



CATHOLIC ARCHDIOCESE OF MELBOURNE

National Police Record Check Policy

9 October 2015

Purpose

1. The purpose of this policy is to promulgate procedures to be followed by parishes and diocesan agencies in relation to National Police Record Checks for priests, deacons, brothers, sisters, seminarians, employees, contractors, employees of contractors and volunteers.
2. Except where inconsistent with the context;
 - references to agencies are to be taken to include departments and auspiced bodies,
 - references to priests are to be taken as including bishops,
 - employers include those who engage even when it includes a relationship that is not employment related, e.g. the person who engages a contractor or a volunteer, the bishop who appoints priests, and
 - references to parish priests include all canonical administrators of a parish.

Background

3. The Archdiocese of Melbourne is committed to the care and safety of children and vulnerable persons.
4. The Archdiocese is committed to the promotion of best practice in child safety and providing a safe environment for children and vulnerable persons.
5. Priests, deacons, brothers, sisters, seminarians, employees, contractors, employees of contractors and volunteers are often entrusted with the care of the most vulnerable in our community. Many have a role in managing church property and finances.
6. A National Police Record Check is a vital part of ensuring that the highest standards of trust are maintained.
7. Our Catholic school system has its own procedures for carrying out National Police Record Checks on those employed or associated with our schools and this policy does not apply to it.
8. This policy acknowledges that in aged care settings, more onerous obligations may be imposed by regulatory authorities.

Application

9. A National Police Record Check is compulsory for every:
 - a) entry into the seminary;
 - b) entry into the permanent diaconate program;
 - c) applicant for accreditation as a lay ecclesial minister not employed in either a diocesan agency or parish setting;
 - d) deacon and priest, including a member of a religious Order on initial and every subsequent appointment and re-appointment;
 - e) deacon and priest from another diocese undertaking religious duties for a period in excess of three months or where the anticipated period is likely to be in excess of three months;

- f) brother and sister on taking up a role in a diocesan agency or parish and with every re-appointment or subsequent change to their role;
- g) in a diocesan agency setting, employee on initial appointment, promotion or appointment to a position of leadership;
- h) in a diocesan agency setting, contractor, employee of a contractor and volunteer on engagement;
- i) in a parish setting, employee, contractor, employee of a contractor and volunteer undertaking a role which would generally be described as a position of trust, which includes adults who are staying overnight with children, adults who are regularly driving other parishioners as volunteers of the parish, and adults who visit the aged and the sick;
- j) in a parish setting, employee, contractor, employee of a contractor and volunteer who occupies a position of leadership or handles assets, which in a parish setting includes lay ecclesial ministers, applicants for accreditation as a lay ecclesial minister, office staff and Members of the Parish Finance Committee.

Considerations

10. A person with Victorian Institute of Teaching (VIT) registration need not undergo a separate National Police Record Check as this is accommodated as part of the registration process.
11. Those individuals who have had a satisfactory check in the preceding twelve months will be exempt from having to obtain a new Check provided they furnish a completed statutory declaration relating to the intervening period and the employer has sighted the Check. This consideration arises only when there is a trigger event (as set out in paragraph 9).
12. In respect to persons recently arrived in the country, the requirement for a National Police Record Check can be waived or deferred if the employer is satisfied that appropriate checks and enquiries have been undertaken as part of the visa application and selection processes.
13. All matters relating to the implementation of this policy with respect to seminarians, deacons and priests are supervised by the Vicar General's Office.
14. All matters relating to the implementation of this policy with respect to lay ecclesial ministers are arranged by the Archbishop's Office for Evangelisation.
15. Implementation in diocesan agencies (except for seminarians, deacons and priests) will be coordinated through the Archdiocese's Human Resources Office or the agency's administration where the human resources management function is undertaken by the agency.
16. In respect to item 9(i) and 9(j) above, Parish Priests are requested to work in concert with principals of parish schools to ensure that there is no duplication of requests and that no area of parish activity is neglected.
17. Except where there is a contractual obligation on a contractor to ensure their staff has undergone National Police Record Checks, the obligation to ensure that a National Police Record Check is obtained resides with the parish or agency where the agency undertakes

the Human Resources function.

