

The logo for WorkPro, featuring the word "WorkPro" in a stylized, metallic, 3D font with a brushed metal texture and a slight shadow effect. The letters are bold and blocky, with a consistent thickness and rounded edges.

**NATIONAL CRIMINAL HISTORY RECORDS CHECK  
INFORMATION PACK**

**JANUARY 2009**

### **What is a National Criminal History Records Check?**

A National Criminal History Records Check (NCHRC) is a database search of an individual, using various personal information references, to identify if an individual has a criminal history.

Criminal History Information (CHI) relates to records of court convictions and findings of guilt, or other information which have been obtained by an Australian State or Territory Police Service.

NCHRC is completed for the purposes of ensuring that a person in a position of trust or specified field of endeavour, or who is required to meet mandated requirements, is screened for criminal records.

### **How is the Search Conducted?**

Once an Applicant has completed the criminal check application form, and provided their written and informed consent, and the check is legitimately required as part of an employment related decision, the form is processed directly through CrimTrac – the Australian Federal Government Accredited Agency that manages a central repository of criminal history information on behalf of all Australian State and Territory Police Forces.

This means that when you run a NCHRC check through WorkPro, the application will automatically be processed and cross-referenced against every Australian police force.

Once an application is received by RSA, it will be processed immediately, with over 80% of check results returned to you within minutes.

### **Risk Solutions Australia (RSA) Authorisation**

RSA, the owner of WorkPro, is an 'Authorised User' of an integrated system, with direct access to the Federal Government Criminal History database, managed by CrimTrac.

As an Authorised User of our Partner's product, we can provide our clients access to the most efficient means of gaining a national criminal check currently available.

### **Definitions**

When an application is processed against the national database, there are three possible outcomes:

- (a) '*Clear*' – when a name is run against the database, and there is no match and no disclosable court outcome. You will be immediately notified by email, and no further action is necessary.
- (b) '*Possible Match*' – In about 20% of cases, a person may be identified in this category. If this occurs, you will be informed immediately that a 'possible match' exists, and further

investigation will be required, which may take a few days, depending of the number of police jurisdictions involved.

- (c) *'Match'* – in some cases, this will come back immediately, and in other cases, it will require further investigation to confirm that the Applicant matches a person on the database with the same personal details. Note that in the absence of fingerprints, there is no guarantee that the person named is in fact identical to the one held on the CrimTrac database, therefore the need for caution in using this information is advisable.

(d) *Spent Convictions*

Under various pieces of Commonwealth, State and Territory legislation, a person has the right, in particular circumstances or for a particular purpose, to not disclose certain convictions/findings of guilt over a certain age.

Such convictions (widely referred to as “spent” or “rehabilitated” convictions) will not be released unless the records check is for the Applicant’s personal information only and provided that this is in accordance with relevant legislation (and/or release policy).

If an Applicant has 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.

In most jurisdictions (Victoria for example), if ten years have elapsed since a person was last found guilty of an offence, police will, in most instances, advise that there is no disclosable court outcomes. However, a record over ten years may be released:

- If it includes a term of imprisonment longer than thirty months.
- If it includes a serious, violent or sexual offence and the records check is for the purpose of working with children, elderly people or disabled people.
- If 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.

## **Process Overview**

(a) *Identity Management*

The processing of a NCHRC relies on a ***rigorous approach to screening*** being conducted by RSA’s client in the first instance. The result of any check is only as good as the information provided, so it is critical that all reasonable steps are taken to ensure that:

- The Applicant is who they claim to be – an identity check must be conducted in every case.
- The identity check must comply with the minimum standard described in the *Financial Transaction Reports Act 1988* (Commonwealth, which forms part of the NCHRC Terms and Conditions).
- Copies of relevant supporting material for the Applicant, proving their compliance with the 100-point minimum standard, must be provided with the application, and attached to their

file and kept as a permanent part of the Applicant's record. The proof of identity documents must include at least one photographic form of ID.

If the form does not include the 100-point verification, the application will be rejected.

