



Employment Suitability Screening

Procedural Instruction

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1. Purpose

The Australian Government's *Protective Security Policy Framework* (PSPF) contains the controls used by the Australian Government to protect its people, information and assets. In line with the PSPF, the Department of Home Affairs (the Department) is obliged to:

1. Ensure the eligibility and suitability of its personnel who have access to Australian Government resources (PSPF core requirement 12); and
2. assess and manage the ongoing suitability of its personnel and share relevant information of security concern, where appropriate (PSPF core requirement 13).

The Department assesses character and integrity suitability for non-public access to its premises, information, systems and assets by conducting an Employment Suitability Screening (ESS) process. The ESS process ascertains suitability to hold an Employment Suitability Clearance (ESC), as measured by a decision maker against the ESC assessment criteria.

The Secretary has issued the *Secretary Direction 2 of 2015 – Employment Suitability and Security Screening* (Direction 2 of 2015). Direction 2 of 2015 provides that an ESC is an essential qualification for performing duties for or within the Department and is therefore a condition of engagement for the purposes of paragraphs 22(6)(c) and 22(6)(d) of the *Public Service Act 1999* (PS Act), and a person's ongoing employment with the Department.

2. Scope

2.1. In scope

Direction 2 of 2015 requires that all IBP workers are required to obtain and maintain an ESC.

IBP workers include but are not limited to:

1. All APS employees in the Department;
2. Persons employed by an Agency under the PS Act whose services are made available to the Department (often referred to as 'secondees');
3. Persons engaged as consultants or contractors performing services in-house for the Department; and
4. Persons engaged as consultants or contractors to provide services for the Department that require non-public access to departmental assets.

A complete list of persons who are IBP workers can be found at:

1. subsection 4(1) of the *Australian Border Force Act 2015* (ABF Act); and
2. the Determination of Immigration and Border Protection Workers signed 29 June 2015 by Secretary Michael Pezzulo AO.

Individuals who are not IBP workers, but require ongoing and non-public access to Department assets (people, information, premises) are also required to obtain and maintain an ESC.

2.2. Out of scope

The following persons are not IBP workers and are not in scope of this Procedural Instruction (PI).

Persons who:

1. are only granted short-term access to departmental assets through an escorted visitor pass arrangement;
2. only access or receive departmental information via an external third-party ICT system managed or controlled by a Commonwealth, State or Territory agency;
3. only operate ICT systems on behalf of the Department where all departmental information is encrypted;
4. are performing services for the Department as a Health Practitioner; or
5. are otherwise determined out of scope by the Secretary's Direction.

Other persons and those with special exemptions from the screening process may include:

1. Locally Engaged Staff (LES) at overseas posts. LES are subject to the Department of Foreign Affairs and Trade security clearance policies;
2. individuals exempt due to legislation, for example, Australian National Audit Office auditors and staff from the Australian Commission for Law Enforcement Integrity and the Commonwealth Ombudsman;
3. members or Senators of the Commonwealth and State parliaments and Territory legislative assemblies;
4. industry participants; and
5. mobile operating passport scanner staff.

3. Procedural Instruction

3.1. Why is an ESC needed?

ESS is a Department-specific process designed to examine a range of Department-specific risk factors relevant to its personnel and other individuals who are provided with access to departmental assets.

It is designed to provide assurance to the community that there are minimal risks associated with an individual or their circumstances which may:

1. cast doubt on an individual's ability to support the Department to achieve its mission, or
2. otherwise reduce the confidence the community places in the Department to maintain the integrity and security of Australia's borders.

The Department assesses suitability for non-public access to Department assets (premises, people, information) by conducting ESS. All workers, including ongoing staff, secondees and contractors, must obtain and maintain an ESC and a minimum BASELINE Commonwealth Security Clearance in order to be provided with ongoing access to Department assets. Ensuring the integrity and character of individuals who have access to Department assets is critical to the Department's ability to:

1. meet Australian Government, stakeholder and community expectations;
2. ensure the continued achievement of organisational objectives;
3. maintaining the continued support, trust and confidence of the Australian Government; and
4. serving stakeholders and the community.

Department workers have a broad range of powers and responsibilities. Department workers have access to a significant amount of personal, sensitive and classified information. If this information is accessed or used incorrectly it could have serious consequences to the safety, security and prosperity of our nation.

An assessment of an ESC applicant's suitability is made by undertaking a range of checks including those specified as mandatory and recommended checks under the PSPF, and additional, entity-specific checks to mitigate security threats applicable to the Department's unique operating environment.

3.2. Assessing character

The overall assessment of an ESC applicant's suitability includes consideration of a wide range of characteristics, traits, attributes, skills and abilities.

The assessment is informed by the applicant's responses within the employment suitability screening questionnaire (ESQ), and other information collected during the ESS process.

