

Employment Screening Policy

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Functional Sub group Personnel/Workforce - Employment Screening

Summary This Policy Directive sets out the changes that apply to the mandatory requirements and procedures for the undertaking of Employment Screening of preferred applicants seeking employment for paid and unpaid positions, which includes the Working With Children Check, the Aged Care Check and the National Criminal Record Check. There are directions on when employment screening is to be conducted, which procedure to follow depending on the type of position, the roles and responsibilities for the lodgement of the request, assessing an adverse outcome and maintaining confidential records. This policy will be effective from 1 July 2008.

Replaces Doc. No. Child Related Employment - Determination [PD2005_196]
Employment Screening of Staff and Other Persons in Child Related Areas - Policy and Procedure [PD2005_177]
Employment Screening Using Criminal Record Checks - NSW Department of Health Policy [PD2005_552]
Improper Conduct - Procedures for Recruitment/Employment of Staff and Other Persons [PD2005_109]
Risk Assessments Arising from Criminal Charges/Convictions (Policy and Procedure Compliance of) [PD2005_193]

Author Branch Corporate Governance and Risk Management

Branch contact Gail Purkis 9391 9824

Applies to Area Health Services/Chief Executive Governed Statutory Health Corporation, Board Governed Statutory Health Corporations, Affiliated Health Organisations - Non Declared, Affiliated Health Organisations - Declared, Public Health System Support Division, Community Health Centres, Dental Schools and Clinics, NSW Ambulance Service, NSW Dept of Health, Public Health Units, Public Hospitals

Audience All staff

Distributed to Public Health System, Community Health Centres, Dental Schools and Clinics, NSW Ambulance Service, NSW Department of Health, Public Health Units, Public Hospitals

Director-General

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This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for NSW Health and is a condition of subsidy for public health organisations.

Status Active

Employment Screening

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1. Policy Statement

1.1 Purpose

This Policy Directive sets out the mandatory requirements and procedures for the undertaking of employment screening of preferred applicants seeking employment for paid and unpaid positions (including volunteers and students undertaking clinical placements) in:

- Child related employment
- Non-child related employment, and
- Aged Care facilities within NSW Health agencies¹ subsidised under the *Aged Care Act 1997*.

1.2 Commitment

To ensure that employment screening is conducted on all staff entering employment as one of a number of controls to minimise the risk of harm to vulnerable client groups such as children and older people and to create a secure work environment for all employees.

1.3 Key Branch within the NSW Department of Health

Employment Screening and Review Unit (ESRU)

ESRU is part of the Corporate Governance and Risk Management Branch of the NSW Department of Health and is responsible for the coordination, review and monitoring of employment screening and associated risk assessment processes undertaken for preferred applicants for any position (paid or unpaid). There are three key types of criminal record screening conducted by ESRU.

1. Working With Children Check

ESRU fulfils the NSW Department of Health's functions of 'Approved Screening Agency' under the *Commission for Children and Young People Act 1998*. As an Approved Screening Agency, ESRU has responsibility for conducting all Working With Children Checks for preferred applicants for child related employment across NSW in public and private health agencies.

2. National Criminal Record Checks (NCRC)

ESRU coordinate national criminal record checks for preferred applicants for non child related employment in NSW Health agencies, Non Government Organisations (NGOs), volunteers and students completing clinical placements in NSW Health agencies.

3. Aged Care Checks

Under the *Aged Care Act 1997* ESRU coordinates national criminal record checks for preferred applicants for paid positions and volunteers in aged care services within NSW Health agencies only. These checks are not available from ESRU for NGOs or other private health organisations. Those organisations should contact the Australian

¹ See glossary

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Government's Department of Health and Ageing on (02) 6289 8385 or <http://www.health.gov.au> for advice.

As the Director-General of the NSW Department of Health is the employer of staff across the NSW Health Service² and the Department of Health, there is no requirement to rescreen existing employees changing positions within/between these services if their employment is continuous with no break in service. Rescreening existing employees only occurs in the following circumstances:

- When moving positions from 'non child related employment' to 'child related employment', or
- When moving to a position in, or are currently employed in Aged Care services and their NCRC was conducted more than 3 years prior.

The above includes staff on rotation or secondment and visiting practitioners providing health care services whose employment contract is being renewed. For existing employees the Screening Validation Number for the preferred applicant should be checked on the ESRU lodgement system as the final step of the recruitment process.

Non declared Affiliated Health Organisations are not included as they are not part of the NSW Health Service or employees of the Director-General.

A summary of the NSW Health Employment Screening process is described in Appendix 2

Any inquiries or requests for assistance in regard to the requirements of this policy should be directed to ESRU by phone on (02) 9391 9800, by fax on (02) 9391 9795 or by emailing esru@doh.health.nsw.gov.au.

1.4 Roles and Responsibilities

The Department of Health, Employment Screening and Review Unit

- Operates as an Approved Screening Agency on behalf of the Commission for Children and Young People for the Working With Children Program
- Develops policy based on legislation
- Conducts training on policy implementation
- Coordinates all employment screening for NSW Health agencies
- Monitors the implementation of procedures.

Chief Executives

- Are to ensure that all staff to be employed in their services have had the appropriate employment screening process conducted.
- Are to ensure that their organisation has systems in place to implement this policy and retain confidential documents in accordance with legislative requirements.

All Staff

- Are to report their Chief Executive any charges or convictions for serious offences that occur after they are employed.

² See glossary

2. General Information for Employment Screening

2.1 Legislation relevant to this Policy Directive includes:

- *Aged Care Act 1997 (Cth)*
- *Child Protection (Offenders Registration) Act 2000*
- *Commission for Children and Young People Act 1998*
- *Criminal Records Act 1991*
- *Health Administration Act 1982*
- *Health Services Act 1997*
- *Privacy and Personal Information Protection Act 1998*
- *Public Sector Employment and Management Act 2002.*

2.2 Employment Screening process

Apart from the special legislative provisions for children and older persons, NSW Health agencies have a duty of care to other vulnerable patients and clients. A person's prior convictions may be relevant to the performance of their duties. Therefore, all preferred applicants for employment within the NSW Health agencies and NGOs must undergo criminal record checks prior to employment. This is to ensure that a criminal conviction that might be relevant to the position can be identified and assessed in terms of any potential ongoing risk.

Therefore, when ESRU conducts a Working With Children background check for child related employment, it includes a NCRC for assessment of any other matters arising out of any other criminal convictions that might be relevant to the position.

This Policy Directive must be read in conjunction with the relevant NSW Health recruitment Policy Directive:

- PD2006_059, *Recruitment and Selection Policy and Business Processes NSW Health Service*
- PD2005_639, *Department of Health "Recruitment Rescuer"*
- PD2007_055, *Recruitment of Nurses and Midwives - Framework*
- Any other current NSW Health recruitment Policy Directives.

3. Procedures for Employment Screening for Child Related Employment

3.1 Working With Children Check

As an Approved Screening Agency under the *Commission for Children and Young People Act 1998*, ESRU has responsibility for conducting all Working With Children Checks for preferred applicants for **child related employment** for:

- ✓ NSW Health agencies
- ✓ private health organisations in New South Wales.
- ✓ private health and allied health employment agencies,
- ✓ private hospitals;
- ✓ NGOs.

3.2 Child Protection Legislation

In total, there are four Acts relevant to the employment screening responsibilities of NSW Health agencies for child-related employment.

