



## POLICE CERTIFICATE CHECKS AND COMPLIANCE POLICY AND PROCEDURE

**Policy Number: 1:10**

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**Compliance** with this Policy Directive is **Mandatory**

<b>Document Type</b>	<b>Corporate Policy Document</b>
<b>Purpose of the Policy</b>	<p>Mandatory national criminal history records checks (commonly known as police checks) were implemented in 2007 to protect the health, safety and wellbeing of aged persons receiving aged care services. Operators of aged care services subsidised by the Australian Government are required to ensure staff and contractors who have, or are reasonably likely to have, access to care recipients undergo a national criminal history record check, which must be renewed every three years.</p> <p>This policy/procedure outlines the limits of Care Assess responsibility in relation to police check requirements, describes a clear process to inform existing and prospective employees of the requirement for a current satisfactory police check, and outlines the support provided by Care Assess to assist employees in the renewal of police checks.</p>
<b>Definitions</b>	<p>For the purposes of the guidelines a Staff member is defined as a person who:</p> <ul style="list-style-type: none"> <li>▪ has turned 16 years of age; and</li> <li>▪ is employed, hired, retained or contracted by the service provider (whether directly or through an employment or recruitment agency) to provide care or other services under the control of the service provider; and</li> <li>▪ interacts, or is reasonably likely to interact, with clients.</li> </ul> <p>For the purposes of the Commonwealth HACC Police Certificate Guidelines, a subcontractor who has an ongoing contractual relationship with the service provider is not taken to be an independent contractor but is regarded as a staff member.</p> <p>An executive decision maker is</p> <ul style="list-style-type: none"> <li>▪ member of the group of persons who is responsible for the executive decisions of the Care Assess; or</li> </ul>



employee sign a statutory declaration stating either that they have never, in Australia or another country, been convicted of an offence or, if they have been convicted of an offence, setting out the details of that offence, and that an application for a police certificate has been made.

**Assessing the Police Certificate:**

To be assessed as satisfactory for Police Certificates must meet the following criteria:

- Issued as a national police criminal history check prepared by the Australian Federal Police, a state or territory police service, or a CrimTrac accredited agency. Each police certificate must recording the person's full name and date of birth; the date of issue; and a reference number or similar.
- Must be sighted by the CEO, a member of the senior management team or a Clinical Team Leader and the date of sighting recorded.
- Must be an original document or a certified copy
- Must have been issued within the past three years
- Must not show any convictions for murder or sexual assault, or conviction or sentence of imprisonment for any other form of assault.

For all other convictions or sentences Care Assess will apply a risk assessment approach taking the following factors into account:

- The type of conviction in relation to the duties to be performed;
- When the conviction occurred;
- The age of the person at the time of the offence;
- Whether the incident was isolated or repeated as a pattern;
- Whether the offence has since been decriminalized;
- Supporting information in the individual's employment application and history including information from referee checks;
- The likelihood of the offence being repeated;
- The consequences of the offence being repeated;
- Potential strategies to reduce the likelihood of an incident occurring; and the degree of access to clients, their possessions and personal information.

In the case of executive decision makers Care Assess will not allow a person whose police certificate records a precluding offence to perform the functions and duties of an executive decision maker. The offences that preclude a person under the Commonwealth HACC Program police check regime from performing the functions and duties of an executive decision maker are:

- a conviction for murder or sexual assault; or
- a conviction and sentence to imprisonment for any other form of assault; or

- a conviction for an indictable offence within the past 10 years.

Where any doubt is raised about an indictable offence Care Assess will seek legal advice.

#### **Cost of police certificates**

Care Assess expects all staff to provide a police certificate for sighting at their own cost, however, all prospective employees will be advised that they may be able to claim the cost of the police certificate as a work-related expense for tax purposes.

Care Assess will pay the cost of obtaining police certificates for all executive decision makers.

#### **Record Keeping - Employees**

Care Assess shall keep a certified copy of a police certificate, which is not more than three years old, for each staff member and executive decision maker in a confidential stamped file in a secure lockable filing cabinet in the Operations Manager's office.

Care Assess shall also maintain an electronic register of police certificates listing the following information: Program, Department, Name of individual, role, police certificate reference number, date of issue, date of expiry, date of sighting for the purposes of review, and status (current, due for renewal or expired). This register will be monitored no less than monthly by the Operations Manager. When the register indicates that a certificate is due for the renewal the individual shall be immediately advised to apply for a new police certificate.

#### **Monitoring subcontractor compliance with police check requirements**

All individuals or organisations entering a subcontract with Care Assess to provide services are required under the terms and conditions of the subcontract to comply with the requirements of the Commonwealth HACC Program Police Certificate Guidelines.

Representatives of Care Assess will conduct on-site visits to all subcontractors to sight all relevant police certificates. Care Assess shall maintain individual police check registers for all subcontractors. These registers will be stored in a confidential marked file in a secure lockable filing cabinet in the Operations Manager's office. Care Assess shall also maintain an electronic register of police checks for each subcontractor.

Where an organisation subcontracted to Care Assess has more than 20 employees it shall be required to provide Care Assess with information as to any changes in staffing on a monthly basis and promptly facilitate a meeting to allow Care Assess representatives to sight police certificates for any new staff.

Where an organisation subcontracted to Care Assess has 20 or fewer employees it shall be required to notify Care Assess immediately of any change to staff and provide an opportunity for

	<p>Care Assess' representatives to sight police certificates for any new staff.</p> <p>Care Assess will conduct regular compliance audits on all subcontracting organisations.</p> <p><b>Record Keeping- Subcontractors</b> Care Assess shall maintain a confidential stamped file in a secure lockable filing cabinet in the Operations Manager's office.</p>
<b>Scope</b>	<p>This Policy applies to: Care Assess shareholders, the Board of Directors, the Chief Executive Officer (CEO), any staff member who has turned 16 and is employed, hired, retained or contracted by Care Assess (whether directly or through an employment or recruitment agency) to provide care and services under the control of Care Assess; and has, or is reasonably likely to have access to clients, and subcontractors.</p> <p>Care Assess may at its sole discretion, on a case by case basis, alter the manner in which the process outlined in this Policy is conducted to ensure it suits best practice governance and management.</p>
<b>References</b>	<p>Commonwealth HACC Program Police Certificate Guidelines</p> <p>Fact Sheet: Certification of Copies</p> <p>Aged Care Act 1997</p>
<b>Related Policies</b> <b>Community</b> <b>Common Care</b> <b>Standards</b> <b>EQulP 5</b>	<p>Privacy Policy and Procedure</p> <p>Records Management Policy and Procedure</p>

**Date Implemented:**

**Version: 1**

**Endorsed by:**

**Review dates:**