The Department has developed a comprehensive ESS framework examines an applicant's suitability against a range of Department-specific risk factors relevant to its personnel and other individuals who are provided with access to the Department's assets. The framework involves an assessment against the following assessment criteria (or risk factors):

1. associations and conflicts of interest
2. criminal history and/or involvement in criminal or illegal activities
3. compliance with border-related laws
4. drug use
5. compliance with the APS Values, Employment Principles and Code of Conduct
6. dishonesty in the ESC process, and
7. cumulative impact of multiple risk factors identified during the employment suitability screening process.

The Employment Suitability Clearance Assessment Criteria - Supporting Material (SM-1553) and the Employment Suitability Assessment Clearance Character Standards - Supporting Material (SM-6988) provide further information about how the specific risk factors are applied.

3.3. Overview of the pre-employment screening process

The Pre-employment Screening process involves the following steps:

1. Identification that the prospective worker has a need to undertake ESS.
2. Initiation of the ESC:
 - (a) for APS engagement, the Recruitment section initiates this process;
 - (b) for contractors, the contract manger initiates the process;

- (c) for cohorts of employees such as Border Force Officer Recruitment Trainees and Irregular Intermittent Employees, the relevant area of the ABF initiates the process.

Attachment D details how the ESS process must be incorporated into relevant departmental documents and activities which govern the recruitment, movement and provision of access to assets.

3. The applicant completes the ESQ by accessing a link provided by the Pre-employment Screening Section. This includes the provision of supporting documentation.
4. Identity documents are verified through the Document Verification Service (DVS).
5. The Pre-employment Screening Section initiate the Police History Check (PHC).
6. The assessment process commences once the PHC is received.
7. A decision is made by the relevant Delegate on the applicant's suitability to hold an ESC.
8. The applicant and the applicant's business area are advised of the ESC outcome.

The ESC assessment is separate to the Commonwealth Security Clearance process, which undertaken by the Australian Government Security Vetting Agency (AGSVA). The security clearance process is managed by the Personnel Security and Suitability Section in Integrity and Professional Standards Branch (I&PS).

3.4. Ongoing assessment

I&PS undertakes continual assessment of all ESCs using a risk and intelligence-led approach in accordance with the Department's Integrity Frameworks. Once an individual is granted an ESC they are subject to continual assessment for as long as they remain employed or engaged by the Department.

I&PS receive and collect information that is used as part of the ongoing assessment of individual's suitability to hold the ESC. The ongoing assessment may include re-screening, including via a submission of a new ESQ. Re-screening may also be conducted on the information available at the time.

The Department's identity verification processes can operate on a 'known customer' principle. Where an applicant has previously proven their identity to the Department for ESS in line with this PI, the decision maker may exempt the applicant from the requirement to provide some or all of the required identity documents in any subsequent ESS. For this to occur, the required identity documents must not be expired and must be valid identity documents.

3.5. Obligations for applicants

Obtaining and maintaining an ESC is mandatory for all individuals requiring ongoing access to departmental assets and for employment or engagement with the Department.

The applicant is solely responsible for any fees or costs incurred to provide all required information for the ESC.

Applicants must be forthcoming and honest in answering the questions posed in the ESQ, and are encouraged in the first instance, to give full details of the circumstances of any relevant matter which impacts on the applicant's character assessment. Where further information is requested from an applicant, and that information is not provided, this may result in the application not proceeding, or in a decision being made on the available information.

3.5.1. Accessing the ESC link and submission of ESQ within 28 days

All applicants are required to access the ESC link sent to them within seven (7) days and submit the ESQ and supporting materials within 28 days of activating the ESC link. The ESC link may be reset a maximum of

three times at the request of the applicant or requesting business area. The ESC process will be cancelled due to non-compliance after the third link expires.

Requests for additional time for applicants to comply with any part of the ESS process will be considered on a case-by-case basis.

3.5.2. Spent convictions

Applicants must disclose their full criminal history (spent or otherwise). The Department, as a law enforcement agency, is exempt from provisions within the spent convictions scheme (Part VIIC, Division 3 of the *Crimes Act 1914* (Cth)). As such, an applicant must disclose all convictions, spent or otherwise, to the Department when seeking employment with the Department.

3.5.3. Consent to third-party checks

Applicants must consent to the Department using and sharing of information disclosed within the ESS process and collected about the applicant with other authorities. Applicants are provided with a detailed privacy consent form before the Department begins collecting information.

The Department will not be able to process an ESC application without the consent of the applicant. If an applicant does not provide consent, the applicant will not be able to undertake the screening process, the consequence of which is that they will be ineligible to be offered employment or engaged. For current workers, failure to provide consent may result in their employment or engagement being terminated.

