



## **CRIMINAL HISTORY SCREENING INFORMATION FOR SCHOOL BOARD/COUNCIL MEMBERS**

### **1. What does screening involve?**

Criminal history screening involves a person providing their consent for the Department's Screening Unit to undertake a National Police History Check through the Australian Criminal Intelligence Commission (ACIC). The person must provide their personal details (name, date and place of birth, and places of residence) and 100 points of [certified identification](#). This information is sent securely to the ACIC and a result is returned to the Screening Unit usually within a week.

### **2. What information is returned to the Screening Unit?**

The Screening Unit is provided with all Disclosable Court Outcomes, including Western Australian Spent convictions. In cases where serious Criminal History Information is returned, the Screening Unit seeks the Statement of Material Facts from the Western Australian Police.

### **3. If I have a criminal conviction, does this automatically mean that I will not be cleared and that I will have to vacate my position on the Board/Council?**

No. Any criminal history information returned from the ACIC will be considered on a case-by-case basis by the Department's Screening Committee. Factors that will be taken into account by the Committee include: Was the conviction an isolated offence? How long ago was the conviction? How serious was the matter? What was the penalty imposed? For confidential advice on the suitability assessment, please contact the officers listed at the end of this document.

### **4. If a person has a conviction recorded against their name, who will see this information?**

Criminal History Information returned to the Screening Unit is provided only to those who assess the person's suitability (that is, the Department's Screening Committee). School staff, including the principal, are not informed if a person has Criminal History Information.

### **5. How is a person's suitability determined if they have criminal history?**

Criminal History Information returned from the ACIC includes the following: year of conviction, Court that heard the matter, name of the charge, and the penalty imposed. If the matter is serious, the Screening Unit obtains the Statement of Material Facts from the WA Police for all Western Australian convictions and the person is also asked to provide a statement explaining the background to the conviction and what action they have taken since the conviction. The person may also be asked to provide two (2) written confidential character references from people who are aware of the conviction(s) and make mention of this in their references. These people must not be members of the person's family and should know the applicant as a professional or business acquaintance and not merely on a social basis.

### **6. What happens if a person has a 'spent' conviction?**

Any conviction that has been declared 'spent' in Western Australia will be released to the Screening Unit by the ACIC, as the Department has a full exemption under the [Spent Convictions Act 1988](#). The Screening Committee is entitled to consider spent convictions as part of the suitability assessment, in line with the Department's [Criminal Convictions Suitability Criteria](#).

### **7. Who is told if a person has a conviction?**

All communication is directly with the applicant. If the applicant has a conviction, the matter is managed by the Screening Unit and school staff are not informed. If the applicant's conviction history is deemed to be in breach of the *Criminal Convictions Suitability Criteria* and he/she is refused clearance, the person will be informed by mail, and will be asked to inform the principal

that they are unable to be on the Board/Council. The applicant does not have to state the reason is due to a criminal conviction(s).

**8. What happens if a person has a criminal history that breaches the criteria?**

An assessment is made on all information gathered (ACIC information, statement and references from the person, and the Statement of Material Facts from the Police) against the *Criminal Convictions Suitability Criteria*. The Screening Committee then makes a decision. If it is decided that the person should not be cleared, they are advised in writing. As the person is not able to provide the school with a letter of clearance from the Screening Unit, the person is not able to serve on a school Board/Council. He/she should inform the principal that they are unable to be on the Board/Council. The person does not have to state the reason is due to a criminal conviction(s).

**9. How long does the process take?**

Board/Council members are asked to complete the [Online](#) form available by clicking on the [Apply Now](#) icon at [www.education.wa.edu.au/screening](http://www.education.wa.edu.au/screening). Once the Summary Sheet and 100 points of certified identification are received by the Screening Unit, the information is uploaded to the ACIC. The result is usually returned in a couple of days, although some may take a couple of weeks. If Criminal History Information is identified, the process takes longer before a decision about whether the person should be cleared or not can be made.

**10. How much does the criminal screening cost?**

For members of School Boards and School Councils at Public (Government) schools, there will be no charge. When completing your Online application form, please be sure to tick the 'Cash/EFTPOS' option on the Payment tab, and then proceed to the Completion tab. Please do not send any form of payment. School Board members in Catholic and Private schools must pay the \$10.00 Volunteer fee.

