



Department of
Education

Criminal History Screening for Department of Education Sites Procedures

Effective date: 1 September 2020

Version: 4.1

Accurate at the time of printing 29/07/2021.

These procedures must be read in conjunction with the Criminal History Screening for Department of Education Sites Policy.

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These procedures must be read in conjunction with the Criminal History Screening for Department of Education Sites Policy.

1. Policy supported

Criminal History Screening for Department of Education Sites Policy

2. Scope

These procedures apply to all employees.

3. Procedures

3.1 Principals and line managers

Principals and line managers must:

- only employ new staff, or previously employed persons with a break in service, after confirming the person has a current Screening Clearance Number issued by the Department's Screening Unit;
- undertake a Screening Status Check when employing previously employed persons or staff with a casual identification number to confirm that the person has a current Screening Clearance Number;
- assess whether an individual undertaking a volunteer role within the Department is required to obtain a Nationally Coordinated Criminal History Check;
- confirm an individual originally screened as a volunteer who is subsequently offered employment is re-screened and obtains a Screening Clearance Number prior to commencement of employment;
- assess whether a contractor or other temporary employee is required to obtain a Screening Clearance Number (refer to Appendix F);
- confirm that employees who turn 18 years of age obtain a Screening Clearance Number within three months after their birthday; and
- confirm all permanent employees who have been absent on approved leave or secondment for

longer than two years undergo a new Nationally Coordinated Criminal History Check before recommencement.

In addition, principals must confirm that the following have a current Screening Clearance Number before their commencement at a school in accordance with Appendix B:

- School Board and School Council members;
- individuals seeking to enrol in a public school as a post-compulsory student;
- practicum students;
- members of community groups who are located on school sites during the school day;
- volunteers who are placed into a school by an organisation which has a service agreement with the Department;
- contractors who are engaged by a school for 21 business days or more; and
- employees of other agencies who undertake regular or ongoing work in schools, such as therapy assistants and chaplains.

3.2 Centrally managed contracts

Contract managers in Central Office must:

- confirm that personnel engaged to undertake work at Department sites (including via remote access such as through a Virtual Private Network (VPN)) have a current Screening Clearance Number issued by the Department's Screening Unit before commencement;
- confirm that personnel engaged to undertake volunteer work at Department sites have a current Screening Clearance Number issued by the Department's Screening Unit before commencement (e.g. EdConnect; The Smith Family);
- confirm that principals and site managers are made aware of their obligations to confirm a current Screening Clearance Number has been issued by the Department's Screening Unit before commencement of a contractor or volunteer, as described.

Guidance

For further information refer to:

- Appendix A – Screening validity and breaks in service; and
- Appendix B – Who is required to consent to a Nationally Coordinated Criminal History Check.

The Screening Unit acts on behalf of the Director General to administer the process of Nationally Coordinated Criminal History Checks (criminal history screening) for the Department.

The Department uses the federal government agency Australian Criminal Intelligence Commission (ACIC) to access criminal records through the National Names Index and National Police Checking Service across all states and territories

3.3 All employees

All employees must:

- consent to a Nationally Coordinated Criminal History Check when requested; and
- immediately notify the Director General, through their line manager, if charged with an offence or convicted of any charges.

Guidance

Information relating to an employee or contractor who has been charged or convicted will be assessed by the Standards and Integrity Directorate with regard to what action the Department will pursue, which may include a requirement to undertake a new Nationally Coordinated Criminal History Check, and subsequent referral to the Screening Committee for a recommendation to be made to the Director General, and/or disciplinary action.

For further information refer to:

- Appendix A – Screening validity and breaks in service;
- Appendix B – Who is required to consent to a Nationally Coordinated Criminal History Check;
- Appendix C – Criminal history information; and
- Appendix D – Screening process.

All individuals applying for a Nationally Coordinated Criminal History Check are required to inform the Director General of:

- any offences for which they have been charged;
- any convictions or pending court cases; and
- any investigations or disciplinary action taken by any other agency that relates to them prior to their employment with the Department.

