

## Employment Checks - Criminal Record Checks and Working with Children Checks

**Document Number** PD2013\_028

**Publication date** 27-Aug-2013

**Functional Sub group** Personnel/Workforce - Recruitment and selection  
Personnel/Workforce - Employment Screening  
Personnel/Workforce - Learning and Development

**Summary** This Policy Directive and the attached Procedures outline the mandatory requirements for National Criminal Record Checks ('NCRCs') and Working with Children Checks ('WWCCs') for persons engaged or employed within the NSW Health Service and for persons seeking to be employed or engaged in NSW Health either in a paid or unpaid capacity or as a student on clinical placement.

This policy includes the requirements of the Child Protection (Working with Children) Act 2012 and the Child Protection (Working with Children) Regulation 2013 that commence on 15 June 2013 for child related workers, together with the requirements of the (Commonwealth) Aged Care Act 1997 for aged care workers.

**Replaces Doc. No.** Employment Screening Policy [PD2008\_029]  
Clinical Placements - Student Compliance Checking - Criminal Record Checks & Immunisation Status [IB2012\_001]

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**Applies to** Local Health Districts, Board Governed Statutory Health Corporations, Chief Executive Governed Statutory Health Corporations, Specialty Network Governed Statutory Health Corporations, Affiliated Health Organisations, Public Health System Support Division, Community Health Centres, Dental Schools and Clinics, Government Medical Officers, NSW Ambulance Service, Ministry of Health, Public Health Units, Public Hospitals

**Audience** Education, Workforce, HR, Student Facilitators, Volunteer Coordinators, Recruitment Units, All Staff

**Director-General Distributed to** Public Health System, Government Medical Officers, Health Associations Unions, NSW Ambulance Service, Ministry of Health, Tertiary Education

This Policy Directive may be varied, withdrawn or replaced at any time. Compliance with this directive is **mandatory** for NSW Health and is a condition of subsidy for public health organisations.

## EMPLOYMENT CHECKING – CRIMINAL RECORD CHECKS AND WORKING WITH CHILDREN CHECKS PURPOSE

### PURPOSE

This Policy Directive and the attached Procedures outline the mandatory requirements for National Criminal Record Checks ('NCRCs') and Working with Children Checks ('WWCCs') for persons engaged or employed within the NSW Health Service and for persons seeking to be employed or engaged in NSW Health.

This policy includes the requirements of the *Child Protection (Working with Children) Act 2012* and the *Child Protection (Working with Children) Regulation 2013* that commence on 15 June 2013 for child related workers, together with the requirements of the (Commonwealth) *Aged Care Act 1997* for aged care workers.

### SCOPE

This policy applies to all paid and to non paid workers in NSW Health.

It includes staff on rotation, overseas applicants, volunteers, students undertaking clinical or research placements, Visiting Health Practitioners, temporary or casual 'locum' or nursing or midwifery agency staff, contract staff, eligible midwives and nurse practitioners appointed to Public Health Organisations otherwise than as employees and honorary appointments.

This policy applies to all public health organisations and all other bodies and organisations under the control and direction of the Minister for Health or the Director General Ministry of Health, including the NSW Ministry of Health and Albury Wodonga Health in respect of staff employed in the NSW Health Service and affiliated health organisations in respect of their recognised establishments and services.

### MANDATORY REQUIREMENTS

- NSW Health agencies must identify the type of checks required for each position and ensure that workers have the required NCRC and WWCC, in accordance with the requirements of this Policy.
- NCRCs are mandatory as part of the recruitment process for preferred applicants for positions in the NSW Health Service, including for visiting health practitioners and for volunteers as specified in this Policy. The mandatory requirement for a NCRC is subject to the exemption for existing staff members, and the special arrangements around the use of the NSW Health Criminal History Declaration and WWCC probity flag.
- For new child related workers (paid or unpaid), a signed NSW Health Criminal History Declaration stating no criminal history and a WWCC probity flag that indicates no criminal history meets the requirement for a NCRC.
- The use of the Criminal History Declaration and WWCC probity flag may only be used in strict accordance with the requirements of this Policy.

- All applicants for positions in the NSW Health Service, including for Visiting Health Practitioners and volunteers, must complete a NSW Health NCRC consent form and provide the associated 100 points of identification, regardless of whether or not they are existing staff members.
- Existing staff members or volunteers moving to new role within the NSW Health Service are not required to undergo a NCRC unless required for aged care purposes or because they have not previously had one or the name on the previous NCRC does not match their current name.
- Students attending clinical placements within NSW Health agencies are exempt from the WWCC requirements but must have a valid NCRC.
- Any person seeking to work in NSW Health in 'child-related work' must have a valid WWCC number in addition to any requirements for a NCRC in accordance with the requirements in this policy.
- Locum or nursing and midwifery agencies must provide evidence that staff supplied to NSW Health have a valid NCRC and a valid WWCC, as required.
- NSW Health agencies must validate and keep records of WWCC numbers obtained from the Children's Guardian.
- Existing staff members and volunteers are not required to obtain a WWCC until the compliance date in the Transition Schedule (Appendix 2).
- NSW Health agencies must ensure compliance with the Transition Schedule (Appendix 2) for existing child related workers to obtain a WWCC.
- Visiting Medical Officers are required to obtain a WWCC number on renewal of their contract, or by December 2017, whichever is first, in addition to any requirements for a NCRC.
- All aged care workers must have a NCRC every three years in accordance with the (Commonwealth) *Aged Care Act 1997*.
- Community transport drivers are required to have NCRCs every three years in accordance with funding arrangements with Transport for NSW.
- All child related workers must have a WWCC every five years in accordance with the (NSW) *Child Protection (Working with Children) Act 2012*;
- NSW Health agencies must register designated risk assessors with HealthShare's Employment Screening and Review Unit for the management of criminal history and risk assessments.
- NSW Health agencies must manage and assess criminal history identified through criminal record checks in accordance with the requirements of this policy, and any other requirements specified by the Employment Screening and Review Unit.
- NSW Health agencies must determine the need for criminal record checks for positions not mandated by this policy on the basis of risks, including the length of the engagement, responsibilities of the role and access to patients, clients and confidential information.

## IMPLEMENTATION

### Roles and responsibilities

#### **Chief Executives**

Are to ensure that their organisation has systems in place to implement this policy.

#### **Workforce Directorates /Human Resource Departments**

Are to ensure the provision of instruction, information and training as necessary to support establishment of local procedures for effective implementation of this policy.

#### **Workers**

All workers in NSW Health are required to comply with the mandatory requirements of this policy.

## REVISION HISTORY

Issue Date	Approved by	Amendment notes
PD2008_029		Replaced: Child Related Employment Determination PD2005_196 Employment screening of staff and other persons in Child related areas – policy and procedures PD2005_177 Employment Screening using Criminal Record Checks PD2005_552 Improper Conduct – Procedures for Recruitment /employment of staff and other persons PD2005_109 Risk Assessments arising from Criminal Charges /convictions PD2005_193
PD2013_028	DDG, Governance Workforce and Corporate	Replaces PD2008_029 Employment Screening Updates changes regarding procedures for students undertaking clinical placements Reflects change of ownership from CGM to Workplace Relations Reflects changes to the Working with Children legislation and the Aged Care requirements Replaces IB2012_001 Clinical Placements - Student Compliance Checking - Criminal Record Checks & Immunisation Status

## LIST OF ATTACHMENTS

- Employment Checking -Criminal Record Checks and Working with Children Checks Procedures

**Employment Checking – Criminal Record Checks and  
Working with Children Checks**



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**Issue date: August 2013**

PD2013\_028

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## 1 Background

The safety, welfare and wellbeing of NSW Health clients and patients is paramount. NSW Health is committed to ensuring that there are effective systems for protecting patients, clients and assets. One way to do that is to ensure that any person engaged to work in NSW Health has undergone appropriate criminal record checks, in addition to all other pre-employment screening requirements detailed in relevant NSW Health recruitment policies.

Apart from the special legislative provisions for children and older persons, NSW Health also has a duty of care to other vulnerable patients and clients.

A person's prior convictions may be relevant to the performance of their duties. Therefore, all preferred applicants for engagement within NSW Health agencies must undergo criminal record checks prior to engagement to ensure that any identified relevant criminal convictions may be assessed in terms of potential risk.

This document provides the mandatory procedures for the criminal record checking of preferred applicants for paid and unpaid positions (including for volunteers and students) in NSW Health and includes the legislative requirements relating to 'child related work' and to 'aged care work'.

This document also provides the mandatory criminal record check requirements for existing NSW Health workers.

## 2 Key Definitions

For the purpose of this Policy Directive and Procedures, the following definitions apply:

**Children's Guardian** refers to the Office of the Children's Guardian, who have responsibility for the issuing of Working With Children Check clearances. The Working With Children Check functions were previously held by the Commission for Children and Young People.

**Child related roles** are:

- An approved provider or manager of an education and care service
- A certified supervisor of an education and care service
- An authorised carer
- An Assessment Officer within the meaning of section 27A of the *Children and Young Persons (Care and Protection) Act 1998*
- The Principal Officer of a designated agency, as defined by the *Children and Young Persons (Care and Protection) Act 1998*
- The Principal Officer of an accredited adoption service provider within the meaning of the *Adoption Act 2000*.

**Child related work** is work in a child related role or in paid or unpaid work, involving face to face or physical contact with anyone under the age of 18 years, in an area prescribed as child related work. These areas include but are not limited to:

- Work as a health practitioner providing health services in wards of hospitals where children are treated or elsewhere if the work includes the provision of health services to children; this includes work in paediatric or adolescent health services and in adult health services (including wards of hospitals) that include the provision of health services to under 18 year olds.
- Work by persons (other than health practitioners) who provide health and care services in paediatric or adolescent health services.



- Administrative, corporate, clerical, maintenance, or other ancillary work in paediatric or adolescent health services if the work involves contact with children for extended periods.
- Work in mentoring and counselling services for children if the mentoring and counselling services are provided to children as part of a formal mentoring program.
- Work in providing family welfare services is child-related work, if clients to whom the services are provided ordinarily include children.
- Work in child protection services.
- Work in education and care services, child care centres, nanny services and other child minding services provided on a commercial basis.
- Work at sporting, cultural or other entertainment venues where services, activities or entertainment is provided on a commercial basis primarily for children.
- Work that involves providing entertainment services primarily for children on a commercial basis.
- Work at detention centres and juvenile correctional centres.
- Work for a residential parent and child program involving inmates or detainees, and their children, at a correctional centre, juvenile correctional centre or detention centre or other place.
- Work for a religious organisation where children form part of the congregation or organisation if the work is carried out as a minister, priest, rabbi, mufti or other like religious leader or spiritual officer of the organisation, or in any other role in the organisation involving activities primarily related to children, including youth groups, youth camps, teaching children and child care.

**Children** means persons under the age of 18 years as defined in the Child Protection (Working with Children) Act 2012.

**Clinical Placement** is also known as a student placement or fieldwork education and refers to the provision of supervised tertiary or post graduate education or research in a clinical setting by University /TAFE/ other Registered Training Organisation students.

**CrimTrac Agency** is the executive agency within the Commonwealth Attorney General's portfolio that provides, on behalf of Australian Police Services, national criminal history record checking services to accredited third party agencies for the purpose of employment risk management.

**Existing child related workers** are persons who are engaged or employed in child related work as at 15 June 2013 and who remain with the same employer.

**Health Practitioner**, for the purpose of this policy are persons registered under the *Health Practitioner Regulation National Law (NSW)*, and any other individual who provides a health service where a health service includes the following:

- medical, hospital and nursing and midwifery services
- dental services
- mental health services
- pharmaceutical services
- ambulance services
- community health services
- health education services
- welfare services necessary to implement health services
- services provided in connection with Aboriginal and Torres Strait Islander health practices and medical radiation practices

- Chinese medicine, chiropractic, occupational therapy, optometry, physiotherapy, podiatry and psychology services
- optical dispensing, dietician, massage therapy, naturopathy, acupuncture, speech therapy, audiology and audiometry services
- services provided in other alternative health care fields.

**National Criminal Record Check ('NCRC')** is an Australian-wide check of a person's criminal history, which may be in the form of a 'National Police Certificate' or 'Police Certificate' prepared by the Australian Federal Police, a State or Territory police service, or a CrimTrac accredited agency (such as NSW Health); or which may also be referred to as an 'Aged Care Check' if being undertaken for the purpose of working in an Australian Government subsidised aged care service.

**National Police Certificate** is a National Criminal Record Check, see above.

**NSW Health**, for the purpose of this policy, consists of NSW Health agencies and the Ministry of Health.

**NSW Health agency** refers to a local health district, a statutory health corporation, the Ambulance Service of NSW, NSW Health Pathology and Health Infrastructure and Public Health System Support Divisions of the Health Administration Corporation, and Albury Wodonga Health.

**NSW Health Service** consists of all persons employed under Chapter 9, Part 1 of the Health Services Act 1997.

**Overseas Applicant** is a person who is employed or engaged directly from overseas, including from New Zealand.

**Police Certificate** is a National Criminal Record Check, see above.

**Preferred Applicant** is an individual who is the recommended or preferred person for a vacant or volunteer position, but who has not yet been formally offered that position.

**Staff member**, for the purpose of this policy, refers to any person who is employed or engaged in paid work in the Ministry of Health or the NSW Health Service (including as a temporary or casual), or as a visiting practitioner. It does not include locum and nursing agency staff, students or volunteers.

**Student Supervisor/Facilitator** is a person nominated by the education provider and approved by the NSW Health agency to provide education and supervision to students on clinical placement.