**11. How is a person notified when they are cleared?**

The person is advised immediately by SMS if they provided a mobile phone number in their Online application. A letter advising the outcome is also posted to the person's address, which will include a Department Screening Clearance Number (SCN), which is unique to the applicant. If the person is not cleared, a letter advising them of the Screening Committee's decision is posted to their address. Any person who is not cleared is unable to be a member of a school Board/Council.

**12. Is the school advised when a person is cleared?**

No. All communication is with the person directly. However, a school is able to check to see if a person has been cleared by using the [Screening Status Check](#) function in the Department's Human Resources Management Information System (HRMIS). If the applicant has been refused clearance, this will not be stated, but rather it will be suggested that the school make contact with the applicant directly.

**13. Can I voluntarily withdraw my position on a Board/Council without consenting to the criminal record check?**

Yes. You do not need to state the reason for withdrawing from being on a Board/Council is due to a previous criminal conviction, and this can be done prior to consenting to the criminal record check. However, before any withdrawal is made, you are encouraged to contact the officers listed below before making a decision to withdraw from a Board/Council.

**14. I am an existing Board/Council member – do I need to be screened now?**

Only new Board/Council members appointed from Term 2, 2017 are required to have the screening completed, which should be done during Term 2, 2017. Principals will discuss with their respective Board/Council as to whether or not existing members will undergo the screening before their tenure expires. If any existing Board/Council member (appointed before Term 2, 2017) has their tenure renewed, they will then be required to be screened, and cleared, before the renewal can be confirmed.

**15. I have had a National Police Certificate already done - can I just use this clearance?**

No. The National Police History Check must be processed through the Department's Screening Unit. The Department is entitled to receive, and consider, more information from the ACIC and the WA Police, including Spent convictions and the official Statement of Material Facts, than what is included in a National Police Certificate. As such, we cannot accept any other Police clearance.

**16. I have a Working With Children card. Will that be acceptable?**

No. The Working With Children check only considers criminal history that is deemed to pose a potential risk within child-related work. The Department of Education's National Police History Check will consider **all** criminal history, and pending charges yet to be determined, not just those that are a risk for a person engaged in child-related work. For example, a person with stealing, violence and fraud convictions could be granted a Working With Children card.

**17. I have a current Police check for my employment – can I use that?**

No. The National Police History Check must be processed through the Department's Screening Unit. The Department is entitled to receive, and consider, more information from the ACIC than what is generally available through other Police history checks. In addition, being employed with another Government agency, or a private employer, does not necessarily mean that the person has no criminal history. By undergoing the NPHC through the Department of Education's Screening Unit, **any** identified criminal history will be assessed by the Department's Screening Committee to determine the person's suitability for employment or volunteering within the education sector. Therefore, employees of agencies such as the WA Police, Department of Justice, Corruption and Crime Commission etc, must still be screened through the Department of Education's Screening Unit to serve on a School Board or School Council.

**18. Do parents on School Boards and School Councils need to be screened?**

Yes. **All** members of the School Board and School Council (parents and community representatives) must be screened through the Screening Unit.

**19. Do staff members on the School Board/Council need to be re-screened?**

No. Staff members on Boards/Councils have already been screened as part of their employment with the Department, and therefore are not required to do another screening.

**20. Are there any exemptions?**

No. Everybody on a School Board or Council must be screened through the Department's Screening Unit. This is regardless on what role they undertake for their own employment, or who their employer is. Department of Education employees on Boards/Councils have already been screened as part of their employment with the Department, and therefore are not required to do another screening.

**21. How long is the screening clearance valid?**

Clearance for School Board/Council members is valid for three (3) years. Board/Council members who continue on a Board/Council for longer than three (3) consecutive years will need to consent to a new National Police History Check before commencing their fourth year. If a Board/Council member withdraws from being on the Board/Council, or their tenure expires, and they later decide to return to a Board/Council, they will need to have a new National Police History Check before their position can be confirmed, if their absence was longer than six (6) months.

**Further information:**

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