

POL 7-P16 Suitability, Criminal Record and Background Checks Procedure

1. Purpose

This policy explains how Affinity Education Group (Affinity) manages criminal record screening and the secure handling, use and retention of criminal record information.

It outlines Affinity's approach to:

- ensuring all relevant persons are **fit and proper** to provide education and care or administer government funding;
- maintaining **child safety and regulatory compliance**; and
- protecting **personal information in line with the Privacy Act 1988**.

This document supports Affinity's responsibilities under the Education and Care Services National Law, National Regulations, Child Care Subsidy (CCS) requirements and NSW-specific reporting obligations.

2. Scope

This policy applies to all staff, students, volunteers and contractors engaged in Affinity services and operations where criminal record screening is required.

This policy must be read together with:

- [POL4-P9 Recruitment and Onboarding Policy and Procedure](#) – for recruitment steps;
- [POL 4-P10 Onboarding and Induction Procedure](#) – for onboarding and induction steps
- [POL2-P24 Incident Injury Trauma and Illness Policy and Procedure](#) – for reporting and escalation of suitability concerns; and
- relevant **ProMapp recruitment and compliance processes**.

3. Definitions

The following definitions support consistent understanding of the terms used in this policy/procedure.

Term	Definition
Criminal Record Check	A check of an individual's 'disclosable court outcomes' released in line applicable laws, including the Crimes Act 1914 (Cth) conducted via an authorised provider
Fit and Proper Person	A person assessed as suitable to work in education and care based on conduct, character and compliance history
Relevant Offence	Any criminal offence, charge, conviction or finding of guilt that may impact child safety, financial integrity, or regulatory compliance
Negative Notice (Negative notices, disqualified persons and interim bars)	A notice issued by a regulatory authority that prevents an individual from working with children or in regulated roles (Prohibition notice see below, Suspension Notice, Supervision Notice or Enforceable Undertaking). We acknowledge that under the WWCC Act 2025: • A disqualified person is legally barred from engaging in child-related work. • Individuals subject to an interim bar notice must cease child-related work immediately. • When an individual has had their WWCC clearance refused or cancelled must cease child-related work immediately • A negative notice prohibits employment and engagement in child-related work.
Prohibition notice	A prohibition notice can be issued to anyone involved in an education and care service if they pose a risk of harm to children. A prohibition notice prevents the person from: • Providing education and care to children. • Working or volunteering at an education and care service in any role. Engaging in any other activity related to education and care services.
Working with Children Check (WWCC)	A Working with Children Check (WWCC) is a mandatory screening process for people who work or volunteer with children. It involves a national criminal history check and a review of workplace misconduct to assess if an individual poses a risk to child safety. WWCC involves continuous monitoring, meaning authorities are alerted if a cardholder commits a relevant offense while their check is active which notifies any approved providers that have linked them to their organisation.

4. Guiding principles

At Affinity, we believe that child safety is everyone's responsibility. We are committed to upholding the safety, rights and wellbeing of all children and promote a culture of child safety with a zero-tolerance approach to child abuse and harm.

Affinity ensures the Paramountcy Principle is applied in all aspects of our work. All decisions and actions relate to the operation and delivery of education and care services must prioritise children's safety, rights and best interests above all other considerations.

The following principles guide suitability, criminal record and background checks:

Accountable (Owner)	Chief Commercial Officer	Accountable (Expert)	Head of Workforce Planning and Recruitment
Responsible	All staff, students, volunteers, families	Document Version	V9.0
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- **Child safety first** – All decisions prioritise children's safety, rights and wellbeing.
- **Regulatory compliance** – All screening and decisions align with National Law, Regulations, CCS requirements and state-based legislation.
- **Proactive suitability management** – Suitability is assessed at recruitment and monitored continuously.
- **Fair and balanced assessment** – Decisions consider context, seriousness and relevance of offences.
- **Confidentiality and privacy** – Personal information is handled securely and only for lawful purposes.
- **Transparency and accountability** – Decisions are documented, defensible and auditable.

These principles underpin all actions in this procedure.

4.1 Suitability approach

This policy is informed by a **Suitability and Integrity approach**, which explains how the guiding principles are applied in everyday practice when assessing and maintaining employee suitability in roles connected to education and care and the administration of Child Care Subsidy (CCS) funding.

