



THE UNIVERSITY OF
MELBOURNE

MEMORANDUM

To: Human Resources Committee

From: Nigel Waugh
Manager (Workplace Relations)

Date: 17 March 2005

Subject: New Policy – Police Records Check

1. Background

The attached new policy has been drafted to meet an identified need to align University policy with current practice and governing legislation on the issue of police records checks.

2. Policy framework

The policy seeks to address the question of which University positions should be required to satisfy a police records check as a condition of employment and the procedures to follow to meet this requirement.

The policy is based on feedback from various sections of the University (including Children's Services, the Legal Services Office, and the Equal Opportunity Unit), relevant governing legislation, and information from the Victoria Police.

The policy has been endorsed by the Human Resources Management Advisory Committee.

3. Recommendation

It is recommended that the Human Resources Committee endorse the proposed policy and recommend it to Council for approval.

Nigel Waugh
Manager (Workplace Relations)

3.3 Police Records Check

3.3.1. Overview

The University has a duty of care to its students, staff and clients to ensure a safe environment. Part of this duty includes taking reasonable steps to ensure that the quality of character of University staff minimises the risk of an unsafe environment. The purpose of this policy is to outline which University positions require a police records check as part of the terms of employment, and the procedures to be followed.

3.3.2. References

- Children's Services Regulations 1998
- Children's Service Act 1996
- Information Release Policy, Victoria Police (<http://www.police.vic.gov.au/index.cfm>)
- Procedure for Organisations Conducting National Police Record Checks, Victoria Police (<http://www.police.vic.gov.au/index.cfm>)

3.3.3. Policy

The University may require a staff member or prospective staff member to obtain a police records check as a condition of their employment. This policy is primarily aimed at those positions for which a police records check is a legal requirement, however the University may specify a position as requiring the incumbent to satisfy a police records check as a condition of employment.

This policy is for positions which require a police records check as a condition of employment at the University; it does not cover cases where staff may be required to satisfy a police records check by other organisations, such as clinical sites or schools.

Note: This policy applies to University staff or prospective University staff only; it does not apply where students are required to obtain a police records check.

3.3.3.1. Positions requiring a police records check

By law

Any position which is governed by applicable law as requiring a police records check shall require the incumbent or prospective incumbent to satisfy a police records check as a condition of their employment at the University.

Faculties and Departments are responsible for determining and ensuring compliance with statutory requirements relating to police records checks. Human Resources Division is available to provide assistance.

University determined

The University may specify a position as requiring the incumbent or prospective incumbent to satisfy a police records check as a condition of employment. A Head of Department or equivalent, may appropriately make a police records check a condition of employment for a specific position, after due consideration of factors including duty of care and how this pertains to the tasks and duties the position entails. A Head of Department or equivalent should consult their Human Resource Consultant for advice prior to making a police check a condition of employment for a specific position.

3.3.3.2. Information about Police Records Checks

A request for a police records check can not be processed without the consent of the person on whom the police check is to be conducted. Consent should be sought by completion of the Victoria

Police form titled: 'Consent to check and release national police record'. This form can be downloaded at <http://www.police.vic.gov.au/index.cfm?menuid=8>.

With the subject's consent, results can be sent directly to a person or organisation other than the subject.

Cost as of July 2004 is \$27.60 (or \$12.70 if eligible for the for 'volunteer fee')

Results are presented in the form of a National Police Certificate which is printed on paper with a watermark of the Victoria Police logo, has a unique reference number, and an original signature on behalf of the Manager, Records Services Branch.

The restrictions on what the Certificate does and does not show are based on the purpose of the Certificate, the age of the offence and the type of offence. Details may be found in the *Information Release Policy* of the Victorian Police available at <http://www.police.vic.gov.au/showcontentpage.cfm?contentpageid=3820>.

The Victorian Police have stated in their *Procedure for Organisations Conducting National Police Record Checks* that the information obtained from a police records search must be "securely destroyed" when the recruitment process is complete. In addition, the information must not be copied, recorded anywhere nor forwarded to another party.

3.3.4. Procedures

3.3.4.1. Notification of requirement

The Position Description document and Letter of Offer shall state the requirement of the incumbent to satisfy a police records check as a condition of their employment in that position.

3.3.4.2. Obtaining a police records check

Where a police records check is required, the incumbent or prospective incumbent shall complete and submit the required form to the Police and pay the required fee. The incumbent is required to show the resulting National Police Certificate to their manager or other specified senior staff member.

3.3.5. Privacy of information

3.3.5.1. Disposal of documents

In compliance with the procedures of the Victoria Police (*Procedure for Organisations Conducting National Police Record Checks*), information obtained from a police records check must not be filed nor forwarded to another person or organisation. Any original National Police Certificate, or parts thereof, must be securely destroyed once it has served its purpose. In the case of hiring someone into a position, all information gained from their National Police Certificate must be securely destroyed once the checking process is complete.

3.3.5.2. What to record

Records are to be maintained for each employee whose position requires a police records check. As information contained in a National Police Certificate may not be recorded, details which should be recorded are:

- The reference number of the Certificate
- The date the Certificate was issued
- The date the Certificate was sighted
- The name (and signature) of who sighted the Certificate

3.3.4. Children's Services

Staff of the University's Children's Services are required to satisfy a police records check as a condition of their employment in accordance with the *Children's Services Regulations 1998* and the *Children's Service Act 1996*.

3.3.4.1. New staff

New staff obtain and pay for their National Police Certificate which remains valid whilst they continue with the same employer.

3.3.4.2. Casual and agency staff

Casual and agency staff obtain and pay for their National Police Certificate which is valid for 12 months. If six months or more has lapsed since working for the same employer, a new Certificate is required. Casual and agency staff obtain and pay for any renewal Certificates they may require.

3.3.4.3. Registration renewal

Every three years, Children's Services is required to renew their registration with the Department of Human Services. Part of this process requires all staff to satisfy a police records check. For this purpose, all ongoing staff obtain their own National Police Certificate with the fee being reimbursed from Children's Services as it is a cost of registration renewal.