

Monash University Procedure

Procedure Title	<u>Pre-Employment Checks Procedure</u>
Parent Policy	Recruitment, Selection and Appointment Policy
Date Effective	9 March 2017
Review Date	3 years from effective date
Procedure Owner	Executive Director, Monash HR
Category	Human Resources
Version Number	3
Content Enquiries	ask.monash or phone Monash HR on 990 20400
Scope	This procedure applies to all staff at Monash University Australia including volunteer, honorary, consultant and contractor positions. Students who are required to undertake child-related work as part of their placement should contact their course convenor or professional placements office for information as to whether they are required to undertake a Working with Children Check.
Purpose	<p>Monash University requires that staff undergo pre-employment checks for positions involving financial responsibilities, access to sensitive data or regular contact with minors. For the purposes of this procedure, pre-employment checks include National Police Record checks and Working with Children Checks.</p> <p>These pre-employment checks are conducted to seek to protect the University, its students, staff, clients and resources. National Police Record checks help minimise the risk of inappropriate use of University finances and data and Working with Children Checks help ensure that a safe environment is provided for minors who attend the University.</p> <p>This procedure is designed to complement the University's recruitment, selection, supervision and training practices.</p>
PROCEDURE STATEMENT	

Where pre-employment checks are required for casual and sessional staff, the role of the Recruitment Team in this procedure is performed by the HR Business Support Team.

1. National Police Record check

1.1. The following is a step-by-step procedure for obtaining a National Police Record Check.

The Recruitment Team and the hiring manager determine when a National Police Record check is required

1.2. A National Police Record Check is a mandatory requirement for all specified positions (existing or prospective) which requires a person as an inherent part of their employment to:

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- have a financial delegation of more than \$100,000; or
 - deal regularly with significant amounts of cash and the Dean/Executive Director (or nominee) determines that this position requires the consideration of any police record before approving the appointment; or
 - have access to personal information as defined under the [Privacy and Data Protection Act 2014 \(Vic\)](#) and where the University determines this to be necessary.
- 1.3. A National Police Record Check must be conducted prior to any offer of employment, promotion or internal transfer to a specified position being made.
- 1.4. Consultation with the HR Business Partner may be sought on the requirement for the position to have a National Police Record check.

The Recruitment Team ensures the requirement to undergo a National Police Record Check is included in the position description

- 1.5. The Recruitment Team will:
- ensure that the requirement to undergo a National Police Record check is included in the final position description and associated documentation; and
 - ensure that the following statement is included in the advertisement: "Making an appointment to this position is subject to a satisfactory National Police Record check".

The Chair of the Selection Committee ensures the candidate understands the requirement to undergo a National Police Record check

- 1.6. The Chair of the Selection Committee must inform the candidates that they may be required to undergo a National Police Record check. The candidate can be referred to the [Victoria Police website](#) for further information.
- 1.7. It is normal practice to request a National Police Record check from the preferred candidate only. However, the Chair has the discretion to request more than one candidate undergo a check as required.

The candidate applies for a National Police Record check

- 1.8. Once the preferred candidate has been selected, the Chair will provide the Recruitment Team, via email, the name of the successful candidate and advice that the candidate must undertake a National Police Record check.
- 1.9. The Recruitment Team must then advise the candidate to complete an application by following the instructions on the [Victoria Police website](#). If accessibility is an issue the candidate can seek assistance from the Recruitment Team.
- 1.10. The candidate must complete a request for a [National Police Record check online](#).
- 1.11. Candidates who are required to undergo a National Police Record check are able to receive reimbursement for the cost from their faculty or division. Current prices can be found on the [Victoria Police website](#).
- 1.12. Victoria Police does not conduct police checks for candidates residing overseas or interstate. International candidates must apply to the [Australian Federal Police](#) for a National Police Certificate.