This approach recognises that maintaining employee suitability is essential to ensuring the integrity of education and care services, protecting public funding, and safeguarding children, families, and sensitive information. It reflects the expectation that individuals in relevant roles demonstrate ongoing compliance with legal, ethical, and professional obligations, including the responsible management of government funding, confidentiality of personal information, and adherence to relevant laws and regulatory requirements.

In practice, this approach guides how leaders and staff consider suitability as an ongoing responsibility rather than a one-time assessment. Through consistent monitoring, appropriate pre-employment and ongoing checks, timely identification and management of risks, and clear reporting of notifiable matters, this approach supports safe, compliant, and accountable service delivery, and ensures that the Company meets its obligations as an approved provider.

When Affinity becomes aware of anything that affects the suitability of an employee to provide education and care, the operator must give the Department of Education written notice within seven days or within 24 hours of becoming aware of the event (in NSW), setting out the action taken, or that will be taken, to deal with the issue by following [POL2-P24 Incident Injury Trauma and Illness Policy and Procedure](#)

5. Procedures

These procedures describe the requirements that support safe, consistent and compliant practice, with detailed processes maintained in ProMapp.

5.1. Manage Consent for checks

5.1.1. Criminal Record consent

All employment applicants must consent to a criminal record check being conducted by the Affinity through Referoo. Where an applicant does not provide the required consent, Affinity reserves the right to decline to progress an application. This requirement applies to all applicants, including those seeking new employment, internal transfers or promotions within Affinity.

A criminal history check can only be conducted with a person's written consent. A criminal history check is only to be conducted once the person/s recommended for appointment. Workforce Business Partners and Pre-employment Advisor personnel are to ensure employees, prospective employees and other persons have the requisite criminal history check prior to appointment. Any employee participating in a criminal history check process, including those providing administrative support, are to be made aware of their obligations for confidentiality and comply with this policy.

5.1.2. Declaration on prohibition/notices

In centre facing roles, the applicant must declare their suitability and any current restrictions, including enforceable undertakings, supervision notices, suspension notices or prohibition notices by completing the Prohibition Check form upon pre-employment.

5.1.3. Reference check consent

Upon preemployment preferred candidates must provide the details of 2 referees. At least one referee should be from their most recent or current role and both must have directly supervised or managed the applicant in a professional capacity (for centre facing roles).

If the applicant has never worked before, has recently left school or has exceptional circumstances such as a long, explained career break character references may be acceptable. Character references should not be from family members and professional references are preferred.

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5.2. Verification and Suitability checks/Fit and Proper considerations

Ensure all preferred candidates are verified as suitable to work with children and meet regulatory requirements. This means all checks are completed prior to employment. These are legal, regulatory and suitability checks to ensure that the applicant is competent, honest and safe to care for children.

Key Expectations

- Employee completes Referoo police check information, 100-point identification check to verify identity in Referoo. and submits
- Workforce Business Partner and Pre employment Advisor maintains documentary evidence confirming that all verification and suitability checks have been completed in Referoo and PageUp

5.2.1. Criminal record checks

Criminal record checks are conducted through a third-party crime check provider. The criminal record check results are assessed by the Workforce Business Partner/Pre employment Advisor and are considered when determining whether a person is a fit and proper person.

- Any person convicted or found guilty of a sexual offence involving a child, or issued with a negative notice or an interim negative notice by the relevant State and Territory regulatory authority is ineligible for employment with Affinity.
- Individuals convicted of fraud or theft are ineligible for roles involving the processing or approval of government funding or other financial responsibilities on behalf of Affinity.
- For all other criminal offences, Affinity will assess an individual's fitness and propriety having regard to the nature and seriousness of the offence(s) and reserves the right, at its sole discretion, not to progress the application.

When assessing an individual for employment, Affinity will give particular consideration to offences that indicate any of the following:

- A potential risk to the safety or wellbeing of children or other staff;
- an inability to provide appropriate moral guidance to children in their care;
- the presence of an impairment that may affect safe or competent performance; or
- a disregard for the safety or rights of others.

When considering criminal offences more broadly, Affinity will also consider:

- the seriousness and/or frequency of any offence(s);
- the nature of any sentence(s) imposed; and
- the period of time which lapsed since the offence(s).

