

# Policy and Procedures concerning the National Criminal History Check

## 1. What is the *National Criminal History Check*?

The *National Criminal History Check* is a check of the databases of law enforcement agencies across Australia that discloses whether or not a person:

- has been convicted of an offence;
- has been charged with and found guilty of an offence but discharged without conviction; or
- is the subject of any criminal charge still pending before a Court.

The findings of the *National Criminal History Check* are set out in a *National Police Certificate*.

## 2. In the Australian & New Zealand Diocese of the ROCOR, who requires a *National Criminal History Check*?

In accordance with Ukase №1-23-11, the following people require a *National Criminal History Check*:

- Priests (married, celibate and monastic)
- Deacons (married, celibate and monastic)
- Diocesan employees
- Parish officials
- Volunteers
- School teachers

## 3. Who are Diocesan employees, parish officials, and volunteers?

Diocesan employees are those men and women contributing labour and expertise to the life of the Australian & New Zealand Diocese of the ROCOR and who receive payment for that work, whether from the Diocese, a parish, or a church organisation.

Parish officials are all those men and women elected to Parish Councils, Sisterhood Councils, and Auditing Committees.

Volunteers are those men and women contributing labour and expertise to the life of the Australian & New Zealand Diocese of the ROCOR and who receive no payment for that work. Included in this definition are altar-servers aged 15 years and over, choir conductors, care-takers, and any persons on a regular or formally appointed basis.

## 4. Why is the *National Criminal History Check* required?

The *National Criminal History Check* is required by the Diocesan authorities to assist in ensuring that all persons holding positions of responsibility in the Diocese are suitable to do so.

An assessment of the suitability of persons holding positions of authority is necessary because of the level of risk arising from:

- The handling of money and sensitive information; and
- Work with the vulnerable - children, the elderly, and the sick.

In addition, undertaking the *National Criminal History Check* demonstrates that the Diocese authorities are committed to the protection of the faithful, the resources of the Diocese, and of charitable funds entrusted to the Church.

**5. Is the *National Criminal History Check* the only thing that will be taken into account when assessing suitability?**

No. The National Criminal History Check is only one part of the process to assess the suitability of a candidate for ordination, an applicant for employment, a prospective volunteer or school teacher, or newly elected parish official. However, for the reasons set out above, it is an essential part of that process.

**6. Who will undertake the *National Criminal History Check*?**

The *National Criminal History Record Check* will be undertaken by a private company contracted by the Diocese for the purpose, fit2work.

Fit2work is part of the Mercury Group of Companies. In operation for over 13 years Mercury, offers Human Resource consulting to the Australian Local Government, Health and Community Services sectors.

More information can be obtained from [www.fit2work.com.au](http://www.fit2work.com.au).

A private company has been engaged to ensure access to the necessary expertise and to reduce the administrative burden on the Diocese and costs.

**7. How will the privacy of individuals be protected?**

Fit2work.com.au has significant obligations to CrimTrac, the Australian Government agency from which it sources information for the *National Criminal History Check*. As a client of fit2work, the Diocese must also meet these obligations.

Our obligations, which are contained within the Diocesan contract with fit2work, include:

- The nomination of Authorised Officers within the Diocesan administration who will access and handle all Criminal History Information; and
- The completion of a signed and dated consent form before

any *National Criminal History Check* is undertaken.

There are additional procedural safeguards. The fit2work database will delete all national criminal history information that contains a criminal record three months after it is received. If the Authorised Officer prints off any of this information they are required to securely destroy the printed material within the same timeframe. Clear results may be kept on file.

To ensure compliance with these security measures, fit2work will audit Diocesan records once or twice a year.

**8. For the purposes of the *National Criminal History Check*, who will be the Authorised Officer?**

The Authorised Officer/s will be:

Ruling Bishop  
Vicar General  
Diocesan Treasurer/Secretary  
Diocesan Office Manager

**9. How will the *National Criminal History Check* be undertaken?**

The applicant will complete the fit2work.com.au *Application Consent Form* for the *National Criminal History Check*. A copy of the *Application Consent Form* is at Appendix A. The completed Application Consent Form will be provided to the Authorised Officer.

