

## 6.10 RELEVANT EMPLOYMENT PROCEEDINGS EMPLOYEE ADVISORY LETTER



Dear *(insert employee name)*

Section 39 of the *Commission for Children and Young People Act 1998* requires employers to provide details to the Commission for Children and Young People of any employee, either paid or volunteer, who has been the subject of a relevant employment proceeding.

Under the Act, a relevant employment proceeding means employment proceedings against an employee by the employer that involve:

- reportable conduct by the employee; or
- an act of violence committed by the employee in the course of employment and in the presence of a child.

Your name is being registered with the Commission for Children and Young People in relation to the employment proceeding involving ...

It has been given a Category ... classification.

*[Select applicable paragraph from two options below]*

### **(If Category One)**

If you are the preferred applicant for a child-related employment position in the future, with this or any other organisation, the nature of this relevant employment proceeding will be taken into consideration during the background checking process to determine your suitability for such employment.

**OR**

### **(If Category Two)**

If you are the preferred applicant for a child-related employment position in the future, with this or any other organisation, this relevant employment proceeding will not be taken into consideration during the background checking process to determine your suitability for such employment. However, if you are the subject of another relevant employment proceeding, or a have relevant criminal record or relevant Apprehended Violence Order, this employment proceeding may be taken into consideration during the background checking process.

If you do not agree with this notification and wish to dispute it, you should contact *{insert name and contact details of employer's relevant officer}* to discuss this further.

The Commission for Children and Young People does not release details of relevant employment proceedings to future or prospective employers when providing advice to them. The only information held by the Commission for Children and Young People is your name, sex, date and place of birth and the relevant employment proceeding category. Records of the relevant employment proceeding are maintained by *{name of employer}*. If *{name of employer}* closes down, your relevant employment proceeding records will be forwarded to the Commission for Children and Young People. Such records will be kept in a secure place and will be used only for the purposes of the background checking process where relevant.

### **Your entitlement to access information on relevant employment proceedings**

Under the *Freedom of Information Act 1989* you are entitled to apply for any documents held by *{insert name of employer}* relating to this relevant employment proceeding. You can also request that such documents be amended if you consider them to be incomplete, incorrect, out of date or misleading. There is no fee or charge for making a request for access to, or amendment of, documents.

To apply for documents, or request amendments, you should *{insert employer's requirements, such as "complete the attached FOI application form" or "write a letter requesting access and listing the documents you wish to access"}*.

## ATTACHMENT 10 (CONTINUED)

You should contact *{insert name and contact details of employer's contact person/ FOI officer}* for further information.

If you do not receive a response to your request within 21 days you may complain to the NSW Ombudsman (phone 9286 1000 or 1800 451 524).

If you are refused access to information requested in a FOI application, or refused your requested amendments, you can:

- request that *{insert name of employer}* reviews the decision through an internal review;
- if you are not satisfied with the internal review, or it is unable to occur, request that the NSW Ombudsman reviews the matter;
- if you are not satisfied with the NSW Ombudsman's review, or there is good reason not to request one, make an application to the Administrative Decisions Tribunal, which will consider the merits of the matter and make a binding decision.

Further information about FOI is available from the NSW Ombudsman by telephoning phone 9286 1000 or 1800 451 524 or visiting their website at <http://www.ombo.nsw.gov.au>

Please contact *{insert name and contact details of employer's relevant officer}* if you require any further information on this matter.

Yours sincerely

Name (of Manager/CEO as appropriate)

Position title

Employer organisation name

Date

