Government of Western Australia
Department of Health

Policy Frameworks
Mandatory Policy
MP 0189/25
Effective from: 13 March 2025
Amended on: 12 February 2026

Criminal Record Screening Policy

1. Purpose

The purpose of the *Criminal Record Screening Policy* (the policy) is to set the requirements for the consistent approach to the management of screening and recording criminal history of individuals providing health services to the WA health system.

The WA health system has a duty of care to take all reasonable steps to provide protection from harm to all clients and staff members receiving and providing health services from:

- government organisations
- non-government organisations funded by government
- volunteer organisations involved in government services
- private contractors providing services to government.

The WA health system also has a responsibility to the Western Australian public to ensure that all necessary measures are taken to ensure employees fulfil their obligations as public officers with integrity.

Legislation pertinent to this policy includes:

- *Public Sector Management Act 1994*
- *Equal Opportunity Act 1984*
- *Freedom of Information Act 1992*
- *Spent Convictions Act 1988*
- *State Records Act 2000*
- *Privacy and Responsible Information Sharing Act 2024*

This policy is a mandatory requirement for Health Service Providers under the Workforce and *Employment Policy Framework* pursuant to section 26(2)(f) of the *Health Services Act 2016*.

This policy is also a mandatory requirement for the Department of Health pursuant to section 29 of the *Public Sector Management Act 1994*.

This policy is to be read in conjunction with the following:

- Commissioner's Instruction 40: Ethical Foundations
- MP 0124/19 *Code of Conduct Policy*
- MP 0125/19 *Notifiable and Reportable Conduct Policy*
- MP 0127/20 *Discipline Policy*
- MP 0026/16 *Student Clinical Placement Agreement Policy*
- MP 0144/20 *Information Retention and Disposal Policy*

- Department of Health *Discipline Policy*

This policy supersedes OD 0275/10 *Criminal Record Screening Policy and Guidelines*.

2. Applicability

This policy is applicable to WA health entities.

The requirements contained within this policy are applicable to the services purchased from contracted health entities where it is explicitly stated in the contract between the contracted health entity and the State of Western Australia or Health Service Provider. The State of Western Australia or Health Service Provider contract manager is responsible for ensuring that any obligation to comply with this policy by the contracted health entity is accurately reflected in the relevant contract and managed accordingly.

3. Policy Requirements

3.1 Staff criminal record screening

WA health entities must ensure all staff providing services to the WA health system are screened to reduce risk and comply with legislation.

To assist the WA health system meet its obligations, the criminal history of all individuals who work in or provide services to the WA health system must be screened. These include:

- employees (including permanent, temporary, casual and sessional employees, persons who are redeployed from other public sector agencies and appointees from overseas)
- independent contractors (including tradespeople and training consultants), their employees, self-employed clinicians (including those from overseas)
- private agency staff/consultants
- students on placement (excluding persons under 18 years on work experience)
- persons engaged in any other capacity (e.g. volunteers, adults on work experience, chaplains, academics).

WA health entities must establish a committee including the manager of the employing area and the relevant Executive Director Workforce (or equivalent or delegate) and review the information provided by Health Support Services (HSS) to make a final decision regarding an individual's suitability to work in the WA health system.

HSS is the accredited body who undertakes Nationally Coordinated Criminal History Check (NCCHC) prior to employment. People applying for a NCCHC will be treated fairly, equitably and in accordance with the principles of procedural fairness. Any action taken will be documented, transparent, evidence based and legally defensible.

As part of WA health's onboarding processes, all individuals applying for a NCCHC must complete a consent form before the check can be undertaken by HSS. Any person refusing to complete a consent form or meet the cost of the NCCHC will be precluded from

appointment. Refer to the Criminal Record Screening Procedure for further information and instructions to support the application of this policy.
When applying for a NCCHC through HSS, the issued D10 National Coordinated Criminal History Check Form (reference only) must be completed. Note, the informed consent is included in the HSS Information Sheet-NCCHC Application and Informed Consent-(reference only).

3.1.1 Exceptions to criminal record screening

Urgent workforce demand

An individual may commence work on a temporary basis pending a satisfactory NCCHC in circumstances of urgent workforce demand, defined as:

- urgent activities that require immediate attention as the consequences of not filling the position will have a serious impact to service delivery; and
- the care or other service to be provided is essential or
- at the direction of the Director General (or delegated officer) for Department of Health employees or the relevant Chief Executive for Health Service Provider employees, or delegated officer.

The exemption to commence work without a satisfactory NCCHC must be approved by the relevant executive workforce director, their equivalent or delegate.

Individuals are required to complete a statutory declaration to support an exemption request.

Mobility within the WA health system

Employees are not required to undergo a criminal record screen when:

- seconded, across or between WA health entities; or
- participating in a rotational program across WA health entities, following an initial criminal record screening.

The Chief Executive of the Health Service Provider or Director General, may however, require a criminal record screen to be undertaken where there is a change in role that would justify the need for a contemporary assessment to be made.