**Note: attach sample as appendix of consent form.**

Original completed *Application Consent Forms* are to be held by the Diocese in a secure location for legal and audit purposes. Copies should also be held by the parish or Diocesan organisation or institution.

The Authorised Officer will verify the true identity of the applicant prior to conducting the criminal history check. This will be done by undertaking a “100 point” ID check.

**10. When will the *National Criminal History Check* usually be undertaken?**

For candidates for ordination to the priesthood or the diaconate, the *National Criminal History Check* should be undertaken as the initial preparatory step and before any arrangements for ordination are made.

For all new Diocesan employees, volunteers, and school teachers, the *National Criminal History Check* should be undertaken before employment, volunteering or teaching commences.

For all new parish officials, the *National Criminal History Check* should be undertaken before appointment to that office which is

ratified by the Ruling Bishop of the Diocese.

To avoid confusion, embarrassment or misunderstanding, the need for a *National Criminal History Check* should be made clear at the earliest possible opportunity when ordination, employment, volunteering, teaching or service in an official capacity is being considered.

The nomination of a parish or sisterhood member to a parish or sisterhood office should only be considered valid by a meeting of parish or sisterhood members if the nominated member indicates a willingness to have the *National Criminal History Check*.

**11. When will the *National Criminal History Check* be undertaken for those already in positions requiring it?**

For all existing priests, deacons, Diocesan employees, parish officials, volunteers, and school teachers, National Criminal History Checks must be undertaken by 30 June 2011

To this end, the Diocesan Council will compile a register of all such persons by 31<sup>st</sup> May 2011. Parish Rectors and the Superiors of all monasteries will be asked to assist in this process by providing a list of all ordained monastics, employees, parish officials, volunteers, and school teachers by 30<sup>th</sup> April 2011

**12. How frequently will the *National Criminal History Check* be undertaken?**

It is Diocesan policy that the National Criminal History Check be repeated every three years. Therefore there is an obligation during that period between police checks to disclose any criminal charges or convictions that would disqualify a person contributing labour and expertise to the life of the Australian & New Zealand Diocese of the ROCOR and who receive no payment for that work.

**13. What steps will be taken to ensure that the *National Criminal History Check* is in fact undertaken for those in positions requiring it?**

With effect from 1<sup>st</sup> July 2011, the Diocesan Auditing Committee and each parish Auditing Committee will report on the compliance of the Diocese or parish, as the case may be, with Diocesan requirements for the *National Criminal History Check*.

The Diocesan Auditing Committee and parish Auditing Committees will also be required to confirm that the relevant documentation is appropriately and securely stored.

**14. What action will be undertaken upon completion of the *National***

The Authorised Officer should contact the applicant and the relevant Rector, Superior, or Diocesan Official in writing within seven (7) days of completion of the *National Criminal History Check*.

***Criminal History Check?***

If the check reveals no impediment to ordination, employment, service in an official capacity, volunteering, or teaching, the Authorised Officer will advise the applicant and the relevant Rector, Superior, or Diocesan Official.

If, in the opinion of the Authorised Officer, the *National Criminal History Check* suggests unsuitability for ordination, employment, service in an official capacity, volunteering, or teaching, the applicant will be given an opportunity to discuss any conviction before a final decision is made. Such a discussion would usually be with the relevant Rector, Superior, or Diocesan Official.

Before making a final decision concerning suitability, the relevant Rector, Superior, or Diocesan Official should consider a number of factors, including the age of the conviction, the age of the person at the time, the number of convictions, the sentence imposed by the court, any extenuating circumstances, and the life and conduct of the person since. Most importantly, it should be considered whether or not the criminal record is relevant to the role envisioned for the applicant.

**15. Is there a cost associated with the *National Criminal History Check*?**

Yes. For employees, each check costs \$39.90 to \$69.90, the price is determined on quantity of checks. For volunteers, each check costs \$19.90. This cost should be shared equally by the Diocese and the relevant parish or Diocesan organisation or institution.

**16. What if an individual declines to have the *National Criminal History Check*?**

If a candidate for ordination, an applicant for employment, a prospective volunteer or school teacher, or newly elected parish official declines to have a National Criminal History Check, the individual concerned will be deemed unsuitable for ordination, employment, or appointment.