3.2.1 *Commission for Children and Young People Act 1998*

The *Commission for Children and Young People Act 1998* established the Commission for Children and Young People as an independent organisation with the aim of making NSW a better place for children and young people.

The Act requires the Commission for Children and Young People to monitor and audit compliance of employers with employment screening requirements of the legislation. It also requires employers to conduct employment screening for child-related employment.

The Act defines those persons prohibited from child related employment and makes it an offence for 'Prohibited Persons' to apply for, undertake or remain in child-related employment or for an employer to fail to ask whether a person is a Prohibited Person if they are already in child related employment or to employ a Prohibited Person in a child related position.

Further information regarding the Working With Children Check, including the guidelines that the relevant parts of this policy have been based upon, are available from the Commission's Internet site at <http://www.kids.nsw.gov.au>.

3.2.2 *Child Protection (Offenders Registration) Act 2000*

Under the *Child Protection (Offenders Registration) Act 2000*, a person found guilty of 'registrable offences' against children is known as a 'Registrable Person'.

A number of strict reporting obligations and limits are placed on such people. A *Registrable Person* automatically becomes a *Prohibited Person* under the *Commission for Children and Young People Act 1998* and is prohibited from applying for, undertaking or remaining in child-related employment.

3.2.3 *Part 3A of the Ombudsman Act 1974*

Under this part the Ombudsman is to keep under scrutiny the systems for:

- preventing reportable conduct by employees of designated NSW Government agencies, non government agencies and other public authorities.

3.2.4 *Freedom of Information Act 1989*

This Act gives people the legal right to:

- Obtain access to information held as records by NSW Government agencies, Government Ministers, local government and other public bodies;
- Request amendments to personal records that are inaccurate; and
- Appeal against a decision not to grant access to information or to amend personal records.

The Commission for Children and Young People Act 1998 expands the coverage of the Freedom of Information Act 1989 to any employer who has information on relevant employment proceedings.

3.3 Determining whether a position is child related employment

To determine whether a position constitutes child-related employment, the form 'Is the Position child related employment?' (Form 7.5) should be completed. The form is also available in 'The Working With Children Employer Guidelines December 2006' or on the Commission for Children and Young People's website <http://www.kids.nsw.gov.au>

A position is defined as 'child-related employment' if that employment primarily involves direct face to face contact with children where that contact is not directly supervised. A determination about whether or not a position is child related should be made prior to recruitment.

3.4 Requirements for Child Related Employment

Once a position is identified as child related employment, all preferred applicants must be advised that a Working With Children background check and other criminal records checks relevant to the position will be undertaken prior to any commencement of employment. In addition they must be informed that it is an offence under the *Commission for Children and Young People Act 1998* for Prohibited Persons and Registrable Persons to apply for this position.

All preferred applicants should be provided with a copy of the Prohibited Employment Declaration Form (Form 7.1) as a part of the recruitment information package and advised that the form must be completed and submitted with their application. When a position is not advertised, the preferred applicant must be advised verbally and appropriate forms should be signed.

Applicants that are successful in gaining an interview for child-related employment should have already provided a completed Prohibited Employment Declaration form. If not, this must be provided prior to an interview.

The interview panel should also confirm the identity of those being interviewed using the 100 point ID check adapted from the requirements of the *Financial Transaction Records Act 1988* (Form 7.11), by sighting appropriate original documentation totalling 100 points, and having that documentation photocopied, certified and retained with the recruitment papers. This means that the appropriate documentation is readily available at the time of requesting employment screening of preferred applicants. Where photocopying and certifying documentation may be overly onerous eg during bulk recruitment where significant numbers are being interviewed, it maybe sufficient for the panel members to sight the relevant original documents and note in writing that the individuals identity was confirmed.

For overseas applicants who are not in the country when the 100-point ID check is conducted, verified copies of the original documents can be accepted until the applicant arrives in Australia at which time the original copies must be sighted and copied for the file.

It is essential that the 100 point ID check takes place prior to the lodgement of any request for a Working With Children background check.

3.8 Working With Children background check for existing employees

The Working With Children background check is **not** available for existing staff unless they are a preferred applicant moving from a non child related position to a child related position.

Example

A Registered Nurse changing positions from an adult Drug and Alcohol Counsellor to a Child and Family Counsellor would need to have a Working With Children background check conducted.

A Registered Nurse moving from one child related position to another similar child related position, even if that position was in another NSW Health Service, would not need to be rescreened. The Screening Validation Number must be checked on the ESRU online lodgement system as part of the recruitment process.

3.9 Responsibility for Private Agency Employees

All locum medical and nursing staff, who are employed through private recruitment agencies, must have a Working With Children Check before being placed in a NSW Health agency. This is because their exact position is often not known at the time of registering with the agency and could involve child related employment.

Private agencies that provide locum staff to NSW Health agencies are required to lodge requests for a Working With Children background check directly with ESRU at the time the applicant is registered with the agency. As the private agency is the person's employer, further Working With Children background checks are not available for that person unless they register with another agency or cease to be registered with the agency and reregister at a later date. ESRU will provide the private agency with a screening validation number and, or an Estimate of Risk outcome of the Working With Children background check.

The NSW Health agency employing the services of the agency staff do not lodge a new Working With Children Check but confirms with the agency providing the staff member that a check has been conducted. **A completed Working With Children background check remains current for as long as the person remains in unbroken employment with that agency.**

3.10 Contractors - Service/Utilities (this is non clinical services)

- **Short term/one off delivery/repair work**

If a contractor is required to enter hospital wards or premises for the delivery or repair of equipment, the person is to be supervised and informed of the areas they are permitted to enter and other areas they are not permitted to enter.

- **No employment screening is required.**

- **Long term contracts/tendered agreements**

If a company/organisation is contracted long term for building services and where the contractor is not providing direct unsupervised face to face services to children the following form must be read and signed by each contractor prior to commencing work:

- Contractor Agreement (Form 7.10)
- **No employment screening is required.**

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- **Recruitment Agency administrative or financial, non child related positions**
Where staff are temporarily employed in positions where they would have access to private and confidential information and documents, they are to complete the following:
 - **A National Criminal Record Check (see section 4)**

3.11 Overseas Applicants

Overseas applicants must provide the following documents as part of their application:

- ✓ A police Clearance from their home country and any country they have resided in/or been employed in (incorporating any charges the employee may have against their name)
- ✓ If unable to provide a Police clearance from their country of origin, they must complete a Statutory Declaration stating they have no pending criminal charges or convictions from any country they have resided in or been employed in. If they do have such records, they must list date of offence, type of offence and court outcome (Form 7.9).
- ✓ A completed Prohibited Employment Declaration if child related employment (Form 7.1)
- ✓ A completed Working With Children Check consent form if the position is **paid** child related employment (Form 7.2)
- ✓ 100-point ID check must be conducted. Overseas applicants who are not in Australia when the 100-point ID check is conducted must submit verified copies of the original documents. Once they arrive in Australia the original documents must be sighted by the employer and copied and the copies kept on the applicant's personnel file.

3.12 Students from University or TAFE completing a clinical placement in a NSW Health agency as a requirement of a tertiary qualification and their Student Supervisor

Students and their Student Supervisors are required to undergo employment screening prior to starting their clinical placement. It is the responsibility of their University/TAFE to lodge these requests with ESRU.

Each Student /Student Supervisor must complete a:

- Prohibited Employment Declaration form (Form 7.2); and
- National Criminal Record Consent form (Form 7.4)

As the Working With Children background check is only available to people applying for paid employment in child related positions, Students and their Student Supervisors are required to undergo a NCRC (refer to section 4 of this policy).