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The hiring manager or the Recruitment Team sights the National Police Certificate

- 1.13. To ensure the protection of privacy, the National Police Certificate will only be forwarded to the candidate at their nominated postal address on the application form. The candidate must then provide the National Police Certificate to the hiring manager or Recruitment Team.
- 1.14. The hiring manager or the Recruitment Team will:
- sight the original National Police Certificate;
 - return the original National Certificate to the candidate; and
 - where sighted by the hiring manager, email a copy of the National Police Certificate to the Recruitment Team to assess the outcome of the certificate.
- 1.15. For security purposes, only selected staff within the Recruitment Team will have access to copies of the certificate and will ensure they be securely stored and disposed of appropriately. Refer to the Privacy Procedure for further information.

The Recruitment Team assesses the National Police Certificate

- 1.16. The Recruitment Team will assess the outcome of the National Police Certificate to determine whether the candidate is suitable for the required position. The Recruitment Team may consult as appropriate with the relevant HR Business partner and/or Workplace Relations.

Outcome of a National Police Record check

- 1.17. Clear Record

The Recruitment Team record the National Police Record check in the SAP system.

The Recruitment Team must confirm that the candidate has received a clear National Police Record check (no findings of guilt, outstanding charge or other matters) before the candidate commences in the specified position.

- 1.18. Incumbered Record

When a National Police Certificate lists a finding of guilt, outstanding charge or other matters, the Recruitment Team in conjunction with the HR Business Partner and/or Workplace Relations will review the certificate to determine the candidate's suitability for the position. An incumbered record is not automatically precluded from a position.

The Recruitment Team will assess the record of the candidate based on the following criteria:

- the relevance of the criminal offence in relation to the position;
- the nature of the offence and the relationship of the offence to the particular position for which the person is being considered;
- the length of time since the offence took place;
- whether the person was convicted or found guilty and placed on a bond;
- whether there is evidence of an extended police record;
- the number of offences committed which may establish a pattern of behaviour which renders the applicant unsuitable;

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- whether the offence was committed as an adult or a juvenile;
- the severity of punishment imposed;
- whether the offence is still a crime, that is, has the offence now been decriminalised;
- whether there are other factors that may be relevant for consideration. For example, cultural factors or mitigating or extenuating circumstances; ie. provocation, peer group pressure at time of the offence and the circumstances in which the offence was committed or the effect of alcohol; and/or
- the person's general character since the offence was committed.

Any decision made for or against an appointment on the basis of a National Police Record check or statutory declaration (if applicable) must be supported by reasons and fully documented.

1.19. Delay in process

Victoria Police aims to process the Police Certificate within 10 working days of the receipt of the application. The processing time may be delayed as information may be required from other jurisdictions. If this is the case, there are two options available - the staff member's start date may be deferred until the National Police Record check is returned or alternative options may be explored with Workplace Relations.

Decision not to appoint due to the outcome of a National Police Record check

1.20. Where there is a decision not to appoint due to an incumbered record of a National Police Record check the following actions will be undertaken:

- the Recruitment Team will communicate this outcome to the Chair and the HR Business Partner;
- the Chair must inform the candidate of the decision and its rationale; and

1.21. The Chair may provide an opportunity for the candidate to discuss the results.

Changes to circumstances

1.22. The staff member has a responsibility to inform their manager and Monash HR if there have been any relevant changes in circumstances, for example if he or she has been charged or found guilty of a new relevant offence. The staff member must also apply for a new National Police Record check at the time of disclosure to the University.

Staff will not be permitted to engage in child-related work while their circumstances are reviewed. The HR Business Partner must advise the Director Workplace Relations. The staff member's employment may be subject to review in accordance with the relevant Enterprise Agreement.

2. Working with Children check

In support of the Victorian government [Child Safety Standards](#), the University is committed to taking all reasonable steps to engage suitable individuals to work with children in the delivery of educational, research and other University activities.

The Working with Children Check (WWC check) reviews the criminal history records across a individual's lifetime, from Victoria Police, the police of other Australian states and territories and the Australian Federal Police.

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The WWC check also examines reports from Corrections Victoria, the Department of Health and Human Services' Child Protection Unit, other courts, information provided by organisations and other relevant sources.