**Visiting Practitioner** is a medical practitioner or dentist, appointed to practice (otherwise than as a staff member) at an agency under section 76 of the *Health Services Act 1997*.

**Volunteer** includes, for the purpose of this policy, anyone engaged to work in NSW Health without being paid or remunerated except for out of pocket expenses.

**Working With Children Check ('WWCC')** is a State based legislative requirement, managed by the Children's Guardian, for anyone in child related work in NSW. The NSW Working With Children Check consists of a national criminal history check and a review of reported workplace misconduct. Individuals are given either a clearance to work with children for five years, or a bar against working with children. The Children's Guardian monitors individuals for the duration of the clearance for any "trigger" or "disqualifying" charges or convictions arising in NSW, as defined in Schedules 1 and 2 of the *Child Protection (Working with Children) Act 2012*.

**Valid WWCC** is either a WWCC application or clearance number or a WWCC provided for an existing child related worker by NSW Health or the Catholic Commission for Employment Relations.

**WWCC Application number** is the WWCC number that has been activated at the NSW Motor Registry Office/NSW Council Agency that provides Roads and Maritime Services as part of the person's application for a clearance to work with children.

**WWCC Clearance number** is the number provided by the Children's Guardian clearing the person to work with children.

**WWCC Exemptions** are workers who are exempt from the requirements of the WWCC and include:

- A worker who provides administrative, clerical or maintenance services, or other ancillary services, if the work does not ordinarily involve contact with children for extended periods;
- A health practitioner who is working in and visiting New South Wales from outside the State, if the period of work does not exceed a total of 5 days in any period of 3 months;
- A worker who is working in and visiting New South Wales from outside the State for the purpose of child-related work if the worker is the holder of an interstate working with children check in the jurisdiction in which the person ordinarily resides, or is exempt from the requirement to have such a check in that jurisdiction, and the period of the child-related work in New South Wales does not exceed a total of 30 days in any calendar year;
- A health practitioner who works exclusively in the provision of geriatric health services.
- A worker who works for a period of not more than a total of 5 working days in a calendar year, if the work involves minimal direct contact with children or is supervised when children are present;
- A worker who carries out the work in the course of an informal domestic arrangement that is not carried out on a professional or commercial basis;
- A worker whose work involves direct contact only with children who are close relatives of the worker, other than a worker who carries out the work in the capacity of an authorised carer;
- A parent, or close relative, of a child who attends a school, an education and care service or other educational institution when volunteering at or for activities of the school, service or institution;
- A worker who is under the age of 18 years;
- A worker who is a health practitioner in private practice, if the provision of services by the practitioner in the course of that practice does not ordinarily involve treatment of children without one or more other adults present;
- A worker who is a co-worker of a child or who is a work supervisor or work placement supervisor of a child; A visiting speaker, adjudicator, performer, assessor or other similar visitor at a school or other place where child-related work is carried out if the work of the person at that place is for a one-off occasion and is carried out in the presence of one or more other adults; or
- Students attending clinical placements are not in child related work and are not required to obtain a WWCC. They are however required to sign a declaration that they have read and understood the NSW Health Code of Conduct and that they will notify NSW Health if they are charged with any criminal offences.

**Worker** is any person who is employed or engaged in paid or unpaid work in NSW Health, (including as a temporary, casual, or 'locum' or nursing or midwifery agency staff member), visiting practitioners, students, volunteers, agency staff, contractors etc.

## 2.1 Legal and Legislative Framework

This policy outlines the:

- Working with Children Check requirements for work defined as ‘child related’ in accordance with the (NSW) *Child Protection (Working With Children) Act 2012* and *Child Protection (Working with Children) Regulation 2013*; and
- Police Certificate requirements for work in NSW Health services and aged care facilities that receive Australian Government funding in accordance with the (Commonwealth) *Aged Care Act 1997*.

## 3 General Criminal Record Check Requirements

NCRCs are required for all new appointments to NSW Health (the requirements for existing NSW Health workers are dealt with in Section 9).

In addition to a NCRC at the time of appointment:

- Workers in ‘child related work’ must have a valid WWCC (renewed every five years) in accordance with the requirements of the (NSW) *Child Protection (Working With Children) Act 2012* and *Child Protection (Working with Children) Regulation 2013*.
- Workers in ‘aged care work’ must have a new NCRC every three years in accordance with the (Commonwealth) *Aged Care Act 1997*.

To ensure appropriate criminal record checking and compliance with relevant legislation, all positions, including for volunteers, should be categorised as one of the following:

- Child related work – requiring a valid WWCC and NCRC on appointment and thereafter a WWCC every five years – refer to Section 5.
- Aged care work – requiring a valid NCRC (for aged care purposes) on appointment and thereafter every three years - refer to Section 6.
- Child related work and aged care work – requiring a valid WWCC and NCRC (for aged care purposes) on appointment and thereafter a WWCC every five years and a NCRC (for aged care purposes) every three years – refer to Sections 5 and 6.
- Non child related (and non aged care) work – requiring a NCRC on appointment only – refer to Section 7.
- Other work - roles not mandated by this Policy to have NCRCs – requiring a position risk assessment to determine the need for NCRC – refer to Section 8.

Applicants for positions in NSW Health must be advised of the criminal record check requirements as part of the recruitment process.

Refer to [Appendix 12](#) for a summary of NCRC and WWCC recruitment requirements for staff members and volunteers, and [Appendix 13](#) for the requirements for locum, nursing and midwifery agency staff.

## **4 NSW Health's Role in Criminal Record Checking**

NSW Health only conducts NCRCs on preferred applicants for positions in NSW Health, including for visiting health practitioners and volunteers, or on existing staff members in permanent, temporary or casual positions. This is done as part of pre-employment screening during recruitment or every three years for existing workers where required under the *Aged Care Act 1997*.

NSW Health does not conduct the NCRCs on workers engaged through a locum or nursing and midwifery agency, or on other workers not employed by NSW Health or otherwise employed by a third party organisation. In these circumstances, it is the responsibility of the locum or nursing and midwifery agency, the individual or the third party organisation.

The Employment Screening and Review Unit (ESRU) in HealthShare NSW has responsibility for the lodgement of NCRCs for NSW Health and for coordinating the appropriate management of criminal history information in accordance with its contract with CrimTrac.

ESRU's responsibilities include ensuring NSW Health's compliance with contractual requirements around access to, and management of, criminal history information across NSW Health.

Criminal history information may only ever be viewed or accessed by designated NSW Health risk assessors that are registered with ESRU, who are aware of, and who have agreed to abide by, the strict confidentiality requirements around the management of the information and who have responsibilities in managing the associated risk assessment process.

### **4.1 Obtaining Consent for a NCRC**

NCRCs may not be lodged without informed consent from the individual and the required evidence of their identification.

All applicants for positions within the NSW Health Service or Ministry of Health whether new or existing staff members or volunteers must, at the time of application, complete the [NCRC consent form](#) (Appendix 7) and provide [100 Points of Identification](#) (Appendix 8).

NSW Health agencies must ensure that existing staff members or volunteers have a valid NCRC for the role for which they have applied. Refer to Section 9 for information about NCRC requirements for existing staff members or volunteers.

### **4.2 Identification Checking Requirements for the NCRC**

The NSW Health agency must complete the 100 Point Identification Checklist after sighting the applicant's original documentation. There is no requirement to keep copies of identification documents.

For overseas applicants who are not in the country at the time of their application, verified copies of the original documents may be accepted until the applicant arrives in Australia at which time the original copies must be sighted and the [100 Point Identification Checklist](#) completed (Appendix 8).

### **4.3 The NSW Health Criminal History Declaration (Appendix 4)**

The [NSW Health Criminal History Declaration](#) ('Declaration') may be used in place of conducting separate NCRCs in recruitment for child related work, for new staff members or volunteers when supported by the WWCC probity flag and where there is no requirement for a NCRC for aged care purposes. The Declaration requires applicants to make a declaration about criminal history (including pending charges).

The use of the Declaration must comply with all the following mandatory requirements:

- It may only be used for new child related workers and not for existing workers.
- It may only be used if the WWCC validation process has access to the WWCC probity flag.
- It must not be accessible or disclosed to the selection panel or used as part of the process for selecting the preferred applicant.
- It must be maintained securely and confidentially.
- It should only be accessible to staff with responsibility for processing NCRCs, and may only be used after the person has been selected as a preferred person and for the purpose of determining whether a separate NCRC is required.

When a Declaration indicates no criminal history and the WWCC probity flag confirms that the person has no criminal history, there is no further need to undertake a NCRC unless one is required for aged care purposes.

A Declaration indicating no criminal history must be retained on a successful applicant's personnel file or on the recruitment file for unsuccessful applicants.

Declarations where the applicant has indicated criminal history must be retained in a secure file along with the documented risk assessment or file note confirming that either no actual criminal history was disclosed in the NCRC or that the disclosed criminal history was not relevant to the inherent requirements of the position.

Information about the retention periods for documents obtained or created in the selection process is contained in the NSW Health Policy Directive '*Recruitment and Selection of Staff of the NSW Health Service*', accessible at: <http://www.health.nsw.gov.au/policies/pages/default.aspx>.

#### **4.3.1 Information disclosed in the Declaration**

Applicants are only required to disclose criminal history as lawfully allowed in accordance with the relevant State or Territory spent convictions legislation. They are not required to disclose spent criminal history, and NSW Health may not consider spent criminal history in its assessment of the person's suitability for work.

Spent convictions are not disclosed in the NCRC undertaken by NSW Health.

The Declaration requires applicants to state whether they have any of the following matters recorded against their name (including bonds but excluding minor traffic offences, matters that have been quashed, dismissed, withdrawn or which are otherwise spent):

- convictions in the last 10 years; or
- convictions for sexual offences; or
- convictions for which a prison sentence of more than 6 months was imposed; or
- criminal charges which are yet to be finalised or heard in court.

A NCRC must be obtained if the person has disclosed that they have criminal history. The disclosure of criminal records or charges does not automatically preclude a person from a position; each case must be considered on its merits and in accordance with the requirements of this Policy.

If an applicant is found to have deliberately withheld or provided false information in the Declaration about convictions or pending charges that are subsequently identified as relevant to the inherent requirements of the role, the application may be rejected or if the person has been appointed, it may be grounds for dismissal.

### 4.3.2 The WWCC probity flag

When NSW Health validates WWCC clearances with the Children’s Guardian through designated web servers, including the eRecruit system, the WWCC probity flag may identify whether or not the person has criminal history.

The WWCC probity flag indicating no records is equivalent to a NCRC undertaken at the date of the WWCC clearance. The flag indicates if the person had any charges or convictions (including non child related matters) at the time of their WWCC clearance or any “trigger” or “disqualifying” charges or convictions (as listed in Schedules 1 and 2 of the [Child Protection \(Working with Children\) Act 2012](#)) in NSW after the date of the WWCC clearance.

The WWCC probity flag does not distinguish between spent and disclosable criminal records, all released as part of the WWCC. A NCRC conducted as a result of a WWCC probity flag may be returned clear because the person does not have records that are disclosable in a NCRC.

The WWCC probity flag indicating no records is only available if the applicant has provided consent for this information to be released to NSW Health. In the absence of consent, the flag defaults to the position that the person may have criminal history.

The WWCC probity flag is not available for validations conducted manually through the website of the Children’s Guardian.

### 4.3.3 Use of the Declaration and WWCC probity flag instead of a NCRC

The WWCC probity flag indicating no records may be used instead of a NCRC for new staff members and volunteers only when it is attached to a WWCC clearance number and the person has signed the Declaration stating that they have no criminal history.

NCRCs are still required for new child related staff members or volunteers if:

- the WWCC probity flag is not available in the recruitment process (because the validation process is being managed manually or not through eRecruit or another designated web server); or
- the applicant has not completed the Declaration; or
- there is information indicating that the preferred applicant may have criminal history (for example, from the Declaration or from the WWCC probity flag); or
- the person is going into aged care work and their last NCRC (including from the WWCC probity flag) was undertaken three or more years ago.

For preferred applicants for positions identified as ‘child related work and aged care work’, if the WWCC probity flag is under three years old and indicates the person had no criminal records , and the Declaration states they have no criminal history, there is no further requirement for a NCRC.

Refer to Section 9 for the requirements for existing workers.

#### **4.4 Where the NCRC reveals criminal records**

Where a NCRC reveals criminal records, ESRU will identify whether the convictions or pending charges may be relevant to the position and, if so, forward them to the designated risk assessor within the NSW Health agency for further assessment.

The NSW Health agency's risk assessor must determine if the records are relevant and if they are likely to affect the individual's ability to undertake the key responsibilities of the position for which they are being considered.

If it is determined that the risks are not relevant or do not impact on the individual's ability to undertake the key responsibilities of the position, the appointment should proceed.

If it is determined that the risks may be relevant and may impact on the role, the applicant must be contacted, and a risk assessment undertaken.

#### **4.5 Contacting the applicant**

The applicant must be asked to confirm their full name, date of birth and current address and be told of the purpose of the NCRC. Once the person's identity has been confirmed, they may verbally be given a summary of the substance of the police history information, including dates, and asked to confirm the accuracy of the information. The applicant must not, under any circumstances, be given a copy of the criminal history information.

If the applicant states that the record does not belong to them or is inaccurate, ESRU must be contacted for further advice.

If the applicant confirms the criminal records, they should be advised of the relevance of the record to the position for which they are being considered, the type of information that may assist the risk assessment, and be given an opportunity to provide additional information to support their application.

At all times, the principles of procedural fairness, privacy and confidentiality must be maintained when conducting employment risk assessments.

