

# GUIDELINES

## CRIMINAL HISTORY CHECKS FOR PROSPECTIVE MATURE AGE STUDENTS

Responsibility of:	School Support Services	FILE2016/205
Effective Date:	January 2016	EDOC2016/7177
Next Review Date:	January 2019	VERSION NUMBER: 1
Target Audience:	NT Government school principals, vetting entity, mature age students and school communities.	

This document should be read in conjunction with [Enrolment policy and Enrolment guidelines](#).

### 1. INTRODUCTION

The Department is committed to providing a safe and supportive learning environment, which can include the implementation of measures that safeguard the young people and staff at Northern Territory (NT) government schools whilst supporting mature age students' access to school education. These guidelines outline the process that must be followed by all schools and prospective mature age students who wish to resume studies in any NT government school.

All prospective mature age students who are over 18 years of age and have not been enrolled in a school in the preceding 12 months must undertake a criminal history check at their own cost, prior to enrolment. 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.

### 2. DEFINITIONS

**Criminal history checks** are administered by the Northern Territory Police, Fire and Emergency Services (NTPFES) through SAFE NT and detail whether a person has a criminal record.

**Criminal records** as defined under *s 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.

**Criminal record reports** provide a summary of a person's criminal record.

**Disqualifying offences** are offences listed in the Education Regulations that prohibit a mature age student from enrolling in a NT government school. These offences are primarily of a serious sexual, violent or drug related nature (where the offence relates to a child).

**Mature age students**, for the purposes of these guidelines, are those students who are 18 years of age or older who have not been enrolled in a school during the preceding 12 months.

**Vetting entity** is a central body within the t with the delegated authority to review criminal records submitted by prospective mature age students as part of their enrolment application to determine whether the record shows a conviction for a criminal offence.

### 3. ROLES AND RESPONSIBILITIES

#### **The Chief Executive must:**

- where a prospective mature age student appeals a decision made about their application for enrolment, review the application and make a determination about enrolment eligibility.

#### **Principals must:**

- provide advice and support to prospective mature age students about the steps that must be taken, as highlighted in [section 4.1 of these guidelines](#), including determining the reason for enrolment and providing documentation necessary to enrol, including the [pending charges declaration](#) (Attachment A refers)
- ensure all prospective mature age students are aware of the requirement to undertake a criminal history check at their own cost, and that any criminal record will be reviewed prior to admission into a NT government school
- ensure that the relevant factors of the [Enrolment policy](#) are considered when discussing enrolment with the mature age student. This may include commencing an application for additional semesters as outlined in the relevant guidelines
- provide prospective mature age students with advice to enable their participation in other education or vocational options in the event that they are not successful in enrolment at the school and provide advice about the process by which enrolment decisions can be reviewed
- upon determination from the vetting entity, make decisions about potential risk of the school community of any discretionary offences and work with the student to ensure that they are enrolled or have sufficient information to engage in an alternative education option.

#### **Prospective mature age students must:**

- discuss possible enrolment with the principal of the school that which they intend to enrol at and provide photographic identification to the school to commence enrolment processes
- disclose any pending charges at the time of enrolment by completing a [pending charges declaration](#) (Attachment A refers) and sending this to the vetting entity
- undertake a criminal history check, at their own cost, and provide consent for this to be sent directly to the vetting entity
- when enrolled in a NT government school, disclose any changes to their criminal record to the principal before next attendance at school or participation in any school educational program.

#### **The vetting entity must:**

- review prospective mature age student's criminal record reports in line with the *Education Act* and Education Regulations to identify relevant offences and take appropriate action in line with these guidelines
- provide information to principals where a student has been convicted of an offence that is not disqualifying but represents potential risk to student or staff wellbeing
- ensure that all criminal record reports are stored securely to protect information and confidentiality and destroyed as soon as practicable after the information is no longer needed for the purpose for which it was obtained.

### 4. GUIDELINES

#### **4.1 Process of enrolment of mature age students**

The enrolment application process ensures that student and staff safety is prioritised and that all students are provided with support and access to the education option that best suits their circumstances. The process for enrolment of mature age students involves a number of critical steps ( [Appendix A Process for Enrolment flowchart](#) refers). Prospective students can seek advice and assistance from the principal at any stage of the application process.

## 4.2 Confidentiality

A copy of the criminal record report will be sent by Safe NT to the prospective mature age student during the criminal history review process, if requested. The vetting entity must not copy the record received and the original document must be retained by the department. The original must be kept in hard copy and not disseminated.

Criminal record information must be stored securely to protect information and ensure confidentiality. All criminal history check requests and criminal record reports received by the department are solely for the purposes of enrolment suitability. Records must not be shared unnecessarily with departmental staff or any other organisation, unless required to do so by law or where the mature age student provides express written consent.

