



Quick Guide

BACKGROUND CHECKS AND VOLUNTEERS

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While every effort has been made to obtain the most current and accurate information about background checks (police checks and working with children checks) in Australian states and territories, policies and practices around background checks can change. Volunteering Australia recommends volunteers and organisations contact their local state police service or state volunteering centre for the most up to date information about background checks in their state. This information sheet was current at January 2009.

Background checking as part of the volunteer screening process

Background checking, including criminal records checks, is routinely used to screen many potential volunteers for suitability in volunteer roles. This is particularly the case where people volunteer with 'vulnerable' groups such as children, the elderly, and people with disabilities, or in roles that have financial or driving responsibilities.

Bear in mind, that a police or criminal background check should have direct relevance to the role that is being filled and may not necessarily be appropriate for all volunteer roles. Background checking is only one part of a recommended, thorough screening process. In some states under equal opportunity legislation, discrimination on the ground of irrelevant criminal record may be unlawful.

The types of checks that are required or available as a screening tool for volunteers, as well as the processes for obtaining them, will depend on which state or territory your organisation operates in. Age limits vary across jurisdictions and this information may be important if your volunteering roles attract volunteers 18 years or younger. The details and systems in place in each state or territory are outlined in this quick guide. It is important to check relevant sites regularly as information can change.

Types of background checks

Police checks

Criminal record checks are often referred to as police checks, national name checks or national police certificates. Once a police check has been requested for or by a volunteer or applicant, their name will usually be checked against all criminal records in Australia. In some states and territories, it is possible to request a check for criminal records in the home state only, though in most cases this is not recommended for volunteering or employment. Convictions that are *unspent* will be highlighted by a police check and are generally referred to as *disclosable outcomes*. Some, usually less serious, offences will no longer appear on police checks after a number of years (this is ten years in most jurisdictions). These expired convictions are referred to as *spent* or *annulled* convictions. The police service in your state or territory can advise you about *spent* and *unspent* convictions.

Police checks are not transferable between organisations and are only current at the date of issue.

Organisations sometimes conduct police checks on volunteers for the following reasons:

- **Funding requirement.** Some government departments require volunteers to undergo police checks to satisfy conditions for funding organisations.
- **Duty of care.** Organisations need to do all that is reasonable to avoid harm to clients, volunteers and the organisation. Failure to do so can result in liability for any ensuing harm. Risks to organisations that might be best managed through incorporating police checking in the screening process include the potential for abuse of vulnerable clients and risks associated with volunteers having financial or driving responsibilities.

In most cases, police checks are initiated by organisations rather than individuals to ensure the greatest level of accuracy and assurance. However, privacy requirements are increasingly becoming a consideration in the checking

process to give individual applicants greater control of their background history. This means that volunteers may need to apply for their own police checks, which is now the case in Victoria.

Working with children checks

In some states, certain volunteers who work with children are required by law to undergo specific background checks.

Unlike police checks which screen for all *unspent* convictions, working with children checks look for relevant offences that indicate unsuitability to work with children. These generally include, but are not limited to, crimes of a violent or sexual nature against children. In addition to checking criminal records, working with children checks may include checks against sex offender registers and adverse findings on professional disciplinary registers held by professional organisations, for example, teachers, nurses, child care workers, health practitioners, foster carers, etc.

Working with children checks are designed to be transferable between organisations within the same state. They are valid for a number of years. For the period of its validity, cardholders can be monitored for activity that may preclude them from working with children.

Not all states have working with children checks and the systems vary between the states that do. It is important to learn about what is operating in your state or territory.

Why is volunteer screening and risk management still important?

There are several reasons why organisations implement a broader pre-employment screening process for volunteers and not rely on police checks to assess suitability for designated volunteer roles. Police checks and working with children checks have limitations in their ability to protect vulnerable groups and manage a variety of risks within organisations.

Police checks

- Only people with current convictions are identified. Offenders who have not been convicted of a crime will not be identified.
- Police checks only include convictions up to the date of issue – cases presently before courts will not be included.
- Accuracy is not assured. A misspelt or incorrect name may result in an incorrect check (organisations can use the 100 point identification schedule to verify an applicant's identity – see Volunteering Australia's other resources).