#### **4.6 Conducting the risk assessment**

The risk assessment may only be carried out by designated risk assessors; those persons, who are registered as risk assessors with the ESRU, have undergone NCRCs and met any other requirements as specified by ESRU. No other persons may be involved in the management of the risk assessment process.

Only designated NSW Health risk assessors may sight or have access to criminal records or documents used in an employment risk assessment. This information must not be given, sent or disclosed to any third party person including to any other NSW Health agency worker.

The following information may be considered as part of the risk assessment:

- The seriousness and nature of the convictions, and how they relate to the key responsibilities of the position (including ensuring they are not precluding convictions if in aged care work).
- How many convictions, was it a pattern or an isolated matter?
- What period of time has elapsed since the last offence?
- The amount and type of penalty awarded by the court may be indicative of the seriousness of the offence.



- Any mitigating information in relation to the offences. These might include such factors as peer pressure, difficult family circumstances or other stress factors in the person's life at the time such as drug or alcohol abuse etc.
- Submissions from the applicant regarding action they have taken or changes to their circumstances that may have contributed to the offending.
- References – the type of reference will depend on the nature and circumstances of the offence(s), but could include workplace references as well as information from professionals from whom the applicant has sought treatment, counselling or other help. This may include references from probation or parole officers.
- The degree of direct or unsupervised contact the person will have with patients, clients' confidential information, property, finances etc, whether the person will be working alone or as part of a team and the environment in which the work will be conducted.

Based on the information obtained, a determination must be made about whether any risks arising from the criminal record or charges, identified as relevant to the position for which the person is being considered, affect their ability to undertake the full range of responsibilities and tasks associated with the role, including whether any such risks can be, or have already been, satisfactorily mitigated.

#### **4.7 Outcome of the risk assessment**

Once the risk assessment is completed, the NSW Health agency must advise the applicant of its determination.

The NSW Health agency must also inform ESRU of the determination and provide any other information as required by ESRU, including confirmation that all criminal history information has been destroyed.

The NSW Health agency should document in a risk assessment report its reasons either to continue with the appointment or to decline the appointment because of the criminal history.

#### **4.8 The risk assessment report**

The risk assessment report should include a summary of the criminal records (including the nature of the convictions or charges, their date, and the penalty), their relevance to the key responsibilities of the role, any mitigating or risk factors associated with the role, a summary of any information provided by, or obtained from, the applicant or referees or any other body, and an analysis of the resulting risks and the decision whether or not to appoint.

#### **4.9 Management of criminal history**

Only designated risk assessors are allowed access to information about criminal history, which must be kept securely and confidentially at all times.

Information obtained about a person's criminal history must not be used for any purpose other than for determining their suitability for engagement or ongoing engagement within NSW Health.

#### **4.10 Retention of records**

Criminal history information must be deleted as soon as the risk assessment is complete or within three months at the latest; this includes criminal history information sent or received or stored electronically.

All other records, including Declarations and Risk Assessment Reports, created or obtained in connection with NCRCs or WWCCs (including for volunteers and students) must be kept in accordance with the requirements of the NSW State Records General Retention and Disposal Authority. For the current requirements for retaining records obtained during the recruitment and selection of staff members, refer to the NSW Policy Directive '*Recruitment and Selection of Staff of the NSW Health Service*', accessible at <http://www.health.nsw.gov.au/policies/pages/default.aspx>.

## **5 Child Related Work**

### **5.1 Definition of Child Related Work**

Refer to the definitions of Child Related Work and WWCC exemptions in Section 2.

Further information about the WWCC is available from the website of the Children's Guardian at [www.kids.nsw.gov.au](http://www.kids.nsw.gov.au).

### **5.2 Recruitment requirements for child related work**

People seeking to be employed or engaged in NSW Health in child related work are required to have the following two criminal record checks as part of the recruitment process:

1. A valid WWCC number from the Children's Guardian:
  - A WWCC number should be validated as a WWCC clearance before the person commences in NSW Health, subject to the emergency provisions in Section 5.4; and
2. A satisfactory NCRC:
  - For all direct NSW Health engagements, the applicant (whether an existing worker or not) is required to complete a NCRC consent form and provide 100 points of identification as required in the 100 Point Identification Checklist; and
    - The applicant should also complete a NSW Health Criminal History Declaration if they are not an existing worker and the recruitment process meets the requirements specified in Section 4.3.
  - The NCRC should be finalised before the person commences in NSW Health, subject to the emergency provisions in Section 5.4.
  - For locum or nursing and midwifery staff, it is the responsibility of the locum or nursing and midwifery agency to ensure that the person has a valid NCRC before they commence placements in NSW Health (refer to Section 5.6).

The following exceptions apply:

- A NCRC is not required if the applicant's WWCC probity flag indicates they do not have any criminal history and they have completed a Declaration stating that they have no criminal records or pending charges (subject to any further requirements relating to aged care work - refer to Section 6).
- There are special arrangements for existing NSW Health Service workers changing roles. Refer to Section 9.

### 5.3 Obtaining a Working with Children Check

WWCCs are only available from the Children’s Guardian. Individuals wishing to be engaged in child related work are responsible for obtaining and paying for their WWCC number from the Children’s Guardian.

NSW Health agencies may not apply for or pay for WWCCs on behalf of individuals.

The individual requiring a WWCC clearance must apply to the Children’s Guardian for a **non volunteer clearance** which will allow them to be engaged in either paid or unpaid work; or a **volunteer clearance** which will only allow them to be engaged in unpaid child related work.

Applicants are required to apply on line for a WWCC number, which then must be activated and paid for (if for paid work), in person, with identification at a NSW Motor Registry Office or a NSW Council Agency that provides Road and Maritime Services (for the full list, refer to the NSW Guardian’s “Fact Sheet: How to apply” available at <http://www.kids.nsw.gov.au/Working-with-children/New-Working-With-Children-Check/Publications-and-resources>.)

Individuals should include their activated WWCC number with their application, at interview or as otherwise directed in the recruitment process. Information for applicants about obtaining the WWCC is available from <http://kids.nsw.gov.au/kids/working/newcheck>.

### 5.4 Emergency conditional appointments - child related workers

Child related workers are required to have a WWCC clearance before they commence work in NSW Health, except in the following circumstances:

1. Where the person has been unable to lodge their application at the NSW Motor Registry Office or NSW Council Agency before commencing work because they are an overseas or interstate applicant and a delay to them commencing work is likely to significantly affect service delivery; or
2. Where there are other reasons for the person being unable to lodge an application before commencing work that the NSW Health agency determines are valid and the engagement of that worker is necessary in the circumstances to prevent an increased risk to the safety and wellbeing of children; or
3. Where the person has lodged the application at the NSW Motor Registry Office or NSW Council Agency but has not yet received a clearance and a delay to them commencing work is likely to significantly affect service delivery.

The NSW Health agency is responsible for determining if the criteria for an emergency conditional appointment has been met, and for mitigating any risks associated with the applicant commencing work without a WWCC clearance, including ensuring that only delegated staff authorise such conditional appointments, and that all other relevant pre-employment screening checks are completed, including, where possible, a NCRC.

Further exemptions from the NSW WWCC apply to interstate and overseas workers (Refer to Section 5.7).

#### **5.4.1 Emergency conditional appointments– requirements when appointing workers without a WWCC clearance**

Where a new staff member or volunteer commences work without a WWCC clearance for the reasons cited in Section 5.4, they should have either completed a Declaration stating that they have no criminal history or undergone a NCRC, and the appointment must be conditional on a WWCC clearance being provided (and a satisfactory NCRC if waiting on the WWCC probity flag to support the Declaration). If the WWCC probity flag will not be available through the WWCC validation process, the NSW Health agency must immediately lodge a NCRC.

Where the emergency appointment relates to locum or nursing and midwifery agency staff, they should have met the NCRC requirements (Section 5.6) before commencing work; the Declaration and WWCC probity flag are not available for locum and nursing or midwifery agency staff.

If the person has been unable to obtain a WWCC application number from the NSW Motor Registry Office or the NSW Council Agency before commencing work, they must provide one within five days of commencing work. If after five days the person has not provided a valid WWCC number, the appointment should be suspended until the person has provided one.

Additional requirements relate to emergency appointments in aged care work - refer to Section 6.

The NSW Health agency must ensure that the ongoing appointment of all child related workers in NSW Health is dependent on valid WWCC clearance numbers and satisfactory NCRCs.

Individuals who do not have a valid WWCC number must not be engaged in child related work except in the circumstances outlined in Section 5.4.

There are penalties under the *Child Protection (Working with Children) Act 2012* for employers and for individuals who fail to comply with the WWCC requirements.

#### **5.4.2 Emergency conditional appointments without a NCRC**

The NSW Health agency is responsible for determining if the criteria for an emergency conditional appointment has been met and for mitigating any risks associated with an applicant commencing work without a finalised NCRC, including ensuring that only delegated staff authorise such conditional appointments, and that all other relevant pre-employment screening checks are completed, including, where required a WWCC clearance.

Where a person has neither a WWCC clearance nor a finalised NCRC, the criteria in Section 5.4 must be met for the appointment to proceed.

A WWCC clearance probity flag and Declaration both indicating no criminal history meet the requirement for a finalised NCRC.

### **5.5 Validation of WWCCs**

NSW Health agencies must validate WWCCs numbers with the Children's Guardian for all new child related workers, including for agency and locum staff.

For each child related worker, records must be kept of the:

- worker's full name;
- WWCC number;
- date and outcome of the WWCC validation; and
- WWCC clearance expiry date.

These records may be electronic or in hard copy format, but must be made available to the Children's Guardian if required for audit and monitoring purpose.

NSW Health agencies must use the “log on” details provided by the ESRU.

For existing workers, where it is identified as part of the recruitment process that the applicant’s WWCC from the Children’s Guardian has previously been validated, and is still current and valid for the work being undertaken (eg, for paid workers the WWCC is a non-volunteer WWCC) there is no further requirement to revalidate the number.

Once a worker has been validated, should the Children’s Guardian withdraw the WWCC clearance, they will contact ESRU, who will identify whether the person is still currently engaged in NSW Health and provide advice to the relevant NSW Health agencies.

If a worker’s WWCC is withdrawn by the Children’s Guardian, they must immediately be removed from child related work.

## **5.6 Locum and nursing and midwifery agency staff**

All locum, nursing and midwifery agency staff must have a valid WWCC and NCRC before commencing in a NSW Health agency (unless they are only working in aged care work in which case they are only required to have a valid NCRC for aged care purposes – refer to Section 6), or unless the criteria in Section 5.4 has been met for emergency appointments, or they fall within the exemptions for short term overseas or interstate workers referenced in Section 5.7.

The locum or nursing and midwifery agency is required to provide confirmation to the NSW Health agency that the person has a valid WWCC and NCRC, in accordance with this policy.

For the purpose of locum or nursing and midwifery agency staff, a valid WWCC may be one from NSW Health or a WWCC number from the Children’s Guardian, depending on when the person registered with the locum or nursing and midwifery agency.

For WWCC numbers from the Children’s Guardian, the NSW Health agency must validate the WWCC number with the Children’s Guardian.

For the purpose of locum or nursing and midwifery agency staff, a valid NCRC is:

- A National Police Certificate obtained within the last three years and a Declaration relating to any offences committed since the date of the Certificate (if the Certificate was obtained before registration with the agency); or
- A NCRC obtained by the locum or nursing and midwifery agency as part of the person’s engagement with the agency; or
- A NCRC included in a WWCC obtained from NSW Health (NSW Health WWCCs lodged by agencies before March 2012 included a NCRC; NSW Health WWCCs lodged by agencies after March 2012 did not include a NCRC).

The NSW Health Criminal History Declaration and WWCC probity flag may not be used for locum and nursing and midwifery agency staff.

It is the responsibility of the locum or nursing and midwifery agency to sight the person’s relevant documentation and to assess any criminal history to determine the person’s suitability for the placement.

The locum or nursing and midwifery agency must provide the NSW Health agency with the reference number for the Police Certificate or the NCRC, the date it was undertaken and confirmation that they have assessed any identified criminal records and there is nothing in the person’s criminal record history preventing them from undertaking all the key responsibilities of the role.

The Police Certificate is not required to be provided to the NSW Health agency. Locum and nursing agencies may use the 'Template Letter for Locum and Nursing and Midwifery Agencies' at [Appendix 3](#).

Refer to the NSW Health Policy Directive PD2011\_063 'Locum Medical Officers – Employment and Management' for further information about Locum Agency requirements.

The table at [Appendix 13](#) summarises the NCRC and WWCC requirements for locum and nursing and midwifery agency staff.

## **5.7 Overseas and Interstate applicants**

WWCC application numbers are only available from NSW Motor Registry Offices or NSW Council Agencies that provide Roads and Maritimes Services located in New South Wales.

Overseas and interstate applicants, including those appointed through locum or nursing and midwifery agencies, may be unable to obtain a WWCC application number until after they have commenced work in a NSW Health agency.

The NSW Health agency should consider whether the person is exempt from the WWCC for the reasons provided in Sections 5.7.1 or 5.7.3.

If the position is not exempt from the WWCC, and the criteria in Section 5.4 has been met, the appointment may proceed, but be conditional on a WWCC clearance. The person must attend the NSW Motor Registry Office or NSW Council Agency and provide the NSW Health agency with the WWCC application number within five days of commencing work.

Interstate and overseas applicants are subject to the same Australian NCRC requirements as other applicants.

Refer to Sections 5.6 and 9.3 for further information about locum, nursing and midwifery agency staff.