## 4.3 Applying for a criminal history check

Principals should provide prospective mature age students with advice and support to enable them to undertake a criminal history check at their own expense through SAFE NT (name check only). Forms are available on the [Department website](#) and on the [SAFE NT website](#).

Prospective students are able to lodge applications [online](#), via post using the offline application form ([hardcopy application](#)), or visit SAFE NT in person ([Appendix B: SAFE NT locations refers](#)). Students should consent for their criminal record reports to be sent directly to the vetting entity.

## 4.4 Documents required for enrolment

For the purposes of enrolment, prospective mature age students are required to provide a completed enrolment form, a pending charges declaration and a criminal record report. Enrolment forms can be completed online or provided to the school. A copy of the enrolment form must be retained by the school and the original forwarded directly to the vetting entity.

Pending charges declarations will be completed by the prospective mature age student with the principal and upon completion should be forwarded to the vetting entity with the enrolment forms and any other relevant documentation.

Criminal record reports should be provided directly via mail to the vetting entity by Safe NT. In the event that the record is provided directly to school staff, it must be forwarded unopened to the vetting entity via:

Email: [schoolops.det@nt.gov.au](mailto:schoolops.det@nt.gov.au) or

Post: Vetting Entity c/ School Operations North, GPO Box 4821 Darwin

Schools must not copy or record information relating to the criminal history check request or criminal record, if provided by the student. The vetting entity will only assess the application when all required information has been provided.

## 4.5 Consideration by the vetting entity

The vetting entity is responsible for reviewing pending charges declaration and the criminal record report of prospective mature age students to:

1. Make a determination if there is a disqualifying offence or not
2. Notify the applicant directly if they have a disqualifying offence and are therefore unable to enrol

**DoE Guideline:** *Criminal history checks for prospective mature age students*

3. Notify the principal that the applicant does not have disqualifying offences and deciding what information needs to be provided to principals in relation to non-disqualifying offences.

The vetting entity must, in accordance with these guidelines, establish procedures which provide a framework for making decisions about non-disqualifying offences and ensuring confidential information is managed appropriately.

Principals will receive notification from the vetting entity about any disqualifying offences in addition to information detailing any other criminal history that may be relevant to enrolment.

#### **4.5.1 Disqualifying offences**

There are a number of criminal offences that automatically prevent the enrolment of a prospective mature age student as outlined in the [Education Regulations](#). These offences are serious and predominantly relate to sexual, violent or drug related offences (where the victim of the drug offence is a child).

Where a criminal record includes a conviction for a disqualifying offence, the applicant must not be enrolled. The vetting entity must send written notification to the student and the principal advising of this determination in line with the vetting entity procedures.

## **5. ENROLMENT CONSIDERATIONS**

Not all criminal convictions preclude a prospective mature age student from enrolling. If a criminal record includes convictions not classed as disqualifying but indicate that there may be a potential risk to the safety and wellbeing of students and/or staff, the vetting entity will notify the principal in writing and provide relevant details.

Principals can then make a discretionary determination about enrolment suitability taking into account the following factors:

- (a) any criminal history provided by the vetting entity;
- (b) the reason given by the applicant for seeking enrolment;
- (c) the likely educational outcome of enrolment and whether the same or a similar outcome could be obtained by other means;
- (d) the safety and welfare of staff and other students;
- (e) the suitability of other education, training or employment options.

The vetting entity must advise the relevant school principal within 14 days where the prospective mature age student has no disqualifying or relevant convictions. Principals can proceed with enrolment process as per the [Enrolment policy](#).

## **6. DISPUTES AND REQUESTS FOR REVIEW**

### **6.1 Dispute of criminal record**

To dispute the accuracy of criminal record information, prospective mature age students must contact SAFE NT. Until such time as the vetting entity or school receives evidence that the criminal record has been amended by SAFE NT, if there are convictions for a disqualifying offence, enrolment must be refused.

## 6.2 Request for review of determination made about enrolment

In the event that a prospective mature age student is not satisfied with the decision made by the principal about their enrolment, they can, within 14 days of the decision being made, request for a review (Attachment B – Request to review a mature age student enrolment application refers).