The Department of Education takes the privacy of individuals who consent to a Nationally Coordinated Criminal History Check seriously and will only collect, hold, use and disclose personal information in accordance with the Privacy Act 1988, the Department's Records Management Policy and the Department's Agreement with the Australian Criminal Intelligence Commission pertaining to the management of personal details and criminal history information. Full details about the management of personal information throughout the criminal history screening process is outlined on www.education.wa.edu.au/screening.

An applicant for a Nationally Coordinated Criminal History Check who has been refused clearance by the

Screening Committee, on the basis of the person's criminal history being deemed to be in breach of the Criminal Convictions Suitability Criteria, can request a review of that decision. This 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. For further information refer to Appendix E - Screening Committee.

3.4 Executive Director, Professional Standards and Conduct

The Executive Director, Professional Standards and Conduct must confirm that:

- all members appointed to the Screening Committee have undergone a Nationally Coordinated Criminal History Check, using the Department's criminal record check system, which is current and in accordance with the Australian Criminal Intelligence Commission Agreement for individuals who view criminal history information; and
- employees authorised to access criminal history information have signed a deed of confidentiality agreement and undergo a regular Nationally Coordinated Criminal History Check in accordance with the contractual obligation with the ACIC.

4. Definitions

Applicant

Any person who submits an application for a Nationally Coordinated Criminal History Check under this policy.

Australian Criminal Intelligence Commission

Australian Criminal Intelligence Commission (ACIC) is the federal government agency that facilitates the provision of criminal record information to accredited agencies.

The Department uses the ACIC to access criminal records through the National Names Index and National Police Checking Service across all states and territories.

Criminal History Screening

The process of gathering relevant information about an applicant's criminal record in order to assist in making an informed decision about that person's suitability relevant to their application.

Employee

Any person who is currently employed by the Department under the School Education Act 1999, or the Public Sector Management Act 1994

National Coordinated Criminal History Check

A collation of police and conviction history information about an individual that has been determined releasable by Australia's police agencies and made available to the Department of Education Screening Unit by the Australian Criminal Intelligence Commission (ACIC) in accordance with the contractual Agreement between the ACIC and the Department for the purposes of pre-employment/placement/enrolment probity screening. The check involves processing an individual's biographic details, including name and date of birth, against information held by the ACIC through the National Police Checking Service Support System.

No Screen, No Start

The requirement that all new employees, and former employees with a break in service, must be cleared through a Nationally Coordinated Criminal History Check and allocated a valid Screening Clearance Number (SCN) prior to commencement.

Screening Clearance Number (SCN)

A unique number allocated by the Screening Unit to applicants who have had a Nationally Coordinated Criminal History Check processed and have been cleared and permitted to seek employment, placement or enrolment within the Department of Education.

Screening Committee

The committee responsible for making decisions on behalf of the Director General and making recommendations concerning employees/applicants for a Nationally Coordinated Criminal History Check whose convictions are disclosed as a result of criminal record checks

Screening Status Check

A function within HRMIS allowing Department worksites to check a potential employee's screening status prior to commencement.

Screening Unit

The unit that acts on behalf of the Director General to administer the process of Nationally Coordinated Criminal History Checks (criminal history screening) for the Department of Education.

Spent Conviction

A conviction that has been declared or certified as spent under the Spent Convictions Act 1988 or ordered spent under Section 39 of the Sentencing Act 1995. In Western Australia the Spent Convictions Act 1988 provides for individuals to apply to have certain convictions to be certified or declared spent, generally after 10 years, provided there has been no further convictions. The Department is allowed to consider spent convictions pursuant to an exemption under Schedule 3 of the Spent Convictions Act 1988.

Volunteer

A person who engages in voluntary work where the employment provides no remuneration to the individual, and/or the work undertaken fulfils a charity or community service good. A tertiary student undertaking a practicum in a school is considered a volunteer.