The WWC check reveals information about:

- convictions and findings of guilt from when the individual was under 18 years of age
- findings of guilt with or without a conviction
- guilty pleas
- acquittals because of mental impairment
- spent convictions
- pending charges
- the circumstances of these charges or court findings.

The following is a step-by-step procedure for obtaining a WWC check.

The Recruitment Team and the hiring manager identify when a WWC check is required.

2.1. The Recruitment Team will discuss with the hiring manager when a WCC check is required.

2.2. A WWC check is required for positions that meet the following criteria:

- the position activities involve working with children;
- the position activities involve or may involve occasional contact with children that is incidental to the work;
- the position involves contact with children in connection with one of the [listed child-related occupational fields](#);
- the position activities involve unsupervised contact with children; and
- the position does not qualify for an exemption under the Working with Children Act 2005.
- The Department of Justice can provide further clarification on which positions require the check. Contact the Working with Children Check information line on 1300 652 879.

2.3. The University reserves the right to require a WWC check for a position even where it may not be required by the law.

The Recruitment Team ensures the requirement for a WWC check is included in the position description

2.4. The Recruitment Team will:

- ensure that the requirement to undergo a WWC check is included in the final position description and associated documentation; and
- ensure that the following statement is included in the advertisement: "Making an appointment to this position is subject to a satisfactory WWC check".

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The Chair of the Selection Committee ensures the candidate understands the requirement to undergo a WWC check

- 2.5. The Chair of the Selection Committee must inform the candidates that they may be required to undergo a WWC check. The candidate can be referred to the [Department of Justice](#) for more information.

The candidate applies for a WWC check

- 2.6. Once the preferred candidate has been selected, the Chair must provide the Recruitment Team, via email, the name of the successful candidate and advice that the candidate must undertake a WWC check.
- 2.7. The WWC check is administered by the Victorian Department of Justice.
- 2.8. The candidate must do as follows.
- complete a WWC check application form. A candidate can access a form on the [Department of Justice - How to Apply](#) website or they are available at Australia Post outlets in Victoria;
 - provide details of their relevant organisational area and faculty or division under the section marked 'Details of Organisation';
 - take the completed application form proof of identify documentation and a passport size photo to an Australia Post outlet in Victoria and
 - pay the appropriate fee (free for volunteers).
- 2.9. Candidates who are required to undergo a WWC check may receive reimbursement for the cost from their faculty or division.
- 2.10. If the candidate passes the check, he or she will be sent a WWC check Card 2 to 3 weeks later. The candidate must then provide a copy of the WWC check Card to the Recruitment Team prior to commencement to assess the outcome of the check (refer to 'Delay in process').

The Recruitment Team assesses the WWC check card

- 2.11. The Recruitment Team will check the card's validity on the [Department of Justice - Check Status](#) website; and ensure that Payroll Services has recorded the card number and expiry date in SAP.

Outcome of a WWC check

Positive Assessment Notice

The Recruitment Team must ensure that the candidate has passed the WWC check prior to commencement.

Delay in process

- 2.12. Where the WWC check has not been completed prior to the commencement of employment, the Recruitment Team must notify the hiring manager (who may consult with the HR Business Partner) to confirm:

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- whether approval is given for the employment to commence prior to the outcome of the WWC check; or
 - whether the commencement of employment be delayed until the WWC check is confirmed and evidence of confirmation is provided to the University.
- 2.13. Where approval is given for the prospective staff member to commence employment prior to the outcome of the WWC check, the staff member and the supervisor must ensure the following occurs:
- the hiring manager will modify or closely monitor the duties/activities of the staff member until such time as the outcome of the WWC check is known; and
 - the staff member must submit an application for a WWC check and receive a unique Application Receipt Number.
- 2.14. The staff member must not have or be given a "Negative Notice" under the Working with Children Act 2005 and not been the subject of reporting/and or supervisor arrangements under the relevant sex offenders legislation.
- 2.15. Once received, a copy of the WWC check is submitted to the Recruitment Team at hr@monash.edu.au or Monash HR, Monash University VIC 3800.
- 2.16. The Recruitment Team must confirm that the prospective staff member has applied for the WWC check Card by sighting the unique Application Receipt Number and require that the WWC check Card be sighted as soon as possible.
- 2.17. In addition to this, the supervisor of the position must modify or closely monitor the activities of the staff member until the WWC check is completed.