*(b) The Application*

It is critical that the individual within your organisation who is requesting the application understands the seriousness of the check, and the Applicant is provided with relevant information about the process and the outcome, and once provided this information, signs the form as consent to complete a NCHRC. To do this, the client must:

- a. Supervise the identity verification process.
- b. Physically sight the person and the matching identity documents.
- c. Sign off on the identity of the person as per the process requirement

*(c) Completing an Application*

The following process must be followed to complete an NCHRC:

- Applicant completes the official application form
- The Applicant is provided with clear information about the process, and they sign the consent form.
- The 100-point check is completed
- The client signs the application form as the requesting Organisation representative.
- The client emails the first page of the completed application form to [info@workpro.com.au](mailto:info@workpro.com.au) with a 'send receipt' request, for processing.
- Keep a safe record of the application and the individual's identity as part of the audit requirement.
- Send the ORIGINAL copy of the application form and the 100-point identity check to Risk Solutions at PO Box 372 Collins Street West, Victoria 8007 within 5 business days of the application being emailed to RSA.

### **Application Outcome**

Once RSA has received the emailed application, the application will be processed immediately. There are three possible outcomes from the check:

- Where there is no match found on the first pass – the result indicating **CLEAR no disclosable court outcomes** is automatically returned to you. It is expected that this type of result will be returned to you within minutes of the application being processed.
- Where a **potential match** is found in one or more police jurisdictions, CrimTrac automatically requests the relevant Police Service to compare the name with its local CHI records to determine if the matched Name is that of the Applicant. You will be alerted immediately that further processing is required, but this initial finding does not mean that a person necessarily has a criminal history. It may be that the person has a name or other personal details that closely match a different person whose details are on the

National Criminal History database. The eventual result could be CLEAR so it is important that you do not make an adverse employment decision based on this interim finding.

The police service will identify any relevant CHI, and determine which aspects of the CHI can be released subject to relevant spent convictions/non-disclosure legislation and/or information release policies – see information under ‘Spent Convictions’ under Definitions within this document. The CHI is sent to RSA to indicate either that no record exists or that CHI exists in relation to the Applicant, however this process may take a number of days depending on the number of jurisdictions involved.

It is important that you do not take any further action in terms of the individual’s employment until you receive confirmation from RSA of the final status of the person involved.

If a criminal history is confirmed, details will be confirmed via email.

- **Disclosable Court Outcome** – if a disclosable court outcome results, you will be advised of the details of the outcome via email immediately.

### **Application Outcome Evidence**

The result of any outcome will be sent to the requestor from your Organisation via email. The outcome includes:

- Your Organisation’s Name as the Requesting Party
- Date the outcome was returned
- Applicant’s Surname and Given Name
- Applicant’s Date of Birth
- Date the check was completed
- Result of the Check

The information is not issued in the form of a certificate, but in data format, and can be relied upon to make an employment decision, based on the fact that the result is from a National Criminal History Records Check.

### **CHI cannot be copied or distributed to anyone**

- The Criminal History Information (CHI) must NOT be copied and given to the Applicant under any circumstances.
- The information from the check must be kept confidential, and not disclosed to any other person, other than the individual Applicant.
- You may only disclose the nature of the CHI in a personal interview with the Applicant, thus giving them the opportunity to agree with or dispute the information disclosed. The Applicant may make notes, however you may not provide a copy of the outcome to the Applicant

## **Audit Process**

### *Risk Solutions Australia (RSA)*

RSA maintains a complete record of individual applications, but any CHI is regularly destroyed. This means that whilst we keep a RECORD of all Applicants personal information, we only keep CHI results for a maximum of 90 days as dictated by our business partner and CrimTrac. If an Applicant requires a new police check for new employment, a new NCHRC must be conducted.

### *Clients*

The Client must ensure that the CHI is protected by ensuring that:

- The CHI is only used by Agency Personnel for the purposes identified.
- The CHI is not disclosed to any other agency, entity or person, including the Applicant.
- You keep a permanent copy of:
  - the application form
  - the identity check
  - information of how the CHI affected any associated decision making process.
- Individual personnel files are created in relation to each Applicant.
- The Consent Form and all relevant support documents are attached to the file (including identification documents).
- Any CHI that is subsequently disclosed is attached to the file.
- The files are stored in a secure locked cabinet with access restricted to Authorised Personnel.
- Where practicable, a “clean desk” policy should prevail, i.e. ensuring that confidential Applicant files are not left unattended on desks.
- The CHI evidence in relation to the Applicant is destroyed after 90 days. It is critical that you have in place a system for destroying any hard copy on file. Similarly, any CHI that is recorded electronically, for example as a scanned file attached to email, must also be destroyed.

The NCHRC service will only be available to you once you have signed a contract with Risk Solutions Australia Pty Ltd (RSA). Once a contract is signed, a master application form, tailored to your organisation will be provided as part of the contract agreement.

The terms and conditions and step by step process of applying for a NCHRC are available for download once you are logged into the WorkPro portal.