

Fact Sheet

Background screening for Volunteers

Background checks are part of the overall screening and selection process undertaken during recruitment. Organisations need to ensure that appropriate screening checks are undertaken to provide a safe environment for the organisation, staff, volunteers and clients.

The screening process may include reference checks and an interview as well the formal background checks provided by a Police Check and or a Working with Children (WWC) Check.

Screening is required by legislation in some circumstances and is recommended for volunteering positions that present risks such as fire, financial malpractice and working with vulnerable people. Police checks of all volunteers are not required and organisations should assess the risks of engaging volunteers with consideration to the inherent requirements of the positions, and the nature of any criminal record which may exist.

Positions requiring mandatory checks

There are mandatory screening requirements for Volunteers working with children and those engaged in aged care. Background checks may also be required under contractual and/or funding agreements applicable to your organisation.

The *Commonwealth Aged Care Act 1997* requires that a police certificate, not more than three years old must be held by people who have unsupervised access to care recipients in Commonwealth funded aged care facilities or in providing in-home care packages.

Volunteers involved in child-related work/volunteering may be required by law to have a Working with Children Check, which is administered by the State Government of Western Australia, Department of Communities.

Organisations have a responsibility to comply with their legal requirements; to ensure that they have identified all volunteer positions to which mandatory screening requirements apply and that the appropriate background checks are undertaken. Working with Children Checks can only be undertaken for people who are in defined child related work.

Note that mandatory screening requirements are different in each state and territory and this Position Statement addresses the requirements for Western Australia only.

Risk assessments for other volunteer positions

Where there is no mandatory requirement, organisations should identify which volunteer positions call for a background check based on a risk assessment which considers:

- The organisation's goals and purpose
- The nature and duties of the position, including any public visibility which may apply
- Any specific risk factors such as: opportunity for financial malfeasance; contact with vulnerable people; driving duties etc
- Any qualifications or certificates which apply to the position
- Whether or not a criminal record would impact the recruitment or ongoing engagement of a volunteer, and whether the nature of the conviction would be taken into account. eg: a conviction for fraud may not be relevant if the position has no access to financial matters.
- Whether a Statutory Declaration by the individual would provide sufficient risk protection for the organisation.

Board & Committee Positions

Organisations may wish to separately consider the screening requirements for Board and Committee positions where these are volunteers. Committee and Board membership requirements will be described in your Organisation's Constitution and The *Associations Incorporation Act 2015* specifies the mandatory requirements regarding membership.

Individuals may be disqualified from holding a management committee position if they are an undischarged bankrupt or have one of the convictions specified under the Act. It may be sufficient for Committee nominees to declare that they are not disqualified by way of a signed statement as part of their nomination, or by submitting a separate Statutory Declaration.

Develop a Screening policy

Organisations are encouraged to develop a clear policy which identifies, as a minimum:

1. The volunteer positions which require a background check, based on a risk assessment as described under *Risk Assessments for Volunteer Positions*
2. The impact on the recruitment/engagement of the individual if the police check reveals a criminal history which is relevant to the position.
3. The position responsible for both assessing the relevance of any criminal record and for advising the volunteer of the result of that assessment.

Advising volunteers of the screening requirements

The organisation's policy and procedures for the recruitment and selection of volunteers should outline all screening requirements and identify which volunteer roles will require a criminal history check. We recommend that the screening requirements are made clear to applicants during the recruitment process. It should be made clear to volunteers that if a conviction is identified as a potential risk, the organisation has the right to either refuse to engage the volunteer or to terminate existing arrangements.

It may be prudent to forewarn potential volunteers that, by completing a police check, the organisation will be informed if they have a criminal record and to suggest that they disclose anything at the start of the process to avoid confusion or embarrassment in the future.

Managing the process when convictions are flagged

In some cases, a past conviction will be of sufficient gravity to exclude the individual from volunteer positions in an organisation, however there will be situations where the presence of a past conviction does not present a risk to the organisation. Organisations may need to assess whether the criminal history of an individual will preclude them from a volunteer position, and this will depend on organisational policy, the nature of the position and the specific criminal history of the person.