3.6. Consequences for non-compliance

Should an applicant fail to comply with the ESS process it may result in:

1. a prospective employee not being offered employment with the Department, or have an employment offer retracted;
2. a prospective contractor or consultant voiding a term of the contract for services. The Department may terminate the contract for services;
3. a current employee being issued with a lawful and reasonable direction to undertake the re-screening process. Failure to respond to a lawful and reasonable direction may be considered as a breach of the APS Code of Conduct. Breaches of the APS Code of Conduct can result in sanctions being imposed up to and including termination of employment;
4. a current contractor or consultant no longer being able to fulfil the terms of the contract; or
5. a secondee not being able to commence a secondment or having their secondment ended early.

The sponsoring business area is responsible for ensuring applicants comply with the ESC process. The Pre-employment Screening team will not automatically re-open links or provide additional time to complete the ESC pack without a request initiated by the sponsoring business area or the applicant.

3.7. ESC Outcomes

The Department undertakes the ESC assessment against the risk factors set out in the [Employment Suitability Clearance Assessment Criteria - Supporting Material \(SM-1553\)](#). There are five outcomes of the screening process:

3.7.1. Grant

The applicant is granted an ESC.

3.7.2. Grant with Aftercare Arrangements

The applicant is granted an ESC but has agreed to an Aftercare Arrangement.

Aftercare Arrangements are agreements made between the applicant and the Department that facilitate the management of risks identified during the screening process.

3.7.3. Deny

The applicant is denied an ESC.

This occurs when the risks identified could not be mitigated to an acceptable level and therefore the applicant is unsuitable to hold an ESC.

3.7.4. Revoke

Revocation is only applicable to IBP workers who already hold an ESC and are undergoing re-screening. An IBP worker's ESC will be revoked when there are risks identified that lead a decision maker to determine that the IBP workers may not be suitable to continue to hold an ESC.

An ESC will only be revoked when evidence becomes available that the IBP worker has met one or more of the ESC Assessment Criteria.

IBP workers will be given the opportunity to respond to the reasons why their ESC is being revoked. Further information is at Part 3.8

3.7.5. Cancelled

The screening process is cancelled. This may occur in the following circumstances:

- The applicant requests that the screening process is ceased.
- The applicant does not consent to the Department to undertake the screening process.
- The Department advises that the ESC process is no longer required (e.g. the applicant is no longer being employed or engaged).
- The applicant fails to comply with any part of the ESC process.

3.8. Procedures where a decision has been made to deny or revoke an ESC

3.8.1. Notification of outcome

The Pre-employment Screening or Personnel Security and Suitability Sections must report the denial or revocation of an ESC to AGSVA.

3.8.2. Prospective employee

The Pre-employment Screening Section will notify the relevant line manager that the applicant will be denied.

3.8.3. Existing employee

Workforce Capability will be notified that the applicant has been denied an ESC and has lost an essential qualification and condition of employment.

Workforce Capability may:

1. start the process to remove the applicant from the Department, such as by negotiating a transfer of the applicant to another APS agency, or
2. refer the matter to a delegate to determine whether the employees' employment ought to be terminated.

Depending on the circumstances, the employee may be placed on paid administrative leave until an outcome is finalised.

3.8.4. Existing contractors or service providers

The relevant contract manager must be notified that the applicant will be denied an ESC, and therefore is not eligible for access to assets.

The contract manager should consult Legal Group for advice about managing options under the contract, which may involve:

1. termination of the contract;
2. being removed from the performance of services; or
3. in cases where the applicant is a sub-contractor - arranging for the contractor to provide the Department with a suitable replacement for the applicant.

3.8.5. Secondees

If a prospective secondee has failed to meet a condition imposed by the Department then the secondee's home agency will be notified.

The secondee's home agency assumes the responsibility for the management of any consequences arising from the decision to deny the ESC.

3.8.6. Exclusion period

If an ESC application is denied or revoked, the applicant may be excluded from making a new ESC application for a period of time, including indefinitely. The length of the exclusion period is discretionary and reflects a reasonable period of time for the risk identified in the screening process to be resolved or reduced to a level which can be mitigated. A delegate may indefinitely exclude an applicant from employment with the Department if the risks identified are significant.

Factors which are relevant to determining the length of an exclusion period include but are not limited to:

1. the nature and seriousness of the identified risk;
2. whether the identified risk is ongoing or arose in an isolated incident; and
3. whether the applicant continues to engage with, or behave in a manner, which creates or minimises the identified risk.

If an applicant is not suitable to hold an ESC they will also be informed of any exclusionary period preventing them from making a new ESC application.

3.9. ESC duration

Once an ESC is granted it remains active, including throughout periods of extended leave, until one of the following events occur:

1. the worker separates from the Department (ie is no longer an employee);
2. the worker's contract ceases or is terminated.

An ESC may remain valid in cases where the worker remains employed by the Department but takes an extended absence, e.g. Maternity Leave, or Leave Without Pay.

As individuals remain employed by the Department, they continue to be bound by obligations under the Department's Integrity Framework. Returning employees will be required to complete a Declarable Circumstances form on returning to work.

An ESC remains valid until it is revoked or expires as outlined above. However, once granted, an individual may be selected at any time to undergo re-screening.