Working with children checks

- Not all states and territories have a working with children background checking system.
- Only individuals with a relevant conviction, pending charge or selected other findings will be highlighted by a working with children check. Because abuse of children can go undetected, working with children checks do not guarantee the suitability of individuals for work with children.
- Exemptions apply to some volunteers and so they are not subject to the same level of scrutiny as other volunteers.
- Working with children checks do not screen for all criminal records, they only screen for offences indicating unsuitability for work with children. These offences may vary between states.

For more information about comprehensive pre-employment screening see Volunteering Australia's information sheet *Screening and the volunteer recruitment process*.

What about volunteers from other countries?

Currently there are no formal means to obtain police checks for international volunteers. Organisations involving overseas volunteers should manage potential risks to their clients or organisation by utilising a broad pre-employment screening process in the absence of police checks. Occasionally volunteers are able to provide a police check obtained in their country of origin, but this will have the same limitations as those stated in *Why is volunteer screening and risk management still important?*

What about when I want to volunteer overseas?

If you plan to volunteer overseas, you can obtain a national police certificate check from the Australian Federal Police before you leave Australia, or once you are overseas. It is advisable to obtain this check as close as possible to your date of departure.

What happens in my state or territory?

National

Currently, all volunteers working in Commonwealth Government supported or funded aged-care programs or facilities are required to have a police check every three years (information is available from the Office of Aged Care Quality and Compliance, Department of Health and Ageing www.health.gov.au or call the Aged Care Information Line on 1800 500 853).

Australian Capital Territory

National police certificates can be accessed from the Australian Federal Police (AFP)

Cost: \$43
 Processing time: Approximately 15 working days
 Age requirement: If under 18 years, parent or guardian consent required
 Further info: https://www.afp.gov.au/business/national_police_checks#crim

Working with children checks are not currently available for volunteers.

New South Wales

Police checks are only required for volunteers working in Commonwealth Government supported aged-care facilities and can be obtained through the Criminal Records Section of the NSW Police Force.

Cost: \$52
 Processing time: Minimum of 10 working days
 Age requirement: 16 years and above
 Further info: <http://www.police.nsw.gov.au/>

Working with children checks are not currently available for volunteers. Volunteers entering child-related *employment* ('performance of work as a volunteer for an organisation') must sign a Prohibited Employment Declaration form stating they have not been convicted of offences involving children. It is the obligation of the employer to provide the form which must be signed by the volunteer and filed. It is an offence to engage anyone in paid or unpaid child-related employment without requiring them to do this.

Cost: No fee
 Processing time: At time of recruitment or engagement
 Further info: <http://www.kids.nsw.gov.au/kids/check.cfm>

Organisations working with vulnerable groups will need to consider their risk management and pre-employment screening of volunteers in the absence of criminal records checks being more broadly available for volunteers.

Northern Territory

Volunteer Name Check (which includes a national criminal history records check) is available through Criminal History and Warrants Unit of Northern Territory Police.

Cost:	\$5 (discounted rate) applies if a request for a check is accompanied by a letter from the volunteer-involving organisation stating the volunteer's name and requesting the discount.
Processing time:	Approximately 15 working days
Age requirement:	18 years
Further info:	http://www.pfes.nt.gov.au/index.cfm?fuseaction=page&p=212&m=20&sm=38#anchor9

Working with children checks are not currently available for volunteers.

Queensland

National Police Certificates are available through Queensland Police Service.

Cost:	\$43.35
Processing time:	Up to 4 weeks
Age requirement:	Under 17 years, a police check will be released as a "child police certificate"
Further info:	http://www.police.qld.gov.au/services/purchase/polcert.htm

Working with Children Checks are mandatory for certain volunteers working with children. The system is administered by the Commissioner for Children and Young People and Child Guardian. These checks are commonly referred to as the 'blue card' because of the colour of the card issued to applicants. Blue cards are valid for two years and are transferable between organisations. Certain people are disqualified from applying for a blue card and it is an offence for a disqualified person to sign a blue card application.

