

Criminal History Screening

1. PURPOSE

The purpose of this policy is to protect members and employees and to ensure The Junction complies with state legislation and the National Disability Insurance Scheme (NDIS) requirements. The Disability Services Act 2006 outlines the criminal history screening requirements for people engaged by NDIS non-government service providers. National Police Checks are also required when The Junction is in receipt of federal funding.

Related documents	
Related policies and procedures, how-to task lists, forms, registers, or other organisational documents of The Junction	<ul style="list-style-type: none"> • Code of Conduct • HR Compliance Register
Other standards	<ul style="list-style-type: none"> • NDIS Practice Standards • National Mental Health Standards • The International Standards for Clubhouse Programs
Legislation or other requirements	<ul style="list-style-type: none"> • Disability Services Act 2006 • Working with Vulnerable People (Background Checking) Act 2011 • Accountability Principles Act 1998 • Information Privacy Act 2000 • Aged Care Act 1997 (C'wlth) • Privacy Act 1988 (Cth) • Freedom of Information Act 1982 (Cth) • Human Rights Act 2004 • Anti-Discrimination Act 1977

2. Scope

This policy will apply to all employees and volunteers, including Board members.

NB: Pursuant to the Disability Services Act 2006, the following individuals are exempt from criminal history screening:

- A consumer of service (clients)
- Tradesperson who is not an employee of the service
- A relative or consumer (client) only providing care for their relative
- A person providing disability services only to children (these persons are screened under the blue card system)
- A registered health practitioner

3. Policy Statement

The Junction recognises that people with a disability, that may include people experiencing a mental illness, can be more vulnerable to abuse, neglect, and exploitation than other members of the community. We will ensure priority is given to the safety of members when they are accessing services from The Junction by committing to all employees and volunteers undergoing a criminal history check and NDIS Worker Screening Clearance and being issued

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with a positive notice and yellow card. Under no circumstances will a person be employed or act as a volunteer of The Junction should they receive a negative notice.

4. Procedures

4.1 The difference between a National Criminal Record Check (NCRC) and a NDIS Worker Screening Clearance

NCRC identify and release relevant criminal history information relating to convictions, findings of guilt or pending court proceedings. However, due to spent conviction/non-disclosure legislation and information release policies, there are limitations on the information a Police Check can provide (e.g., the Spent Convictions Scheme stipulates that prior convictions are not to be disclosed where ten years have passed from the date of the conviction).

As the object of a NDIS Worker Screening Clearance is to assess the level of risk an individual poses to vulnerable people, NDIS Worker Screening Clearance are more extensive, but also more targeted than Police Checks. For example, NDIS Worker Screening Clearance draws together information from various sources, but may include a primary focus on certain types of offences (e.g., sexual offences, offences related to the harm or mistreatment of vulnerable people). In general NDIS Worker Screening Clearance considers:

- Convictions – whether or not they are considered spent or were committed by a juvenile
- Apprehended violence orders and other orders, prohibitions or reporting obligations
- Charges (i.e., where a conviction has not been recorded because, for example, a proceeding has not been heard or finalised by a court, or where charges have been dismissed or withdrawn)
- Any relevant allegations or police investigations involving the individuals relevant employment proceedings and disciplinary information from professional organisations (e.g., organisations associated with teachers, childcare service providers, foster carers, and health practitioners).

4.2 Who must undergo a NCRC and NDIS Worker Screening Clearance

The Junction has a duty of care to ensure that risk of harm to members, employees, volunteers, and other workers that come to The Junction is minimised through, amongst other processes, sound practices for the engagement of persons working in or providing services to, or on behalf of The Junction.

The NCRC and NDIS Worker Screening Clearance must be completed and paid for by employees, volunteers, and Board members before commencement at The Junction. The NCRC must be no more than three months old at the time of commencement, and you must hold a NDIS Worker Screening Clearance positive notice Yellow Card for the “No Card, No Start” rule for all NDIS registered businesses.

4.3 Record Keeping

Copies of the NCRC and NDIS Worker Screening Clearance will be placed in the Employee’s personnel file along with any other information received. The same applies for volunteer’s file.

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The relevant details shall be entered into The Junction's HR Compliance Register. The Register is a standing agenda item of the Quality Review Panel meeting and is monitored at each meeting for currency and accuracy.

The Junction Clubhouse Cairns Ltd (The Junction) – Criminal History Screening		
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