3.10. ESC reactivation

Where an applicant has previously held an ESC, it can be considered for reactivation provided the following conditions are met:

1. the ESC was granted any time after 1 April 2019;
2. the ESC was subject to a full assessment (Organisational Suitability Assessments, Authority to Onboard, AMOS Auto-Grants or Waivers are not eligible processes for reactivation); and
3. the person has been separated from the Department for a period of 12 months or less.

To be eligible for reactivation consideration, the applicant must submit a Declarable Circumstances form (provided by the Pre-employment Screening Section) that covers the period they have been separated from the Department. This ensures all information relevant to their suitability is available to the Department in support of considering the request to reactivate the ESC. In the event the applicant declares information which conflicts with the ESC Assessment Criteria, the applicant may not be eligible for reactivation and the applicant will be required to undertake a full assessment.

Not all declarations create an intolerable risk to the Department when assessed. The applicant will be given the opportunity to undertake a full screening process. The applicant will receive an invitation via email to begin a full ESC assessment. The assessment process provides the applicant the opportunity to discuss their declarations further and, if necessary, develop an Aftercare Arrangement to manage or mitigate risk. If the assessment determines that the declaration still presents an intolerable risk then the ESC may be denied.

3.11. Waivers

The Pre-employment Screening team only considers ESC waiver requests in **exceptional** circumstances.

A waiver is role-specific, for a specified period of time, non-transferable and subject to review. The waiver applies only while the worker remains in the position for which the waiver was granted. The waiver does not follow the worker to any other position without review. A waiver is not open-ended and is subject to regular review to confirm that there is a continuing requirement for the waiver.

Requests for waivers should be discussed with the Pre-employment Screening Section.

3.12. Portfolio Partner recognition

Where a prospective employee has been subject to a similar screening process by an agency either within the Home Affairs Portfolio or previously within the Home Affairs Portfolio, some or all of the suitability checks undertaken by that employer may be recognised.

To determine this, the applicant must submit a Suitability and/or Security Clearance Recognition Application. This form is to be completed by the External Agency's Security Advisor or a representative from the External Agency's employment suitability screening work area.

A decision to recognise some or all of the checks undertaken by a past employer is discretionary. All decisions will be made on a case-by-case basis.

If an alternative suitability check is recognised, the prospective employee will be exempt from undertaking the ESC screening process.

If an integrity issue arises with the individual, they may be subject to the full screening process.

3.13. Right of reply

3.13.1. Prospective employees

Prospective employees may not be offered a right to reply in circumstances where:

1. the applicant has clearly met a threshold under the ESC Risk Factor and Character Standards that cannot be mitigated; or
2. there are circumstances that prevent the disclosure of that information to the applicant.

Considerations for not disclosing information to an applicant include:

1. the nature of the information concerned, including the classification of that information;
2. the circumstances in which the information was received; and/or
3. operational or privilege considerations.

3.13.2. Existing employees

When a delegate forms the preliminary view that a worker may no longer be suitable to hold an ESC they will be given the opportunity to respond to the concerns of the delegate. The employee is not required to respond to the preliminary view, but if a response is provided the delegate will consider the information available to them prior to making a final decision.

In exceptional circumstances, information relating to the decision to revoke an IBP worker's ESC may need to be withheld from the relevant IBP worker. Considerations include:

1. the nature of the information concerned, including the classification of that information;
2. the circumstances in which the information was received; and/or
3. operational or privilege considerations.

3.14. Review of decisions

3.14.1. Prospective employees

Prospective employees are not entitled to review of a decision of refusal of an ESC under section 33 of the PS Act. This includes prospective employees who are APS employees with another Agency.

Prospective employees may independently seek legal advice about other review mechanisms that may be available to challenge a refusal decision.

3.14.2. Existing employees

Existing employees, who are not SES officers, may make a review of action application pursuant to section 33 of the PS Act about the decision to deny the ESC.

A decision to terminate an employee's employment is not reviewable pursuant to section 33 of the PS Act.

More information about the review of action process can be found within the Department's Review of Actions – PI (HR-4930)

An individual whose employment has been terminated may independently seek legal advice on the review mechanisms available, including in the Fair Work Commission.

3.15. Complaints

If an applicant believes that an assessor has behaved improperly, the applicant may refer the matter to the Director, Pre-employment Screening (or Director, Personnel Security and Suitability for existing employees as appropriate) in the first instance.

If an applicant is not satisfied with the response from the Director, Pre-employment Screening or the matter relates to the Director, the applicant may refer the matter to the Assistant Secretary, Integrity and Professional Standards Branch.

3.16. Privacy complaints

The Department must handle the collection, use and disclosure of personal information, in accordance with the *Privacy Act 1988*.

The contact point for advice and assistance on all privacy matters, including complaints, is Privacy@homeaffairs.gov.au.

The Privacy Notice provided to applicants as part of the ESQ outlines how the Department will collect and use personal information.