Interim Negative Notice or Negative Notice for applicants and existing staff

- 2.18. If the applicant does not pass the check they will be given an Interim Negative Notice. If the applicant has listed the University with the Department of Justice, they will send a copy of the Negative Notice to the University, however, it does not disclose the reasons for the negative Notice.
- 2.19. If the applicant is given an Interim Negative Notice, they can make a submission to the Department of Justice to explain why they believe they should pass the WWC check. If this submission is not successful the applicant will be issued with a Negative Notice. This means they have failed the WWC check and are not permitted to undertake child-related work at the University.
- 2.20. Existing staff who receive a Negative Notice must inform the Recruitment Team in writing within seven working days. They will not be permitted to engage in child-related work while the outcome of their Interim Negative Notice is being decided. The Recruitment Team must advise the Director Workplace Relations. The staff member's employment may be subject to review in accordance with the relevant Enterprise Agreement.

Changes to circumstances

- 2.21. The staff member has a responsibility to inform their manager and Monash HR if there have been any relevant changes in circumstances, for example if they have been charged or found guilty of a new relevant offence. The staff member must also apply for a new WWC check within the three months prior to their WWC check expiring.

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Monitoring and Reporting

- 2.22. The Manager, Academic and Professional Recruitment in conjunction with Payroll Services will ensure monitoring processes are in place to check that relevant staff members hold a valid WWC check Card at all times.

3. Responsibilities

Monash HR

Director Workplace Relations

- 3.1. The Director Workplace Relations is responsible for:
- reviewing the staff member's employment (or potential employment) subject to receiving an Interim Negative Notice or Negative Notice;
 - reviewing the staff member's employment (or potential employment) subject to receiving an incumbered record via a National Police Record check;
 - ensuring compliance with this procedure, the WWC check legislation and the Child Safe Standards; and
 - maintaining this procedure.

The Recruitment Team

- 3.2. The Recruitment Team is responsible for:
- ensuring the requirement for a National Police Record check or a WWC check is included in the position description and advertisement text;
 - assessing the WWC check and/or National Police Certificate and, checking the validity of both documents;
 - seeking assistance from the HR Business Partner and/or Workplace Relations in relation to an Interim Negative Notice, Negative Notice or Incumbered Record.
 - notifying the Chair of the selection committee of the outcome;
 - ensuring monitoring processes are in place (in consultation with Payroll Services) to check that relevant staff members hold a valid WWC check at all times;
 - advising the Director Workplace Relations of staff who receive either an Interim Negative Notice or Negative Notice for WWC checks or incumbered record for a National Police Record check; and
 - discussing options with Workplace Relations if there is a delay in the outcome of a National Police Record check or WWC check and facilitating discussions with relevant parties.

HR Business Partner

- 3.3. The HR Business Partner is responsible for providing advice to the hiring manager on the requirements for a Police Check and/or WWC as required.

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Payroll Services

3.4. Payroll Services, Monash HR is responsible for:

- recording the National Police Record check and/or WWC check card number and expiry date in SAP; and
- ensuring that monitoring processes are in place (in consultation with the Recruitment Team) to check that all relevant staff hold a valid WWC check Card at all times or have had a National Police Record check completed.

Hiring manager

3.5. The hiring manager is responsible for:

- establishing, together with the Recruitment Team, when a National Police Record check and/or a WWC check is required;
- sighting the original National Police Certificate or WWC check card and emailing copies to the Recruitment Team for assessment; and
- assisting with the reimbursement process for the cost of a National Police Record check and/or WWC.

Chair

3.6. The Chair is responsible for:

- informing the candidate in the interview that they may be required to undergo a National Police Record check and/or a WWC check;
- notifying the Recruitment Team that the candidate must undergo a National Police Record check and/or a WWC check; and
- informing a candidate of the decision not to appoint due to an unsuccessful National Police Record check and/or a WWC check.

