qualifications; and
- provide the details of at least two referees, including your most recent employer, and your approval for these referees to be contacted.

You are required to complete the attached statutory declaration prior to commencing employment, stating that you have fully disclosed to Family Life all relevant information regarding any criminal record and your employment history, including disciplinary action.

You can obtain a national police check through our preferred partner InterCheck via the Family Life secure application portal. Click here to complete your Police Check Application. This is for individuals requiring a National Criminal History Check. InterCheck is an accredited broker with the Australian Government's ACIC (Australian Criminal Intelligence Commission) Agency. InterCheck is a secure, web based service conducted through an interface to ACIC, incorporating all information from the AFP, state and territory police of Australia. As at May 2019, the cost of a national police check is \$45.00 through InterCheck, which will be reimbursed if you commence in a paid or unpaid position at Family Life. Family Life will also reimburse the cost of the Victorian Working With Children Check upon commencement of employment with Family Life.

If you are an applicant or student in a DFFH funded program who has resided continuously in an overseas country for 12 months or more in the last 10 years, you will need to obtain an international criminal/police record check through cvcheck (CV Check - International Check). The cost of the international police check, up to the amount of \$200, will be reimbursed if you are offered and commence in a paid or unpaid position at Family Life.

Please note that a disclosable outcome on your police check does not preclude you from employment with Family Life. We acknowledge that clients can benefit from working with an employee who has a lived experience and strong boundaries. Additionally, we recognise that recovery from drug and alcohol abuse is a journey and therefore applicants may have a police record. Your police check will be strictly confidential and if you have any concerns about a disclosable outcome please discuss this with our People and Culture team.

Family Life is committed to child safety and has zero tolerance of child abuse. Any person issued with a Negative Notice on their Working With Children Check will not be able to work in a paid or unpaid capacity at Family Life.

Thank you for your interest in working at Family Life.



## Appendix 2: Safety screening statutory declaration

[full name]

of

[address]

do solemnly and sincerely declare that I have fully disclosed in writing to Family Life Limited (Family Life), all details of:

- any charges laid against me by police concerning any offence committed in Australia or in another country in the past any offence of which I have been found guilty, committed in Australia or in another country in the past
- any formal disciplinary action taken against me by any current or former employer
- any finding of improper or unprofessional conduct by me by any Court or Tribunal of any kind
- any investigations I have been the subject of by an employer, law enforcement agency or any integrity body or similar in Australia or in another country

and that a copy of my responses to the above issues which I have provided to Family Life as part of the recruitment process to a position at Family Life is attached hereto.

I acknowledge that this declaration is true and correct, and I make it with the understanding and belief that a person who makes a false declaration is liable to the penalties of perjury.

Declared at: \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

Signature of person making this declaration [to be signed in front of an authorised witness]

Before me,

Signature of Authorised Witness

The authorised witness must print or stamp his or her name, address, and title under section 107A of the Evidence (Miscellaneous Provisions) Act 1958 (Vic). (e.g. Justice of the Peace, Pharmacist, Police Officer, Court Registrar, Bank Manager, Medical Practitioner, Dentist, some public servants)