5.2.2. Robust reference checks

Ensure thorough and reliable reference checks are completed so that children are protected from harm, recruitment decisions are well-informed, and the Company can demonstrate safe, compliant hiring practices. Following Promapp process [6.1.11 Screen and Interview Candidates](#)

Key expectations

Workforce Business Partner

- reference checks are completed for all preferred candidates before employment is confirmed
- referees are asked clear, child-safety focused questions, including any concerns, disciplinary history, or inappropriate behaviour in Referoo
- any concerns identified during recruitment are actively explored and documented in PageUp during reference checks
- only verified referees are used, and secure systems (such as Referoo) are used where written references are obtained
- accurate, complete, and secure records of all reference checks are maintained and retained in line with privacy and record-keeping requirements in PageUp

Reference Checks (NSW):

- The Workforce Business Partners will conduct at least 2 verbal reference checks from previous employers, including the most recent, to verify the applicant's work history and experience, and confirm their conduct, integrity and suitability to work with children. Reference checks should include specific enquiries about:
 - any reportable allegations, prior allegations or concerns related to child safety or misconduct
 - the person's knowledge of the child safe standards, including their understanding of mandatory reporting obligations.
- A written record of verbal reference checks will be loaded to candidates file on PageUp

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5.2.3. Robust background checks including WWCC

WWCC

Ensure all employees, volunteers, and contractors hold and maintain a valid Working With Children Check (WWCC) so that children are protected from harm, legal requirements are met, and the Company can demonstrate safe and compliant workforce practices. A valid WWCC must be obtained and verified prior to commencement in any role that involves working with or around children. Following Promapp process

6.1.11 Screen and Interview Candidates

Key expectations

- Pre employment Advisor will ensure they hold a current Working With Children Check (WWCC) clearance issued under the WWCC Act 2025 (unless exempt) and verification will be completed using the relevant state or territory online verification system and recorded in the employee's file in PageUp which then will be transferred to SuccessFactors once Employee is onboarded
- Any notifiable changes or concerns regarding WWCC status must be managed in accordance with reporting obligations and internal incident management processes
- A written record of all WWCC verifications and actions taken must be stored securely and be accessible for internal review and regulatory purposes
- Employees do not work with children if their WWCC is invalid, expired, or subject to conditions that restrict their role

Agency staff and volunteers

Where staff are engaged through a staffing agency, we seek assurance that the agency has conducted appropriate background checks. This includes verifying WWCC's, checking relevant registers and confirming that child safety questions and screenings have been undertaken to assess the suitability of candidates to work with children. Agency staff must meet the same child safety standards and requirements as employed staff. We ensure that volunteers who engage in child-related work also have a current WWCC.

Key expectations

- Before an agency staff member commences working with children the Centre Manager ensures they hold a current WWCC clearance and verify the relevant state or territory online verification system and recorded in the employee's file and the National Worker Register following [3.5.20 Manage National Worker Register](#) and [3.4.04 Manage External Visitor Procedure](#)

Negative notices and prohibition checks

We ask applicants to complete a declaration about their suitability and any current restrictions imposed by Regulatory Authorities including enforceable undertakings, suspension orders, supervision orders or training orders. We verify if an individual is a prohibited person through the National Quality IT System (NQA ITS) (Section 188).

Key expectations

- Before engaging an applicant in child-related work Pre employment advisor will verify if an individual is a prohibited person list through the National Quality IT System (NQA ITS) (Section 188).
- Any notifiable changes or concerns regarding notices must be managed in accordance with reporting obligations and [POL2-P24 Incident Injury Trauma and Illness Policy and Procedure.pdf](#)
- A proof of all verifications and actions taken must be stored securely and be accessible for internal review and regulatory purposes in PageUp
- all employees that they must notify their Approved Provider in writing if they receive a negative notice or if there is a change to the educator's accreditation or registration as a teacher (Section 174AA). Employees must provide this notice within 72 hours of the event or within 24 hours of becoming aware. As per [POL HR5 AEG Code of Conduct.pdf](#).
- Upon receipt of notification from an authorised agency or from an employee that a person engaged by the organisation is disqualified, issued an interim bar, or has received a negative notice, Affinity will immediately cease that person's involvement in child-related work and inform the relevant body as required under Section 174AB of the Children (Education and Care Services) National Law (NSW) within 24 hours of becoming aware following [POL2-P24 Incident Injury Trauma and Illness Policy and Procedure](#)
- A record of the actions taken in response to a negative notice or change to a staff member's accreditation or registration is completed in ServiceNow.

Confidential records of these incidents shall be maintained and managed according to privacy and child protection legislation.

