

## APPENDIX E SCREENING COMMITTEE

### E.1 ROLE

The role of the Screening Committee is to:

- assess the cases of applicants for Nationally Coordinated Criminal History Check who have been found to have serious criminal convictions;
- make informed assessments and recommendations/decisions based on all available information with regard to the Criminal Convictions Suitability Criteria;
- operate in the strictest of confidence in relation to sensitive Criminal History Information (in accordance with the Australian Criminal Intelligence Commission Agreement);
- consider each applicant's criminal history information on a case-by-case basis in context of the Criminal Convictions Suitability Criteria;
- make decisions on behalf of the Director General with regard to applicants who are current or prospective employees, and tertiary students seeking a school-based practicum placement, whose convictions, including those that are spent, are disclosed as a result of a Nationally Coordinated Criminal History Check; and
- make recommendations on behalf of the Director General for applicants who are seeking to enrol in a public school as a post compulsory student whose convictions, including those that are spent, are disclosed as a result of a Nationally Coordinated Criminal History Check.

### E.2 COMPOSITION

The Screening Committee is chaired by the Executive Director, Professional Standards and Conduct, with the Director, Standards and Integrity acting as the Deputy Chairperson. Other members of the Committee are determined as appropriate, but will include the Director, Staff Recruitment and Employment Services.

The Committee convenes as often as required to fulfil its functions satisfactorily. The Executive Director, Professional Standards and Conduct confirms that all members have undergone a Nationally Coordinated Criminal History Check, using the Department's current criminal record check system. This must be current and in accordance with the Australian Criminal Intelligence Commission Agreement for individuals who view criminal history information.

The Executive Director, Professional Standards and Conduct, through appropriate consultation, determines the membership of the Committee, including substituting members or removing a member(s) who is no longer deemed suitable.

### E.3 PROXIES

Members who are unable to attend a Screening Committee meeting are not required to send a proxy. However, if cases listed on the Screening Committee agenda have been considered by a Committee member prior to the meeting, the recommendations of an absent Screening Committee member can be presented by the Executive Officer for discussion.

### E.4 QUORUM

A quorum will consist of five (5) members.

### E.5 CRIMINAL CONVICTIONS SUITABILITY CRITERIA

Where the result of the Nationally Coordinated Criminal History Check indicates a criminal conviction, applicants will be assessed against the following categories to determine suitability:

The following convictions will almost certainly lead to a **REFUSAL** to undertake employment, placement, enrolment or practicum placement regardless of when the offence(s) was committed:

- **Convictions of a violent or sexual nature; and**
- **Convictions for dealing or trafficking in illegal drugs**

The following convictions will usually be regarded as sufficiently serious to warrant exclusion from employment, placement, enrolment or practice teaching:

- **A conviction which results in a jail sentence will usually be regarded as sufficiently serious to warrant exclusion from employment, placement, enrolment or practice teaching; and**
- **A conviction for an offence which would normally result in dismissal if committed by a person employed in the Department will also usually be regarded as sufficiently serious to warrant exclusion.**

If an offence is not so serious as to warrant automatic exclusion the Screening Committee will review the conviction(s) against the following criteria:

- The nature and seriousness of the offence;
- Relevance of the offence to employment or placement in a school;
- The age of the applicant when the offence was committed;
- How recently the offence was committed;
- The number of years since the last offence; and
- Any mitigating circumstances.

Applicants with criminal convictions may submit character references in support of their application. All information that is provided to the Screening Committee from the Australian Criminal Intelligence Commission and Western Australia Police Force will be considered.

## **E.6 REQUESTS FOR REVIEW OF SCREENING COMMITTEE DECISIONS**

An applicant who has been refused clearance by the Screening Committee, due to the person's criminal history deemed to be in breach of the Criminal Convictions Suitability Criteria, has the right to request a review of that decision. A review request is required to be received by the Screening Unit, in writing, within 10 business days of the date of notification of their clearance refusal.

The review request must outline additional information that has not been previously provided, explaining the reasons why the applicant believes their criminal history does not breach the Criminal Convictions Suitability Criteria, and employment or placement would not pose a risk. This additional information will be considered by the Screening Committee and the applicant will be advised in writing of the outcome.

A second request for a review can be submitted, if the applicant discusses this intention with the Executive Officer to the Screening Committee. Ordinarily, a third request for a review will not be accepted.