

# National Criminal History Check (NCHC) procedure HR103.1

## Purpose

This procedure forms part of the [Recruitment and Selection Policy \(PC004\)](#) and [Recruitment, Selection and Appointment Procedure \(PC004.1\)](#).

A National Criminal History Check (NCHC) must be completed for all new employees or contingent workers (as defined by the [Contingent worker management policy \(PC014\)](#)) engaged by Ahpra and is a condition of the continuing nature of the relationship.

An International Criminal History Check (ICHC) must be completed by all new employees or contingent workers who have resided overseas for more than 12 continuous months in the previous 10 years. This is to be completed by the candidate and a copy provided to Ahpra and is a condition of the continuing nature of the relationship.

## Scope

A National Criminal History Check (NCHC) is a record of all recorded criminal activities, police records, and conviction history information of an individual ('**Applicant**').

A criminal history check will be initiated by Ahpra for an employee or potential employee who is recommended for engagement for any position, at all levels.

Furthermore, contingent workers are required to provide evidence of a NCHC, prior to their commencement.

Recruitment agencies or labour hire companies who supply workers at Ahpra's request are responsible for ensuring NCHCs are completed for each worker. The agency or labour hire company is responsible for providing Ahpra with confirmation of the NCHC for each worker prior to their commencement.

Individuals engaged as contractors are required to complete a NCHC as a condition of their engagement. The NCHC process will be facilitated by Ahpra's Recruitment team.

## Roles and Responsibilities

The following roles and responsibilities are in addition to those specified within the [Recruitment, Selection and Appointment Procedure \(PC004.1\)](#), and are specific to NCHCs:

Role	Description
Recruitment team	<ul style="list-style-type: none"><li>Coordinates the NCHC/ICHC processes via Fit2Work.</li><li>Advises hiring managers of NCHC/ICHC outcomes and whether escalation is required.</li><li>Escalates NCHCs to Senior People and Culture Business Partners where a disclosable result is returned.</li></ul>

Role	Description
Senior People and Culture Business Partners	<ul style="list-style-type: none"> <li>Provides advice to the Recruitment team regarding disclosable results and applicant suitability to meet inherent role requirements.</li> <li>Escalates NCHCs to Executive Director People and Culture where a disclosable result is returned, which requires further consideration.</li> </ul>
Executive Director People and Culture	<ul style="list-style-type: none"> <li>Reviews NCHCs where complex disclosable results are returned.</li> <li>Seeks legal advice on NCHC where necessary to make a determination regarding suitability for employment.</li> <li>Liaises with the relevant Executive Director to finalise decisions regarding applicant suitability for recruitment or engagement.</li> </ul>
Hiring managers	<ul style="list-style-type: none"> <li>Ensures that clearance is provided by Ahpra's Recruitment team or Senior Business Partner that NCHCs have returned a satisfactory result, prior to making verbal offer of employment or confirmation of engagement.</li> </ul>

## Guidelines

### 1 National criminal history checks

- 1.1 A NCHC with a satisfactory outcome is a condition of employment or working at Ahpra.
- 1.2 Where an applicant has lived in a country other than Australia for 12 months or more in the last ten years, they will also be required to complete an International Criminal History Check (ICHC).
- 1.3 The requirement for NCHC must be clearly stated on the role description and/or when a role is advertised.
- 1.4 All NCHC's (and ICHCs if applicable) will be undertaken via a secure, online system (e.g., Fit2Work (Equifax)). Applicants will be issued a secure link by Ahpra's recruitment team and be required to complete the application, including uploading their identity documents.
- 1.5 Applicants will be required to provide their consent to check and release criminal history information and proof of identity, via the application process.
- 1.6 Ahpra will consider a previous NCHC completed that is still current i.e. up to 3 months and can be validated.
- 1.7 The detail of the results of the NCHC will remain confidential and only disclosed to a limited number of Authorised personnel (see Section 2).
- 1.8 The information obtained during a NCHC will only be used for its intended purpose, to assess candidate suitability to meet the inherent requirements of a role.
- 1.9 If an applicant declines to have a NCHC, the individual concerned will be deemed unsuitable for employment.

### 2 Authorised personnel

- 2.1 NCHC applications and reports are reviewed by authorised Ahpra personnel.
- 2.2 Authorised Ahpra personnel include members of Ahpra's Recruitment team, People and Culture Business Partnering teams, and People and Culture Senior Leaders including the Executive Director. Access to NCHC applications and reports will be restricted to these individuals.
- 2.3 The Recruitment Manager is the contract manager with Fit2Work (Equifax) and responsible for maintaining the authorised personnel database.

### 3 What is disclosed in a NCHC?

- 3.1 A NCHC may include:
  - 3.1.1 Court appearances
  - 3.1.2 Court convictions, including penalty or sentence
  - 3.1.3 Charges and findings of guilt with no conviction

- 3.1.4 Good behaviour bonds or other court orders
- 3.1.5 Matters awaiting court hearing
- 3.1.6 Spent convictions
- 3.1.7 Minor traffic infringements in some jurisdictions

#### 4 Fit2Work Contract requirements

- 4.1 Ahpra must comply with any directions, guidelines, determinations or recommendations of Fit2Work, to the extent that they are consistent with the Australian Privacy Principles.
- 4.2 Ahpra will not do any act or engage in any practice which, if done or engaged in by Fit2Work, would be a breach of the *Privacy Act 1988 (Cth)*, particularly the Australian Privacy Principles.
- 4.3 Ahpra must not summarise or otherwise alter a NCHC result provided to Ahpra by Fit2Work.
- 4.4 Not retain a NCHC result for longer than three months following release of the result in accordance with contract.