5. Related documents

Relevant legislation or authority

[Censorship Act 1996](#)

[Crimes \(Commonwealth\) Act](#)

[Criminal Code 1913 \(WA\)](#)

[Equal Opportunity Act 1984](#)

[Freedom of Information Act 1992](#)

[Government Officers Salaries Allowance and Conditions Award 1989](#)

[Industrial Relations Act 1979](#)

[Misuse of Drugs Act 1981](#)

[Pre-Employment Screening Policy, Department of Commerce, 2012](#)

[Prostitution Act 2000](#)

[Public Sector Code of Ethics](#)

[Public Sector Management Act 1994](#)

[Public Sector Management \(General\) Regulations 1994 \(WA\)](#)

[Public Sector Management \(Redeployment and Redundancy\) Regulations 2014 \(WA\)](#)

[Public Sector Management \(Breaches of Public Sector Standards\) Regulations 2005 \(WA\)](#)

[Public Sector Standards in Human Resource Management](#)

[School Education Act 1999 \(WA\)](#)

[School Education Regulations 2000 \(WA\)](#)

[Sentencing Act 1995](#)

[Spent Convictions Act 1988](#)

[State Records Act 2000](#)

[Teacher Registration Act 2012](#)

[Teacher Registration \(General\) Regulations 2012](#)

[Working with Children \(Criminal Record Checking\) Act 2004](#)

[Working with Children \(Criminal Record Checking\) Regulations 2005](#)

[Workplace Relations Act 1996 \(Cth\)](#)

Related Department policies

[Staff Conduct and Discipline](#)

[Working with Children Checks in Department of Education Sites](#)

6. Contact information

Policy manager:

Executive Director, Professional Standards and Conduct

Policy contact officer:

Manager, Screening, Professional Standards and Conduct

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7. History of changes

Effective date

24 December 2013

Last update date
Policy version no.

Notes	Criminal Screening policy reviewed and extensive changes made. Recast in new policy model. Director General endorsement D13/0679661. Minor change to Appendix A.3 to include information about swimming supervisors and instructors D13/0684656 and D13/0684863.
Effective date	3 May 2017
Last update date Policy version no. Notes	The Criminal Screening Policy has undergone a major review. Endorsed by the Director General at Corporate Executive on 10 March 2017.
Effective date	3 May 2017
Last update date	3 May 2017
Policy version no. Notes	Minor changes regarding NAPLAN D17/0179539.
Effective date	3 May 2017
Last update date	3 October 2018
Policy version no. Notes	Minor changes to policy title D18/0435828 and to include reference to Public Schools D18/0151652.
Effective date	26 March 2019
Last update date Policy version no. Notes	Major changes have been made to the procedures. Endorsed by the Director General at Corporate Executive on 20 February 2019.
Effective date	1 September 2020
Last update date Policy version no. Notes	Major review of the policy and procedures undertaken. Endorsed by the Director General on 24 August 2020. D20/0424094

Effective date	1 September 2020
Last update date	12 January 2021
Policy version no. Notes	Minor changes to replace the Regional Executive Director position title with Director of Education D20/0647278.

8. Appendices

Appendix A: [Screening Validity and Breaks in Service](#) (PDF file - 20.3kB)

Appendix B: [Who is Required to Consent to a Nationally Coordinated Criminal History Check](#)
(DOCX file - 20kB)

Appendix C: [Criminal History Information](#) (DOCX file - 14.7kB)

Appendix D: [Screening Process](#) (DOCX file - 17.1kB)

Appendix E: [Screening Committee](#) (DOCX file - 17.7kB)

Appendix F: [Screening for Non Employees and Contractors](#) (DOCX file - 16.5kB)

9. More information

Supporting content

Policy

[Criminal History Screening for Department of Education Sites Policy](#)

Procedure review date

1 September 2023

Procedure last updated

14 January 2021

