



# Volunteers and Criminal Records



Screenings and checks for volunteers has become standard practice in most volunteer-involving organisations. However, Volunteer Managers may find themselves not knowing when checks are necessary, or what to do with the information they get back.

This information sheet will look at when screenings and checks are required, and provide some considerations for reviewing your volunteer's information.

## When are screenings and checks required for volunteers?

Which checks you conduct for each volunteer will depend on any related legal requirements, organisational policy and procedures, your funding agreements, and the nature of the work the volunteer will be carrying out. For example, if a volunteer conducts child-related work they will need a Working With Children Check.

Outside of any legal or funding requirements, the individual organisation can determine when checks are utilised, and what reasonable steps are necessary to avoid harm to the organisation and its team<sup>1</sup>. It's important to think about your specific volunteer roles, research what checks may be required, and seek professional advice if unsure.

## What to do if a volunteer has a criminal conviction

If a volunteer has a criminal conviction, this does not mean they should be immediately precluded from a position. Organisations can assess:

- The relevance of the conviction to the position
- How long ago the conviction occurred and whether it was an isolated incident
- Whether the volunteer will be supervised, or will work alongside others
- The likelihood that the person could re-offend while volunteering
- The impact on the organisation if the person re-offends
- Other information which can be taken into account such as personal references
- Any conflict with organisational policy<sup>2</sup>

You may also ask the prospective volunteer if they would like to discuss the nature and circumstances of their conviction (with any thing they share handled with sensitivity and confidentiality)<sup>2</sup>. It's important to note that there are laws in place to protect against discrimination on the basis of a criminal record. You should only reject an applicant if you genuinely believe that the previous offense would hinder the volunteer's ability to fulfill the essential duties of the position<sup>1</sup>.

If appropriate, giving a volunteer with a criminal conviction a chance can make a real difference to someone who may face a lot of exclusion and other challenges. Appreciate that volunteering can be a valuable way for people to reconnect to their community, gain work experience, and development a variety of positive skills.

### Sources used:

1. [Background checks - Not-for-profit Law, Justice Connect](#)
2. [Background screening for Volunteers - Volunteering WA](#)

### Further reading:

1. [South Australia - Spent Convictions Act 2009](#)
2. [Discrimination in Employment on the basis of criminal record](#)