When the University/TAFE is confirming the placement of the Student they will provide the NSW Health agency with a copy of the Student's screening validation number (SVN). If a Student attends a placement without a SVN or a valid student clearance authority card issued by ESRU, they must not commence their placement but be referred to their University or TAFE and the NSW Health Student Liaison Officer.

Students from High School or TAFE completing work experience for their secondary school qualifications at NSW Health agency do not require NCRC as they must be supervised at all times by an employee of the service who is allocated responsibility for them.

3.13 Completing the Working With Children background check

ESRU receives the results of the Working with Children background check directly from the NSW Commission for Children and Young People. There may be a number of different outcomes. The result may indicate;

- no relevant records,
- relevant convictions to indicate the preferred applicant is a 'Prohibited Person',
- other relevant records that raise the possibility of risk to employing that person in the position.

3.14 If the Working With Children background check reveals no relevant records

Where the Working With Children background check shows no relevant records, and there are no other criminal offences that may impact on the preferred applicant's suitability for the position, ESRU will advise that subject to the completion of any other background checking, (referee checks etc) an offer of employment can be made.

3.15 Where the Working With Children background check reveals the applicant is a Prohibited Person.

If the Working With Children background check reveals that the preferred applicant is a 'Prohibited Person' and not subject to an exemption from the Industrial Relations Commission, the Administrative Decisions Tribunal or the Commission for Children and Young People, the offer of appointment in child-related employment **must** not be made.

ESRU will request a copy of the signed Prohibited Employment Declaration and the completed "Is this Position Child Related" form. ESRU will also contact the preferred applicant to:

- Establish the person's identity through a 100 Point ID Check to ensure the applicant is the same person as that of the identified criminal record,
- Identify if the applicant has been granted exemption from the Industrial Relations Commission, the Administrative Decisions Tribunal or the Commission for Children and Young People,
- Advise the person of their exemption application options; and
- Advise the person that the matter will be referred to the NSW Police for investigation of an offence under the *Commission for Children and Young People Act 1998* if they failed to disclose their prohibited status.

If the preferred applicant's identity and prohibited status are confirmed, ESRU will advise that the applicant is a Prohibited Person that cannot work in child related employment.

ESRU will complete the *Identified Prohibited Person Notification Form* with the relevant details of the prohibited person and the circumstances of their application and forward it together with the completed original Prohibited Employment Declaration to the Commission for Children and Young People. The Commission for Children and Young People will register the notification and notify the NSW Police.

3.16 If the Working With Children background check identifies a relevant record

Where the preferred applicant is not a "Prohibited Person" but the Working With Children background check has revealed a relevant criminal record, a relevant Apprehended Violence

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Order or relevant Employment Proceedings, ESRU will request a copy of the completed “Is this Position Child Related” form.

ESRU will contact the preferred applicant to establish the person’s identity through a 100 Point ID Check to ensure they are the same person as that of the identified record and verify that the record belongs to them.

ESRU will then conduct an Estimate of Risk to assess the risk of appointing the preferred applicant to the specific position. This Estimate of Risk is conducted following the Guidelines for Operating AWARE (A Workplace and Applicant Risk Estimate) issued by the Commission for Children and Young People for Approved Screening Agencies only.

AWARE consists of three instruments:

- Individual Risk Estimate
- Organisation Risk Estimate
- Position Risk Estimate

ESRU may contact the designated officer to obtain additional information for the position risk estimate and the organisation risk estimate

If there are also other records of offences that might be relevant to the position, ESRU will conduct an Employment Risk Assessment on those other matters.

ESRU will inform the designated officer of the Estimate of Risk regarding the applicant’s suitability for working in child-related employment as well as the outcome of the Employment Risk Assessment on the other records.

3.17 If the Working With Children background check reveals no relevant records but other criminal offences

Where the Working With Children background check has revealed that there are no relevant records that need to be considered for child-related employment, but that there are other criminal records, ESRU will identify whether those records are relevant to the position and advise that there is no indication that the preferred applicant poses any risk to work with children but that there are other matters that need to be assessed.

ESRU will provide the designated officer in the NSW Health Service with the criminal records so that they may conduct an Employment Risk Assessment in accordance with the Employment Screening Checklist (Form 7.4).

3.18 Rejecting an applicant as a result of the Working With Children background check Risk Estimate

If a decision is made by the Chief Executive or designated senior officer not to employ the preferred applicant in child related employment, or to offer them a position in non child related employment instead, because of the outcome of an Estimate of Risk conducted by ESRU on relevant offences, they **must**:

1. Complete the Rejected Applicant Decision Notification Form (Form 7.6) and forward this to the Commission for Children and Young People, and forward a copy to ESRU; and

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2. Notify the applicant in writing within 7 days of making the decision stating the reason for rejection of their application was based on the employment screening outcome and that an Employment Decision Notification Form will be sent to the Commission for Children and Young People.

If a decision is made not to employ the applicant due to an identified risk arising from non child related offences, a rejected applicant notification is not required but ESRU must be notified within 7 days with the Employment Screening Checklist (Form 7.4).

3.19 Making an offer of Employment

When the Working With Children background check is satisfactorily completed, along with all other relevant background checking (eg referee checks etc) a preferred applicant for a child-related position may receive a verbal offer of employment. A letter, setting out the terms of employment, should confirm the offer.

In an emergency situation, when it is not possible for the Working With Children background check to be completed prior to the commencement of employment, the preferred applicant must be advised in writing that their employment is conditional on the satisfactory outcome of the Check. The Chief Executive or their authorised delegate must approve conditional appointment by completing the Pre Screen Approval Employment Form (Form 7.8) to be retained on the applicant's file.

3.20 Privacy

In handling personal information obtained through the employment screening process, designated officers are bound by *Section 22 of the Health Administration Act 1982, Section 48B of the Commission for Children and Young People Act 1998* as well as NSW Health policies reflecting the terms of the *Privacy and Personal Information Protection Act 1998*, and the *Health Records and Information Privacy Act 2002*.

It is an offence under *Section 48B of the Commission for Children and Young People Act 1998* to:

- Disclose any information obtained as part of the Working With Children Check, unless the disclosure:
 - Is made in good faith for the purpose of background checking or the exercise of a function under Part 7 of the Commission for Children and Young People Act 1998;
 - Is made with the consent of the person for whom the information was obtained;
 - Is ordered by a court or any other body or person exercising judicial functions, for the purposes of the hearing or determination by the court, body, or person of any matter;
 - Is made with other lawful excuse in connection with employment screening, except in the circumstances allowed by *Section 48B*, for example, where consent is given by the person or a court requests the information.

A person found guilty of any of these offences may be imprisoned for six months and/ or fined.

Only designated officers have access to this information. ESRU requires designated officers to sign a Privacy Undertaking (Form 7.7) so that they are aware of the penalty for unauthorised disclosure.

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Files must be kept secure at all times when not being actioned and securely bound and sealed when they are transferred or sent by courier. Information obtained during the employment screening process must not be used for any purpose other than for determining a person's eligibility for employment.

A criminal history record used during an Estimate of Risk or Employment Risk Assessment must be destroyed when the process has been completed. This includes any electronic or paper record.

3.21 Retention of Records

All documentation relating to a Working With Children background checks are to be retained and disposed of according to the **General Disposal Authority – 12** and the requirements of the contract with CrimTrac.

