

PROCEDURES

VETTING ENTITY REVIEW OF MATURE AGE STUDENT ENROLMENT APPLICATIONS

Responsibility of:	School Support Services	FILE2016/205
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This document should be read in conjunction with the guidelines for [Criminal history checks for prospective mature age students](#).

1. INTRODUCTION

The Department of Education is committed to providing a safe and supportive school learning environment and appropriate education programs that facilitate the effective transition of young people to employment or further education.

These procedures outline the steps for the department's vetting entities to fulfil their statutory responsibility to determine if mature age student applicants have a criminal history or pending charges that will disqualify them from enrolling in any government school, including an independent public school.

Before commencing the [enrolment process](#), mature age students who are over 18 years of age and have not been enrolled in a school in the preceding 12 months (that is within 365 days of their application date), must apply to SAFE NT for a criminal history check at their own expense. After completing the check, SAFE NT will issue a criminal record report.

Continuing students who turn 18 while they are studying, or prospective students who have been enrolled in a school during the previous 12 months, are not required to obtain a criminal history check.

School principals provide advice to prospective mature age students about the enrolment application process and alternative education options that would meet the student's needs.

2. DEFINITIONS

Criminal history checks are administered by the Northern Territory Police, Fire and Emergency Services (NTPFES) through SAFE NT and, after the check is completed, SAFE NT issues a criminal record report that provides details if a person has a criminal record.

Criminal records as defined under section 3(1) *Criminal Records (Spent Convictions) Act* are records that include a conviction, finding, order, quashed conviction, pardon, charge or action in the Northern Territory or any other State or Territory of the Commonwealth.

Disqualifying offences are offences listed in the Education Regulations that prevent a mature age student from enrolling in any Northern Territory school. These offences are primarily of a serious sexual, violent or drug (where they involve children) related nature (Attachment A refers).

Mature age students, for the purposes of these procedures are referred to as the applicant and include students who are 18 years of age or older who have not been enrolled in any school, anywhere, during the preceding 12 months.

Pending charges, for the purposes of these procedures, are for an offence of any kind in relation to the mature age student applicant. If the pending charge is for a disqualifying offence it will prevent the applicant from enrolling in any Northern Territory school.

Vetting entity is a body that reviews criminal record reports and details of pending charges, submitted by prospective mature age students as part of their enrolment application, to determine if the applicant has committed offences or has pending charges that would disqualify them from enrolling in a government school. The vetting entities for the Department of Education are the Executive Directors Schools North and South.

3. ROLES AND RESPONSIBILITIES

The Chief Executive

- Completes the final stage of the complaints process when a mature age student applicant requests a review of an enrolment decision made by a principal.

The vetting entity must, according to the procedures in Part 4 below:

- check all criminal record reports and details of pending charges for mature age students, who have not been enrolled in a school in the preceding 12 months and wish to return to school, against the list of disqualifying offences, so that applicants with reports or pending charges for disqualifying offences are not accepted for enrolment in a government school (Attachment A Disqualifying offences, Sections 57 to 65 of the *Education Act* and Schedule 1 of the Education Regulations refer)
- pass on information to school principals, about other relevant offences, pending charges or patterns of offences or charges for the applicant, that are not disqualifying offences
- ensure that confidential information related to criminal history records remains secure and is disposed of as soon as it is no longer needed.

4. PROCEDURES

The following steps outline the vetting entity application assessment process.

4.1 Receipt of application information

Check that you have the following documents and that they have been completed correctly:

- the department's *Student Enrolment* form, completed by the applicant and including photographic proof of identify
- a criminal record report, that has been requested and paid for by the applicant, issued by SAFE NT
- a completed *Mature Age Student Pending Charges Declaration*.

The enrolment application and related information may arrive either together, as one part, or separately, from a number of different sources such as:

- the school
- the applicant
- directly from SAFE NT.

You can only proceed with the review when you have received all parts of the application and you are not responsible for following up incomplete applications.

4.2 Recording and saving confidential information

You must protect information and ensure confidentiality. Criminal record reports and related confidential criminal history information (both hard copies and electronic documents) for mature age student enrolment applications must:

- not be viewed by anyone other than the vetting entity
- be kept in a locked drawer
- not be left in the open or on a desk
- not be recorded on TRIM or any other general access electronic system
- be destroyed when they are no longer needed for the purpose for which they were obtained (electronic and hard copies at the same time).

All criminal record reports and details of pending charges that you receive are solely for the purposes of assessing enrolment suitability and must not be shared with department staff or any other organisation unless required to do so by law or unless the applicant provides written consent.