### **5.7.1 Overseas applicants**

Overseas workers engaged in child related work in NSW Health are required to obtain a WWCC, unless they will be working for fewer than five days in any three month period.

If the appointment needs to proceed, conditionally, in the absence of a WWCC application number, the applicant must still meet the requirements for overseas criminal record checks and have an Australian NCRC, in accordance with this policy.

NCRCs may be lodged before the person arrives in Australia as long as they complete the NSW Health NCRC consent form with verified copies of original documents for the 100 Point ID Check. Once they arrive in NSW, the original documents must be sighted by the NSW Health agency and the 100 Point ID Checklist completed.

Certified copies are copies authorised, or stamped as being true copies of originals, by a person or agency recognised by the law of the country in which the person is currently residing as having the authority to authorise or stamp such documents.

Department of Immigration and Citizenship ('DIAC') offices outside Australia may have the facility to certify or witness documents. A 'Service Delivery Partner' may be able to provide this service on behalf of the department if there is an agreement in place with the Australian Office. Applicants can visit the DIAC website for more information on offices outside Australia: [www.immi.gov.au/contacts/overseas/](http://www.immi.gov.au/contacts/overseas/).

### **5.7.2 Additional requirements for overseas applicants**

In addition to requirements for the WWCC and Australian NCRC, applicants recruited directly to NSW Health from overseas (including New Zealand) must provide:

- A Police Clearance from their home country and any country they have been citizens or permanent residents since turning 16 years of age (incorporating any charges the preferred applicant may have against their name).
- If unable to provide a Police Clearance from any country they have lived in, they must complete a Statutory Declaration stating they have no pending criminal charges or convictions from any country they have been citizens, permanent residents since turning 16. If they do have such records, they must list date of offence, type of offence and court outcome (refer to [Appendix 5](#)).

Any criminal record check in a language other than English must be accompanied by a 'certified copy' of an English translation of the criminal record.

### **5.7.3 Interstate applicants**

Interstate workers engaged in child related work in NSW Health are required to have a NSW WWCC if they will be working for more than five days in any three month period or more than 30 days in a calendar year.

If the appointment needs to proceed conditionally, in the absence of a WWCC application number, the applicant should still have a NCRC, in accordance with this policy.

The following exemptions from the WWCC relate to interstate workers:

- Interstate health practitioners engaged by a NSW Health agency for fewer than five days in any three month period do not require a NSW WWCC.
- Health practitioners/workers working in NSW for more than five days in a three month period but fewer than 30 days in a calendar year do not require a NSW WWCC if they have an interstate WWCC number or they are exempt from the WWCC in their home State or Territory. Health practitioners in Queensland and ACT are currently exempt from their local WWCC requirements.

NSW Health agencies must ensure that interstate workers are compliant with the WWCC requirements.

## **5.8 Volunteers**

Volunteers in paediatric or adolescent health services are in child related work if they are providing health and care services or if they are in an administrative, clerical, maintenance or ancillary role and the role involves contact with children for extended periods.

In other health services, volunteers providing health and care services are not in child related work unless they are in one of the other specified categories of child related work (refer to the definitions of 'child related work' and 'WWCC exemptions' in Section 2).

From 15 June 2013, all new volunteers engaged to work in child related work must have a valid WWCC number from the Children's Guardian, and a valid NCRC in accordance with Section 5.

## **6 Aged Care work**

### **6.1 Definition of aged care work**

The Australian Government Department of Health and Ageing is responsible for the legislative criminal record checking requirements for workers in aged care work. Further information may be obtained from their website at:

<http://www.health.gov.au/internet/main/publishing.nsf/Content/ageing-quality-factsheet-policechecks-guidelines.htm>

Aged care workers include all paid staff members aged 16 years or over and relevant volunteers in NSW Health services and aged care facilities that receive Australian Government funding. These include:

- Residential aged care facilities;
- Flexible Care services, such as:
  - Home Care Packages (formerly known as Community Aged Care Packages, Extended Aged Care at Home & Extended Aged Care at Home-Dementia Packages);
  - Multi-Purpose Service residential aged care services; and
  - Transitional Aged Care services.

### **6.2 Requirements for aged care workers**

Aged care staff members and volunteers are required to have a valid NCRC on appointment to NSW Health. The NCRC must be identified as being for the purpose of aged care and be repeated every three years for those:

- Staff, contractors (including agency staff) or consultants within a residential aged care facility, who have, or are reasonably likely to have, access to care recipients or with access to the care recipient's own home through a Home Care Package or other community service;
- Volunteers visiting care recipients under the Community Visitors Scheme; and
- Volunteers who have or are reasonably likely to have, unsupervised access to care recipients, and have turned 16 years of age or, if for full-time students, have turned 18 years of age.

The following are not aged care workers for the purpose of the Australian Government's criminal record check requirements:

- Visiting medical practitioners, pharmacists and other allied health professionals who have been requested by, or on behalf of, a care recipient but are not contracted by the approved provider; or
- Tradespeople who perform work otherwise than under the control of the approved provider (that is, independent contractors). For example, plumbers, electricians or delivery people who are utilised on an 'ad hoc' basis;
- Visiting people who attend the service at the invitation of a care recipient (e.g. family and friends); and
- Aged Care Assessment Teams who are visiting professionals not contracted by the approved provider.

People are precluded from working in Australian Government funded aged care services if they have a conviction for murder or sexual assault or a conviction for, and sentence to imprisonment (including one that is suspended) for any other form of assault.

The NSW Health agency must undertake NCRCs on all new staff members and volunteers to aged care. Refer to Section 4.3 for further information about the use of the Declaration and



WWCC probity flag for preferred applicants for positions identified as 'aged care work and child related work'.

NSW Health agencies must ensure that aged care workers have NCRCs every three years, and that persons with convictions precluding their employment are not engaged or allowed to continue to work in aged care.

### **6.3 Additional requirements for aged care applicants who have resided overseas**

In addition to the Australian NCRC, if staff members or volunteers have been citizens or permanent residents of a country other than Australia since turning 16 years of age, they must make a Statutory Declaration before starting work stating that they have never been convicted of murder or sexual assault, or been convicted of, and sentenced to imprisonment for, any other form of assault.

The template Statutory Declaration for aged care must be used ([Appendix 11](#)).

### **6.4 Locum and nursing agency staff**

For aged care workers engaged through a locum or nursing and midwifery agency, the locum or nursing and midwifery agency must ensure that the person has a valid NCRC, including in relation to the requirements for applicants who have resided overseas, before being placed in the NSW Health agency.

The NSW Health agency is responsible for confirming that locum or nursing and midwifery agency staff members have NCRCs in accordance with the aged care requirements.

The table at [Appendix 13](#) summarises the NCRC and WWCC requirements for locum and nursing and midwifery agency staff.

### **6.5 Emergency appointments in aged care**

A person may commence conditionally in aged care work without a valid NCRC only if:

- the care or other service to be provided by the person is essential; and
- an application for a NCRC or police certificate has been made before the date on which the person first becomes a staff member or volunteer; and
- the person will be subject to appropriate supervision during periods when the person has access to care recipients; and
- the person makes a statutory declaration ([Appendix 11](#)) stating that they have never been convicted of murder or sexual assault or convicted of, and sentenced to imprisonment for, any other form of assault.

## **7 Non child related work**

Non child related work is any work that is not child related or aged care work and includes, but is not limited to:

- administrative, corporate, clerical, maintenance, ancillary, volunteer work or any work by persons other than health practitioners in paediatric or adolescent health services where the work does not involve contact with children for extended periods.

- administrative, clerical, maintenance, corporate, ancillary or volunteer work or any work by persons other than health practitioners in all other health services (other than those defined as aged care work in Section 6) or in the Ministry of Health;

All new staff members and volunteers engaged to work in NSW Health in non-child related roles must undergo a NCRC through NSW Health as part of the appointment process.

As long as the person remains in non-child related work within the NSW Health Service with no break in service, there is no requirement for a further NCRC.

### **7.1 Agency staff - non clinical**

Long term non clinical agency staff should have a NCRC. For short term non clinical agency staff, the NSW Health agency should determine whether a NCRC is necessary based on a risk assessment of the position (refer to Section 8).

### **7.2 Contractors - Service/ Utilities (non clinical services)**

For short term/one off delivery/repair work, no criminal record checking is required. If a contractor is required to enter hospital wards or premises for the delivery or repair of equipment, the person is to be supervised and informed of the areas they are permitted to enter.

For long term contracts/tendered agreements where the company/organisation is contracted for building services and where the contractor is not providing any direct services to clients or patients, NSW Health does not undertake any criminal record checking.

If as a result of a risk assessment, it is determined that the workers engaged by the contractor should undergo NCRCs, it is the responsibility of the contracted company to organise them.

### **7.3 University /TAFE /other Registered Training Organisation ('RTO') students undertaking clinical placements in NSW Health agencies**

All students are required to obtain a National Police Certificate for the purpose of undertaking clinical placements in NSW Health agencies, regardless of whether or not they are an existing NSW Health worker.

Students are responsible for obtaining their own Police Certificates from a State or Territory Police service.

Overseas students, whether enrolled in an Australian or Overseas Tertiary Institution, must in addition to obtaining an Australian National Police Certificate, also obtain Police Certificates from their home country or any country that they have been permanent residents of or citizens in since turning 16 years of age (translated in to English). If they are unable to obtain a Police Certificate, the student must complete the [Template Statutory Declaration](#) at Appendix 5 that details whether or not they have a criminal history from their home country or any country that they have resided in, or been a citizen of since turning 16 years of age.

The name on the Police Certificate must match the name on the student's ID card from the Tertiary Institution.

The [Template Statutory Declaration](#) at Appendix 5 must be completed once the student is in New South Wales.

Students attending clinical placements are not in child related work and are not required to obtain a WWCC. They are however required to sign the [Code of Conduct Agreement for Students](#)

[Undertaking a Clinical Placement](#) at Appendix 6 stating that they have read and understood the NSW Health Code of Conduct and that they will notify NSW Health if they are charged with any criminal offences.

Students must provide NSW Health with original documentation to meet compliance requirements.

### **7.3.1 Students with criminal history or pending charges**

Criminal history does not necessarily constitute a barrier to clinical placement. Each application is considered on its merits, and its relevance to undertaking clinical placements in NSW Health facilities. Mitigating factors, including but not limited to, the length of time since the convictions, the nature of the convictions and action taken since by the student will be considered.

Students with criminal history or pending charges are not allowed to commence or continue in clinical placements in NSW Health agencies until they have obtained a Clinical Placement Authority Card (or Conditional Letter) from HealthShare NSW's Employment Screening and Review Unit (ESRU).

Students must apply directly to ESRU, by completing the '[Application for authority to undertake clinical placements in NSW Health facilities](#)' at Appendix 10 if convictions are disclosed in a Police Certificate or Statutory Declaration or if they are charged with, or convicted of, an offence after the issuing of their Police Certificate.

If the risks relating to the criminal history are not relevant or are sufficiently mitigated, the student will be provided with a Clinical Placement Authority Card or a Conditional Letter with authority to undertake clinical placements subject to certain conditions.

If the risks relating to the criminal history are unacceptable, or the student has not provided the required documentation, NSW Health may decline the application or withdraw authority for the student to undertake placements if it had been previously provided. The student will be informed of this decision in writing and of the requirement to inform the Tertiary Institution's Clinical Placement Supervisor or Facilitator.

ESRU will notify the ClinConnect Application Manager if it determines that a student, previously identified as clear to undertake clinical placements should now be refused authority to undertake placements.

### **7.3.2 Managing student compliance**

NSW Health agencies must ensure that all students attending clinical placement are compliant with the requirements of this and other relevant polices, including those relating to immunisation status.

Original documentation must be sighted and checked against the student's Tertiary Institution's ID card.

If the student fails to provide the required compliance documentation, which includes original documentation or the NSW Health facility is not able to manage the placement in accordance with any conditions stipulated by ESRU, they should not be allowed to commence their placement. Students should be referred to their Tertiary Institution.

One way of managing compliance is through the use of ClinConnect, a web-based application to assist in the management of clinical placements for Nursing and Midwifery, Dental and Oral Health, Allied Health and Medical students.

For further information about ClinConnect, refer to the website of the Health Education and Training Institute at <http://www.heti.nsw.gov.au/clinconnect/>

The [Student Clinical Placement Checklist](#) (Appendix 9) may also be used to assist in managing student compliance requirements.

## **7.4 Other students**

Students from High School or TAFE completing work experience for their secondary school qualifications at a NSW Health agency do not require NCRCs as they must be supervised at all times by a staff member of the service who is allocated responsibility for them.

## **7.5 Student Supervisors / Facilitators**

Student supervisors/facilitators, who are engaged by a Tertiary Institution or a recruitment agency, must provide evidence of a NCRC. This NCRC must have been completed either in the last three years or at the time of their appointment with the Tertiary Institution or recruitment agency.

Student supervisors/facilitators who are existing NSW Health workers are not required to undergo a further NCRC to undertake the role of student supervisor/facilitator.

Student supervisors/facilitators are required to have a WWCC number if the work meets the definition of child related work. Refer to the definitions of child related work and WWCC exemptions in Section 2, as well as the special arrangements for existing workers in Section 9.

Where student supervisors/facilitators are required to have a WWCC, the NSW Health agency must validate the number with the Children's Guardian.

## **7.6 Volunteers (non child related)**

NCRCs are required for all volunteers who are engaged to provide services in NSW Health facilities, in clients' or patients' homes or in other services where they are required to have direct face to face or physical contact with patients or clients or have access to confidential information about NSW Health patients, clients or staff, or high level access to finances.