Process

18. To begin the process of conducting the National Police Record Check on an applicant, the employer is to ask him/her to complete the **Application Form for National Police Record Check, form 820B** which is available by visiting the Victoria Police website at www.police.vic.gov.au.
19. Upon receipt of the **National Police Certificate**, the applicant is to take it to the employer, who is to take a copy. The applicant retains the certificate. Employers need to put procedures in place to ensure that this occurs.
20. Applicants with non-Victorian residential addresses will need to apply for a **National Police Certificate** in the State or Territory where he/she resides.
21. Alternatively, employers can choose to use the *fit2work* system (<http://www.fit2work.com.au/PoliceChecks.aspx>) which enables them with the applicant's consent to login and perform online National Criminal History Record Checks therefore reducing processing time. A large percentage of checks are returned within 60 seconds and all eight police jurisdictions in Australia are interrogated. This is a cheaper alternative. However, the applicant is not issued with a National Police Certificate and its utility is limited to the one employer.

Use of a Statutory Declaration where a National Police Certificate is pending

22. National Police Certificates are usually completed within ten working days upon receipt of application. Should there be circumstances where it is desirable for the employer to have an employee commence prior to the National Police Certificate being finalised, the employee is required to complete a statutory declaration about his/her record of past and any pending criminal convictions. An appropriate Statutory Declaration Form is attached to this policy as Attachment 1. A list of those persons before whom a Statutory Declaration may be made is provided as Attachment 2.
23. Employers should accept a statutory declaration only where they have sighted evidence that an application for a National Police Certificate is in train. This will enable the employment to proceed, with the formal appointment conditional on a satisfactory certificate. A statutory declaration does not replace a certificate and agencies and parishes are at liberty to delay appointment until one is completed.

Letter of Offer and Acceptance

24. Where employment is being offered subject to the completion of a **National Police Certificate** and one has not been completed, but it is desirable that the appointment proceeds, the following paragraph should be included in the letter of offer and in either the Employment Agreement or the letter of acceptance:

The practice of the Archdiocese of Melbourne is to require you to have completed a National Police Certificate before commencing work in a parish/agency. This has not been possible in your case. A National Police Record Check has been initiated but not completed. Consequently, the parish's/agency's offer of employment is conditional upon your declaring that you have not been charged with nor found guilty of any offence which would be incompatible with a position of trust and responsibility and acknowledging that the employer relies on this declaration in offering the employee

employment, pending a National Police Check. Your continuing employment is conditional upon receipt of a National Police Check which is satisfactory to the employer.'

A similar process is to be adopted for priests, deacons, brothers, sisters, lay ecclesial ministers and volunteers.

Payment of Fees

25. The cost to religious, employees and volunteers will be met by the parish/agency.
26. The cost to contractors will be met by the contractor.
27. A reduced fee is available in respect of volunteers. To obtain the reduced fee an organisation must complete a **Community Volunteer Fee (CVF) Number Application Form** to obtain a CVF Number. This form is available in the same manner as for Form 820B and requires the organisation to nominate a person or persons responsible for declaring volunteer status.
28. This CVF Number must be entered in the box provided in Section E on Form 820B when requesting a National Police Record Check for volunteers in order to obtain the discounted fee.
29. Parish Priests may request the principal of their parish school to make the school's CVF Number available and so avoid the need for separate registration[‡]

Review of Criminal History

30. An offence history may not necessarily preclude employment. Employers are encouraged to consider the offence history within the overall assessment of a potential employee's good character and reputation, as well as the following factors:
 - a) the nature of the offence;
 - b) whether the offence involved an act committed against a child under the age of 18 years involving grooming, sexual abuse, physical violence, serious emotional or psychological harm or exploitation;
 - c) whether it is an extended criminal history or an accumulation of individual minor offences;
 - d) any mitigating or extenuating circumstances which might be revealed in relation to the offence(s) committed, e.g. provocation, effect of alcohol, which may or may not be favourable to the applicant;
 - e) the length of time since the offence took place;
 - f) whether the offence was committed as a juvenile or an adult, i.e. what level of maturity influenced judgment at the time;
 - g) the general character displayed since the offence was committed, e.g. steady employment record and favourable reports by past employers;

[‡] As all employees of schools are subject to a similar policy, parish priests ought to take advantage of the structures and procedures in place in their parish schools for administering National Police Record Checks. Parish Priests without access to these arrangements can call on the Human Resources Office for assistance if necessary.

h) the type of crime and its relevance to the nature of work if the person is seeking employment or voluntary work in a sensitive work area.