4. Statement of Expectation

The APS Code of Conduct states that an APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction under subsection 13(5) of the *Public Service Act 1999* (the Public Service Act).

Failure by an APS employee to comply with any direction contained in this PI document may be determined to be a breach of the APS Code of Conduct, which could result in sanctions under subsection 15(1) of the Public Service Act.

The Secretary's Professional Standards Direction, issued under subsection 55(1) of the *Australian Border Force Act 2015*, (the ABF Act) requires all IBP workers who are not employed under the Public Service Act to comply with any lawful and reasonable direction given by someone in the Department with authority to issue that direction.

Failure by an IBP worker who is not an APS employee to comply with a direction contained in this PI document may be treated as a breach of the Professional Standards Direction, which may result in the termination of their engagement under section 57 of the ABF Act. Non-compliance may also be addressed under the terms of the contract engaging the contractor or consultant.

All IBP workers who make decisions or exercise powers or functions under legislation have a duty to do so in accordance with the requirements of the legislation and legal principles.

5. Accountabilities and Responsibilities

Role	Description
ESC delegate	Responsible for granting or refusing ESC applications.
Line managers and contract managers	<p>Under the PSPF, staff with supervisory responsibilities are responsible for positively influencing workplace behaviour and attitudes towards protective security and personnel security practices within the Department.</p> <p>All individuals with supervisory responsibilities should ensure that all workers they manage or are recruiting:</p> <ul style="list-style-type: none"> • hold and maintain an ESC and AGSVA security clearance, • know their obligations and responsibilities under the Employment Suitability Screening policy, and • report any unexplained change or pattern of behaviour or other information that could indicate a security or integrity concern to I&PS Branch.
Pre-employment Screening section and Personnel Security and Suitability section.	<p>Responsible for:</p> <ul style="list-style-type: none"> • Undertaking all ESCs in line with this PI. • Managing personnel security risks posed by prospective and existing employees. • Providing advice and guidance on the Screening Process. • Development and maintenance of ESC policies and procedures.
Director, Pre-employment Screening	Responsible for ensuring this PI complies with the Department's mandatory obligations under the PSPF.
Assistant Secretary I&PS Branch	Ultimately responsible for the development, review, approval and any updates pertaining to the PI and its contents.
Workforce Capability	Responsible for assisting existing employees who have had an ESC revoked or denied.

6. Version Control

Version number	Date of issue	Author(s)	Brief description of change
1.0	1 July 2015	Integrity & Professional Standards Branch	Initial instruction
1.1	7 June 2019	Integrity & Professional Standards Branch	Revisions and change of template
1.2	24 July 2020	Integrity & Professional Standards Branch	Incorporating feedback, minor edits
1.3	28 July 2020	Integrity & Professional Standards Branch	Revisions and minor edits
1.4	2 October 2020	Integrity & Professional Standards Branch	Drafting Policy Statement, merging Employment Suitability Procedural Instruction, Employment Suitability Assessment Criteria Supporting Material and Employment Suitability Screening Process Supporting Material and incorporating feedback.
1.5	15 December	Integrity & Professional Standards Branch	Copy edit.
1.6	28 March 2022	Integrity & Professional Standards Branch	Revisions and copy edit.
1.7	6 May 2022	Integrity & Professional Standards Branch	Revisions to incorporate feedback
1.8	28 July 2022	Integrity & Professional Standards Branch	Further revisions
1.9	1 September 2022	Integrity & Professional Standards Branch	Updated with revisions recommended by Legal (Employment Law and Litigation).
1.10	5 September 2022	Integrity & Professional Standards Branch	Updated with revisions and suggestions.

Version number	Date of issue	Author(s)	Brief description of change
1.11	19 October 2022	Integrity & Professional Standards Branch	Internal consultation completed.
1.12	21 December 2022	Integrity & Professional Standards Branch	Further revisions and copy edit.
1.13	14 March 2023	Integrity & Professional Standards Branch	Revisions in line with A/g AS I&PS edits.

Attachment A – Definitions

Term	Acronym (if applicable)	Definition
Adverse (or potentially adverse) information		Any information which may cast doubt on an applicant's ability to satisfy the minimum requirements for obtaining or maintaining an ESC.
Aftercare arrangements		Arrangements established between an applicant and the Department, designed to manage and/or mitigate any risks to the Department or an applicant which may be identified during the screening process.
Applicant		The individual who is the subject of the screening process.
Association(s)		<p>An association includes any connection (either direct or indirect) with an individual, group, entity, organisation or event that is unrelated to an applicant's official duties with the Department.</p> <p>This includes (but is not limited to):</p> <ul style="list-style-type: none"> • family members (including blood and non-blood relatives, as well as members of a partner's family), • cultural groups whereby there is a shared kinship/identity between immediate or extended family, clan or tribe, • friends, social connections and close personal acquaintances, • business associates and business partners (including 'silent' partners), • connections through clubs, groups or organisations including sporting teams, and/or • connections or 'friends' on social media or via other online platforms or forums, regardless of whether the individual has ever physically met or interacted in person.
Decision maker		The individual, or individuals, within the Department who have been authorised by the Secretary to make decisions about employment suitability matters.
Declarable association		<p>An association with any individual, group, entity, organisation or event that meets one or more of the following criteria:</p> <ul style="list-style-type: none"> • is alleged, known or reputed to be engaging in (or has previously engaged in, or to have expressed an intent to become engaged in) criminal or illegal activities, or activities that are otherwise incompatible or inconsistent with the role and mission of the Department, or • should the association become publicly known, it may:

