

Criminal History Check Policy

An Australian Criminal History Check (CHC) is a check undertaken by a State/Territory Police Department or the Australian Federal Police, and discloses evidence, in the form of a National Police Certificate, of whether a person:

- has been convicted of an offence;
- has been charged with, and found guilty of, an offence but discharged without conviction; or
- is the subject of any criminal charges still pending before a court.

Scope

This policy applies to all NT Health (that is, Central Australia Health Service, Top End Health Service and Department of Health) including:

- current and prospective employees (including ongoing, fixed term, casual, interagency and intra-agency transferees, secondees, redeployees);
- contract employees;
- Visiting Medical Officers/ Specialist Medical Officers;
- Employment Agency referrals;
- contractors and consultants;
- overseas applicants;
- voluntary workers;
- students on placements;
- persons engaged in a capacity that requires access to patients/clients eg pastoral and official visitors.

Policy statement

CHCs are required when undertaking a role/position that would usually involve one or more of the following:

- the care of vulnerable persons;
- working in the immediate vicinity of vulnerable persons;
- having regular access to vulnerable persons;
- high level of financial accountability (e.g. Corporate Credit Card holders);
- high level access to information about clients/patients;
- high level access to information about employees;
- high level access to drugs.

CHCs are not required for all NT Health roles/positions. Chief Operating Officers (COOs) of Health Services and Department of Health Tier 2 Human Resource (HR) Delegates (eg. Executive Directors) will determine which roles/positions require a CHC, based on the level of inherent risk to client safety, service delivery and community confidence. Renewal of a CHC will be by exception only, as determined by the relevant COO or Executive Director.

CHCs are to be provided by an employee:

- on or before commencement in a role which requires a CHC; and/or
- on or before being transferred to a role/position requiring a CHC.

An employee in a role/position which requires a CHC may be asked to undergo a CHC at any time. An employee who fails or refuses to do so may be subject to disciplinary action.

The existence of a criminal record will not preclude a person from appointment to/undertaking a role/position where the criminal history is assessed by NT Health as not being relevant to the role/position to be/being undertaken.

Criminal history information will not be used for any purpose other than to determine suitability for employment in a role/position, continuing employment or the provision of services.

Employees will be responsible for paying the relevant application fee if a CHC is required for the role/position they are undertaking/applying for.

An employee must advise their supervisor or manager if they are charged, convicted or acquitted of an offence or offences, regardless of whether the offence relates directly to their duties, as required by [the Code of Conduct - Employment Instruction 12 of the Public Sector Employment Management Act](#).

National Police Certificates are not to be stored in work units. Due to their sensitive nature they will only be stored by the Manager HR Systems & Compliance HR Management Branch (Compliance Manager).

Criminal History Checks to be undertaken

CHCs must be undertaken for each country in which an individual has resided in for 12 months or more over the last 10 years.

Only National Police Certificates (NPCs) provided by Police services in Australian States or Territories will be accepted as potentially providing compliance with the need for a CHC. National Police Certificates issued by 3rd Party Providers (eg, *Fit2Work*, *Healthoutcomes Australia* and *National Crim Check*) are **not** accepted.

A CHC will be considered current when it has been undertaken within 6 months of the individual's date of commencement/potential commencement.

The relevant Tier 2 HR Delegate may determine that where a previous employee re-commences with NT Health and that employee has undertaken a CHC while employed with NT Health within the past 2 years and the CHC results in no disclosable history, that this meets the requirements of a current CHC. This includes when an employee changes to a different role/position or employment type but has no actual break in service.

Assessment of Criminal History

The Compliance Manager will conduct a preliminary assessment of any criminal history reported in National Police Certificates. The Compliance Manager will convene a CHC Assessment Panel when a criminal history is assessed as potentially being relevant in relation to the role/position to be/being undertaken.

The Panel's assessment is made only in relation to the key responsibilities of the relevant role/position and the criminal history being assessed and includes consideration of potential community confidence and/or media risks.

The principles of Natural Justice will be applied throughout the CHC assessment process. All related information will be treated as strictly confidential.

A CHC Assessment Panel will consist of at least three persons including:

- the Panel Chair, who will be at least level A07 or equivalent; and
- the Compliance Manager, HR Management Branch; and
- a Business Unit representative at a suitable level (usually the line manager of the relevant role/position).

The relevant Tier 2 HR Delegate is responsible for reviewing the Assessment Panel's report and determining what action is to be taken in relation to the Criminal History assessed, based on the Panel's recommendation(s) and the responsibilities/duties of the relevant role/position.

Definitions

Criminal Record: means a record of a conviction or a record of a finding that an offence is proved (and any order in relation to that finding) without the court proceeding to conviction.

Relevant criminal record: relevance of a criminal record is based on the potential risk in relation to the nature of the work involved in the role/position.

Unlawful discrimination: discrimination based on the attribute of "irrelevant criminal record" which is defined in the Anti-Discrimination Act to specifically include, among other things, records that are not relevant to the situation in which the discrimination arises.

Vulnerable persons: includes children, aged persons, persons with a physical or intellectual disability or mental illness and persons temporarily incapacitated due to illness or treatment.

For further information on the CHC process, refer to the Criminal History Check Guidelines.

