

BACKGROUND SCREENING FOR VOLUNTEERS

Background checks are part of the overall screening and selection process undertaken during recruitment. VIOs need to ensure that appropriate screening checks are undertaken to provide a safe environment for the organisation, staff, volunteers and clients.

The National Standards for Volunteer Involvement advise that screening policies and procedures should align with non-discriminatory practices. Volunteer screening requirements should be documented, undertaken as appropriate to the role and meet legislative requirements.

Ensuring that all volunteer roles are correctly assessed for the appropriate level of screening, aligning processes and procedures to help this be as efficient as possible for VIOs and volunteers alike, and supporting engagement with potential volunteers are critical considerations in volunteer recruitment.

VIOs are encouraged to explore and document requirements and allow sufficient time for screening processes to be undertaken and outcomes to be communicated.

This fact sheet provides general information about legislative requirements and processes for volunteer screening as well as information to be considered by Volunteer Involving Organisations (VIOs). Specific legal or other professional advice may be required to address specific queries.

Positions requiring mandatory checks by legislation

There are mandatory screening requirements for some volunteer roles in Western Australia. Background checks may also be required under contractual and/or funding agreements applicable to your organisation.

Mandatory screening requirements are different in each state and territory and this information sheet provides information on Western Australia only.

Board and Management Committee Positions

Many VIOs in WA are incorporated bodies. Under the *Incorporated Associations Act (2015)* a person is excluded from being on the committee without special approval from the Commissioner for Consumer Protection if they:

- are bankrupt or their affairs are managed under insolvency laws;
- have been convicted of:
 - an indictable offence in relation to the formation or management of a body corporate in the last five years;
 - an offence involving fraud or dishonesty punishable by at least three months imprisonment in the last five years;
 - an offence under section 127 of the Act, where a person has allowed an association to operate while insolvent in the last five years; or
 - an offence under Division 3 of the Act which sets out the duties of officers and committee members.

An excluded person wanting to be on a committee must first apply for approval from the Commissioner for Consumer Protection.

It is the individual's responsibility to ensure they are eligible before nominating for a position and the association should take steps to ensure prospective committee members are aware of the exclusions. For example, add a tick box to nomination forms requiring candidates to confirm that they are not an undischarged bankrupt and do not have one of the specified convictions. Some associations require incoming committee members to provide police clearance certificates.

The Department of Mines, Industry Regulation and Safety regulates incorporated associations in WA. More information is available [here](#).

Volunteers in Aged Care settings

The Commonwealth Government operates the Community Visitors Scheme (CVS) program that arranges volunteer visits to older people to provide friendship and companionship. Visits are available to anyone receiving government-subsidised residential aged care or Home Care Packages.

Before being accepted as a volunteer visitor, a person must first undergo a National Police Check to assess their suitability to be a volunteer and visit aged care recipients.

CVS providers are required to be aware of and compliant with requirements of the scheme as outlined in their funding agreement.

Volunteers in the NDIS

The NDIS Check is a national tool that helps NDIS providers determine that individuals seeking to work (or already working) in certain NDIS roles do not present an unacceptable risk of harm to people with disability.

In Western Australia, this NDIS screening is undertaken by the Department of Communities. More information is available [here](#).

Working with Children

Working with Children Checks are a legal requirement in Western Australia for most volunteers who will be working with children.

Some general exemptions include:

- work carried out on a voluntary basis by a child;
- work carried out on an unpaid basis by a student under 18 years of age; and
- parents volunteering in certain activities where their child is also involved or participates (unless attending an overnight activity).

The relevant criteria in the legislation is extensive and very specific.

Working with Children Checks are for a defined period (generally three years). They are not transferable between States or Territories.

In Western Australia, Working with Children Checks are undertaken by the Department of Communities. More information is available [here](#).

Volunteer Involving Organisation processes

Develop a Screening policy

An organisation's policy and procedures for the recruitment and selection of volunteers should outline all screening requirements and identify which volunteer roles will require legislated checks.

Advise volunteers of screening requirements

We recommend that the screening requirements are made clear to applicants during the recruitment process.

It should be communicated to volunteers that if a conviction is identified as a potential risk, the organisation has the right to either refuse to engage the volunteer or to terminate existing arrangements.

Undertake risk assessments for other volunteer positions

Where there is no mandatory requirement, VIOs should identify which volunteer positions call for a background check based on a risk assessment that considers:

- The organisation's goals and purpose
- The nature and duties of the position, including any public visibility which may apply
- Any specific risk factors such as: opportunity for financial malfeasance; contact with vulnerable people; driving duties etc
- Any qualifications or certificates which apply to the position
- Whether or not a criminal record would impact the recruitment or ongoing engagement of a volunteer, and whether the nature of the conviction would be taken into account.

Consider screening options

Screening could include:

- Application forms
- Interviews
- Reference checks

The reference checking process helps build a picture of your potential volunteer. Part of your due diligence when taking on new volunteers is to ensure "consistency" between their CV or application form, what they have said in the interview and what the referee says. Any inconsistencies can be discussed with the candidate.

If you work with vulnerable clients you have an extra duty of care and reference checking should be part of a comprehensive checking process.

Be mindful that Privacy Laws prevent you from talking with someone about a candidate without their permission.

Other options include:

- Statutory Declarations and
- Police checks

In addition to Police Checks required by law, an organisation may elect to undertake a Police Check on some volunteer roles.

Unnecessarily requiring a Police Check for a role may discriminate against a potential volunteer. Where they are not required by legislation, VIOs should clearly record the rationale for this screening requirement and the consequence of any being returned with specific convictions. Policies should also outline how these are communicated to any potential volunteers.

You may be able to reduce duplication of the cost and administration screening by considering if a Police Check is already available for a potential volunteer, due to another role held in the organisation or if one has been sourced relatively recently.

The Department of Communities and the WA Police Force have established a program enabling eligible WA VIOs to provide their volunteers with a Volunteer National Police Certificate for a concessional fee. Note that this concessional fee is not available for volunteers seeking the check, even if reimbursed by VIOs.

In Western Australia, the Volunteer National Police Certificate is administered by the WA Police. For more information and to apply for this program visit [this website](#).

Reimburse volunteer costs

The National Standards for Volunteer Involvement indicate that an organisation that involves volunteers should ensure that a policy and procedure exists for reimbursement of volunteer out-of-pocket expenses. This should specifically include consideration of the cost of screening processes.

Wherever possible, Volunteering WA advocates that VIOs should bear the cost of volunteer screening processes (legislated and other). Our '[Reimburse volunteers](#)' FAQ provides more information.

More information and resources

Volunteering WA provides training on Background Screening for volunteer managers. For more information see [our upcoming training](#).

The Department of Communities has produced a resource, which provides guidance on when and why volunteer screening should take place, applicable legislation and screening mechanisms. It also includes tools and templates to support informed decision-making and risk management.

Note that costs and some requirements may have changed since this resource was produced in 2018. For more information please refer [here](#).

Volunteering WA assistance

To advertise positions on Volunteering WA's website, your organisation needs to [become a member](#). For more information please [contact our Membership Manager](#).