Please see **Appendix 1** for the retention periods, location and conditions under which documents are to be kept. This is also available on the NSW Department of Health [CGRM Intranet](http://internal.health.nsw.gov.au/cgrm/esr/index.html) site. <http://internal.health.nsw.gov.au/cgrm/esr/index.html>

3.22 Audit and Review of the Process

Under the *Commission for Children and Young People Act 1998*, NSW Health agencies are required to comply with any audits of their employment screening processes for Working With Children Checks that the Commission for Children and Young People may conduct.

3.23 Where a preferred applicant will be working in both child related employment and a NSW Health Australian Government funded /subsidised aged care service.

A Working With Children background Check only is to be conducted at the time of employment.

A NCRC is to be submitted for these employees every subsequent 3 years as required by the Australian Government.

4. Procedures for Employment Screening for Non-Child Related Employment

4.1 National Criminal Record Checks (NCRC)

Apart from the special legislative provisions for children, we also have a duty of care to other vulnerable patients and clients requiring protection. A person's prior convictions may be relevant to the performance of the duties of some positions. It is a requirement therefore, that prior to employment preferred applicants must undergo a NCRC for convictions/charges that might be relevant to the position.

4.2 Who should have a National Criminal Record Check?

All preferred applicants for non-child related employment must undergo a NCRC prior to being employed. This applies to:

- ✓ NSW Health agencies
- ✓ Visiting practitioners
- ✓ Overseas employees

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- ✓ University /TAFE Students undertaking clinical placements in NSW Health agencies as part of a tertiary clinical qualification and their Student Supervisor. (This does not include high school students completing work experience.)
- ✓ Overseas students undertaking clinical placements
- ✓ NGOs
- ✓ Volunteers in NSW Health agencies and NGOs.

If NGOs are also funded by other NSW or Australian Government Departments they are only required to lodge a request for a NCRC with one of their funding agencies and keep a record of the outcome on their personnel files.

4.3 When to Complete the National Criminal Record Check

The Convenor of a Selection Panel must ensure that a NCRC is completed before an offer of employment is made to a preferred applicant for a non-child related positions or volunteers.

4.4 Consent required

Prior to conducting the selection panel interview applicants must:

- provide proof of identity. This must include sighting and retaining original or certified documents adding up to a minimum of 100 points as required by the 100 Point ID Check adapted from the *Financial Transaction Records Act 1988* (Form 7.11).
- applicant must complete a Consent Form (Form 7.3) for the national criminal record check.
- In accordance with NSW Health recruitment policy, registered health professionals must produce proof of current NSW registration.

4.5 Completing the National Criminal Record Check

Once the preferred applicant is selected, and appropriate documentation is completed, including all other background checking, a request for a NCRC is lodged with ESRU.

ESRU co-ordinates the NCRC with the CrimTrac Agency. The NCRC seeks to identify any convictions that are releasable in accordance with the *Criminal Records Act 1991* (ie not spent convictions) which includes:

- sexual matters,
- stealing, fraud, drugs, drink driving etc
- violence including a threat or injury to another person or
- Other general criminality offences.

4.6 Where the National Criminal Record Check indicates no criminal records

If the preferred applicant has no criminal records, ESRU will advise the designated officer that, subject to the completion of any other background checking, (referee checks etc) an offer of appointment may be made.

4.7 Where the National Criminal Record Check indicates criminal records

If the NCRC for a preferred applicant reveals a criminal record, ESRU will identify whether the convictions are relevant to the position and if so notify the designated officer. The

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designated officer must complete an Employment Risk Assessment to determine whether the convictions pose a risk in the particular work setting. This is to be considered in making the employment decision and documented in accordance with the ESRU Employment Screening Checklist (Form 7.4).

4.8 Requirements for conducting an Employment Risk Assessment

Employment Risk Assessments may only be carried out by designated officers: those persons who have been trained by ESRU, have undergone a NCRC and have signed an ESRU Privacy Undertaking (Form 7.7), which is kept by ESRU.

Only designated officers in the NSW Health Service or the Department may have access to a criminal record or documents used in an employment risk assessment. This information is not to be given, sent or discussed with any third party person or organisation (including NGOs) other than the applicant.

Prior to the employment risk assessment:

- The preferred applicant must be notified that a 'query' has resulted from the employment screening process.
- The preferred applicant's identity must be established before confidential details of the criminal history can be discussed with them.
- Once their identity is confirmed, they should be told the full details of the criminal record. The preferred applicant must be given the opportunity to verify that the criminal history relates to them, to check it for accuracy and to provide any further details (within five working days) of any relevant matters that need to be considered in relation to the records.

If the employment risk assessment is conducted face to face, the preferred applicant can nominate a support person to accompany him/her to the interview and should be advised of their right to access that support person. Copies of the preferred applicant's identifying documents should be retained together with the record of the interview.

A final decision on the preferred applicant's suitability for employment must not be made until the person has had the opportunity to discuss the adverse result in a personal interview. The interview may be conducted by telephone if the preferred applicant is unable to attend in person and the offences are deemed to be of relatively low risk. For relatively high risk matters the preferred applicant should always be interviewed in person.

The Chief Executive or designated officer must submit a completed Employment Risk Assessment report and the Employment Screening Checklist (Form 7.4) to ESRU within 7 days of completion.

ESRU will review the information and within two days of receipt will update the lodgement system or contact the designated officer for more information.

At all times, procedural fairness principles and privacy and confidentiality must be maintained when conducting employment risk assessments.

4.9 Making an offer of employment

When the NCRC is satisfactorily completed, and the lodgement system has been updated by ESRU, (subject to the completion of all other background checking such as referee checks

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etc) a preferred applicant may receive a verbal offer of employment from the Convenor of the Selection Panel or an authorised person. A letter, setting out the terms of employment, should confirm the offer.

In an emergency situation, when it is not practicable for a NCRC to be completed prior to the commencement of employment, the preferred applicant must be advised in writing that their employment is conditional on the satisfactory outcome of the Check. The Chief Executive or their authorised delegate must approve conditional appointments by completing the Pre Screen Approval Employment Form (Form 7.8).

4.10 Privacy

In handling personal information obtained through the employment screening process, designated officers are bound by *Section 22 of the Health Administration Act 1982* and NSW Health policies reflecting the terms of the *Privacy and Personal Information Protection Act 1998*.

Only designated officers are allowed access to this information and are required to sign a Privacy Undertaking (Form 7.7) so that they are aware of the penalty for unauthorised disclosure.

Files must be kept secure at all times when not being actioned and securely bound and sealed when they are transferred or sent by courier.

Information obtained during the employment screening process must not be used for any purpose other than for determining a person's eligibility for employment.

4.11 Retention of records

Personnel records relating to NCRCs are to be retained in accordance with the **General Retention and Disposal Authority –Personnel Records (GDA 12)**.

Please see **Appendix 1** for the retention periods, location and conditions under which documents are to be kept. This is also available on the NSW Department of Health [CGRM Intranet](http://internal.health.nsw.gov.au/cgrm/esr/index.html) site. <http://internal.health.nsw.gov.au/cgrm/esr/index.html>

Note: Any information relating to the Employment Risk Assessment information must be filed separately from the personnel file and under secure conditions, only accessed by authorised persons.

Note: A criminal history must be destroyed once an Employment Risk Assessment is completed.

