## Victorian Disability Worker Commission**Frequently Asked Questions**

## Criminal History

## **July 2024**

**Can I provide my own police check with my application?**

No. Because of the nature of the VDWC’s work, the police checks we conduct are more detailed than the standard police checks available to the general public.

If you have a current NDIS Worker Screening ID number you can provide this when you apply. You won’t need to undergo a national police check again.

**Do I need to declare charges that were withdrawn or struck-out?**

Yes. You need to declare any offence that you were charged with, regardless of the outcome.

**What kinds of offences will show up on the police check?**

Check results may include:

* guilty findings – with or without conviction
* spent convictions
* charges including where the court has not yet made a decision (pending charges)\_
* matters yet to go to court (called pending matters)
* driving offences, such as drink driving, driving under the influence of drugs, or driving at excessive speeds can show up on a National police check.
* cases in Victorian and interstate courts.

**Does a drink driving conviction show on a National police check?**

Drink driving is what’s known as an infringement conviction. Driving offences such as drink driving, driving under the influence of drugs, or driving at excessive speeds can show up on a National police check.

**When do spent convictions still show up on a National police check?**

A spent conviction will show up even if it had previously been removed from your police check.

The disability sector will still consider spent convictions. Other sectors include: working with children, working with vulnerable groups like the elderly, working in healthcare, public transport, rescue services, government roles, and careers involving firearms.

**Does having a criminal history mean I’m ineligible for registration?**

No, the Board will always consider your application as a whole before making a final decision.

**I have criminal history that I need to declare. How much information will I need to provide?**

You’ll need to provide enough relevant information for us to assess your application. This includes the name of the offence/s, the year you were charged, and which state you were charged in. You’ll also be asked to provide a brief explanation of what happened, about the charges and the outcome/s.

**How long will the National police check take to process? Will this delay my application?**

Most checks will be returned within 24 hours of lodging your application for registration, however they can sometimes take longer. If there is any delay we will continue to process your application while we await the check results.

**What if I get a positive result?**

If the check returns a positive result we will need to assess this along with any other information you provided in your application. We may ask you for further information.

We may also contact police to obtain further information about the offence, including the circumstances and details about whether any children or person with disability were involved.

**If I have criminal history, how long will it take for my application to be processed?**

We conduct a thorough assessment process and consider all available information both from the police and individuals. It can take weeks or months to obtain all the additional information from police. If there is a delay, we will contact you to request more time to assess your application.

**I’m concerned about my privacy.**

As a government agency we comply with the obligations under the Privacy and Data Protection Act 2014 and the Health Records Act 2001.

We protect your personal information and treat it with the utmost confidentiality. We will only collect the information we need to assess your application and we will only use and disclose information for that purpose or if required by law. View the Commission’s [Privacy Policy](https://www.vdwc.vic.gov.au/privacy).

**I’ve received my police check results and I want to dispute them. How do I do this?**

The Board cannot edit or change or disregard the results of a National Police Check.

You will need to go through Service Victoria’s national police check dispute process. Find out more about the dispute process at <http://service.vic.gov.au/find-services/crime-and-the-law/apply-for-a-national-police-check/disputes>

**My registration application has been refused because of my criminal history and I want to appeal.**

You may apply to the Victorian Civil and Administrative Tribunal (VCAT) under section 215 of the DSS Act for review of that decision. You can find more information at [Disability Service Safeguards Act 2018 | VCAT](https://www.vcat.vic.gov.au/case-types/review-and-regulation/application-for-review-of-a-decision/disability-service-safeguards-act-2018)