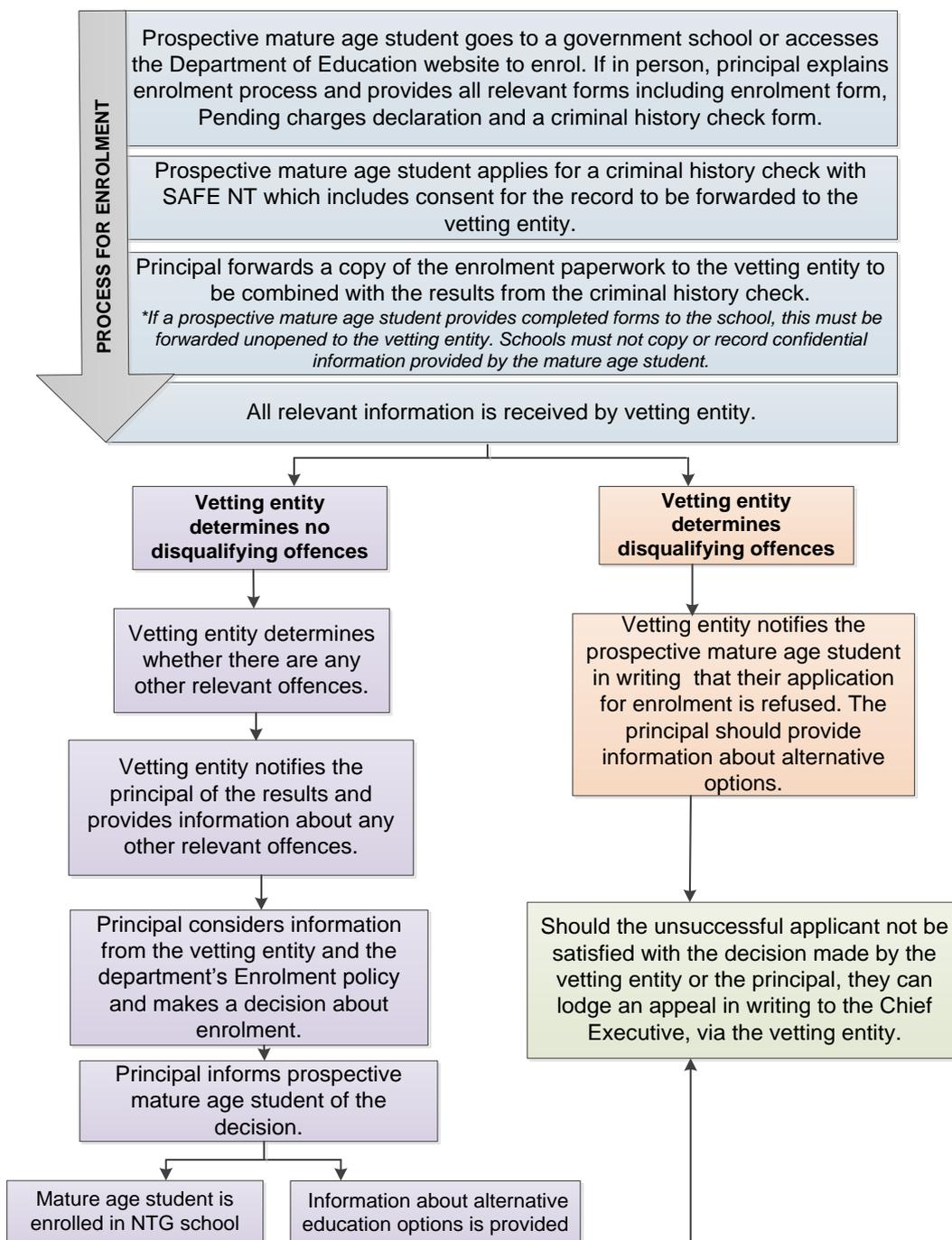
Requests to review a decision must be made in writing to [schoolops.det@nt.gov.au](mailto:schoolops.det@nt.gov.au) and will be processed in accordance with the [Complaints management in schools guidelines](#).

## LEGISLATION AND REFERENCES

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

## APPENDIX A: PROCESS FOR ENROLMENT OF PROSPECTIVE MATURE AGE STUDENTS

*All prospective mature age students must attend a school in person in order to enrol. Applications may be submitted online however, it is the principal's responsibility to contact the prospective student to arrange an appropriate time to meet and discuss enrolment requirements and options.*



## APPENDIX B: SAFE NT LOCATIONS

<b>GROUP</b>	<b>ADDRESS</b>
<b>SAFE NT Darwin</b>	Ground Floor 37 Woods Street, Darwin <b>Toll Free: 1800 723 368</b>
Territory Business Centre <b>Alice Springs</b>	Ground Floor 'The Green Well' Building 50 Bath Street, Alice Springs
Territory Business Centre <b>Darwin</b>	Ground Floor Development House 76 The Esplanade, Darwin
Territory Business Centre <b>Katherine</b>	Shop 1, Randazzo Building 18 Katherine Terrace, Katherine
Territory Business Centre <b>Tennant Creek</b>	Shop 2, Barkly House Cnr Davidson and Paterson Streets, Tennant Creek