## **7.7 Community Transport**

Any drivers engaged to provide community transport in connection with a funding contract with Transport for NSW Health under the Home and Community Care Program or the Community Transport Program must every three years have NCRCs, satisfactory driving records verified by a driving record check and health assessments.

NSW Health agencies with funding contracts with the NSW Government Department 'Transport for NSW' for community transport services should check their contracts for full details of the requirements.

## **8 Other work**

There may be some roles that fall outside the mandatory requirements of this Policy in relation to NCRCs. In these cases, the decision to undertake a NCRC will be based on a risk assessment in relation to the level of inherent risk to client safety, service delivery and community confidence.

The decision to undertake a NCRC for any roles not mandated by this Policy should include the following considerations:

- Whether the person is, or will be, a staff member or a volunteer in a NSW Health agency. NSW Health may only undertake NCRCs on persons it directly engages. If a NCRC is required but the person is employed by another organisation, it is the responsibility of the employing agency, or of there is no other employer, it is the responsibility of the individual.
- The length of time of the engagement, e.g. engagements that are for less than two weeks or one-off engagements may not require a NCRC, unless there are particular risks inherent in the position.
- The type of work being undertaken, including whether it requires direct contact with patients/clients, whether it involves the handling of confidential information such as that relating to patients/clients, the level of supervision involved, any protective factors that mitigate any risks relating to the role, the consequences to clients and to the organisation of any incident, and any other factors that will affect the level of risk.

A NCRC would normally be required if the role usually involves one or more of the following:

- the care of vulnerable persons;
- working in the immediate vicinity of, or having regular access to, vulnerable persons;
- high levels of financial accountability;
- high level access to information about staff, clients or patients; or
- access to drugs.

NSW Health agencies should document decisions around NCRC requirements for roles not mandated by this Policy.

## **9 Existing NSW Health workers**

There are special arrangements in the *Child Protection (Working With Children) Regulation 2013* for existing child related workers to be transitioned to the new WWCC.

Existing child related workers (i.e. those employed or engaged in child related work as at 15 June 2013 but not including Visiting Medical Officers) are not required to apply for a WWCC number from the Children's Guardian when changing roles for as long as they continue to be employed or engaged in NSW Health, or until the compliance date relevant to that worker (as specified in [Appendix 2](#)), whichever is sooner.

NSW Health agencies must ensure existing child related or aged care workers renew their WWCC or NCRC when required.

## **9.1 Visiting Medical Officers**

Visiting Medical Officers are required to obtain a WWCC from the Children's Guardian on renewal of their contract, or by 2017 if their contract is not due for renewal until after 2017.

## **9.2 NSW Health staff members and volunteers**

Existing NSW Health child related staff members and volunteers are not required to obtain a WWCC until the compliance date relevant to that worker.

Existing NSW Health staff members or volunteers changing roles (whether child related or not) are not required to undergo a further NCRC, unless:

- it has been identified that they have never previously had a criminal record check (NCRC or NSW Health WWCC); or
- a criminal record check has never been undertaken on the person's correct or full name or aliases; or
- a NCRC is required for the purpose of aged care work; or
- they are undertaking a tertiary qualification and wish to undertake clinical placements in NSW Health facilities (students must obtain their own police certificate).

Once an existing staff member or volunteer has obtained a WWCC from the Children's Guardian and it has been validated by a NSW Health agency, it does not need to be revalidated with the Children's Guardian every time the person changes roles within NSW Health, however, the employing NSW Health agency must ensure that it has not expired and that it is the correct type of WWCC (i.e. a non volunteer WWCC for paid workers).

## **9.3 Locum and nursing and midwifery agency staff**

Locum and nursing agency staff, including from interstate and overseas, are not required to obtain a WWCC clearance from the Children's Guardian until they move to a new locum or nursing and midwifery agency or until the relevant compliance date in the Transition Schedule at [Appendix 2](#), unless they are commencing a placement in NSW Health for the first time, and the agency has not previously obtained a NSW WWCC for that person.

The relevant compliance date for existing locum and nursing and midwifery agency staff will be determined by their placement within NSW Health.

From 15 June 2013, locum or nursing and midwifery agency staff are required to demonstrate that they have either a NSW Health WWCC or a WWCC number from the Children's Guardian depending on when they registered with the locum or nursing and midwifery agency – refer to Section 5.6 and [Appendix 13](#) for further information.

## **9.4 Overseas and interstate workers**

Existing Interstate or overseas workers directly engaged by NSW Health agencies (i.e. those who are on existing contracts or appointments as at 15 June 2013 and remain within NSW Health) are not required to obtain a WWCC until the compliance date in the Transition Schedule at [Appendix 2](#).

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## **9.5 Medical officers on rotation**

Medical officers on rotation to NSW Health from external host employers are not required to obtain a WWCC clearance from the Children's Guardian for the period of their contract with the host employer if they were an existing child related worker with the host employer at 15 June 2013.

Refer to the requirements of the NSW Health policy on 'Medical Officers - Employment arrangements in the NSW Public Health System', which is accessible at: <http://www.health.nsw.gov.au/policies/pages/default.aspx>

## **9.6 Volunteers**

Existing volunteers (i.e. those already engaged as at 15 June 2013 in paediatric or adolescent services) are not required to have a WWCC until the relevant compliance date in the Schedule at [Appendix 2](#).

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## **10 List of Attachments**

- Appendix 1: [Policy Directive checklist for implementation](#)
- Appendix 2: [WWCC transition schedule for existing workers](#)
- Appendix 3: [Template letter for Locum and Nursing and Midwifery agencies](#)
- Appendix 4: [NSW Health Criminal History Declaration](#)
- Appendix 5: [Statutory Declaration \(overseas applicants/ students\)](#)
- Appendix 6: [Code of conduct agreement for students undertaking clinical placement](#)
- Appendix 7: [National Criminal Record Check consent form](#)
- Appendix 8: [100 Point ID checklist](#)
- Appendix 9: [Student clinical placement checklist](#)
- Appendix 10: [Application for authority to undertake clinical placements in NSW Health facilities](#)
- Appendix 11: [Statutory Declaration for aged care purposes](#)
- Appendix 12: [Table of requirements for staff members and volunteers](#)
- Appendix 13: [Table of requirements for locum and nursing and midwifery agency staff](#)



**Checklist for the implementation of the Employment Checking – Criminal Record Checks and Working with Children Checks Policy Directive**

<b>Requirement:</b>	<b>Self Assessment:</b>		
	<b>In development</b>	<b>Partial implementation</b>	<b>Mature</b>
<b>A. STRATEGIC FUNDAMENTALS</b>			
1. <i>A plan has been developed to implement the requirements of this policy.</i>			
2. <i>There are resources and support to implement the requirements of the policy and an appropriate officer has been identified as responsible for the regular monitoring of progress</i>			
3. <i>Key Performance indicators are developed to monitor and measure the implementation</i>			
<b>B. INTEGRATION INTO NORMAL BUSINESS SYSTEMS</b>			
4. <i>The requirements of this Policy Directive are included in all recruitment processes..</i>			
5. <i>Preferred applicants for positions are given information about the requirements of this policy.</i>			
6. <i>There are documented procedures in place regarding the management of students undertaking clinical placements and volunteers in accordance with this Policy Directive</i>			
7. <i>'Designated officers' are all registered with ESRU, have undergone the appropriate checks, training etc and are deregistered with ESRU when they leave the position.</i>			
8. <i>Documentation collected as part of the criminal record checking process is maintained and deleted in accordance with the requirements outlined in the</i>			

**Checklist for the implementation of the Employment Checking – Criminal Record Checks and Working with Children Checks Policy Directive**

<b>Requirement:</b>	<b>Self Assessment:</b>		
	<b><i>In development</i></b>	<b><i>Partial implementation</i></b>	<b><i>Mature</i></b>
<i>Recruitment and Selection of staff Policy Directive PD2012_028</i>			
9. <i>Federally funded Aged Care Facilities have procedures for ensuring that all staff have valid National Criminal Record Checks.</i>			
<b>C. ORGANISATIONAL IMPLEMENTATION</b>			
10. <i>Information about the requirements of this policy is provided to Interview convenors</i>			
11. <i>There a systems in place to identify the criminal record check requirements on positions being recruited for</i>			

### Working With Children Checks

#### Transition Arrangements For **Existing** Child Related Workers

Child related work is work involving face to face contact with under 18 year olds in an area prescribed as child related work.

Category of child related work	Sub category	Compliance date
Justice Centres	Work at detention centres and juvenile correctional centres	31 December 2013
Child Protection	Work in child protection services	31 December 2013
Child development and family welfare services and mentoring and counselling services for children	Work in mentoring and counselling services for children as part of a formal mentoring program. Work in providing family welfare services if the clients to whom the services are provided ordinarily include children.	<b>31 December 2014</b> Earliest date for obtaining a WWCC clearance issued by the CCYP is 1 January 2014.
Children's Health Services -  Central Coast Local Health District, Hunter New England Local Health District, Illawarra Shoalhaven Local Health District, Mid North Coast Local Health District, Northern NSW Local Health District, South Eastern Sydney Local Health District	Work as a health practitioner providing health services in wards of hospitals where children are treated or elsewhere if the work includes the provision of services to children; this includes in paediatric or adolescent services or in adult health services that include the provision of health service to under 18 year olds	<b>31 December 2016</b>  Earliest date for obtaining a WWCC clearance issued by the CCYP is 1 January 2016
Children's Health Services -  Northern Sydney Local Health District, Sydney Local Health District, South Western Sydney Local Health District, Western Sydney Local Health District, Nepean Blue Mountains Local Health District, Murrumbidgee Local Health District, Southern NSW Local Health District, Western NSW Local Health District, Far West Local Health District, The Sydney Children's Hospitals Network Justice Health and Forensic Mental Health Network, Ambulance Service of New South Wales	Work by persons (other than health practitioners) who provide health and care services in paediatric or adolescent health services.  <b>Note:</b> Visiting Medical Officers must obtain a WWCC on renewal of contract or by December 2017, whichever comes first.	<b>31 December 2017</b>  Earliest date for obtaining a WWCC clearance issued by the CCYP is 1 January 2017.
Any remaining Children's Health Services – not captured in the groupings above.		<b>31 December 2017</b>  Earliest date for obtaining a WWCC clearance issued by the CCYP is 1 January 2016.
Early Education and child care	Work in education and care services, child care centres nanny services and other child minding services provided on a commercial basis	<b>31 December 2017</b>  Earliest date for obtaining a WWCC clearance issued by the CCYP is 1 January 2016.

**Locum or Nursing agency letter - Evidence of NCRC and WWCC compliance**

EMPLOYER LETTERHEAD [insert letterhead]

To whom it may concern,

This letter confirms that the person detailed below has a valid National Criminal Record Check ('NCRC') and a valid Working With Children Check ('WWCC') for undertaking working in NSW Health facilities.

<b>Name</b>	<b>Check type</b>	<b>Check number</b>	<b>Date of check</b>	<b>Expiry date</b>
	WWCC clearance			
	NCRC			

The letter confirms that the person named above has either:

- a) Provided to us a National Police Certificate (NPC) issued to them within the last three years and has signed a declaration regarding any criminal charges or conviction since the date of the NPC, or
- b) Been subject to a NCRC obtained as part of the employment /engagement / registration process with [Name of Employer/Agency], and
- c) That [Name of Employer/Agency] is satisfied that there is no information on the person's record (or in any declaration provided by the person) to indicate any risks preventing them from undertaking work in NSW Health facilities.

This letter is also confirmation that the person **does / does not** have any convictions precluding them from working in facilities that receive aged care funding from the Australian Government in accordance with the requirements of the *Aged Care Act 1997* (Commonwealth).

This letter confirms that the person named above has either:

- a) A Working with Children Check clearance obtained from NSW Health (attached) which **did / did not** include a NCRC or
- b) A Working With Children Check clearance issued to them by the Children's Guardian, which [Name of Employer/Agency] has validated as current with the CCYP.

Any questions regarding this letter should be directed to [Name, Position and Contact Number].

Yours sincerely

Name

**Position, Employer/ Agency**

## Criminal History Declaration For child related work in NSW Health

This declaration supports NSW Health's requirements for new starters to NSW Health to undergo a National Criminal Record Check as part of the recruitment process. This declaration is only for applicants for child related work; it is **not** for existing workers already engaged in NSW Health.

### Personal details

FAMILY NAME			
FIRST NAME		MIDDLE NAME(S)	
ALIASES/PREVIOUS NAMES (if any)			
DATE OF BIRTH			
ROLE APPLIED FOR			
NSW HEALTH ORGANISATION			

### Declaration

I understand that:

- It is a condition of engagement with NSW Health that I disclose any criminal history as lawfully allowed in accordance with the relevant State or Territory Spent Convictions legislation, noting that I am not required to disclose spent criminal history.
- I have separately provided consent for NSW Health to undertake a National Criminal Record Check ('NCRC') to confirm information I have provided in this declaration, and that a NCRC may be undertaken should I be selected as a preferred person for this role.
- The disclosure of criminal records does not automatically preclude me from this role, and I understand that each case is considered on its merits.
- If disclosed criminal records are considered relevant to the requirements of the role, I may be asked to provide additional information in support of my application.
- Information disclosed in this declaration will be treated in strict confidence and will only be viewed by authorised staff; it will only be considered if I am a preferred person for this role and for the purpose of determining if further information is required in respect of any criminal records.
- If I have deliberately withheld or provided false information about convictions or pending charges that are subsequently identified as relevant to the inherent requirements of the role, my application may be rejected or if I have been appointed, it may be grounds for dismissal.