Term	Acronym (if applicable)	Definition
		<ul style="list-style-type: none"> • cast doubt on that applicant’s judgement, loyalty, decision-making and/or ability to resolve integrity issues in favour of the Department, • create a perception in the mind of a reasonable person that the association is inappropriate and/or the applicant has used, may misuse, or may be approached or encouraged to misuse their position within the Department, • undermine the confidence the community places in the Department to maintain the integrity and security of Australia’s borders, or • otherwise adversely impact on the good standing and reputation of the applicant and/or the Department.
Departmental assets		Includes (but is not limited to) any information and technology systems (ICT systems), information, plant and equipment, vessel, aircraft and/or premises that are owned, operated, managed, controlled, leased or contracted by the Department.
ESC assessment criteria		The assessment criteria within the ESC Assessment Criteria Supporting Material – see SM1553
Exceptional circumstances		Circumstances which are not ordinarily encountered or anticipated, which are beyond the control of the applicant and which are of such severity or gravity that they may impact adversely on the applicant.
Immediate family		<p>Immediate family includes:</p> <ul style="list-style-type: none"> • a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of an applicant, • a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of an applicant, and • any other individual or family member (such as a cousin, aunt, uncle, niece or nephew) with which an applicant can positively demonstrate they have a close familial relationship that has the same characteristics as a relationship outlined above.
Non-public access		Ongoing or unrestricted access to departmental assets which are not available to members of the public.
Prohibited drug		A narcotic substance – within the meaning of the <i>Customs Act 1901</i> (Customs Act) – or any drug specified in a legislative instrument under section 4(3) of the ABF Act.
Relationship		A close personal or emotional connection with an individual whom the applicant may be bound to by affection, influence or obligation, for example, a romantic relationship, romantic friendship, passionate attachment or a cultural connection where there is a shared kinship/identity with one’s kin (immediate or extended family, clan or tribe).

Term	Acronym (if applicable)	Definition
Significant		Of serious or major consequence, which is reasonably expected to produce a substantial or demonstrably adverse impact on the Department.

Attachment B – Assurance and Control Matrix

1.1. Powers and Obligations

Please Note: Staff exercising any powers, delegations or authorisations outlined in this SOP (listed here) must check the latest delegation advice on the Intranet or the relevant instrument in LEGEND to ensure they currently hold the applicable power, delegation or authorisation.

Legislative Provision			Is this a delegable power?	If delegable, list the relevant instruments of delegation
Legislation	Reference (e.g. section)	Provision		
<i>Australian Border Force Act 2015</i>	s55(1)	Permits the Secretary to give lawful and reasonable directions to Immigration and Border Protection workers in connection with the administration and control of the Department.	No	na
<i>Australian Border Force Act 2015</i>	s57	<p>Provides the Secretary or the ABF Commissioner discretion to terminate a contractor, consultant, sub-contractor or employee of a consultant or contractor for a failure to comply obtain and maintain an ESC if:</p> <ul style="list-style-type: none"> a. a person is covered by paragraph (e) of the definition of Immigration and Border Protection worker in subsection 4(1); and b. the person fails to comply with a direction under section 26, 27, 35, 36, 55 or 56 or subsection (2) of this section or with a requirement under subsection 34(1); <p>the Secretary or the Australian Border Force Commissioner may terminate the person's engagement as a consultant or contractor.</p> <p>(1) If:</p> <ul style="list-style-type: none"> a. a person (the affected person) is covered by paragraph (f) of the definition of Immigration and Border Protection worker in subsection 4(1); and b. in connection with that person, paragraph (e) of that definition covers a person (the consultant/contractor); and c. the affected person fails to comply with a direction under section 26, 27, 35, 36, 55 or 56 or with a 	No	na