Exceptions and Escalations

- Should any applicants **declare they have a prohibition notice**, the applicant will be no longer be progressed and the Compliance Team must be notified who will follow the appropriate notification procedures [POL 2-P31 Child Safe Organisation Principles and Standards Procedure](#) and [POL2-P24 Incident Injury Trauma and Illness Policy and Procedure](#)
- Should any applicants **declare they have a suspension notice, supervision notice or enforceable undertaking** - the Compliance Team must be notified who will follow the appropriate investigation procedures to determine whether to progress with the applicant [POL](#)

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[2-P31 Child Safe Organisation Principles and Standards Procedure](#) and [POL2-P24 Incident Injury Trauma and Illness Policy and Procedure](#)

5.2.4. Robust training and qualification checks

We check the validity of qualifications, including checks with the [National Training Register](#) for Registered Training Organisations (RTOs). We confirm teacher accreditation status (where relevant).

Qualification Verification

- Pre employment advisor verifies qualifications by checking the ACECQA website to ensure that both the qualification and the RTO or university are approved under the National Quality Framework (NQF). This is done by searching for the qualification in the NQF Approved Qualifications List. [NQF approved qualifications list | ACECQA](#)
- VET is required for any centre role (Cert 3 or Diploma Qualified)
 - Candidates applying for Qualified Educator and Lead Educator positions who completed their Certificate III and/or Diploma on or after 1 January 2015 are required to upload their VET transcripts at the time of application.
 - verifies VET transcripts and upload the document.
 - All other candidates (including Diploma-qualified Centre Managers and Assistant Centre Managers) are requested to upload their VET transcripts during the Pre-Employment Check stage.
 - We also request candidates to provide their VET transcript for verification purposes.
 - We ensure that the qualification documents include the candidate's full name, the name of the RTO or university, the course code, and the Nationally Recognised Training (NRT) seal.

Compliance Training Verification

- All centre based staff must provide a copy of the National Child Safety Training certificate to confirm the training was completed within the last 2 years. This is a mandatory pre-employment requirement. A copy of the certificate must be uploaded to PageUp.
- All centre based staff must also provide evidence of the required Child Protection Training certificate according to their state of employment, and role:

State	Who	Requirement	Validity
ACT	All centre staff	ACT child protection training 'Keeping Children and Young People Safe'	2 years
NSW	Nominated Supervisors and Responsible Persons	CHCPRT025 - Identify and report children and young people at risk OR CHCPRT026 - Support the rights and safety of children and young people OR other relevant unit listed here: More Info	No expiry
VIC	All centre staff	Protecting Children – Mandatory Reporting and Other Obligations for the Early Childhood Sector (PROTECT)	12 months
NT	All centre staff	National Child Safety Training – Foundation	2 years
QLD	All centre staff	National Child Safety Training – Foundation OR - CHCPRT025 – Identify and report children and young people at risk - CHCPRT026 – Support the rights and safety of children and young people - CHCECE057 – Use collaborative practices to uphold children protection principles	2 years No expiry No expiry No expiry

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WA	All Centre Staff	National Child Safety Training – Foundation	2 years
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Overseas Qualifications

- Candidates with overseas qualifications must provide their ACECQA assessment certificate, which confirms whether their qualification is equivalent to a Certificate III, Diploma, or Bachelor's degree. We ensure that qualification documents include the candidate's full name, the name of the qualification, and confirmation that the qualification is approved by ACECQA and upload to PageUp

Candidates 'Working Towards Qualification'

- We request candidates to provide both their confirmation of enrolment and academic transcript/progress report as a proof of current enrolment and progression.
- checking the currency of the documents received (dated within the last 3 months), confirming that the candidate is currently enrolled and actively studying, and verifying that they are making satisfactory progress toward completing the course.
- verifies qualifications by checking the ACECQA website to ensure that both the qualification and the RTO or university are approved under the National Quality Framework (NQF). This is done by searching for the qualification in the NQF Approved Qualifications List. [NQF approved qualifications list | ACECQA](#)
- verifies the provider's registration status through the National Training Register, e.g., RTO 41181 – Block Learning Pty Ltd. [National Training Register](#)
- Check the details around Cancelled and withdrawn ROT in ASQA website [Australian Skills Quality Authority \(ASQA\)](#)

5.3. Record keeping of screening and checks

We keep records of all pre-employment checks, including WWCC verification, National Criminal History Check, qualification checks, prohibited person checks, declarations, and accreditation confirmations. We store all records securely and manage them in line with our organisations record-keeping and privacy requirements. [POL 7-P11 Record Management and Archiving Procedure](#) and detailed in our [POL4-P9 Recruitment and Onboarding Policy and Procedure](#) in Section 5.7 Record Keeping, Monitoring and Review