4.12 Audit and review of the process

ESRU monitors employment screening processes for NCRCs. From time to time, ESRU will audit requests for NCRCs and decisions to employ staff based on the assessment of the risk posed by criminal convictions. NSW Health Services must be in a position to supply records that will demonstrate adherence to the requirements of this policy directive including:

- Screening Consent Forms signed by applicants
- Requests for screening made by NSW Health agencies to ESRU

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- Employment Risk Assessment information
- Proof of 100 point ID Check

The Employment Screening Checklist for an employment risk assessment is an auditable document. In particular, it confirms the receipt and proper disposal of the criminal history sent to an HR Manager in accordance with legislative requirements.

Internal Audit Units of NSW Health Services may also include compliance with employment screening requirements in their audit programs.

5. Procedures for Employment Screening for Aged Care Employment

5.1 Introduction

This check applies to:

- ✓ NSW Health agencies only.

These checks are not available from ESRU for NGOs or other private health or aged care organisations. Those organisations should contact the Australian Government's Department of Health and Ageing on (02) 6289 8385 or <http://www.health.gov.au> for advice.

The Australian Government, Department of Health and Ageing, under the *Aged Care Act 1997*, issued *Police Certificate Guidelines for Aged Care Providers* in December 2006. The NSW Department of Health and all NSW Health Services are approved providers of one or more of the following Australian Government subsidised aged care services:

- Residential aged care facilities;
- Community Aged Care Packages;
- Flexible care services including:
 - Extended Aged care at Home packages,
 - Extended Aged Care at Home Dementia packages,
 - Multi-Purpose Service (MPS) places and
 - Transitional Aged Care

The Australian Government's Department of Health and Ageing *Police Certificate Guidelines for Aged Care Providers*, together with the *Accountability Amendment Principles 2006*, *Records Amendment Principles 2006* and *Community Visitors Grant Amendment Principles 2006* relating to the Act, provide comprehensive information regarding the new requirements. These documents can be obtained via the Australian Government's Department of Health and Ageing website: <http://www.health.gov.au>.

It is mandatory for all **existing** and new **staff** and **volunteers** over 16 years of age, employed in NSW Health Services that offer, Australian Government funded/subsidised aged care services to undergo a NCRC every three years from the date of the last national criminal record check being conducted.

NSW Health Services must ensure that recruitment for staff in Australian Government funded/subsidised aged care services, as outlined by this process, is undertaken in accordance with Policy Directive PD2006_059, *Recruitment and Selection Policy and Business Processes NSW Health Service* or any other relevant current NSW Health recruitment policy directive.

5.2 Completing the Aged Care Checks (for new employees and volunteers)

Once the preferred applicant is selected, a request for an Aged Care Check must be lodged with ESRU if the applicant does not have a current Police Certificate/NCRC or if it was not completed within the last 3 years.

The NCRC seeks to identify any offences that are releasable in accordance with the *Criminal Records Act 1991* which includes:

- Sexual convictions
- Convictions including stealing, fraud, drugs, drink driving etc
- Serious offences involving a threat or injury to another person or
- Other offences relevant to the duties of the position.

5.3 Where the NCRC indicates no relevant criminal records

If the NCRC reveals no relevant criminal records, ESRU will advise the designated officer that, subject to the completion of any other background checking, (referee checks etc) an offer of employment may be made.

5.4 Where the criminal record check reveals the preferred applicant is 'Precluded' from working in Aged Care services.

If the NCRC reveals that the preferred applicant is 'Precluded' from working in an aged care service, employment **must** not be offered. Criminal convictions that preclude a person from providing aged care services are:

- A conviction for murder or sexual assault; or
- A conviction of, and sentenced to imprisonment for, any other form of assault.

ESRU will inform the designated officer that the preferred applicant is precluded from working in an aged care service. The designated officer will contact the applicant to:

- Establish the person's identity through a 100 Point ID Check to ensure the applicant is the same person as that of the identified record, and
- Advise the person that the offences recorded against their name mean that they are precluded from working in an aged care service.

5.5 Where the criminal record check reveals other criminal matters

If the NCRC for a preferred applicant reveals a criminal record, ESRU will identify whether the convictions are relevant to the position and if so notify the designated officer. The designated officer must complete an Employment Risk Assessment to determine whether the convictions pose a risk in the particular work setting. This is to be considered in making the employment decision and documented in accordance with the Employment Screening Checklist (Form 7.4).

This employment risk assessment does not need to be repeated at the time of future Aged Care Checks if there are no further charges/convictions identified. If there are additional charges/conviction revealed then a new risk assessment needs to be conducted on all matters.

5.6 Requirements for conducting an Employment Risk Assessment

Employment Risk Assessments may only be carried out by designated officers: those persons who have been trained by ESRU, have undergone a NCRC and have signed an ESRU Privacy Undertaking (Form 7.7), which is kept by ESRU.

Only designated officers in the NSW Health Service may have access to a criminal record or documents used in an employment risk assessment. This information is not to be given, sent or discussed with any third party person or organisation other than the applicant.

Prior to the employment risk assessment:

- The preferred applicant must be notified that a 'query' has resulted from the NCRC.
- The preferred applicant's identity must be established before confidential details of the criminal history can be discussed with them.
- Following the confirmation of their identity, the full details of the criminal record should be read to the preferred applicant, who must be given the opportunity to verify that the criminal history relates to them, to check it for accuracy and to provide any further details (within the five working days) of any relevant matters that need to be considered in relation to the record.

If the employment risk assessment is conducted face to face, the preferred applicant can nominate a support person to accompany him/her to the interview and should be advised of their right to access that support person. Copies of the preferred applicant's identifying documents should be retained together with the record of the interview.

A final decision on the preferred applicant's suitability for employment must not be made until the person has had the opportunity to discuss the adverse result in a personal interview. The interview may be conducted by telephone if the preferred applicant is unable to attend in person and the offences are deemed to be of relatively low risk. For relatively high risk matters the preferred applicant should always be interviewed in person.

The Chief Executive or designated senior officer must submit a completed Employment Risk Assessment report and the Employment Screening Checklist (Form 7.4) to ESRU within 7 days of completion.

ESRU will review the information and within two days of receipt will either update the lodgement system or contact the designated officer for more information.

At all times, procedural fairness principles and privacy and confidentiality must be maintained when conducting employment risk assessments.

5.7 Where a preferred applicant will be working in both child related employment and a NSW Health Australian Government funded /subsidised aged care service.

A Working With Children background Check only is to be conducted at the time of employment.

A NCRC is to be submitted for these employees every subsequent 3 years as required by the Australian Government.

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5.8 Subsequent Aged Care Check for Existing Employees/Volunteers in NSW Health Agencies

The NSW Health agency is responsible for having a system in place for identifying the date when an existing employee or volunteer's NCRC needs to be relogged before the three year currency expires.

5.9 Retention of records

Personnel records relating to National Criminal Record Checks are to be retained in accordance with the **General Retention and Disposal Authority –Personnel Records (GDA 12)**.

Please see **Appendix 1** for the retention periods, location and conditions under which documents are to be kept. This is also available on the NSW Department of Health [CGRM Intranet](http://internal.health.nsw.gov.au/cgrm/esr/index.html) site. <http://internal.health.nsw.gov.au/cgrm/esr/index.html>

Note: Any information relating to the Employment Risk Assessment information must be filed separately from the personnel file and under secure conditions, only accessed by designated officers.

Note: A criminal history must be destroyed once an Employment Risk Assessment is completed.