You must ensure that information obtained is destroyed when the information is no longer needed for the purpose for which it was obtained. This includes ensuring that school principals have destroyed any details of criminal record reports or pending charges that you have sent to them as part of the enrolment consideration process.

4.3 Review of enrolment application information

You must review the criminal record report and summary of pending charges according to the categories of offence or charge listed below.

Each category requires you to provide a different response.

- **Disqualifying offences – mandatory refusal of enrolment**

There are a number of criminal offences or pending charges that automatically prevent enrolment of a prospective mature age student. The disqualifying offences relate to sexual, violent or drug (where they involve children) related offences (Attachment A - Disqualifying offences refers).

Where a criminal record report includes a conviction for a disqualifying offence or the applicant has pending charges for a disqualifying offence, **you have no discretion in this decision** and must refuse the application for enrolment. You must send written notification to the applicant and the principal advising of this determination (Attachment B and C templates refer).

- **Other offences – discretionary decision to give offence details to principal**

You must consider the details of any non-disqualifying offences or pending charges and have discretion to assess whether any may be of relevance to the principal when making their decision about enrolment of the student.

Categories of offences likely to be relevant include serious property or violent, sexual or drug related offences that are not classified as disqualifying offences.

Other issues to consider are if there are multiple offences of the same type, or a pattern of offences that may have a potential negative impact on other students.

If the criminal record report or details of pending charges show offences of any kind (other than a conviction for a disqualifying offence), you must, within 14 days after receiving the application for enrolment, forward the enrolment application to the school principal. You must also forward a summary of the relevant offences or pending charges, including your analysis of patterns of offences as mentioned above (Letter template at Attachment D refers). The principal will then consider the enrolment application according to the Enrolment policy and Criminal History Check for Mature Age Students guidelines.

- **No record of criminal convictions - advise principal**

If the criminal record report does not show a conviction for a disqualifying offence and there are no pending charges for disqualifying offences, you must, within 14 days after receiving the application for enrolment, forward the application to the principal of the school (letter template at Attachment E refers). The school principal can then consider the application for enrolment according to the Enrolment policy and Criminal History for Mature Age Students guidelines.

4.4 Applicant dispute of criminal record report

As the vetting entity, you have no part in this process and, if an applicant disputes the accuracy of their criminal record report they must contact SAFE NT. If the criminal record report includes convictions for a disqualifying offence, until such time as you receive evidence that SAFE NT has amended the criminal record report, the enrolment must be refused.

4.5 Applicant request for review of a school principal decision

As the vetting entity, you have no part in this process and if an applicant is not satisfied with the decision made by a school principal about their enrolment application, they can, within 14 days after they were given notice of the decision, request a review by following the process outlined in the department [Complaints policy](#). However, in the first instance, the applicant should discuss the matter with the school principal who should try to find a resolution at the local level.

The Chief Executive may extend the time allowed for the applicant to request the review.

The applicant must complete the *Request to review mature age student enrolment application* form. The school principal must provide supporting documentation that justifies their decision and submit this information, together with the applicant’s completed form to the Chief Executive through the Regional Director and Executive Director as per the [Complaints policy](#).

The Chief Executive will review the decision made about the applicant’s enrolment application and, as soon as possible in writing to both the applicant and the school principal, either confirm, vary (particularly where conditions have been placed on the applicant’s enrolment) or set aside the decision (Attachment F for CE response refers).

4.6 End of the process

You must ensure that all printed and electronic criminal history information obtained in the application is destroyed as per 4.2 of this procedure.

5. LEGISLATION AND REFERENCES

Legislation (NT and Commonwealth)	<ul style="list-style-type: none"> • Education Act (NT) • Care and Protection of Children Act • Criminal Code Act (NT) • Misuse of Drugs Act (NT) • Criminal Code (Cth) • Customs Act (Cth) • Criminal Records (Spent Convictions) Act
Departmental policy	<ul style="list-style-type: none"> • Complaints • Enrolment policy and guidelines • Data access policy and Data access protocol • Privacy statement
Relevant resources and links	<ul style="list-style-type: none"> • SAFE NT

6. ATTACHMENTS

Attachment A – List of disqualifying offences

Attachment B – Vetting entity letter template – Refusal notice to applicant

Attachment C – Vetting entity letter template – Refusal notice to principal

Attachment D – Vetting entity letter template – Notice of other offences to be considered to principal

Attachment E – Vetting entity letter template – Notice of no convictions to principal

Attachment F – CE response letter template – response to applicant's request to review decision