

APPENDIX E. SCREENING COMMITTEE

E.1. ROLE AND TERMS OF REFERENCE

The role of the Screening Committee is to:

- assess the cases of applicants for Nationally Coordinated Criminal History Checks 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.

Full terms of reference are available on the [Screening](#) website (D24/0659956).

E.2. COMPOSITION

The Screening Committee is chaired by the Executive Director, Professional Standards and Conduct, with the Manager, Professional Standards and Conduct acting as the Deputy Chairperson. Other members of the Committee are determined as appropriate, but will include a Director from the People Services Division, and a person with cultural knowledge and representation of Aboriginal communities, at management level or higher.

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 permitted 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 an applicant's Nationally Coordinated Criminal History Check returns a criminal conviction their application for a criminal record clearance will be assessed against established criteria to determine their suitability to receive a Screening Clearance Number (SCN).

If one or more of the below criteria apply, the application is generally **refused**:

- **The conviction is of a violent or sexual nature, or involves dealing or trafficking of illicit drugs**
- **A term of imprisonment was imposed as a consequence**
- **The conviction would normally result in dismissal if committed by a person employed by the Department.**

The Screening Committee **may** also consider the below criteria in making their determination (particularly where the criteria above are not applicable):

- The nature and seriousness of the conviction
- Whether the offence involved a child (under the age of 18), or was witnessed by a child
- The penalty imposed; and whether the conviction was 'spent'
- The age of the applicant when convicted in relation to the time of application
- The recency of the offence and/or the number of years since the last offence
- Patterns of offending behaviour identified in criminal history
- Involvement in counselling and/or support services
- Other extenuating circumstances.

Note: If an applicant has been deemed as unsuitable because of a sexual offence against a child (under the age of 18), their names will be recorded by the Department on a 'not to be employed list' and the information will be made available to other education authorities on request.

Applicants with criminal convictions may be requested to 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.

The applicant will be advised in writing of the outcome of the decision and informed of their appeal rights if they have been deemed as unsuitable.

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.