		<p>requirement under subsection 34(1);</p> <p>the Secretary or the Australian Border Force Commissioner may, by writing, direct the consultant/contractor to arrange for the affected person to cease to perform services for the Department.</p> <p>Subsection (1) does not limit the circumstances in which a person's engagement as a consultant or contractor may be terminated.</p>		
<i>Public Service Act 1999</i>	s10(1)	(2)a. requires the Department of Home Affairs (the Department) to have a fair system of review of employment decisions	No	na
<i>Public Service Act 1999</i>	s20(1)	An Agency Head, on behalf of the Commonwealth, has all the rights, duties and powers of an employer in respect of APS employees in the Agency.	No	na
<i>Public Service Act 1999</i>	s22(6)	<p>The engagement of an APS employee (including an engagement under section 72) may be made subject to conditions notified to the employee, including conditions dealing with any of the following matters:</p> <ul style="list-style-type: none"> a. probation; b. citizenship; c. formal qualifications; d. security and character clearances; e. health clearances. 	No	na See consolidated HR delegations
<i>Public Service Act 1999</i>	s25	a. An Agency Head may from time to time determine the duties of an APS employee in the Agency, and the place or places at which the duties are to be performed.	No	na See consolidated HR delegations
<i>Public Service Regulations 1999</i>	Reg 5.24(1)	f. Receive applications for primary review of reviewable actions	Yes	See consolidated HR delegations

1.2. Controls and Assurance

Related Policy	<ul style="list-style-type: none"> • Protective Security Policy Framework • Integrity and Professional Standards Framework - Policy Statement (SM-6697) • AGSVA Security Clearances - PI (SM 1550) • Declarable Circumstances - PI (SM 1552) • Declarable Associations - PI (SM 1551) • Conflict of Interest - PI (SM 1556) • Mandatory Reporting - PI (SM 1557) • Procedures for Determining Suspected Breaches of the Code of Conduct - PI (SM 1547) • Drug and Alcohol Testing - PI (SM 6177) • Use of Social Media and Other Online Services - PI (SM 1560)
Procedures / Supporting Materials	<ul style="list-style-type: none"> • Determination of Immigration and Border Protection Workers signed 29 June 2015 • Secretary Determination 1 of 2015 – Professional Standards • Secretary Determination 2 of 2015 – Employment Suitability and Security Screening • Secretary Determination 3 of 2015 – Integrity Measures • Employment suitability Clearance Assessment Criteria - Supporting Material (SM 1553) • Employment suitability Clearance Character Standards - Supporting Material (SM 6988)
Training/Certification or Accreditation	<i>The Essentials</i> mandatory eLearning module
Other required job role requirements	Employment Suitability Clearance Minimum BASELINE Commonwealth Security Clearance
Other support mechanisms (e.g. who can provide further assistance in relation to any aspects of this instruction)	Pre-employment Screening section esc@homeaffairs.gov.au
Escalation arrangements	EL 1 or EL 2 Pre-employment Screening
Recordkeeping (e.g. system based facilities to record decisions)	Secure I&PS TRIM repository Siebel Case Management system
Control Frameworks (please refer to a specific document outlining QA or QC arrangements)	Integrity and Professional Standards Frameworks - Policy Statement (SM-6697)

Attachment C – Consultation

1.1. Internal Consultation

The following internal stakeholders have been consulted in the initial development of this PI:

1. Integrity, Security and Assurance Division
2. Legal Division
3. People Division
4. all staff through Department-wide consultation.

1.2. External Consultation

The following external stakeholders were consulted in the initial development of this Procedural Instruction:

1. staff representatives through the National Staff Consultative Forum
2. Community and Public Sector Union.

Attachment D – Implementation and communication requirements

The table below outlines how the Screening Process must be incorporated into relevant Department documents and activities which govern the recruitment, movement and provision of access to assets.

Document/Activity	Employment Suitability Screening Procedural Implementation Requirements
Position descriptions	<p>Every position description must identify the ESC and the required minimum level of security clearance as conditions of engagement/ongoing employment with the Department, as well as information on the consequences for failing to obtain or maintain these essential qualifications.</p> <p>This information should also be included in all job advertisements.</p>
Recruitment	<p>Every offer of employment must include a dedicated conditions of engagement and ongoing employment section that refers to and attaches the position description.</p>
Seconded staff	<p>All arrangements or agreements governing the secondment of staff to the Department must include a clause outlining the ESC and relevant security clearance as a condition of being provided access to assets and the consequences for failing to obtain or maintain these essential qualifications.</p>
Inter-agency or intra-agency movement of staff without recruitment (redeployment, internal moves, etc.)	<p>All arrangements or agreements must include a clause outlining the ESC and relevant security clearance as a condition of being provided access to assets, as well as termination or contingency (i.e. substitution with another individual) provisions should the subject fail to obtain or maintain these essential qualifications.</p>
Memorandum of understanding (MoU)	<p>All Department MoUs covering the provision of access to assets must include a clause outlining the ESC and relevant security clearance requirements, as well as termination or contingency provisions should an individual subject to the MoU fail to obtain or maintain these qualifications.</p>