5.4. Self reporting of criminal charges, convictions or notices

Respect for the law and the system of government requires an employee to notify their manager in writing if charged with an indictable offence, convicted by a court of any offence, a negative notice or if there has been a change to their accreditation or registration within 24 hours. The notification of a relevant charge or conviction by an employee may warrant a criminal history check to be conducted on the employee, irrespective of previous checks undertaken. Detailed in [POL HR5 AEG Code of Conduct](#) and reported to the Regulatory Authority through the [POL2-P24 Incident Injury Trauma and Illness Policy and Procedure](#)

5.5. Ongoing Child-Safe Employment Practices

Our [POL4-P9 Recruitment and Onboarding Policy and Procedure](#) outline how we implement ongoing child-safe employment practices and continually monitor the suitability of all staff and volunteers to work with children in Section 5.6 Ongoing Child-Safe Employment Practices which includes:

- Regular Child-Safety checks including WWCC, Prohibition Check, Criminal History check
- Child Safe training for new and existing staff

Monitoring and Review

All workers are required to reaffirm their understanding of child safety obligations and the WWCC requirements at annual reviews or as part of their performance management supporting ongoing vigilance and improvement in child-safe practices.

Multiple checks occur throughout time:

- Affinity will complete a fortnightly review of all centre staff personnel suitability against Prohibited Persons - we verify if an individual is a prohibited person through the National Quality IT System (NQA ITS) (Section 188).
- Any Workplace investigations [6.3.10 Handle Investigations](#), Regulatory Triage will initiate a check of both WWCC/Prohibition list in NQAITS
- WWCC will also be regularly checked by the Centre Manager as a part of their staff records process [6.2.02 Manage Staff Record](#) and [POL HR10 Performance Management Policy](#)
- Following the Worker Register Process [3.5.20 Manage National Worker Register](#) for any new, changes to or removing any workers

6. Roles and responsibilities summary

The following table provides a summary of role responsibilities that align with the procedures and ProMapp processes referenced.

Role	Responsibilities
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Chief People Officer / Head of Recruitment	Accountable for policy compliance and high-risk decisions
People and Culture Team	Conduct screening, assess suitability, manage records
Authorised Officer	Control access to criminal record information
Managers	Ensure compliance, escalate concerns, support monitoring
Employees / applicants	Provide consent and disclose relevant information

7. Related legislation and internal documents

The following legislation, regulations and internal documents inform and support this policy/procedure, ensuring compliance with legal requirements and consistent implementation.

Legislation	Education and Care Services National Law Education and Care Services National Regulations Privacy Act 1988 Family Assistance Act 1999 Fair Work Act 2009	
Policy/Procedure, Process	POL4-P9 Recruitment and Onboarding Policy and Procedure POL 4-P10 Onboarding and Induction Procedure. POL2-P24 Incident Injury Trauma and Illness Policy and Procedure POL HR10 Performance Management Policy POL HR5 AEG Code of Conduct POL2-P24 Incident Injury Trauma and Illness Policy and Procedure POL 7-P11 Record Management and Archiving Procedure POL 2-P31 Child Safe Organisation Principles and Standards Procedure	6.1.11 Screen and Interview Candidates 6.3.10 Handle Investigations, 6.2.02 Manage Staff Record 3.5.20 Manage National Worker Register 3.4.04 Manage External Visitor Procedure
Forms		
Learning artifacts		

8. Version history

The version history table below records updates to this document, including approval dates and a summary of changes made.

Version Control	Date	Author	Description of Change
1.0	Nov 2014	AEG	New policy/ procedure
1.1	April 2015	AEG	Minor amendments
1.2	May 2016	AEG	Revision
10.17	Oct 2017	AEG	Revision, ID code and format
6.18	June 2018	AEG	CCS reference
6.19	June 2019	AEG	Scheduled Review
11.20	Nov 2020	AEG	Scheduled Review
8.22	Aug 2022	AEG	Detailed review
11.23	Nov 2023	AEG	Added RACI table and reference
11.24	Nov 2024	AEG	Scheduled Review
8.0	Apr 2026	AEG	Inclusion of NSW reforms
9.0	Jun 2026	AEG	Moderate changes: Title changed to Suitability, Criminal Record and Background Check Procedure, addition of sections originally in Recruitment and Onboarding Procedure such as suitability checks, background and qualification checks. Significant additions to expand for declarations, reference checks, qualification checks and suitability checks.

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