

Criminal Records Check Procedures

Contents

- Criminal Records Checks – Procedures 3**
 - Process 3
 - Payment 3
 - Privacy 3
 - Retention and Disposal of Information 4
 - Confidentiality 4
 - What a Criminal Record Check Discloses 4
 - Review procedures on criminal record checks 4
- Further Assistance 5**

Criminal Records Checks – Procedures

PROCESS

1. Applicant completes and signs a hard copy of the [National Police Checking Services \(NPCS\) General Information and Application Form](#) including verification of identity and returns to Principal, Hiring Manager or Board Secretariat.
2. Principal, Hiring Manager or Board Secretariat sights the form and certified identification verifying the applicants identity (Copies of evidence required).
3. Details are entered on the [PROCS system \(https://www.eduweb.vic.gov.au/PROCS/\)](https://www.eduweb.vic.gov.au/PROCS/) from the National Police checking Services (NPCS) General information & NCHRC Application form. Data entry will involve the following:
 - 3.1 Employee identification number if known;
 - 3.2 Employment category – choose appropriate category via the drop down menu;
 - 3.3 Employment type;
 - 3.4 Current details (mandatory fields to be completed);
 - 3.5 Residential Details of applicant;
 - 3.6 Previous names (if advised on the NPCS form);
 - 3.7 Previous addresses (if advised on the NPCS form);
 - 3.8 Drivers/Firearm license or passport details. You will need to re-enter these details for verification. The details you enter will not be displayed for privacy reasons. You will see **** in place of numbers;
 - 3.9 Checklist (mandatory fields – yes or no answers); and
 - 3.10 National Criminal Records checklist (mandatory fields – yes or no answers)
4. Check preview against the applicants NPCS Form. Edit if required and/or submit.
5. The Form can be reviewed/edited prior to 12 noon each business day. The information you have provided will be sent to the Department for submission to Australian Criminal Intelligence Commission daily. Principal, Hiring Manager or Board Secretariat will be notified via email as soon as suitability has been established. The outcome letter will be provided as an attachment to the applicant.

PAYMENT

The cost involved with this process is \$23.00 for new employees and \$7.00 for volunteers. Where required, applicants should make the appropriate payment to their Principal, Hiring Manager or Board Secretariat, who will then be invoiced quarterly by the Department for CRCs they have submitted.

PRIVACY

The Department's [National Police Checking Services \(NPCS\) General Information and Application Form](#) asks for information about the applicant so that the Department can assess a person's suitability as a volunteer or new employee within the Department or upon transfer or promotion to another departmental workplace.

Personal information such as gender, date of birth, driver's license or passport details are required to uniquely verify the applicant's identity. The information will be used to ensure that the National Criminal Record released is that of the applicant and not another person with the same name (detailed information concerning National Police Records information will not be provided to the school).

If applicants have any concerns about providing the information requested they should be advised to call the Employee Conduct Branch on 7022 0005. Any information provided to the Department is kept confidential. Information collected on this form will only be disclosed for the purpose it was collected.

It is important that information provided by applicants is accurate and up to date. If an applicant chooses not to provide information that the Department has requested, the Department will be unable to proceed with the application.

RETENTION AND DISPOSAL OF INFORMATION

The following disposal requirements apply to information provided for the purpose of a criminal records check.

Record/document	Retention period	Disposal period
Nationally coordinated criminal history check application	At least 12 months after the receipt of the police check result	No more than three months after the minimum retention period (15 months in total)
Copies of identity documents the applicant presented for their police check, including verification method	At least 12 months after the receipt of the police check result	No more than three months after the minimum retention period (15 months in total)
Applicant's informed consent	At least 12 months after the receipt of the police check result	No more than three months after the minimum retention period (15 months in total)

CONFIDENTIALITY

All Officers involved in the handling of criminal records are to ensure that confidentiality of records is maintained at all times, and that records are stored in a secure area. The records may only be used for assessing a person's suitability for employment with the Department.

WHAT A CRIMINAL RECORD CHECK DISCLOSES

For the purposes of employment, voluntary work or occupational licensing registration, Police may restrict the release of a person's criminal record according to the Police "Information Release Policy". If a person has a criminal record the "Information Release Policy" may take into account the age of the criminal records and the purpose for which the information is being released. If ten years has elapsed since a person was last found guilty of an offence, Police will, in most instances, advise that the person has no disclosable court outcomes. However, a record over ten years may be released if:

- It included a term of imprisonment longer than thirty months;
- If it includes a serious violent or sexual offence and the records check is for the purpose of working with children, elderly or disabled people;
- If it is in the interest of crime prevention or public safety. Findings of guilt without conviction and good behavior bonds may be released. Recent charges or outstanding matters under investigation that have not yet gone to court may also be released.

Where a criminal record with another Australian Police force has been obtained, any relevant legislation (and/or release policy) affecting that police force will be applied before it is released. Under various pieces of Commonwealth, State and Territory legislation a person has the right, in particular circumstance or for a particular purpose, to not disclose certain convictions (e.g. findings of guilt over a certain age). Such convictions (widely referred to as 'spent' or 'rehabilitated' convictions) will not be released unless the record check is for the applicant's personal information only and providing that this is in accordance with the relevant legislation (and/or release policy).

REVIEW PROCEDURES ON CRIMINAL RECORD CHECKS

A recommended applicant:

- Must be notified in writing if the nominee of the Executive Director of People Division or the school council (as the case may be) is not satisfied that it is appropriate to appoint the recommended applicant to the position, and
- May, within 14 days of being so notified, apply in writing to the Senior Chairperson of the Merit Protection Boards (MPB) for a review of that notification. Where a review is sought, the position of office to which the recommended applicant was recommended for appointment shall remain vacant pending the outcome of the review. Only employees of the Department have access to the MPB for appeal purposes.

Any review is to be conducted on the following grounds, namely whether having regard to:

- The duties and requirements of the office or position, including in particular;
 - The likelihood of the recommended applicant having the care or supervision of children, or being involved in decision relating to the care or supervision of children, or having contact with children,

- The likelihood of the recommended applicant being appointed to a position of trust involving dealings with the public, handling of accounts or moneys, or otherwise entrusted to perform duties with minimal supervision,
- The potential of the recommended applicant to be called upon to perform higher duties and the type of such higher duties, and
- The general standards of conduct required in the Public Sector, or the criminal convictions disclose such unsatisfactory behavior (and in particular any behavior involving abuse of children, violence, theft or dishonesty, violent crimes or drug trafficking) that makes it inappropriate to appoint the recommended applicant to the office or position.

Schools must not accept an applicant's individual criminal record received from the police as evidence of the Department's approval of the person's suitability to work in government schools.

Further Assistance

Further information, advice or assistance on any matters related to the management of criminal records checks is available by:

- Accessing the A-Z topic list on [HRWeb](#);
- Using the available [Other Resources](#) documents; or
- Contacting the Employee Conduct Branch on (03) 7022 0005 or at employee.conduct@edumail.vic.gov.au.