For example: in WA, Conditional Release Orders may be imposed in lieu of fines for low-level offences which don't warrant imprisonment. Conditional Release Orders will appear on a National Police Certificate, but the low-level nature of the offence might not impact the suitability of the individual for a volunteer position.

When assessing a potential volunteer's criminal history information consider:

- The relevance of the conviction to the position
- How long ago the conviction occurred and whether it was an isolated incident
- Whether the volunteer will be supervised, or will work alongside others
- The likelihood that the person can re-offend while in the volunteer work
- The level of publicity and the impact on the organisation if the person re-offends
- Is there other information which can be taken into account such as personal references

Where the screening process flags a conviction, the volunteer applicant should be provided with an opportunity to discuss the nature and circumstances related to the conviction, if they wish. At this point sensitivity and the assurance of confidentiality are of utmost importance.

Record Keeping

The National Police Certificate remains the property of the individual. Organisations should not retain copies of the certificate or of the details reported. In most cases it would be sufficient to keep a record that a Police Check has been undertaken and whether or not the record had any impact on the person's suitability for the position.

Portability of Police Checks

WA Police advise that police checks may be transportable from one organisation to another and in determining whether to undertake a new check, you should consider:

- Whether the position is similar in content and responsibilities as the position for which the original check was undertaken
- The date the original check was issued, and whether the elapsed time carries any risk of changes to the record
- Other screening processes which you undertake. eg reference checks

Police Checks

Police Checks (or Nationally Coordinated Criminal History Checks), list disclosable court outcomes and pending charges from *all* Australian jurisdictions. A national database is facilitated by the Australian Criminal Intelligence Commission (ACIC) and information is sourced from the databases of all Australian court jurisdictions. This database provides the information for National Police Certificates which are a 'point in time' record, so changes to an individual's record will not be notified.

National Police Certificates are provided via the state police jurisdiction, or through one of the accredited agencies. Some volunteer involving organisations are also accredited and can apply directly to ACIC.

If applied for via WA Police, the National Police Certificate includes traffic convictions from WA, but does not include restricted court outcomes such as certain spent or juvenile convictions.

Applying for a Volunteer National Police Certificate.

In WA, individuals can apply for a Police Check on line or via Australia Post. Organisations can access Volunteer National Police Certificates for a reduced fee, via a WA Police online portal. To access the reduced fee, organisations should register with the Department of Communities to gain access to the portal. A Volunteer National Police Check from WA Police contains the same information as a standard National Police Certificate. For further information about Volunteer National Police Certificates see:

www.dlqc.wa.gov.au/Publications/Documents/The_Volunteer_National_Police_Certificate_Program_Factsheet.pdf

Organisations can also apply for accreditation with ACIC which gives them direct access to request National Criminal History Record Checks without going through any of the accredited third party agencies or state police jurisdictions.

With Children (WWC) Checks

Volunteers involved in child-related work or volunteering may be required by law to have a Working with Children Check, which is administered by the State Government of Western Australia, Department of Communities. Full details about WWC checks are available on the Department's website. <https://workingwithchildren.wa.gov.au/>

The Working with Children Check assesses all criminal record information, including juvenile records.

Working with Children checks are valid for three years, and are reassessed if an individual's criminal record changes. If the individual's assessment is changed, the requesting organisation will be notified.

WWC Check application forms are only available from authorised Australia Post outlets or from the WWC Screening Unit, Department of Communities. Details at <https://workingwithchildren.wa.gov.au/>

WWC Exemptions:

The law provides that specific people or certain kinds of work do not require a WWC Check even if the work involves contact with children. These situations are commonly referred to as “exemptions” and some exemptions are specific to a particular category of work. **It is critical to check your organisation’s specific case.** *In general,* the most common exemptions are:

- Volunteers under 18 years of age
- Short term visitor to WA
- One off national events and national tours
- Voluntary work carried out by the parent of a child who is enrolled or participating

Full details about WWC exemptions can be found at:

<https://workingwithchildren.wa.gov.au/docs/default-source/default-document-library/factsheet-2-child-related-work-and-exemptions-2015.pdf>