## Procedure

#### 5 Initiating a NCHC

- 5.1 Prior to making a verbal offer of employment or engagement to an appointable candidate/s, the Recruitment Coordinator will inform the candidate/s of the requirement to complete a NCHC.
- 5.2 The Recruitment Coordinator will register the applicant on the Fit2Work (Equifax) platform. A secure link to the online application will be issued to the candidate.
- 5.3 The applicant will complete and submit the NCHC application, including uploading require identity documents.
- 5.4 Where a candidate does not access the link within 7-days from the date of issue, the NCHC process may be cancelled.

#### 6 Outcome of criminal history checking

- 6.1 Where a NCHC returns no disclosable outcomes, the Recruitment Coordinator will advise the Hiring Manager of the outcome.
- 6.2 Where a disclosable result has been returned, a tiered approach will be adopted to ascertain the relevance of the result to the position and the candidate's suitability to perform the inherent requirements of the role. The escalation pathways are:
  - 6.2.1 The Recruitment Coordinator will liaise with the relevant Senior People and Culture Business Partner in the first instance.
  - 6.2.2 If required, the Senior People and Culture Business Partner will liaise with the Executive Director, People and Culture about the disclosable result and seek their decision on their recruitment suitability.
  - 6.2.3 The Executive Director, People and Culture may seek legal advice and or liaise with the relevant Executive Director in making their decision.
- 6.3 A disclosable outcome does not automatically exclude an individual from working at Ahpra. Disclosable outcomes will be categorised under the following four sections:
  - Section A:** Offences of a serious/extreme nature (e.g., sexual offending, offences against the national interest), regardless of when the offence took place.
  - Section B:** Offences of a significant nature (e.g. common assault, fraud) where there is or could be harm to person or property (e.g., common assault, drink driving, fraud).
  - Section C:** Minor offences with a finding of guilt and offences with no finding of guilt (i.e. offences that are withdrawn, quashed) and spent convictions.
  - Section D:** Traffic infringements that result in a fine and no conviction recorded.
- 6.4 Unless there's an inherent requirement stated in a role description for a role to undertake activities which require possession of a driver's licence and operation of a motor vehicle, any Section D outcomes disclosed in a NCHC should be disregarded for the purpose of assessing applicant suitability for the role.

- 6.5 When reviewing and considering the impacts of the disclosable offences within the NCHC, Ahpra will undertake all activities in accordance with Ahpra's Privacy policy and [relevant legislation](#), including those pertaining to spent convictions.
- 6.6 Ahpra will not discriminate on the grounds of a NCHC outcome in determining an applicant's suitability to perform a role. It is not an act of discrimination to find a person unsuitable for a particular role if an applicant's police history means that they are unsuitable to perform the inherent or essential requirements of a role.
- 6.7 Ahpra must disclose the outcome of a negative NCHC to the applicant and provide the opportunity to provide additional information and context or dispute the results.

## 7 Processing timelines

- 7.1 The average processing timeframe for NCHCs are between 1-2 business days.
- 7.2 In the event an application requires manual review by Fit2Work (e.g. due to name similarities of the applicant with another individual), the processing timeline may take up to 15 business days.
- 7.3 Additional pre-employment screening activities (e.g. reference checks) will be undertaken parallel to the NCHC process to ensure timely progress of recruitment and selection activities.

## 8 Conditional offer of employment

- 8.1 In times of urgent workforce demands, a conditional offer of appointment may be made.
- 8.2 In such exceptional cases, the appointment letter must state that commencement of employment is conditional on a satisfactory NCHC being received prior to the applicant's commencement date.
- 8.3 The decision to make a conditional offer of appointment to a person will be made in conjunction with the Senior People and Culture Business Partner.

## 9 Storage of information

- 9.1 The results of all NCHCs facilitated by Ahpra will be maintained in the Fit2Work platform, in accordance with Fit2Work's privacy policy.

**NCHC are not to be retained on employee personnel files.**

## References / links to other documents / related documents

- [Recruitment and Selection Policy \(PC004\)](#)
- [Recruitment, Selection and Appointment Procedure \(PC004.1\)](#)
- [Ahpra Privacy policy](#)

## Relevant legislation or policy

- *Privacy Act 1988* (Cth)
- *Criminal Records Act 1991* (NSW)
- *Criminal Law (Rehabilitation of Offenders) Act 1986* (QLD)
- *Spent Convictions Act 2000* (ACT)
- *Criminal Records (Spent Convictions) Act 1992* (NT)
- *Spent Convictions Act 1988* (WA)
- *Annulled Convictions Act 2003* (TAS)
- *Spent Convictions Act 2009* (SA)
- *Anti-Discrimination Act 1977 No 48* (NSW)
- *Anti-Discrimination Act 1991* (QLD)
- *Anti-Discrimination Act 1992* (NT)
- *Anti-Discrimination Act 1998* (TAS)
- *Equal Opportunity Act 1984* (SA)
- *Equal Opportunity Act 1984* (WA)
- *Equal Opportunity Act 2010* (VIC)
- *Discrimination Act 1991* (ACT)

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