31. In instances where the check reveals an offence under clause 30(b), the employee is not to be considered for employment. In other circumstances where the check reveals questionable or unsatisfactory information, the employer should consult the Archdiocese's Human Resources Manager on 9926 5629.

Registers

32. Parish Priests are to maintain registers of Checks undertaken for parish workers and specifically to record the date on which the Check was undertaken. A periodic review of the register is required every twelve months.

STATUTORY DECLARATION

I, _____
(insert name)

of _____
(insert address)

(insert occupation)

do solemnly declare that I do not have any convictions or pending convictions, findings of guilt and/or pending charges (non-traffic) in either Victoria, any other state or territory of Australia or under Commonwealth law or in any other jurisdiction and acknowledge that the employer relies on this declaration in offering me employment, pending a National Police Check.

I acknowledge that this declaration is true and correct and I make it in the belief that a person making a false declaration is liable to the penalty of perjury.

Signature of declarant: _____

declared at _____ this _____ day of _____ 20

before me _____
(Signature of authorised witness)

(Name and title of authorised witness)

(Address of authorised witness)

A person making a statutory declaration signs the document and reads, without any other formality

‘I solemnly and sincerely declare that this document is signed in my name and handwriting and that the contents of this my declaration are true and correct in every particular’
After witnessing the signing of the declaration, the person before whom it is witnessed must legibly write, type his or her name and title under which he or she exercises his or her authority to witness the document, and his or her address.

Under Section 107A of the *Evidence (Miscellaneous Provisions) Act 1958* (as of 12 June 2015), (previously *Evidence Act 1958*), the list of persons who may witness statutory declarations includes:

- a justice of the peace or a bail justice
- a public notary
- an Australian lawyer (within the meaning of the *Legal Profession Act 2004*)
- a clerk to an Australian lawyer
- the prothonotary or a deputy prothonotary of the Supreme Court, the registrar or a deputy registrar of the County Court, the principal registrar or a registrar or deputy registrar of the Magistrates' Court or the principal registrar or a registrar or deputy registrar of the Children's Court
- the registrar of probates or an assistant registrar of probates
- the associate to a judge of the Supreme Court or of the County Court
- the associate of an Association Judge of the Supreme Court or of an associate judge of the County Court
- a person registered as a patent attorney under Chapter 20 of the *Patents Act 1990* of the Commonwealth
- a police officer
- the sheriff or a deputy sheriff
- a member or former member of either House of the Parliament of Victoria
- a member or former member of either House of the Parliament of the Commonwealth
- a councillor of a municipality
- a senior officer of a Council as defined in the *Local Government Act 1989*
- a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student)
- a person registered under the Health Practitioner Regulation National Law to practise in the dental profession as a dentist (other than as a student), and in the dentists division of that profession
- a registered veterinary practitioner within the meaning of the *Veterinary Practice Act 1997*
- a person registered under the Health Practitioner Regulation National Law to practise in the pharmacy profession (other than as a student)
- a principal within the meaning of the *Education and Training Reform Act 2006*
- the manager of an authorised deposit-taking institution
- a person who holds a prescribed membership of a prescribed accounting body or association
- the secretary of a building society
- a minister of religion authorised to celebrate marriages
- a Victorian Inspectorate Officer within the meaning of the *Victorian Inspectorate Act 2011*
- a person employed under Part 3 of the *Public Administration Act 2004* with a classification that is prescribed as a classification to which this section applies
- an Independent Broad-based Anti-corruption Commission officer
- a fellow of the Institute of Legal Executives (Victoria).