Document/Activity	Employment Suitability Screening Procedural Implementation Requirements
Contracted staff/ service providers	<p>Where contractors, subcontractors or consultants require non-public access to Department assets, the contract should, where possible, include appropriate clauses that:</p> <ul style="list-style-type: none"> • outline the requirement for the ESC and relevant security clearance requirements, as well as provisions should an individual engaged under the contract fail to obtain or maintain these qualifications, • arrangements for dealing with any declarable circumstances, • reporting and investigation of security incidents or breaches by the contracting company or service provider, • a requirement for the contracting company or service provider to inform the Personnel Security and Suitability section if any individual employed by the company is or has been: <ul style="list-style-type: none"> ○ expelled from an accrediting body, ○ undergoing disciplinary proceedings, ○ arrested, or otherwise subject to law enforcement action or criminal legal proceedings, or ○ dismissed or has resigned in adverse circumstances (or who has otherwise resigned or no longer requires access to assets). <p>Such clauses will be particularly important and necessary if the contractor is not an IBP worker under the <i>Australian Border Force Act 2015</i>.</p>
All other cases	<p>In all other cases, business areas must ensure that any individual requiring access to assets is advised as soon as reasonably practicable of the ESC and relevant security clearance requirements and information on the consequences for failing to obtain or maintain them.</p>

Attachment E – Delegations

Delegation for decision-making

The Secretary of the Department has overall authority and responsibility for ensuring the security and integrity of departmental assets.

The decision maker retains overall responsibility for making the relevant decision, but may take into account a recommendation made by another member of the Pre-employment Screening or Personnel Security and Suitability sections.

The table below lists the individual or individuals who have been authorised to make decisions about specific matters listed within that table.

Decision	Decision maker
Grant an ESC	<p>Standard: Any APS 6, EL1, or Director of the Pre-employment Screening or Personnel Security and Suitability section, or any other individual appointed by the Assistant Secretary I&PS Branch to make the decision.</p> <p>Exception: If the applicant is triaged as 'zero risk' having regard to ESS policy settings applicable at the time of the assessment, then the decision to grant an ESC can be made by a member of Pre-employment Screening Section at APS5 level or above.</p>
Aftercare Arrangement	Any EL1 or Director of the Pre-employment Screening or Personnel Security and Suitability sections, or any other individual appointed by the Assistant Secretary I&PS Branch to make the decision.
Finalised Pending AGSVA	<p>The decision to finalise an ESC must be approved by an APS 6; however, a finalised ESC remains pending until an AGSVA clearance (or temporary access arrangement) is granted.</p> <p>Once the Department is notified that the AGSVA clearance has been granted an APS 4 (minimum) in the Personnel Security and Suitability Section will grant the pending ESC and notify all parties in writing (via email).</p> <p>An ESC is not completed until both the ESC and the AGSVA are granted; and a written record of the grant must be stored in accordance with Commonwealth record keeping protocols.</p>
Deny an ESC	The Director of the Pre-employment Screening or Personnel Security and Suitability sections, or any other individual above Director level within the I&PS branch can deny an ESC. The appointment of any individual above Director level must be submitted via a written record and must include acknowledgement to comply with Conflict of Interests guidelines and policies.
Any ESC decision relating to a member of the Pre-employment Screening section or Personnel Security and Suitability sections	The Director of the Pre-employment Screening or Personnel Security and Suitability sections, or any other individual above Director level within the I&PS branch can deny an ESC. Appointment to any individual above Director level must be submitted via a written record and must include acknowledgement to comply with Conflict of Interests guidelines and policies.

Decision	Decision maker
Direct an individual to undergo employment suitability re-screening, and direct an individual out of the workplace	Any EL2 in Integrity and Professional Standards.
Reactivate an ESC	Any APS 6, EL1 or Director of the Pre-employment Screening or Personnel Security and Suitability sections, or any other individual appointed by the Assistant Secretary I&PS Branch to make the decision. This appointment must be recorded in writing and include acknowledgement to comply with Conflict of Interests guidelines and policies.
Limit or exclude the disclosure of adverse (or potentially adverse) information to an applicant	Director of the Pre-employment Screening or Personnel Security and Suitability sections, or any other individual appointed by the Assistant Secretary I&PS Branch.
Waive the requirement, temporarily and permanently, for an individual to hold an ESC	Secretary of the Department, Chief Operating Officer, First Assistant Secretary Integrity, Security and Assurance Division or Assistant Secretary I&PS Branch.
Approve the use of alternative identity documents in satisfying the Department's identify verification requirements, or exempt an applicant from providing identity documents on the basis of the 'known customer principle'	EL1 or Director of the Pre-employment Screening or Personnel Security and Suitability sections, or any other individual appointed by the Assistant Secretary I&PS Branch.

Decisions not listed in the above table

In the case of any other decision which is not expressly provided for, or otherwise implied by this PI, the decision maker is the Director Pre-employment Screening or Personnel Security and Suitability section.

Where the decision maker is not available to, or is unable to make a decision (for example, in cases of a conflict of interest, travel or leave), the Assistant Secretary I&PS Branch may, at their discretion, make the decision themselves or assign a substitute decision maker at or above Director level.