Candidate

3.7. The candidate is responsible for:

- applying for a National Police Record check and/or WWC check;
- providing the original National Police Certificate and/or WWC check Card to the Recruitment Team;
- notifying the Recruitment Team in writing within seven working days if an Interim Negative Notice, a Negative Notice is received or where there are police charges (existing staff); and
- applying for a new WWC check within the three months prior to their card expiring.

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Responsibility for implementation	Staff Recruitment and Hiring Managers
Status	Revised
Approval Body	<p>Name: Executive Director, Monash HR</p> <p>Date: 09 March 2017</p> <p>Author: Director, Workplace Relations</p>
Definitions	<p>Chair: the Chair of the Selection Committee convened as part of the University's selection process. The chair may delegate duties as appropriate. If a Selection Committee is not involved in an appointment, the appointing manager will adopt the responsibilities of the Chair.</p> <p>Child: means a person who is under the age of 18 years.</p> <p>Dean or Executive Director: means the dean of the faculty or executive director or his or her nominee in any case where the dean or director has formally nominated a person to act as his or her nominee for the purpose.</p> <p>Hiring Manager: is the manager responsible for filling a staff vacancy, usually the supervisor of the position.</p> <p>HR Business Partner: is a key member of the Monash HR Business Partnering community and provides strategic advice, guidance and solutions that underpin key client goals, HR strategy and organisational vision to a particular client group.</p> <p>Interim Negative Notice: is a document that is provided by the Department of Justice to advise an applicant that they have a case to answer prior to a final decision being made on their Working with Children Check application.</p> <p>National Police Certificate: lists the results of a National Police Record check. The certificate will only be issued to the applicant.</p> <p>Negative Notice: is a document that is provided by the Department of Justice to advise an applicant that they will not be given a Working with Children Check Card and must not engage in child-related work.</p> <p>Payroll Services: is the Centre of Expertise in Monash HR which manages the payroll and related services.</p> <p>National Police Record check: a National Police Record check identifies and releases information about a person's past criminal record at the time of issue.</p> <p>Rex: is Recruitment Express, the University's online recruitment system. Rex is used to manage the end-to-end recruitment and appointment process for all Monash employees and visitors. Rex is also used to manage the on-line application process for other University programs and initiatives.</p> <p>Working with Children Check (WWC check): The Working with Children Act 2005 requires that people who work or volunteer in certain child-related work apply for, and hold, a WWC check. A WWC check considers certain offences and makes an assessment of the level of risk an individual poses to children's safety. A WWC check is valid for five years (unless revoked).</p> <p>Assessment Notice: is a document provided by the Department of Justice that advises that a candidate has been successful in a WWC check and may</p>

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	undertake child-related work.
Legislation Mandating Compliance	
Related Policies	<ul style="list-style-type: none"> • Conduct and Compliance Procedure - Privacy • Fraud and Corruption: Reporting Procedures • Fraud and Corruption: Control Procedures • Recruitment Selection and Appointment Procedure - Recruitment of fixed-term and continuing staff
Related Documents	<p><u>EA Agreements</u></p> <ul style="list-style-type: none"> • Monash University Enterprise Agreement (Academic and General Staff) 2014 <p><u>Documents & Forms</u></p> <ul style="list-style-type: none"> • Fraud and Corruption Policy • Recruitment and Selection related procedures • Victoria State Government – Department of Education and Training (Child Safe Standards) • Victoria State Government Working With Children Check website • Monash University Privacy Compliance Manual • Online application form - Consent to Check and Release National Police Record <p><u>Relevant Legislation</u></p> <ul style="list-style-type: none"> • Equal Opportunity Act 2010 (Vic) • Victoria Police website • Working with Children Act 2005 (Vic) • Child Safety and Wellbeing Act 2005 (Vic) • Crimes Act 1958 (Vic) • Criminal Code Act 1995 • Children, Youth and Families Act 2005 (Vic)