

Appendix F: National Police Check Protocol

1. Introduction

- 1.1. The Diocese is committed to the care and safety of children and vulnerable persons as well as providing a safe environment. Employees, volunteers, contractors, employees/volunteers of contractors, clergy, seminarians and Religious are often entrusted with the care of the most vulnerable in our community. Many have a role in managing church property and finances. A Police Check is a vital part of ensuring that the highest standards of trust are maintained.
- 1.2. National Police Checks (Police Check) are to be reviewed every 5 years.
- 1.3. A current Police Check is compulsory for the following:
 - a) entry into the seminary.
 - b) entry into the permanent diaconate program.
 - c) applicant for accreditation as a lay ecclesial minister not employed in either a diocesan agency or parish setting.
 - d) clergy and members of a religious order on initial and every subsequent appointment and re-appointment.
 - e) clergy and Religious from another diocese undertaking religious duties for a period in excess of three months or where the anticipated period is likely to be in excess of three months.
 - f) Religious brother and sister on taking up a role in a diocesan agency or parish and with every re-appointment or subsequent change to their role.
 - g) in a diocesan agency setting, employee on initial appointment, promotion, or appointment to a position of leadership.
 - h) in a diocesan agency setting, contractors on engagement. (One off emergency e.g., a contractor engaged to fix storm damage to building/replace broken window the contractor is not required to provide a Police Check)
 - i) In a parish setting, contractors on engagement. (One off emergency e.g., a contractor engaged to fix storm damage to building/replace broken window the contractor is not required to provide a Police Check)
 - j) in a parish setting, employees, volunteers, clergy, seminarians, and Religious undertaking a role which would generally be described as a position of significant trust, which includes adults who are staying overnight with children and adults who are regularly driving other parishioners as volunteers of the parish.
 - k) in a parish setting, employees, volunteers, clergy and Religious, who occupies a position of leadership or handles significant financial assets, which in a parish setting includes lay ecclesial ministers, applicants for accreditation as a lay ecclesial minister, office staff and members of the Parish Pastoral Council and the Parish Finance Committee.
 - l) any member of a diocesan board or any diocesan employee who is involved with the direct management of significant financial assets of the diocese.

2. Considerations

- 2.1. A person with Victorian Institute of Teaching (VIT) registration need not undergo a separate Police Check as this is accommodated as part of the registration process.
- 2.2. Those individuals who have had a satisfactory Police Check in the preceding twelve months will be exempt from having to obtain a new Police Check provided they furnish a completed statutory declaration relating to the intervening period and the employer has sighted the Police Check. This consideration arises only when there is a trigger event (as set out in paragraph 7).

- 2.3. In respect to persons recently arrived in the country, the requirement for a Police Check can be waived or deferred if the employer is satisfied that appropriate checks and enquiries have been undertaken as part of the visa application and selection processes.
- 2.4. All matters relating to the implementation of this policy with respect to clergy, seminarians and Religious are supervised by the Chancery office.
- 2.5. All matters relating to the implementation of this policy with respect to lay ecclesial ministers, employees, volunteers, and contractors of the Chancery office are supervised by the Chancery office.
- 2.6. Implementation in diocesan agencies (except for clergy, seminarians and Religious.) will be coordinated through the Chancery office (only if this function is not provided by the agency) or the agency's administration where this function is undertaken by the agency.
- 2.7. All matters relating to the implementation of this policy with respect to employees, volunteers, contractors of parishes are supervised by the parish.
- 2.8. In respect to item 1.3 (j) and 1.3. (k) Parish Priests are requested to work in concert with principals of parish schools to ensure that there is no duplication of requests, and that no area of parish activity is neglected.
- 2.9. Except where there is a contractual obligation on a contractor to ensure their staff have undergone a Police Check, the obligation to ensure that a Police Check is obtained resides with the parish or agency where the agency undertakes this function.

3. Process

The Diocese has engaged the services of CrimCheck Ltd. CrimCheck is an accredited, easy to use web-based system, not-for-profit provider who facilitate access to police checks in both a timely and cost-effective way. CrimCheck is accredited by the Australian Criminal intelligence Commission (ACIC) as an Accredited Agency (Broker).

To apply for the check, log in to <https://www.crimcheck.org.au/check/cdos>

Parishes, agencies, or entities can choose which agency they go through to apply for a police check. If the above link is used to apply for a check, the Diocese will recover the cost from parishes, agencies, or entities.

If you have any further questions, please contact the Human Resources Officer on 03 5445 3625 or hr@sandhurst.catholic.org.au

4. Use of a Statutory Declaration where a National Police Certificate is pending

- 4.1. National Police Certificates are usually completed within ten working days upon receipt of application. Should there be circumstances where it is desirable for the employer to have an employee, volunteer, contractor commence prior to the National Police Certificate being finalised, the employee is required to complete a statutory declaration about his/her record of past and any pending criminal convictions. An appropriate Statutory Declaration Form can be found on page 36 and a list of those persons before whom a Statutory Declaration may be made is provided on page 37.
- 4.2. Employers should accept a statutory declaration only where they have sighted evidence that an application for a National Police Certificate is in place. This will enable the employment to proceed, with the formal appointment conditional on a satisfactory certificate. A statutory declaration does not replace a certificate and employers are at liberty to delay appointment until one is completed.