3.2 Assessment of criminal history

In determining the suitability of an individual to perform the relevant duties of a position, specific contextual factors surrounding the conviction and the situational factors relating to the role must be considered on a case-by-case basis to determine the likely risk of harm to the WA health system and others in the workplace. Factors that must be considered include:

- the nature and seriousness of the offence
- age at the time the offence occurred
- relevance of the offence to the inherent requirements of the position (i.e. the essential duties and requirements of the role)
- the recency of any convictions
- racial, social and economic disadvantage

- the possible impact of the risk on clients, patients, employees, other workers and the WA health system itself.

WA Health employees are required to either undertake a NCCHC or, through the provision of a commercially obtained National Police Clearance (NPC) that was obtained in the last 12-months.

For a Disclosable Court Outcome (DCO) to be relevant to an employment or engagement decision, it must relate to or have a logical link to the inherent requirements of the individual's particular position. The DCO must also be significant enough to lead to a reasonable assumption of potential risk of harm to clients, patients, employees, other workers and the WA health system itself, were the individual employed/engaged to a particular position.

3.3 Use and retention of criminal record information

DCO information will not be used for any purpose other than to determine suitability for appointment to a position, continuing employment or the provision of services to clients. Any decision to not employ or engage an individual based on their DCOs must be evidence based and legally defensible.

Criminal history records and information must be stored, transmitted and disposed of securely in accordance with the *State Records Act 2000*, mandatory polices related to Information Management, including (but not limited to) MP 0144/20 *Information Retention and Disposal Policy* and the Agreement between HSS and the ACIC, for controlled access by duly accredited bodies to NCCHCs.

3.4 Roles and Responsibilities

3.4.1 Individuals

An employee, volunteer, contractor or other persons providing a service to WA Health must advise their employer in writing of:

- any change in their criminal record or
- any criminal charges that are before the courts.

Failure to provide this advice may constitute a breach of discipline and appropriate action would be taken in accordance with the *Public Sector Management Act 1994* and relevant *Discipline Policy* for Department of Health employees and the *Health Services Act 2016* and MP 0127/20 *Discipline Policy* for Health Service Provider employees.

3.4.2 WA health entities

WA health entities are responsible for reviewing the DCOs and determining the suitability of individuals who work in or provide services to their entity. This excludes low risk DCOs relating to traffic offences that include fines and/or loss of demerit points, where driving is not a requirement of the role (refer to 3.4.3 Health Support Services).

This includes employees, independent contractors, private agency staff, students on placements and persons engaged in any other capacity.

3.4.3 Health Support Services

Health Support Services (HSS) has a contract with the Australian Criminal Intelligence Commission (ACIC) to receive Australia-wide NCCHC for employment reasons. As an accredited body for the ACIC, HSS is responsible for the coordination and maintenance of NCCHC across the WA health system.

HSS must continue to assess DCOs and send these to the respective employing authority (HSP) who considers the charges and determines suitability to employ.

Low risk DCOs relating to traffic-related offences which meet a defined criteria (regarding severity of fine/loss of demerits) will be assessed by HSS for a decision to employ. Where driving is a requirement of the role, all DCOs including low-risk traffic related offences will be referred to the respective employing authority.

All authorised and agency personnel working with the ACIC National Police Checking Service (NPCS) in HSS are required to have annual NCCHC irrespective of their current employment status.

HSS will maintain reports on:

- individuals who are not to be employed because of DCOs
- individuals who will be employed but have DCOs.

HSS will maintain records of:

- outcomes of the assessment undertaken in relation to an individual's DCOs and decision made in relation to employment
- the original certified copy of the overseas translated CRS.

For further information and instructions to support the application of this policy, refer to the Criminal Record Screening Procedure document.

4. Compliance Monitoring

The Governance and System Support Directorate, on behalf of the System Manager, will monitor compliance with policy requirements. This includes, but is not limited to:

- Requesting WA health entities, through HSS, to provide information on the number of approved exemptions to criminal record screening and dates these checks were provided under section 3.1.1.
- Evidence of WA health entities fulfilling their roles and responsibilities under section 3.4.

The System Manager may also request additional information and undertake compliance audits periodically to ensure alignment with policy requirements.

5. Related Documents

The following documents are mandatory pursuant to this policy:

- Criminal Record Screening Procedure
- When applying for a NCCHC through HSS, the issued D10 National Coordinated Criminal History Check Form (reference only) must be completed. Further information on informed consent is included in the HSS Information Sheet-NCCHC Application and Informed Consent (reference only).

6. Supporting Information

The following information is not mandatory but informs and/or supports the implementation of this policy:

- Criminal Record Screening Committee Template
- Information Sheet - Criminal Record Screening Policy and Procedures
- FAQs - Criminal Record Screening Policy and Procedures

7. Definitions

The following definition(s) are relevant to this policy.

Term	Definition
Accredited body	An accredited body is an Australian organisation or business that has been assessed and approved by the Australian Criminal Intelligence Commission (ACIC) to have access to the Service to request Nationally Coordinated Criminal History Checks (NCCHC) on behalf of individuals. ACIC accredited bodies are entrusted with access to the National Police Checking Service Support System, to submit applications and retrieve check results for consenting applicants.
Appointment	A person appointed by the CEO (or employing authority) under section 64(1)(b) of the *Public Sector Management Act 1994* or section 140(1) of the *Health Service Act 2016:* • for an indefinite period as a permanent employee, • for a fixed term not exceeding 5 years as is specified in the instrument of appointment; or • on a casual basis Where the employee retains a substantive position for a period that exceeds the length of the fixed term contract, the arrangement will be considered a secondment or acting/deployment.