I make the following declaration in relation to criminal records recorded against my name:

I have had one or more of the following recorded against my name (including bonds but excluding minor traffic offences, matters that have been quashed, dismissed, withdrawn or which are otherwise spent): <ul style="list-style-type: none"> <li>• convictions in the last 10 years, or</li> <li>• convictions for sexual offences, or</li> <li>• convictions for which a prison sentence of more than 6 months was imposed, or criminal charges which are yet to be finalised or heard in court.</li> </ul>	Yes/No (delete one)
--	------------------------

I confirm that the information I have given in this declaration is true and complete to the best of my knowledge and belief.

Name: -----

Signature: -----

Date: -----

**STATUTORY DECLARATION**  
**OATHS ACT 1900, NSW, EIGHTH SCHEDULE**  
 (for overseas applicants or students)

I, .....,  
*[name, address and occupation of declarant]*

do solemnly and sincerely declare that I **\*do not have / have (listed below)** any criminal convictions/pending charges in my country of origin or any country, outside of Australia, which I have resided in or been a citizen of since turning 16 years of age.

<b>Date of charge/conviction</b>	<b>Details of pending charge or conviction</b>	<b>Country</b>	<b>Penalty / Sentence</b>

and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1900*.

Declared at: ..... on .....  
*[place] [date]*  
 .....  
*[signature of declarant]*

in the presence of an authorised witness, who states:

I, ....., a .....  
*[name of authorised witness] [qualification of authorised witness]*

certify the following matters concerning the making of this statutory declaration by the person who made it:

- \*I saw the face of the person *OR* \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
- \*I have known the person for at least 12 months *OR* \*I have not known the person for at least 12 months, but I have confirmed the person's identity using an identification document and the document I relied on was .....

*[describe identification document relied on]*

.....  
*[signature of authorised witness]*

.....  
*[date]*

**\* Cross out any text that does not apply**

NOTE 1.-A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 5 years – see section 25 of the *Oaths Act 1900 (NSW)*.

NOTE 2.-A statutory declaration under the *Oaths Act 1900 (NSW)* may be made only before a Justice of the Peace; a Legal Practitioner; a Judicial Officer; or a person authorised to witness a declaration in the jurisdiction in which it is sworn.

NOTE 3 - **identification document** means either a primary identification document within the meaning of the *Real Property Regulation 2008*, or a Medicare card, pensioner concession card, Department of Veterans' Affairs entitlement card or other entitlement card issued by the Commonwealth or a State Government, a credit card or account (or a passbook or statement of account) from a bank, building society or credit union, an electoral enrolment card or other evidence of enrolment as an elector, or a student identity card, or a certificate or statement of enrolment, from an educational institution.

NOTE 4: Applicants for aged care work must use the Commonwealth Aged Care Statutory Declaration

## Code of Conduct Agreement for Students undertaking Clinical Placements

### Instructions for Students:

Complete this form and provide it to the NSW Health organisation when requested.

### SECTION A: PERSONAL DETAILS

*(Name details provided must be same as the details on the Student ID)*

Family Name: \_\_\_\_\_ Given Names: \_\_\_\_\_

Address: \_\_\_\_\_

Student ID: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Gender: \_\_\_\_\_

University/TAFE: \_\_\_\_\_

### SECTION B:

I undertake that if I am charged or convicted of any criminal offence after the date of issue of my National Police Certificate or while I am completing my course, I will notify NSW Health before continuing with any clinical placement.

I have read and understood the NSW Health Code of Conduct, accessible at:

<http://www.health.nsw.gov.au/policies/pages/default.aspx>

and agree to abide by the provisions set out in the Code of Conduct at all times during all of my clinical placements within NSW Health Facilities. Failure to do so may lead to withdrawal of my clinical placements within NSW Health.

Name: \_\_\_\_\_ (please print)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## NATIONAL CRIMINAL RECORD CHECK CONSENT FORM

Please read the General Information sheet attached and complete all sections of this Form. Provide all names which you are currently known by, or have ever been known by, including aliases and any name changes, including by Marriage or by Deed Poll. NSW Health is required to sight your original identifying documents as per NSW Health's 100 point ID Checklist.

Is this a renewal check (Aged Care Only)  Yes  No

	<b>Family Name</b>	<b>Given Name (Primary)</b>	<b>Given Name 2</b>	<b>Given Name 3</b>
<b>Primary Name</b>				
<b>Maiden Name</b>				
<b>Previous/Alias Name 1</b>				
<b>Previous/Alias Name 2</b>				
<b>Previous/Alias Name 3</b>				
<b>Previous/Alias Name 4</b>				
<b>Gender</b>	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other	<b>Date of Birth</b>	/ /	(dd/mm/yyyy)
<b>Place of Birth</b>	<b>Suburb/Town:</b>			
	<b>State:</b>		<b>Country:</b>	
<b>Current Residential Address</b>	<b>No/Street:</b>			
	<b>Suburb/Town:</b>			
	<b>State:</b>		<b>Postcode: Country:</b>	
<b>Postal Address</b> (if same as Residential Address, write "As Above")				
<b>Previous Address (over the last 5 years) - If full details of previous addresses are unavailable, names of towns and States/Territories of residence will suffice.</b>				
<b>Previous Address</b> (if any)	<b>No/Street:</b>			<b>Period of Residence: Provide year only if full date unknown</b> <b>From: To:</b>
	<b>Suburb/Town:</b>			
	<b>State: Postcode: Country:</b>			
<b>Previous Address</b> (if any)	<b>No/Street:</b>			<b>Period of Residence</b> <b>From: To:</b>
	<b>Suburb/Town:</b>			
	<b>State: Postcode: Country:</b>			
<b>Previous Address</b> (if any)	<b>No/Street:</b>			<b>Period of Residence</b> <b>From: To:</b>
	<b>Suburb/Town:</b>			
	<b>State: Postcode: Country:</b>			
<b>Email</b>				
<b>Telephone No</b>	<b>Mobile:</b>	<b>Business:</b>	<b>Private:</b>	
<b>Position</b>	<b>Type of Position</b>		<input type="checkbox"/> Paid <input type="checkbox"/> Volunteer <input type="checkbox"/> Other	
<b>If you have used one of these documents to verify your identity, please fill in these details:</b>				
<b>Driver's Licence (Number)</b>		<b>Issuing State:</b>		
<b>Firearms Licence (Number)</b>		<b>Issuing Agency:</b>		
<b>Passport Details (Number)</b>		<b>Type:</b> <input type="checkbox"/> Private <input type="checkbox"/> Government <input type="checkbox"/> UN Refugee		<b>Issuing Country:</b>

1. I acknowledge that I have read the General Information sheet and understand that Spent Convictions Legislation, in the Criminal Records Act 1991 in the Commonwealth and many States and Territories protects "spent convictions" from disclosure and understand that the position for which I am being considered may be in a category for which exclusions from Spent Convictions legislation apply.
2. I have fully completed this Form, and the personal information I have provided in it relates to me, contains my full name and all names currently and previously used by me, and is correct;
3. I acknowledge that the provision of false or misleading information is a serious offence and acknowledge NSW Health is collecting information in this Form to provide to CrimTrac Agency (an Agency of the Commonwealth of Australia) and the Australian Police Agencies.
4. I consent to:
  - i. NSW Health forwarding details obtained from this form to the CrimTrac Agency and to Australian police agencies or other relevant law enforcement agencies, if required.



## National Criminal Record Check Consent Form

5. I consent to:
- i. The CrimTrac Agency disclosing personal information about me to the Australian police agencies;
  - ii. The Australian police agencies disclosing to CrimTrac Agency, from their records, details of convictions and outstanding charges, including findings of guilt or the acceptance of a plea of guilty by a court, that can be disclosed in accordance with the laws of the Commonwealth and States and Territories and, in the absence of any laws governing disclosure of this information, disclosing in accordance with the policies of the police agency concerned; and
  - iii. The CrimTrac Agency providing the information disclosed by the Australian police agencies, to NSW Health in accordance with the laws of the Commonwealth so that NSW Health may assess my suitability in relation to my employment
  - iv. ; and
6. I acknowledge that any information provided by me on this form and information provided by the Australian police agencies or the CrimTrac Agency relates specifically .to the position detailed above.
7. ; and
8. I acknowledge that it is usual practice for an applicant's personal information to be disclosed to the Australian police agencies for them to use for their respective law enforcement purposes including the investigation of any outstanding criminal offences.

I am aware that if any such records are identified, NSW Health may seek additional information relating to that record from sources such as courts, police, prosecutors and past employers. I understand that the purpose of seeking this information is to enable a full and informed employment risk assessment and that where other information is available, NSW Health will obtain that information for employment risk assessment purposes only. I acknowledge that any information obtained as part of this process may be used by Australian Police Services for law enforcement purposes including the investigation of any outstanding criminal offences.

**Note: The information you provide on this form, and which the CrimTrac Agency provides to NSW Health on receipt of this Form, will only be used for the purposes stated above, unless statutory obligations require otherwise.**

Applicant's  
Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Parent/Guardian Consent** - If you are under 18 years of age, a parent or guardian must provide consent.

## Parent / Guardian Details

Name  
(printed  
in full): \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## GENERAL INFORMATION - National Criminal Record Check Consent Form

This Form is used by NSW Health as part of the assessment process to determine whether a person is suitable for employment or other engagement for work.

Unless statutory obligations require otherwise, the information provided on this Form will not be used without your prior consent for any purpose other than in relation to the assessment by NSW Health of your suitability for the position identified in the consent form. You may be required to complete another consent form in the future in relation to employment in other positions.

### NATIONAL CRIMINAL RECORD CHECK

- a) National criminal record checks are an integral part of the assessment of your suitability. You should note that the existence of a record does not mean you will be assessed automatically as being unsuitable. Each case will be assessed on its merit, so it is in your interest to provide full and frank details on this form. Information extracted from the Form will be forwarded to the CrimTrac Agency and to the Australian State and Territory police agencies for checking action. By signing this Form you are consenting to these agencies accessing their records to obtain and to disclose criminal history information that relates to you to NSW Health .

Criminal history information may include outstanding charges, and criminal convictions/findings of guilt recorded against you that may be disclosed according to the laws of the relevant jurisdiction and, in the absence of any laws governing the release of that information, according to the relevant jurisdiction's information release policy.

### SPENT CONVICTION SCHEMES

The aim of Spent Convictions legislation is to prevent discrimination on the basis of certain previous convictions. Spent conviction legislation limits the use and disclosure of older, less serious convictions and findings of guilt.

Spent convictions of specific offences will be released where the check is required for certain purposes regardless of how old the convictions are. Each Australian police agency will apply the relevant Spent Convictions legislation/information release policy prior to disclosure. If further information or clarification is required please contact the individual police agency directly for further information about their release policies and any legislation that affects them.

### COMMONWEALTH

Part VIIC of the Crimes Act 1914 (Cth) deals with aspects of the collection, use and disclosure of old conviction information. The main element of this law is a "Spent Convictions Scheme." The aim of the Scheme is to prevent discrimination on the basis of certain previous convictions, once a waiting period (usually 10 years) has passed and provided the individual has not reoffended during this period. The Scheme also covers situations where an individual has had a conviction "quashed" or has been "pardoned." A "spent conviction" is a conviction of a Commonwealth, Territory, State or foreign offence that satisfies all of the following conditions:

- It is 10 years since the date of the conviction (or 5 years for juvenile offenders); AND
- the individual was not sentenced to imprisonment or was not sentenced to imprisonment for more than 30 months; AND
- the individual has not re-offended during the 10 years (5 years for juvenile offenders) waiting period; AND
- a statutory or prescribed exclusion does not apply. (A full list of exclusions is available from the Office of the Australian Information Commissioner).

### NEW SOUTH WALES

In New South Wales the *Criminal Records Act 1991* (NSW) governs the effect of a person's conviction for a relatively minor offence if the person completes a period of crime-free behaviour, and makes provision with respect to quashed convictions and pardons.

A "quashed" conviction is a conviction that has been set aside by the Court. A "pardon" means a free and absolute pardon that has been granted to a person because they were wrongly convicted of a Commonwealth, Territory, State or foreign offence.

In relation to NSW convictions, a conviction generally becomes a "spent conviction" if a person has had a ten year crime-free period from the date of the conviction. However, certain convictions may not become spent convictions. These include:

- where a prison sentence of more than 6 months has been imposed (periodic or home detention is not considered a prison sentence);
- convictions imposed against companies and other corporate bodies;
- sexual offences pursuant to the *Criminal Records Act 1991*; and
- convictions prescribed by the Regulations.

## **GENERAL INFORMATION - National Criminal Record Check Consent Form**

### **Queensland**

Under the Criminal Law (Rehabilitation of Offenders) Act 1986 (Qld) a conviction automatically becomes spent upon completion of the prescribed (rehabilitation) period. This period is:

- 10 years for convictions of indictable offences where the offender was an adult at the time of conviction; and
- 5 years for other convictions (summary offences or where the offender was a juvenile).

Where a person is convicted of a subsequent offence (an offence other than a simple or regulatory offence) during the rehabilitation period, the period runs from the date of the subsequent conviction.

Convictions where the offender is sentenced to more than 30 months imprisonment (whether or not that sentence is suspended) are excluded from the regime.

Once the rehabilitation period has expired, it is lawful for a person to deny (including under oath) that the person has been convicted of the offence, and the conviction must be disregarded for occupational licensing purposes (subject to certain exceptions, see below). It is unlawful for any person to disclose the conviction unless:

- the convicted person consents;
- the Minister has granted a permit authorising disclosure (where there is a legitimate and sufficient purpose for disclosing);
- the disclosure is subject to an exemption.

