

GUIDANCE

EMPLOYMENT OF PEOPLE WHO ARE EX-DETAINEES, PAROLEES OR OTHERS WITH SERIOUS OR EXTENSIVE CRIMINAL HISTORIES

Purpose

This guidance establishes a considered risk management approach to the employment in the ACT Public Service (ACTPS) of people who are ex-detainees, parolees or others with serious or extensive criminal histories.

Introduction

The Statement of Ambition, released by the Chief Minister in March 2016, identifies that equity and inclusion are cornerstones of the ACT Government, and reflect the values of Canberrans.

There is clear evidence that peoples' lived experiences can have a positive contribution to their effectiveness in relating to members of the community who access government services, for example, peer workers in health services such as alcohol and drug rehabilitation.

In addition, national and international literature on corrections shows that detainees, relative to the general population, are confronted with an extensive range of disadvantages. Ex-detainees face a daunting set of obstacles to re-entry into our society as positive contributors, but securing employment post-release may be the biggest challenge of all. The links between employment and recidivism are well established. Employed people are less likely to become incarcerated. Detainees who gain and maintain employment on release are less likely to return to custody.

Implementation

Applications for employment from people who are ex-detainees, parolees or others with serious or extensive criminal histories should not be automatically dismissed.

For these people, regular employment can be a means of supporting effective rehabilitation and contribution to society.

The ACTPS has the responsibility of ensuring that all people it employs are capable of complying with the values and the code of conduct to maintain the trust of the Government and the community. Section 68(2) of the *Public Sector Management Act 1994* provides:

- (2) The head of service may only appoint a person to an office if—
- ...
 - (c) the head of service is satisfied on reasonable grounds, and states, in writing, that the person is suitable for appointment having regard to—
 - ...
 - (ii) whether the person has any prior criminal convictions;

A risk management approach should be applied when assessing these applications for employment.

Actions to verify the suitability of applicants may include, but are not limited to, the following:

- liaison with managers of offender rehabilitation programs (such as Throughcare);
- discussions with parole officers;
- discussions with any other professional or personal referees the applicant nominates;
- meeting with the applicant prior to any decision on selection regarding their criminal history in order to assess suitability; and

- extended probation period of up to 12 months with clear expectations communicated to the employee. These discussions must include at a minimum the line manager and delegate for the selection;

This does not obviate the need for registration under the *Working with Vulnerable People (Background Checking) Act 2011* or other regulatory checks applicable to certain roles in the ACTPS.

The Public Sector Management Group is available to provide support and assistance in the application of this policy and can be contacted via email: psm@act.gov.au.