Acting/Deployment	The temporary movement of an employee to the same or a higher classification level within the same WA health entity.
Clients	Clients refer to the service user, customer, consumer or participant receiving the support service.
Disclosable Court Outcomes (DCOs)	DCOs refer to the record of court convictions and findings of guilt that are considered releasable by the State legislations. This includes all criminal charges, including suspended sentences, any findings of guilt, pending court charges, convictions that led to served sentences, and all other criminal convictions that are not classified as spent convictions.
Employee	An Employee employed pursuant to Part 3 of the *Public Sector Management Act 1994* or as defined in section 6 of the *Health Services Act 2016*.
Individuals	An individual relates to, characteristic of, or meant for a single person or thing.
Nationally Coordinated Criminal History Check (NCCHC)	A Nationally Coordinated Criminal History Check (NCCHC) contains all Disclosable Court Outcomes of an individual. The NCCHC results show all convictions, including traffic charges that lead to convictions and all pending charges. A NCCHC can be obtained from HSS or a commercial accredited body.
National Police Clearance (NPC)	A NPC, also known as a National Criminal Record Check (NCRC) or a National Police History Check is an Australia-wide check of a person's criminal records history. A NPC undertaken for the purpose of working in an Australian Government subsidised aged care service is referred to as an 'Aged Care Check.' A NPC may be in the form of a 'National Police Certificate' or 'Police Certificate' obtained by an individual directly from the Australian Federal Police, a State or Territory police service, or an ACIC accredited agency
Procedural fairness	Procedural fairness is concerned with the procedures used by the decision maker, rather than the actual outcome reached. It requires a fair and proper procedure to be used when making a decision. The principles of procedural fairness require: • A hearing appropriate to the circumstances • Lack of bias • Evidence to support a decision • Inquiry into matters of dispute.
Secondment	The temporary movement of an employee to a different WA health entity or public sector agency.

Serious conviction	Section 9 of the WA *Spent Convictions Act 1988*, a 'serious conviction' means a conviction in respect of which the sentence imposed is: (a) imprisonment for more than one year or for an indeterminate period; or (b) a fine of $15,000 or more.
Spent conviction	In Western Australia, the *Spent Convictions Act 1988* provides for certain convictions to be spent (expunged from the record) generally after ten (10) years and provided there have been no further convictions.
Staff members	Staff member means a person – (a) employed in a health service provider by an employing authority pursuant to the *Health Services Act 2016* and includes: (i) the chief executive of the health service provider (ii) a health executive employed in the health service provider (iii) a person employed in the health service provider under section 140 of the *Health Services Act 2016* (iv) a person seconded to the health service provider under section 136 or 142 of the *Health Services Act 2016*. (b) employed in the Department of Health by or under an employing authority pursuant to the *Public Sector Management Act 1994.* (c) a person engaged under a contract for services by a health service provider pursuant to the *Health Services Act 2016*.
Transfer	The permanent movement between WA health entities (or within the WA health entity) at the same or equivalent classification level. The transfer must occur in accordance with the employment standard, industrial awards and agreements or other applicable legislation.
WA health entities	WA health entities include: (a) Health Service Providers as established by an order made under section 32(1)(b) of the *Health Services Act 2016*. (b) Department of Health as an administrative division of the State of Western Australia pursuant to section 35 of the *Public Sector Management Act 1994.*

WA health system	The WA health system is comprised of: (i) the Department; (ii) Health Service Providers (North Metropolitan Health Service, South Metropolitan Health Service, Child and Adolescent Health Service, WA Country Health Service, East Metropolitan Health Service, PathWest Laboratory Medicine WA, Quadriplegic Centre and Health Support Services); and (iii) contracted health entities, to the extent they provide health services to the State.

8. Policy Contact

Enquiries relating to this policy may be directed to:
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9. Document Control

Version	Published date	Review date	Amendment(s)
MP 0189/25	13 March 2025	September 2026	Original version
MP 0189/25 v.1.1	28 March 2025	September 2026	Amendment as listed below.
• Policy requirements: 2.1: the application for a NCCHC through HSS section refined and hyperlinks updated. • Related documents: Criminal Record Screening Procedure section 3.3. sentence updated. Hyperlinks updated to reflect section 2.1. • Definitions section: Inclusion of Nationally Coordinated Criminal History Check (NCCHC).			
MP 0189/25 v.1.2	12 February 2026	September 2026	Amendments as listed below.
• Hyperlinks updated within policy and related document: Criminal Record Screening Procedure.			

Note: Mandatory policies that exceed the scheduled review date will continue to remain in effect.

10. Approval

Approval by	Dr Sheralee Tamaliunas, A/Assistant Director General, Clinical Excellence Division, Department of Health
Approval date	10 March 2025

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