### **South Australia**

Release of information on a National Police Check is governed by the Spent Convictions Act 2009 (SA). It is an offence to release information regarding the convictions of a person if those convictions are deemed to be 'spent' under the Act.

A spent conviction is one that cannot be disclosed or taken into consideration for any purpose. Eligible convictions become spent following a 10-year conviction and proven offence-free period for adults, and a 5-year conviction and proven offence-free period for juveniles. The Act defines a conviction as:

- a formal finding of guilt by a Court;
- a finding by a Court that an offence has been proved.

Certain convictions can never be spent. These include but are not limited to:

- convictions of sex offences;
- convictions where a sentence is imposed of more than 12 months
- imprisonment for an adult, or 24 months imprisonment for a juvenile.

Schedule 1 of the Act sets out a number of exceptions to the rule where spent convictions can be released. Some examples of this include: the care of children; the care of vulnerable people (including the aged and persons with a disability, illness or impairment); activities associated with statutory character tests for licensing.

Interstate offences are released in accordance with that State or Territory's spent conviction / rehabilitation legislation and policy. Intelligence-type information is not released.

### **Victoria Police**

For the purposes of employment, voluntary work or occupational licensing/ registration, police may restrict the release of a person's police record according to the Victoria Police "Information Release Policy." If you have a police record, the "Information Release Policy" may take into account the age of the police record and the purpose for which the information is being released. If 10 years have elapsed since you were last found guilty of an offence, police will, in most instances, advise that you have no disclosable court outcomes. However, a record over 10 years may be released if:

- it includes a term of imprisonment longer than 30 months;
- it includes a serious, violent or sexual offence and the check is for the purpose of working with children, elderly people or disabled people;
- it is in the interests of crime prevention or public safety.

Findings of guilt without conviction and good behaviour bonds may be released. Recent charges or outstanding matters under investigation that have not yet gone to court may also be released.

### **Western Australia**

Under Section 7(1) of the Spent Convictions Act 1988 (WA) only "lesser convictions" can be spent by Western Australia Police, after a time period of 10 years plus any term of imprisonment that may have been imposed. A lesser conviction is one for which imprisonment of 12 months or less, or a fine of less than \$15,000 was imposed.

All other convictions, such as "serious convictions" applicable under Section 6 of the Act can only be spent by applying to the District Court. At the time of sentencing, the Court may make a "spent conviction order" under the Sentencing Act 1995 (WA) that the conviction is a spent conviction for the purposes of the Spent Convictions Act 1988 (WA).

## **GENERAL INFORMATION - National Criminal Record Check Consent Form**

### **Northern Territory**

Under the Criminal Records (Spent Convictions) Act 1992 (NT), a conviction becomes spent automatically (in the case of an adult or juvenile offender convicted in a Juvenile Court) and by application to the Police Commissioner (in the case of a juvenile convicted in an adult court) upon completion of the prescribed period. The prescribed period is:

- 10 years for offences committed while an adult; and
- 5 years for offences committed as a juvenile.

The period starts on completion of any sentence of imprisonment. A subsequent traffic conviction is only taken into account for prior traffic offences (except more serious traffic offences which cause injury or death).

Once a conviction becomes spent:

- a person is not required to disclose the existence of the conviction;
- questions relating to convictions and a person's criminal record will be taken only to apply to unspent convictions;
- it is unlawful for another person to disclose the existence of a spent conviction except as authorised by the Act;
- spent convictions are not to be taken account in making decisions about the convicted person's character or fitness.

### **Australian Capital Territory**

Generally, under the Spent Convictions Act 2000 (ACT), a conviction becomes spent automatically at the completion of the prescribed (crime-free) period.

This period is:

- 10 years for convictions recorded as an adult; or
- 5 years for convictions recorded as a juvenile

The period begins to run from the date a sentence of imprisonment is completed, or, where no sentence of imprisonment is imposed, from the date of conviction. A person must not be subject to a control order or convicted of an offence punishable by imprisonment during this period. If a person is convicted of an offence, which was committed in the crime-free period, but the conviction is not incurred until after the crime-free period, the spent conviction may be revived and will not become spent again until the offender has achieved the relevant crime-free period in respect of the later offence.

The effect of conviction becoming spent is that:

- the convicted person is not required to disclose any information concerning the spent conviction;
- any question concerning criminal history is taken only to apply to unspent convictions;
- references in Acts or statutory instruments to convictions or character or fitness does not include spent convictions, and it is an offence to disclose information regarding spent convictions; it is unlawful for a person who has access to a person's criminal record held by a public authority to disclose a spent conviction; it is unlawful for a person to fraudulently or dishonestly obtains information about a spent conviction from records kept by a public authority.

### **Tasmania**

Under the Annulled Convictions Act 2003 (Tas) a conviction is annulled upon completion of the prescribed period of good behaviour. This period is:

- 10 years where the offender was an adult at the time of conviction; or
- 5 years where the offender was a juvenile at the time of conviction.

A person is taken to be of good behaviour for the required period if, during that period, he or she is not convicted of an offence punishable by a term of imprisonment. If the person is so convicted, the qualifying period (for the original offence) starts to run from the date of the subsequent conviction. A subsequent traffic conviction is only taken into account for prior traffic offences (except more serious traffic offences which cause injury or death).

Only "minor" convictions can become annulled. A minor conviction is a conviction other than one for which a sentence of imprisonment of more than 6 months is imposed, a conviction for a sexual offence or a prescribed conviction.

A minor conviction is also annulled if the offence ceases to be an offence. Once an offence is annulled the convicted person is not required to disclose any information concerning the spent conviction. Any question concerning criminal history is taken only to apply to unspent convictions, and references in Acts or statutory instruments to convictions or character or fitness do not include spent convictions. An annulled conviction or the non-disclosure of the annulled conviction is not grounds for refusing the person any appointment, post, status or privilege or revoking any appointment, post, status or privilege.

- a person is not required to disclose the existence of the conviction;
- questions relating to convictions and a person's criminal record will be taken only to apply to unspent convictions;
- it is unlawful for another person to disclose the existence of a spent conviction except as authorised by the Act;
- spent convictions are not to be taken account in

### **PROVISION OF FALSE OR MISLEADING INFORMATION**

You are asked to certify that the personal information you have provided on this form is correct. If it is subsequently discovered, for example as a result of a check of police records, that you have provided false or misleading information, you may be assessed as unsuitable or, if already employed, may lead to your dismissal.

It is a serious offence to provide false or misleading information.

# 100 Point Identification Checklist

## Appendix 8

### Instructions

- (a) The 100 point identification check **must** be completed and checked against the applicant's completed *NSW Health National Criminal Record Check Consent Form* prior to lodgement of a National Criminal Record Check (or National Criminal Record Check for Aged Care purposes). \*
- (b) Employers are required to sight **original** identifying documents (scanned or photocopied certified copies are not acceptable), as listed on page 2, and ensure that an appropriately delegated officer checks the details and completes the record of identifying documents below. There is no requirement to retain copies of the identifying documents.
- (c) Identification **must** be current and **must** include at least one type of photographic ID and identification that contains a signature and date of birth. Passport and/or Driver's License are preferred.
- (d) The point score of documents produced must total at least 100 points (refer to page 2).
- (e) **The applicant must provide evidence of ability to work in Australia: If their documents do not include an Australian or New Zealand passport or an Australian birth or citizenship certificate, an appropriate visa or work permit allowing the person to work in Australia must be sighted.**

Applicant's Full Name: \_\_\_\_\_

Mandatory record of identifying documents sighted:						
Description of document	Full name on document	Date issued	Place/ Office of issue/ issuing organisation	Expiry date	Checked Against Consent Form *	Points
Mandatory record of document sighted that confirm person's ability to work in Australia						
<b>Total points</b>						

I have checked the details provided above against the applicant's National Criminal Record Check consent form as required at point (a) above, and I confirm:  
 The names in the ID documents are included in the consent form, and  
 Any reference numbers for documents detailed in the consent form match those I have sighted today, and  
 The applicant has provided evidence that they are allowed to work in Australia, as required at point (e) above.

I have also confirmed with the applicant that all aliases / former / middle names are included in the consent form. (Note: Failure to include all names may warrant the check invalid).

Name: \_\_\_\_\_  
 Position: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# 100 Point Identification Checklist

## Appendix 8

DOCUMENTS		POINTS
<b>Primary - Only one form of identification accepted from this category:</b> <ul style="list-style-type: none"> <li>- Birth Certificate /Birth Extract</li> <li>- Australian Citizenship Certificate</li> <li>- Australian passport (current or expired within the past two years but not cancelled)</li> <li>- International passport (current or expired within the past two years but not cancelled)</li> <li>- Other document of identity having same characteristics as a passport e.g. diplomatic /refugee (Photo or signature)</li> </ul>		70
<b>Secondary – the initial secondary document will score 40 points, any additional documents will be awarded 25 points each:</b> <ul style="list-style-type: none"> <li>- Current Licence or Permit (Government Issued)</li> <li>- Current driver photo licence issued by an Australian state or territory</li> <li>- ASIC/MSIC Card</li> <li>- Working with Children /Teachers Registration Card</li> <li>- Public Employee Photo ID (Government Issued)</li> <li>- Department of Veterans Affairs Card</li> <li>- Centrelink Pensioner Concession Card or Health Care Card</li> <li>- Current Tertiary Education Institution Photo ID.</li> <li>- Reference from a Doctor (must have known the applicant for a period of at least 12 months)</li> </ul>		40 or 25
<ul style="list-style-type: none"> <li>- Foreign driver's licence</li> <li>- Proof of aged card (Government issued)</li> <li>- Medicare Card / private Health Care Card</li> <li>- Council rates notice</li> <li>- Property Lease/rent agreement</li> <li>- Property Insurance Papers</li> <li>- Tax Declaration</li> <li>- Superannuation Statement</li> <li>- Seniors Card</li> <li>- Electoral roll compiled by the Australian Electoral Commission</li> <li>- Motor Vehicle Registration or Insurance Documents</li> <li>- Professional or Trade Association Card</li> </ul>		25
<b>If more than one of these documents are used, they must be from different organisations:</b> <ul style="list-style-type: none"> <li>- Current Utility bills (e.g. telephone, water, gas or electricity)</li> <li>- Credit / Debit card</li> <li>- Bank Statement /Passbook</li> </ul>		25
SPECIAL PROVISIONS ONLY TO BE USED IF 100 POINT CHECK ABOVE CANNOT BE MET		
The full 100 point check is required when the applicant has been in Australia for longer than 6 weeks	For recent arrivals in Australia (6 weeks or less – proof of arrival date required) current passport	100
Aboriginal person or Torres Strait Islander resident in a remote area /community	Identity of applicant ordinarily resident in an isolated area verified by TWO persons recognised as 'Community Leaders' of the community to which the applicant belongs	100
Child under 18 years of age	<ul style="list-style-type: none"> <li>- Birth Certificate /Birth Extract</li> <li>- Australian Citizenship Certificate</li> <li>- Australian passport (current or expired within the past two years but not cancelled)</li> <li>- International passport (current or expired within the past two years but not cancelled)</li> <li>- Other document of identity having same characteristics as a passport e.g. diplomatic /refugee (Photo or signature)</li> </ul> <b>Or</b> Statement from an educational institution, signed by the principal or deputy principal, confirming that the child attends the institution (statement must be on the institution's letterhead)	100

**STUDENT CLINICAL PLACEMENT CHECKLIST  
CRIMINAL RECORD CHECKS AND IMMUNISATION STATUS  
for NSW Health**

Student Name: \_\_\_\_\_

Student ID: \_\_\_\_\_

University/TAFE: \_\_\_\_\_

**Section 1: Complete either Part A or Part B**

Criminal Record Checks		Reference Number	Expiry Date
A	Australian National Police Certificate with <b>no</b> convictions / charges (issued by an Australian State / Territory Police Service) dated within the last three years.		
	<b>For Overseas Students</b> Along with the Australian National Police Certificate, an original of one of the following has <u>also</u> been sighted and a copy is attached for the records: <ul style="list-style-type: none"> <li>▪ Police Certificate with no convictions / charges from their home country or any country that they have resided in (translated into English); <i>or</i></li> <li>▪ Signed Statutory Declaration with no convictions / charges complete and signed in Australia</li> </ul>		
B	<ul style="list-style-type: none"> <li>▪ Clinical Placement Authority card issued by NSW Health pre 1 June 2010 (no expiry date) but which is valid for the duration of the course; or</li> <li>▪ Clinical Placement Authority card issued by NSW Health post 1 June 2010 (with expiry date); or</li> <li>▪ Conditional letter issued by NSW Health (with expiry date).</li> </ul>		
Conditions on student's placement <sup>1</sup>			

**Section 2: Code of Conduct**

Code of conduct	Date signed
The student has signed the NSW Health Code of Conduct Agreement.	

**Section 3: Complete either Part A or Part B**

Immunisation	Date assessed/sighted
A The student has been assessed by the LHD for compliance with the requirements of the <i>Occupational assessment, screening and vaccination against specified diseases policy directive: Information Sheet 2</i>	
B A Certificate of Compliance has been sighted.	

**Section 4: To be completed by the person sighting the documents**

I confirm that I have sighted original documents as detailed above and kept copies.

Name: \_\_\_\_\_

Position Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Organisation: \_\_\_\_\_

Health Facility \_\_\_\_\_

Note: Police certificates are valid for three years from the date they were issued. All other documents are valid for the duration of the student's course unless otherwise stated on the document.

