Police Records Check Policy (Staff)

Responsible Officer: Executive Director, Finance

Approved by: Vice-Chancellor

Approved and commenced: Month, 2011

Review by: Month, 2014

Relevant Legislation, Ordinance, Rule and/or Governance Level Principle:

- Annulled Convictions Act 2003 (Tas)
- Anti-Discrimination Act 1998 (Tas)
- Records of Offences (Access) Act 1981 (Tas)
- Governance Level Principle 11 – Employment

Responsible Organisational Unit: Human Resources

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Objective

The objective of this policy is to minimise the risk of inappropriate staff appointments where the appointment’s inherent requirements are such that it would be unwise to appoint an applicant unsuitable due to the nature of prior offences.

Scope

This policy applies to all current and prospective staff of the University and extends to volunteers, honorary appointees and individuals engaged or appointed (or to be engaged or appointed) by the University in any capacity.

Policy Provisions

3.1 Requirement to Submit to a Police Record Check

3.1.1 The University may require a staff member or prospective staff member to undergo a police record check due to the nature of the duties and responsibilities to be undertaken in a particular appointment. Such police record checks will be sought where an individual’s integrity and honesty are integral to the inherent requirements of the appointment.

3.1.2 Without limiting the application of clause 3.1.1, the University will require a staff member or prospective staff member to undergo a police record check where it is envisaged that:

(a) the staff member’s duties will or may involve direct and unsupervised contact with, or access to, a child or children; or
(b) the staff member will be responsible for the regular handling of money or administration of financial accounts of the University or one or more of its Budget Centres; or
(c) the staff member will be responsible for the handling of drugs, poisons or controlled substances.

3.1.3 Given that many staff members or prospective staff members may have resided in a State or Territory other than Tasmania, the University requires that the police record check be a National Police History Record Check.

3.1.4 For non-Australian citizens, the police record check will be conducted by the Department of Immigration and Citizenship and form part of the applicant’s visa application, upon which the appointment is conditional.

3.2 Appointment Documentation

3.2.1 Where the nature of the duties and responsibilities to be undertaken by an individual warrant a police record check, the appointment will be made conditional upon attainment of such a check and the University being satisfied that any risk disclosed is acceptable.
3.2.2 The position description, letter of appointment and any associated documentation describing the position (such as a job advertisement) shall state that the appointee will be required to satisfy a police record check as a condition of the appointment.

3.3 Applications for Police Record Checks

3.3.1 Where a police record check is required by the University, the current or prospective staff member must apply for a National Police History Record Check in accordance with Tasmania Police procedures, and submit the police record to Human Resources.

3.3.2 Where a police record check is required by the University, the application cost will be reimbursed by the University upon the production of the police record and receipt for payment to Human Resources.

3.3.3 Where a current or prospective staff member has undergone a National Police Record Check within the past 6 months, the original of that police record may be submitted to Human Resources. The University will not accept copies of police record documentation.

3.4 Consenting to Police Record Check

3.4.1 The Tasmanian Department of Police and Emergency Management cannot provide information relating to an individual’s police record without that individual’s written consent.

3.4.2 In the event that an appointment is made conditional upon attainment of a satisfactory police record check and the individual does not consent to a check being undertaken, the applicant’s eligibility for the appointment shall cease.

3.4.3 In the event that changes to an existing staff member’s job requirements dictate a police record check being undertaken, and the staff member does not consent, the staff member’s duties and ongoing employment relationship with the University will need to be assessed having regard to any relevant considerations, including:

(a) the frequency and duration of the duties in relation to which the check is sought (and the proportion of the staff member’s substantive position they represent);
(b) whether the University’s needs may be reasonably accommodated through other means;
(c) redeployment options within the University.

3.5 Assessment of Police Records

3.5.1 The police record will be provided to Human Resources who will make an assessment relevant to the inherent requirements of the proposed appointment.

3.5.2 In making an assessment as to whether an offence(s) should preclude a proposed appointment being made, it will be necessary to ensure that denying the appointment on this basis does not constitute a disproportionate response to the particular offence(s).
3.5.3 The following factors will also be considered in assessing an individual’s police record in terms of their suitability to undertake University duties and responsibilities:

(a) in the case of working with children – the degree of direct and unsupervised access to or contact with children; whether the individual will work alone or as part of a team; the level and quality of direct supervision; and the location of the work;
(b) the nature and frequency of the offence(s), and whether the offence represents an isolated incident or potential pattern of unlawful conduct;
(c) the age of the individual at the time at which the offence(s) were committed;
(d) the recency of the offence(s) – i.e. how long ago it occurred;
(e) the likelihood of recurrence; and
(f) any measures which might reasonably be put in place to reduce the likelihood of recurrent behaviour (such as modification of work duties or work environment).

3.5.4 Prior to concluding an assessment as to whether an offence(s) should preclude a proposed appointment being made, Human Resources shall set out its concerns in writing to the proposed appointee and request that the proposed appointee show cause in writing why, if they wish to proceed with their candidature, they should not be disqualified from being considered for the appointment.

3.5.5 At the conclusion of each assessment, Human Resources shall note on file that a police record check has occurred and will ensure that any documents relating to the police record check are returned to the staff member or prospective staff member. None of this documentation will be kept or filed by the University.

3.6 Annulled Convictions

3.6.1 The University will adhere to annulled convictions legislation applicable at both the State and Commonwealth level which dictates that, in certain circumstances, minor convictions are annulled after a relevant period of time (10 years for adults and 5 years for youth offenders). This legislation also places restrictions on the disclosure of information about annulled convictions. Once a conviction has been annulled an individual is not required to disclose the conviction, and details of such conviction will not be disclosed to the University as part of a police record check.

3.7 Jurisdictional Considerations

3.7.1 Due to the multi-jurisdictional nature of the University’s operations, the terms of this policy remain subject to the legislative requirements of the relevant jurisdiction in which a University staff member may be appointed. Accordingly, where an appointment is subject to an applicable law that requires a police record check, the current or prospective staff member will be required to undergo that check.

4 Definitions and Acronyms

**Budget Centre**
A unit within the University’s financial management structure that is functionally and financially distinctive. University budget centres include Schools, Institutes, Co-operative Research Centres, administrative sections and University Business Enterprises.
Police Record Check  
A National Police History Record Check undertaken by Tasmania Police.

5 Supporting Documentation

- Tasmania Police Record Release Guidelines

6 Versioning

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<tr>
<th>Former Version(s)</th>
<th>Version 1 – <em>Police Records Check Policy (Staff)</em> (DRAFT current document).</th>
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