There are some exceptions to the mandatory requirement for checking. For example, some exemptions apply to parents volunteering at their children's school and in some cases, one-off event volunteering does not require a blue card.

Cost:	No fee
Processing time:	Approximately 28 working days
Age requirement:	Does not apply to volunteers under 18 years unless a "trainee student"
Further info:	http://www.ccypcg.qld.gov.au/employment/index.html

South Australia

National police certificates are available from the South Australian Police. Some organisations who work with vulnerable groups such as children, the elderly or frail and people with disabilities can access free checks for volunteers. Criteria must be met to be eligible.

Cost:	No fee (for organisations working with vulnerable groups) \$31 (for volunteers not included in above categories)
Age requirement:	No age limit. 16 years and under needs to be counter-signed by parent/guardian.
Processing time:	Up to 15 working days
Further info:	http://www.police.sa.gov.au

Working with children checks are not currently available for volunteers. Families SA have a publication called *Child Safe Environments: Principles of Good Practice* which has valuable information on practices and procedures, including screening for volunteer-involving organisations that work with children <http://www.dfc.sa.gov.au>

Tasmania

National Police History Record Check is available from Tasmania Police.

Cost:	\$5 (Organisations must apply for this reduced volunteer rate to be eligible. Individual applicants must have the volunteer-involving organisation authorise their application.)
Age requirement:	No age limit. Under 16 years parent/guardian needs to witness application
Processing time:	Approximately 10 working days
Further info:	http://www.police.tas.gov.au/permits/criminal-history

Consideration is being given to develop a system of a working with children checks for Tasmania. To find out up to date information contact Tasmania's Commissioner for Children <http://www.childcomm.tas.gov.au/>

Victoria

National Police Certificates are issued by the Public Enquiry System of Victoria Police. A discounted fee is available for volunteers working with organisations that have registered with Victoria Police for the Community Volunteer Fee (CVF).

Cost: \$14 (discounted fee)
 Processing time: Approximately 10 working days
 Age requirement: No age limit. 15 years and under must have signed parent/guardian consent
 Further info: <http://www.police.vic.gov.au>

Applications can no longer be lodged by volunteer-involving organisations. Individuals must apply for their own police certificate and submit with proof of identity (100 point check) when requiring a police check for a volunteer role. The organisation must complete the CVF details for the discounted rate to apply.

CrimCheck is a web-based system to process police checks for volunteers and paid staff in the not-for-profit sector in Victoria.

Cost: \$12.50 (for eligible registered organisations)
 Processing time: 85% are processed in 3 days
 Further info: <http://www.crimcheck.org.au/>

Working with children checks are mandatory in Victoria for volunteers in certain child-related work. Requirements are continually being phased in until 2011 by the Department of Justice. The working with children check is valid for five years and is transferable between organisations.

Certain exemptions may apply, for example volunteers whose child ordinarily participates in an activity are exempt, however, some organisations' policy can require all parents to obtain a working with children check.

Cost: No fee (though passport photographs are required for processing)
 Processing time: 3-8 weeks
 Age requirement: 18 years old
 Further info: <http://www.justice.vic.gov.au/wps/wcm/connect/Working+With+Children/Home/>

Western Australia

National Police Checks for volunteers can be obtained by registered organisations who involve volunteers (including State government and private sector organisations) at a reduced rate under a project between the Department for Communities and Western Australia Police.

Cost: \$10.50
 Processing time: Approximately 10 working days
 Age requirement: No age limit. 15 years and under requires parent/guardian to sign application.
 Further info: <http://www.community.wa.gov.au/DFC/Communities/Volunteers/PoliceChecksforVolunteers/>

Working with children checks are mandatory for people volunteering in certain child-related work. It is administered by the Working with Children Screening Unit of the Department of Child Protection.

Certain exemptions may apply, for example, parents volunteering in a club or certain activities in which their child is also involved.

Cost: \$10
 Processing time: Approximately 6 weeks
 Age requirement: Not applicable for volunteers under 18 years.
 Further info: <http://www.checkwwc.wa.gov.au/checkwwc>

Where volunteers require both a police check and a working with children check, evidence of an application for a working with children check will enable a free police check to be issued to help with cost minimisation for volunteers and organisations.