\_\_\_\_\_

**Application for authority to undertake clinical placements in NSW Health facilities**

Students must apply to NSW Health for authority to undertake Clinical Placements within the NSW Health Service, or authority to continue with Clinical Placements if they:

- have offences or pending charges disclosed in their National Police Certificate, Overseas Police Certificates or Statutory Declaration; or
- have been charged or convicted of offences after the issuing of their Police Certificate.

The following documents must be submitted:

- a completed 'Application for Clinical Placement Authority' form;
- a certified copy of the National Police Certificate (issued within last 3 years);
- a certified copy of overseas Police Certificate/s and/or Statutory Declaration (for overseas students only);
- a certified copy of the Student ID issued by the Tertiary Education Institution;
- relevant supportive documents such as independent references, evidence that you have successfully completed relevant training, education or treatment courses etc.

Students are required to send the required documentation to:

Employment Screening and Review Unit  
Westmead Service Centre  
NSW Health (HealthShare NSW)  
PO Box 292  
WESTMEAD NSW 2145

Ph: (02) 8848 5175  
Fax: (02) 8848 5188  
Email: [esruenquiries@hss.health.nsw.gov.au](mailto:esruenquiries@hss.health.nsw.gov.au)

Criminal history does not necessarily constitute a barrier to clinical placement. Each application is considered on its merits, and its relevance to undertaking clinical placement in NSW Health facilities. Mitigating factors, including but not limited to the length of time since the convictions, the nature of the convictions and action taken since by the student will be considered.

If the risks relating to the criminal history are not relevant or are considered sufficiently mitigated, NSW Health will provide a Clinical Placement Authority Card or a Conditional Letter with authority to undertake clinical placement subject to certain conditions.

If the risks relating to the criminal history are unacceptable, or the student has not provided the required documentation, NSW Health may decline the application and withdraw such authority if it had been previously provided. The student will be informed of this decision in writing and of the requirement to inform the educational institution's Clinical Placement Supervisor or Facilitator.

Students should allow sufficient time (a minimum of 15 working days) for NSW Health to process the Clinical Placement Authority Card or the Conditional Letter.

Further Information for students wishing to undertake clinical placements in NSW Health facilities is available on the NSW Health website at [http://www.health.nsw.gov.au/careers/student\\_clearance/pages/default.aspx](http://www.health.nsw.gov.au/careers/student_clearance/pages/default.aspx)



**Student Application for clinical placement authority**

**SECTION A: PERSONAL DETAILS**

<b>Family Name:</b>		
<b>Given Names:</b>		
<b>Other Name/s:</b> (including alias and previous)		
<b>Home Address:</b>		
<b>Country:</b>	<b>Contact Number:</b>	
<b>Date of Birth:</b>	<b>Gender:</b>	
<b>Correspondence address during enrolment (if different):</b>		
<b>University/TAFE:</b>		
<b>Student ID:</b>	<b>Date of Enrolment:</b>	
<b>National Police Certificate No:</b>		<b>Issued on:</b>
<b>Previous Risk Assessment Completed:</b>	<input type="checkbox"/> <b>Yes</b>	<input type="checkbox"/> <b>No</b>

**SECTION B – PLEASE CIRCLE WHICH BEST REPRESENTS YOU**

**Australian Student:** Enrolled in Australian Tertiary Institution

**Overseas Student:** 1. On Exchange Program; or  
2. Enrolled in Australian Tertiary Institution

**SECTION C – STATEMENT AND CONSENT**

*Instructions:*

- *For additional offences, photocopy and complete Section E as required and attach additional pages if there is insufficient space.*
- *If assistance is required in completing the statement, please contact Employment Screening & Review Unit on (02) 8848 5175 or email [esruenquiries@hss.health.nsw.gov.au](mailto:esruenquiries@hss.health.nsw.gov.au).*

Charge / Conviction (No.1)

1. Details of the charge/conviction (e.g. drink driving – High PCA; Shoplifting, etc) including the court date.

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2. Please describe the event/s that led to you being charged:

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3. Were there any mitigating circumstances at the time of the offence/s (i.e. personal difficulties, relationship issues etc) that you think should be considered as part of this risk assessment? If so, describe them.

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4. State how your life has changed or what action you have taken that demonstrates your commitment to avoiding criminal charges in the future.

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**I give consent to NSW Health to obtain any additional information, relating to any offences or pending charges shown on the National Police Certificate that I have provided, from sources such as courts, police and prosecutors. I understand that the purpose of seeking this information is to enable a full and informed risk assessment and that where other information is available, NSW Health will obtain that information for clinical placement risk assessment purposes only.**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**SECTION D – ATTACH DOCUMENTS**

Please attach a certified copy of the following documents where applicable:  
(DO NOT SEND ORIGINAL POLICE CERTIFICATES / STATUTORY DECLARATION and STUDENT ID CARD)

- Valid National Police Certificate (issued within last 3 years) \*
- Overseas Police Certificate/s or Statutory Declaration (for overseas student) \*
- Student ID card \*
- Additional pages for statement (if applicable)
- Character reference (optional)
- Evidence of relevant training, education or treatment courses completed following the offence/s that demonstrate your commitment to avoiding criminal charges in the future (optional)

Please send the completed documentation to:

**Post:** Employment Screening and Review Unit  
Westmead Service Centre  
NSW Health (HealthShare NSW)  
PO Box 292  
WESTMEAD NSW 2145

**Fax:** 02 8848 5188

**Email:** [esruenquiries@hss.health.nsw.gov.au](mailto:esruenquiries@hss.health.nsw.gov.au)

\* Compulsory documents to be attached with your application. The name on your National Police Certificate must match the name on your Student ID card. Your application will not be processed if the name on your National Police Certificate does not match the name on your Student ID card and you will not be allowed to commence clinical placement with a NSW Public Health Facility.

**SECTION E – STATEMENT AND CONSENT (ADDITIONAL PAGE) – Photocopy if required**

Charge / Conviction (No.\_\_\_\_)

1. Details of the charge / conviction (e.g. drink driving – High PCA; Shoplifting, etc) including the court date.

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2. Please describe the event/s that led to you being charged:

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3. Were there any mitigating circumstances at the time of the offence/s (i.e. personal difficulties, relationship issues etc) that you think should be considered as part of this risk assessment? If so, describe them.

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4. State how your life has changed or what action you have taken that demonstrates your commitment to avoiding criminal charges in the future.

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**I give consent to NSW Health to obtain any additional information, relating to any offences or pending charges shown on the National Police Certificate that I have provided, from sources such as courts, police and prosecutors. I understand that the purpose of seeking this information is to enable a full and informed risk assessment and that where other information is available, NSW Health will obtain that information for clinical placement risk assessment purposes only.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Commonwealth of Australia  
STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

1 *Insert the name, address and occupation of person making the declaration*

I,<sup>1</sup>

make the following declaration under the *Statutory Declarations Act 1959*:

2 *Set out matter declared to in numbered paragraphs*

2

1. I declare that (*place a tick or cross in applicable box*):

- Since turning 16 years of age, I have been a citizen or permanent resident of a country/countries other than Australia.
- Since turning 16 years of age, I have never been a citizen or permanent resident of a country/countries other than Australia.

2. I declare that I have never been:

- (a) convicted of murder or sexual assault; or
- (b) convicted of, and sentenced to imprisonment for, any other form of assault.

I acknowledge that continued employment with a NSW Health agency is conditional upon a satisfactory outcome of the check which I have consented to.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 *Signature of person making the declaration*

3

4 *Place*  
5 *Day*  
6 *Month and year*

Declared at <sup>4</sup> \_\_\_\_\_ on <sup>5</sup> \_\_\_\_\_ of <sup>6</sup> \_\_\_\_\_

Before me,

7 *Signature of person before whom the declaration is made (see over)*

7

8 *Full name, qualification and address of person before whom the declaration is made (in printed letters)*

8

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

**A statutory declaration under the *Statutory Declarations Act 1959* may be made before—**

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public  
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailliff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Employee of the Commonwealth who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

(a) an officer; or

(b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or

(c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

(a) the Parliament of the Commonwealth; or

(b) the Parliament of a State; or

(c) a Territory legislature; or

(d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority; or

(c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution

NSW Health National Criminal Record Check ('NCRC') and Working with Children Check ('WWCC') requirements for staff members and volunteers

**Appendix 12**

Type of Work	Sub category of work (includes paid and unpaid work)	Category of worker	New Workers				Existing workers
			Policy section	New WWCC	NCRC	Declaration & WWCC Probity flag	Requirements
Child related work	Work involving face to face or physical contact with under 18 year olds for: <ul style="list-style-type: none"> <li>health practitioners in wards of hospitals where children are treated or elsewhere if the work includes the provision of health services to children.</li> <li>non health practitioners providing health and care services in paediatric or adolescent services.</li> <li>administrative, clerical, maintenance or ancillary workers in paediatric or adolescent services only where the work involves contact with children for extended periods.</li> </ul> For full list of other workers, refer to Section 2.	Staff members & volunteers (not VMOs)	Section 5	Yes	Yes	Yes	No WWCC until phase in-Appendix 2. No new NCRC (subject to Section 9.2.)
		VMOs	Section 5	Yes	Yes	Yes	WWCC on renewal of contract No new NCRC (subject to Section 9.2.)
		Overseas applicants	Section 5.7 Appendix 5	Yes	Australian NCRC plus Overseas Police Certificates or Statutory Declaration	Yes	See relevant category of worker
Aged Care Work	All paid staff members aged 16 years or over and relevant volunteers in NSW Health services and aged care facilities that receive Australian Government funding.  Refer to Section 6.1	Staff members, including VMOs & volunteers	Section 6.2	No	Yes	No	NCRC every three years or if criteria in Section 9.2 met.
		Applicants who have resided overseas	Section 6.3 Appendix 11	No	Australian NCRC plus Statutory Declaration	No	NCRC every three years or subject to Section 9.2.
		Aged Care & Child Related	Sections 5 & 6	Yes	Yes	Subject to Section 4.3.	No WWCC until phase in-Appendix 2. NCRC every three years or subject to Section 9.2.
Non Child related work	Non child related work is any work that is not child related or aged care work and includes, but is not limited to: <ul style="list-style-type: none"> <li>any non health practitioners, administrative, clerical, maintenance, corporate, ancillary or volunteer work in adult health services or in the Ministry of Health; or</li> <li>administrative, corporate, clerical, maintenance, or other ancillary or work in paediatric or adolescent services where the work does not involve contact with children for extended periods.</li> </ul> Refer to Section 7.	Staff members or volunteers	Section 7	No	Yes	No	No new NCRC (subject to Section 9.2)
		Contractors – non clinical	Section 7.2	No	Risk assessment – refer to Section 8	No	No new NCRC subject to Section 9.2.
		Students on clinical placements	Section 7.3	No	Yes – provided by student	No	NCRC still required for placements
		Students on work experience	Section 7.4	No	No	No	No
		Student Supervisors /facilitators	Section 7.5	Only if child related work	Yes – either by the Recruitment Agency (Refer to Section 5.6), Tertiary Institution or a Police Certificate.	No	No WWCC until transition schedule Appendix 2 No new NCRC for existing workers.

Employment Checking – National Criminal Record Check ('NCRC') & Working with Children Check ('WWCC') requirements for locum and nursing and midwifery agency staff in NSW Health facilities

Appendix 13

Type of work		WWCC requirement	Information required by NSW Health	NCRC	Information required by NSW Health
<p><b>Child related work</b></p> <p>Work involving face to face or physical contact with under 18 year olds for all health practitioners in wards of hospitals where children are treated or elsewhere if the work includes the provision of health services to children</p> <p>Refer to Section 2 for the full definition of child related work</p>		NSW Health WWCC clearance obtained pre March 2012	Copy of NSW Health WWCC clearance	No additional requirement as included in WWCC	N/A
		NSW Health WWCC clearance obtained between March 2012 and June 2013	Copy of NSW Health WWCC clearance (which states no NCRC included)	A National Police Certificate (under three years old) plus a declaration of any convictions/ pending charges if the Certificate was obtained before registration with agency or a NCRC by the agency	The NCRC/ Police Certificate <u>number</u> , the date it was conducted and confirmation that the agency is satisfied that there is no information on the person's record (or in any declaration provided by the person) to indicate any risks preventing them from undertaking work in NSW Health facilities.
		WWCC clearance obtained from Children's Guardian from 15 June 2013 validated by the agency	The WWCC number, the date of its clearance and its expiry date  NSW Health also validates the number with the Children's Guardian		
	Overseas staff (including from New Zealand)	WWCC as above  Note the emergency conditional appointment requirements in Section 5.4, available for overseas and interstate workers	As above  Note the emergency conditional appointment requirements in Section 5.4, available for overseas and interstate workers	As above plus police clearances from their home country and any country that they have been citizens or permanent residents of since turning 16 years of age, or a Statutory Declaration Appendix 4	In addition, if the role is in aged care work, the date of expiry of the Police Certificate /NCRC is required and confirmation that the person does not have any convictions precluding them from working in facilities that receive aged care funding from the Australian Government.
<p><b>Aged care work</b></p> <p>All paid staff members aged 16 years or over in NSW Health services and aged care facilities that receive Australian Government funding.</p> <p>Refer to Section 6 for the full definition of aged care work</p>		No requirement	No requirement	Either a Police Certificate (under three years old) plus a declaration of any convictions/ pending charges if the Certificate was obtained before registration with the agency; or a NCRC by the agency undertaken <u>within the last three years</u> .	Confirmation that overseas clearances or Statutory Declarations have been completed as required.
	Staff who have resided overseas	No requirement	No requirement	As above, plus a Statutory Declaration stating that they have never been convicted of murder/ sexual assault or been convicted and sentenced to prison for any other assault	