5.10 Audit and review of the process

ESRU monitors employment screening processes for NCRCs. From time to time, ESRU will audit requests for NCRCs and decisions to employ staff based on the assessment of the risk posed by criminal convictions. NSW Health agencies must be in a position to supply records that will demonstrate adherence to the requirements of this policy directive including:

- Screening Consent Forms signed by applicants
- Requests for screening made by Health Services to ESRU
- Employment Risk Assessment information
- Proof of 100 point ID Check

The Employment Screening Checklist for an employment risk assessment is an auditable document. In particular, it confirms the receipt and proper disposal of the criminal history sent to an HR Manager in accordance with legislative requirements.

Internal Audit Units of NSW Health agencies may also include compliance with employment screening requirements in their audit programs.

6. Glossary

Aged Care Check - A National Criminal Record Check (NCRC) required for applicants and volunteers over 16 years of age in Australian Government funded/subsidised NSW Health agencies Aged Care services. The check seeks to identify charges or convictions for sexual offences, serious offences involving threat or injury to another person or other offences relevant to the duties of the position. To be current this check has to have been completed within the last three years.

Title: *Employment Screening*

Approved Screening Agency: An employer or employer related body approved by the Minister to carry out all or any of the relevant Working With Children background checking procedures. (*Commission for Children and Young People Act 1998*)

Child: A young person under 18 years of age. (*Commission for Children and Young People Act 1998*)

Child-related employment: involves employment in particular work settings and the relevant ones for the health sector are:

- In wards of public or private hospitals in which children are patients
- Involving the provision of counselling or other support services for children
- Involving the direct provision of child health services (only the health staff directly delivering this service)

Child related employment primarily involves contact with children when direct contact with children is an essential requirement of the job. The direct contact with children must be face-to-face and not directly supervised by a person having the capacity to direct the employee in the course of employment.

Clinical Placement (also known as student placement or fieldwork education) means the provision of supervised tertiary education in a clinical or research setting for University /TAFE students.

Clinical Placement Authority: A secure document/ screening validation number, provided by ESRU that identifies a student who has been screened with a criminal record check and the date of the screening. A Clinical Placement Authority may be issued with conditions when an *Employment Risk Assessment* is conducted as a consequence of a criminal record check. The student must carry the Clinical Placement Authority with them whenever undertaking practical experience in NSW Health agency. The Clinical Placement Authority is valid for the duration of the student's course but not for employment. If the student defers their course after their original criminal record check then they will need to be rescreened when they commence their studies again.

Contractor (non clinical): For the purpose of this policy directive, a contractor is a person engaged on behalf of the to undertake non clinical services, including but not limited to

- *Building and maintenance workers*
- *Plumbers*
- *Suppliers of materials and equipment*
- *Electricians*
- *Delivery Services*
- *Administrative/financial*

CrimTrac Agency is an Executive Agency established under section 65 of the *Public Service Act 1999 (Cth)* that provides, on behalf of Australian Police Services, national criminal history record checking services to accredited third party agencies for the purpose of employment screening.

Designated officers are staff in NSW Department of Health and across the NSW Health Service that have been authorised by their Chief Executive to conduct Employment Risk Assessments, and as such they have access to criminal records. Designated officers must attend training provided by ESRU, have undergone a NCRC and have signed an ESRU

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Privacy Undertaking (Form 7.7). ESRU keeps a list of all designated officers along with the signed privacy undertakings.

Employee includes all staff employed by NSW Health agencies or NGO, whether paid or unpaid and includes visiting practitioners, overseas trained employees, students, Student Supervisors and the engagement by a health service of any external person to provide direct health care services.

Employment: as per *Commission for Children and Young People Act 1998* refers to:

- performance of work under a contract of employment providing (eg, locums)
- performance of work as a self-employed person or sub-contractor providing direct clinical services (eg VMO)
- performance of work as a volunteer
- undertaking practical training as part of an educational or vocational course (University/TAFE student, Student Supervisor)

(At the time of employment refers to when the person first becomes an employee of a NSW Health agency or NGO. While in employment an existing employee can be appointed to several subsequent positions).

Employment Risk Assessment. The process of determining the level of risk the applicant might pose in the position for which they have applied as a result of previous charges or convictions identified in a national criminal record check.

Employment screening: The administrative process of conducting a national criminal record check or a Working With Children background check on a preferred applicant seeking employment.

Estimate of Risk: The process of reviewing and analysing information gathered through the Working With Children background check and making an estimate of the risk to children of employing the preferred applicant in the particular position. The estimate of risk is based on:

- The level of risk inherent in a particular position
- The level of control an organisation has over its risks, and
- The extent of caution needed in employing a particular individual.

The Estimate of Risk is only conducted by ESRU Risk Assessors trained in the AWARE process (A Workplace and Applicant Risk Estimate), in consultation with the employer about the risks inherent in the position and organisation.

HR Manager: A senior Human Resources officer or a designated senior officer within a NSW Health agency who may be assigned responsibility for employment screening and other HR matters.

National Criminal Record Check: A national criminal record check (NCRC) requested for employment screening purposes. The check seeks to identify charges or convictions for sexual offences, serious offences involving threat or injury to another person or other offences relevant to the duties of the position.

NGOs: Non-Government Organisations are private, community-based, non-profit organisations that are independent of government but may receive government funding to

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provide specified health services. NGOs are incorporated organisations with their own management structures that are responsible for the operation of those services. The NGOs referred to in this policy directive are those funded by NSW Department of Health or an NSW Health Service.

Non declared Affiliated Health Organisation means an affiliated organisation which has not been declared by regulation under section 62A of the *Health Services Act 1997* in respect of any of its recognised establishments or services. It is not part of the NSW Health Service and staff are not employees of the Director General of the NSW Department of Health.

NSW Department of Health employees staff under the *Public Sector Management and Employment Act 2002* with the Director-General as the employer.

NSW Health Service: Includes Area Health Service's, Statutory Health Corporations, and declared Affiliated Health Organisations listed in the *Schedules* of the *Health Services Act 1997*, Ambulance Service of NSW, and any other staff employed under the *Health Services Act 1997* to enable the Health Administration Corporation to exercise its functions eg Health Support Services. All staff in the NSW Health Service are employed under the Director General of the NSW Health Department who delegates this function to the Chief Executives.

NSW Health agencies include the NSW Health Service, the NSW Department of Health and non declared Affiliated Health Organisations.

Overseas Applicants Employees recruited directly from overseas or who come as visitors either to share or to receive professional experience.

Paid Employment: A reference to 'paid' includes any person who receives a salary or remuneration such as cash or fee for the performance of work, but does not include reimbursement of 'out-of-pocket' expenses, receipt of 'in kind' or similar benefits.

Precluded Person means under *the Aged Care Act 1997* a person is not to work in aged care services if their NCRC indicates that they have been convicted of murder or sexual assault or, convicted of, and sentenced to imprisonment for any other form of assault.

Procedural Fairness: This involves maintaining good records in relation to employment screening decisions, providing the preferred applicant with an opportunity to respond to any adverse information gathered during the employment screening process, considering all relevant information, ensuring that there is no conflict of interest, acting fairly and without bias.

Prohibited Employment Declaration: A declaration under the *Commission for Children and Young People Act 1998* setting out that all preferred applicants for child-related employment, whether paid or unpaid (volunteers and Students, Student Supervisors), must sign a Prohibited Employment Declaration stating that they are not a 'Prohibited Person'. It is an offence to engage anyone in child-related employment without requiring him or her to do this.