5. Letter of Offer and Acceptance

- 5.1. Where employment is being offered subject to the completion of a National Police Certificate and one has not been completed, but it is desirable that the appointment proceeds, the following paragraph should be included in the letter of offer and in either the Employment Agreement or the letter of acceptance:

“The practice of the Catholic Diocese of Sandhurst is to require you to have completed a National Police Certificate before commencing work in a parish/agency. This has not been possible in your case. A National Police Record Check has been initiated but not completed. Consequently, the parish’s/agency’s offer of employment is conditional upon your declaring that you have not been charged with nor found guilty of any offence which would be incompatible with a position of trust and responsibility and acknowledging that the employer relies on this declaration in offering the employee employment, pending a National Police Check. Your continuing employment is conditional upon receipt of a National Police Check which is satisfactory to the employer.”

- 5.2. A similar process is to be adopted for clergy, seminarians, Religious and lay ecclesial ministers.

6. Payment of Fees

- 6.1. The cost to employees, volunteers, clergy, seminarians, and Religious will be met by the parish, agency, entity, or diocese.
- 6.2. The cost to contractors and employees of contractors will be met by the contractor.

7. Review of Criminal History

- 7.1. An offence history may not necessarily preclude employment. Employers are encouraged to consider the offence history within the overall assessment of a potential employee’s good character and reputation, as well as the following factors:

- a) the nature of the offence.
- b) whether the offence involved an act committed against a child under the age of 18 years involving grooming, sexual abuse, physical violence, serious emotional or psychological harm or exploitation.
- c) whether it is an extended criminal history or an accumulation of individual minor offences.
- d) any mitigating or extenuating circumstances which might be revealed in relation to the offence(s) committed, e.g., provocation, effect of alcohol, which may or may not be favourable to the applicant.
- e) the length of time since the offence took place.
- f) whether the offence was committed as a juvenile or an adult, i.e., what level of maturity influenced judgment at the time.
- g) the general character displayed since the offence was committed, e.g., steady employment record and favourable reports by past employers.
- h) the type of crime and its relevance to the nature of work if the person is seeking employment or voluntary work in a sensitive work area.

- 7.2. In circumstances where the Police Check reveals questionable or unsatisfactory information, the employer should consult the H. R. Officer of the Diocese (03) 5445 3625 and the Safeguarding Co-ordinator of the Diocese on 0438 951 010.

8. Registers

- 8.1. Parish Priests are to maintain registers of Police Checks undertaken for parish employees, volunteers, and contractors specifically to record the date on which the Police Check was

undertaken. Police checks are to be reviewed every 5 years. A periodic review of the register is required every twelve months.

LIST OF PERSONS WHO MAY WITNESS STATURORY DECLARATIONS.

Under Section 107A of the *Evidence (Miscellaneous Provisions) Act 1958* (as of 12 June 2015), (previously *Evidence Act 1958*), the list of persons who may witness statutory declarations includes:

- a justice of the peace or a bail justice
- a public notary
- an Australian lawyer (within the meaning of the *Legal Profession Act 2004*)
- a clerk to an Australian lawyer
- the prothonotary or a deputy prothonotary of the Supreme Court, the registrar or a deputy registrar of the County Court, the principal registrar or a registrar or deputy registrar of the Magistrates' Court or the principal registrar or a registrar or deputy registrar of the Children's Court
- the registrar of probates or an assistant registrar of probates
- the associate to a judge of the Supreme Court or of the County Court
- the associate of an Association Judge of the Supreme Court or of an associate judge of the County Court
- a person registered as a patent attorney under Chapter 20 of the *Patents Act 1990* of the Commonwealth
- a police officer
- the sheriff or a deputy sheriff
- a member or former member of either House of the Parliament of Victoria
- a member or former member of either House of the Parliament of the Commonwealth
- a councillor of a municipality
- a senior officer of a Council as defined in the *Local Government Act 1989*
- a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)
- a person registered under the Health Practitioner Regulation National Law to practise in the dental profession as a dentist (other than as a student), and in the dentists division of that profession
- a registered veterinary practitioner within the meaning of the *Veterinary Practice Act 1997*
- a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student)
- a principal within the meaning of the *Education and Training Reform Act 2006*
- the manager of an authorised deposit-taking institution
- a person who holds a prescribed membership of a prescribed accounting body or association
- the secretary of a building society
- a minister of religion authorised to celebrate marriages
- a Victorian Inspectorate Officer within the meaning of the *Victorian Inspectorate Act 2011*
- a person employed under Part 3 of the *Public Administration Act 2004* with a classification that is prescribed as a classification to which this section applies
- an Independent Broad-based Anti-corruption Commission officer
- a fellow of the Institute of Legal Executives (Victoria).