'Prohibited Person': A person prohibited from working in child related employment because they have been convicted of a serious sexual offence, the murder of a child, a child related personal violence offence or they are a Registrable Person (*Commission for Children and Young People Act 1998*).

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Registrable offence: A serious offence against a child including murder, sexual offences, indecency offences punishable by imprisonment of 12 months or more, kidnapping (unless the offender is or has been the child's carer or parent), offences connected with child prostitution, or possession or publication of child pornography. (*Child Protection (Offenders Registration) Act 2000*).

Registrable person: A person who has been found guilty of a 'registrable offence'. (*Child Protection (Offenders Registration) Act 2000*).

Relevant Apprehended Violence Order: An Apprehended Violence Order (other than an interim order) made by a court in NSW under *Part 15A* of the *Crimes Act 1900* or an interstate restraint order (within the meaning of *Part 15A* of the *Crimes Act 1900*) whether or not it is registered in NSW, and it is made on the application of a police officer or other public official for the protection of a child or a child and others. (*Commission for Children and Young People Act 1998*)

Relevant criminal records: As defined by the *Commission for Children and Young People Act 1998*, relevant criminal records are those criminal records that are relevant to an applicant's suitability for child related employment. Under the Working With Children background check, criminal records are sought regarding charges or convictions for:

- any sexual offence (including but not limited to sexual assault, acts of indecency, child pornography, child prostitution and carnal knowledge),
- any assault, ill treatment, neglect of, or psychological harm to, a child,
- any registrable offence,
- offences of attempting, or of conspiracy or incitement, to commit any of the above offence;
 - and if any offence above was committed in New South Wales and was punishable by penal servitude or imprisonment for 12 months or more, or
 - committed elsewhere and would have been punishable by penal servitude or imprisonment for 12 months or more if committed in New South Wales.

Relevant criminal record also includes all matters irrespective of whether or not they are considered spent or whether they were committed as a juvenile. It also considers charges which may have not been heard or finalised by a court, are proven but not led to a conviction or have been dismissed, withdrawn or discharged by a court.

Relevant Employment Proceedings: As defined by the *Commission for Children and Young People Act 1998*, relevant employment proceedings are completed disciplinary proceedings where an employer (or professional or other body that supervises the professional conduct of the employee) has found the following conduct against a child has occurred or may have occurred:

- reportable conduct; or
- that an act of violence committed by an employee in the course of employment and in the presence of a child has occurred, or there is some evidence it occurred, however the finding is inconclusive.

Relevant employment proceedings also include those matters where an investigation made a finding of 'not sustained insufficient evidence' regarding an allegation of reportable conduct against an employee.

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Reportable Conduct As defined by the *Commission for Children and Young People Act 1998*, is a sexual offence or sexual misconduct, committed against, with or in the presence of a child; any child pornography offence or misconduct; child related personal violence offence; filming for indecent purposes committed against, with or in the presence of a child; an assault, ill treatment or neglect of a child; any behaviour that causes psychological harm to a child whether or not the child consents; an act of violence committed by an employee in the course of employment and in the presence of a child; any of the above where the finding is inconclusive or there is insufficient evidence.

Screening Validation Number: The unique number recorded for an employee, volunteer or student when a clearance has been provided by ESRU following Working With Children background check and/or National Criminal Record Check.

Serious sex and violence offence: An offence involving sexual activity, acts of indecency, physical violence or the threat of physical violence that:

- If committed in New South Wales, is punishable by imprisonment for 12 months or more **or**
- If committed elsewhere than in New South Wales, would be an offence punishable by imprisonment of 12 months or more if committed in New South Wales.

Spent Conviction: *Part 2 of the Criminal Records Act 1991*, limits the effects of a person's conviction for a relatively minor offence once the person completes a crime-free period of 10 consecutive years. The conviction becomes 'spent' and no longer forms part of a person's criminal history. However, convictions for which a prison sentence of more than 6 months has been imposed and convictions for sexual offences do not become 'spent'.

Students are those people completing a tertiary qualification at a University or TAFE that requires them to complete a clinical placement in a NSW Health agency.

Student Supervisor is a person nominated by the education provider and approved by the NSW Health agency to provide education and supervision to students on clinical/student placement.

Support Person: A person nominated by an applicant/volunteer/student to act in a supportive role during any inquiry into the preferred applicant as part of the estimate of risk or employment risk assessment or process. The support person's role is to support the preferred applicant and does not include direct involvement in the inquiry, other than when the preferred applicant requests the support person attend meetings and interviews. The support person however, may not interrupt or bring into consideration issues on behalf of the applicant.

Volunteer/Unpaid: Work that is not paid or remunerated except out of pocket expenses and work that fulfils a charity or community service good.

Working With Children Program: The Working With Children Program consists of three key strategies:

- Exclusion of Prohibited Persons;
- Working With Children background check; and
- Developing child-safe and child-friendly organisations.

Title: Employment Screening

Working With Children background check: All preferred applicants for **paid** child related employment and clergy, must undergo the Working With Children background check. This is the process undertaken by the Approved Screening Agency (ESRU), of gathering and assessing relevant information about a preferred applicant for child-related employment. There are three types of records considered in the Working With Children background check:

1. relevant criminal records,
2. relevant apprehended violence orders (AVOs) and
3. relevant employment proceedings.

7. List of Forms

The listed forms are available from the Corporate Governance and Risk Management Branch web page <http://internal.health.nsw.gov.au/cgrm/esr/index.html> or by using the individual links provided below.

- 7.1 [Prohibited Employment Declaration](#)
- 7.2 [Working With Children Check Consent Form](#)
- 7.3 [National Criminal Record Check Consent Form](#)
- 7.4 [ESRU Employment Screening Checklist](#)
- 7.5 [Is This Position Child Related](#)
- 7.6 [Rejected Applicant Decision Notification Form](#)
- 7.7 [Employment Screening Privacy Undertaking](#)
- 7.8 [Pre Screen Approval Employment Form](#)
- 7.9 [Statutory Declaration \(employee from overseas\)](#)
- 7.10 [Agreement for Contractor – NSW Health Service](#)
- 7.11 [100 Point ID confirmation sheet](#)
- 7.12 [Statutory Declaration for Aged Care Check](#)

8. CHECKLIST – RETENTION OF RECORDS

APPENDIX 1

CHECKLIST Retention of records for Employment Screening		GDA-12 and CrimTrac Contract	
Employment Screening documentation (not all documentation will be relevant in each case)	Location	Minimum period to be retained (after recruitment finalised)	✓
1. Unsuccessful applications			
<ul style="list-style-type: none"> Completed 100-point ID checklist and certified copies of documentation equalling 100 points 	Recruitment File	1 year after recruitment finalised, then destroy	
<ul style="list-style-type: none"> Signed Prohibited Employment Declaration Form (obtained at interview stage for child related employment only) 	Recruitment File	1 year after recruitment finalised, then destroy	
<ul style="list-style-type: none"> Signed consent form for National Criminal Record Check (obtained at interview stage) 	Recruitment File	1 year after recruitment finalised, then destroy	
<ul style="list-style-type: none"> Signed consent form for Working With Children background Check (obtained at interview stage for paid child related employment only) 	Recruitment File	1 year after recruitment finalised, then destroy	
<ul style="list-style-type: none"> Any records relating to an estimate of risk arising from a Working with Children background check (including correspondence from ESRU, recommendations and outcomes) that have resulted in the preferred applicant not being approved for appointment. 	*Secure File	1 year after recruitment finalised, then destroy	
<ul style="list-style-type: none"> Any records relating to an employment assessment arising from a National Criminal record check (including correspondence from ESRU, records of contact with applicant, recommendations and outcome) that have resulted in the preferred applicant not being approved for the appointment. 	*Secure File	1 year after recruitment finalised, then destroy	
<ul style="list-style-type: none"> Criminal History Record 	Destroy	Must be shredded immediately after employment assessment completed	

Employment Screening documentation (not all documentation will be relevant in each case)	Location	Minimum period to be retained (after recruitment finalised)	✓
2. Successful applicants			
<ul style="list-style-type: none"> Completed 100-point ID checklist and certified copies of documentation equalling 100 points 	Personnel file	7 years after employment ceases, then destroy	
<ul style="list-style-type: none"> Signed Prohibited Employment Declaration form (child related employment only) 	Personnel File	Minimum of 75 years after date of birth of employee or 7 years after action completed, whichever is later, then destroy.	
<ul style="list-style-type: none"> Signed consent form for Working With Children background check (paid child related employment only) 	Personnel File	Minimum of 75 years after date of birth of employee or 7 years after action completed, whichever is later, then destroy.	
<ul style="list-style-type: none"> Signed consent form for National Criminal Record Check 	Personnel File	Minimum of 75 years after date of birth of employee or 7 years after action completed, whichever is later, then destroy	
<ul style="list-style-type: none"> Any records relating to an estimate of risk arising from a Working with Children background check (including correspondence from ESRU, recommendations and outcomes) 	*Secure File	Minimum of 75 years after date of birth of employee or 7 years after action completed, whichever is later, then destroy	
<ul style="list-style-type: none"> Any records relating to an employment assessment arising from a National Criminal record check (including correspondence from ESRU, records of contact with applicant, recommendations and outcome) 	*Secure File	Minimum of 75 years after date of birth of employee or 7 years after action completed, whichever is later, then destroy	
<ul style="list-style-type: none"> Criminal History Record 	Destroy	Must be shredded immediately after employment assessment is completed.	

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<ul style="list-style-type: none">Record of 'clearance' screening validation number obtained from ESRU lodgement database	Personnel file	Minimum of 75 years after date of birth of employee or 7 years after action completed, whichever is later, then destroy	
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* A secure file means a separate, confidential file kept in a secure, locked location accessible only to ESRU designated officers in each NSW Health Service.

Title: Employment Screening

9. EMPLOYMENT SCREENING SUMMARY

APPENDIX 2

Organisation	Type of Check	Documents required	Lodged via ESRU by	When to be lodged	Risk Assessment or Risk Estimate conducted by	✓
NSW Health Services	WWCC	<ul style="list-style-type: none"> - Is this position child-related (Form 7.5) - 100 Point Identification Check (Form 7.11) - Prohibited Employment Declaration (Form 7.1) - Working With Children Background check consent (Form 7.2) 	Service	<ul style="list-style-type: none"> -At time of employment - existing employee moving from non child related to child related employment 	ESRU (relevant matters only or relevant plus general criminality in the one record) Service (general criminality only)	
	NCRC	<ul style="list-style-type: none"> - 100 Point Identification Check (Form 7.11) - National Criminal Record Check consent form (Form 7.3) 	Service	At time of employment	Service	
	Aged Care	<ul style="list-style-type: none"> -100 Point Identification Check (Form 7.11) -National Criminal Record Check consent form (Form 7.3) - Completed Statutory Declaration (7.12) for the following circumstances – <ul style="list-style-type: none"> • Overseas applicants (see Overseas applicant) or • If the position needs to be filled urgently without a valid Police Clearance, as long as a NCRC has been lodged and there is appropriate supervision. 	Service	At time of employment and then every 3 years	Service	
NGOs funded by AHS	WWCC	<ul style="list-style-type: none"> - Is this position child-related (Form 7.5) - 100 Point Identification Check (Form 7.11) - Prohibited Employment Declaration (Form 7.1) - Working With Children Background check consent (Form 7.2) 	NGO	<ul style="list-style-type: none"> -At time of employment - existing employee moving from non child related to child related employment 	ESRU	

Title: Employment Screening

Organisation	Type of Check	Documents required	Lodged via ESRU by	When to be lodged	Risk Assessment or Risk Estimate conducted by	✓
	NCRC	<ul style="list-style-type: none"> - 100 Point Identification Check (Form 7.11) - National Criminal Record Check consent form (Form 7.3) 	AHS	At time of employment	AHS	
NGOs funded by Dept of Health	WWCC	<ul style="list-style-type: none"> - <i>Is this position child related</i> (Form 7.5) - 100 Point Identification Check (Form 7.11) - Prohibited Employment Declaration (Form 7.1) - <i>Working With Children Background check consent</i> (Form 7.2) 	NGO	<ul style="list-style-type: none"> -At time of employment -existing employee moving from non child related to child related employment 	ESRU	
	NCRC	<ul style="list-style-type: none"> - 100 Point Identification Check (Form 7.11) - National Criminal Record Check consent form (Form 7.3) 	NGO	At time of employment	ESRU	
Dept of Health	NCRC	<ul style="list-style-type: none"> - 100 Point Identification Check (Form 7.11) - National Criminal Record Check consent form (Form 7.3) 	DOH	At time of employment	DOH	
Volunteers in NSW Health Agencies and NGOs	NCRC	<ul style="list-style-type: none"> -100 Point Identification Check (Form 7.11) - National Criminal Record Check consent form (Form 7.3) - Prohibited Employment Declaration (Form 7.1) – If in child related employment 	Service/NGO	At time of employment	Service/ESRU	
Students at Uni/TAFE completing a clinical placement in NSW Health agency for tertiary qualification	NCRC	<ul style="list-style-type: none"> - 100 Point Identification Check (Form 7.11) - National Criminal Record Check consent form (Form 7.3) - Prohibited Employment Declaration (Form 7.1) - Must present a NSW Health clinical placement card/SVN at time of placement issued by ESRU. 	Uni/TAFE	At enrolment prior to first clinical placement	ESRU	

Title: Employment Screening

Organisation	Type of Check	Documents required	Lodged via ESRU by	When to be lodged	Risk Assessment or Risk Estimate conducted by	✓
Students doing work experience for secondary qualification	N/A	- No checks required - Ensure supervision at all times.	N/A	N/A	N/A	
All Medical, Nursing and allied health Locum/recruitment Agencies	WWCC	- <i>100 Point Identification Check (Form 7.11)</i> - Prohibited Employment Declaration (Form 7.1) - <i>Working With Children Background check consent (Form 7.2)</i> (If overseas applicant see below)	Agencies	<i>At registration with Agency</i>	ESRU	
Overseas Applicants	WWCC/ NCRC	- <i>Employer is to identify type of check required</i> - <i>Applicant must provide a Police clearance from their home country and any country they have resided in/or been employed in, or complete Statutory Declaration</i> a. <i>Form 7.9 for child related or other employment or</i> b. <i>Form 7.12 for aged care</i> <i>Employer to complete the relevant documents required for the type of check needed.</i>	Agency/ Service/DOH	<i>At time of employment</i>	ESRU/AHS/DOH	
Non clinical Contractors undertaking non health services in NSW Health facilities such as plumbers, electricians etc	N/A	- Must sign contractor Agreement (Form 7.10) - No checks required	N/A		N/A	