



**Life Choices - Support
Services
National Police Certificate /
Criminal History
Check Policy**

DOCUMENT AUTHORISATION

RESPONSIBLE OFFICER:	MANAGER OF COMMUNITY SERVICES				
REVIEWED BY:	MANEX				
DATE ADOPTED:	24 June 2021				
ADOPTED BY:	Glen Innes Severn Council				
RESOLUTION NO:	15.06/21				
REVIEW DUE DATE:	June 2024				
REVISION NUMBER:	6				
DOCUMENT NUMBER:	CS_LC-SSP004				
PREVIOUS VERSIONS:	DATE:	RESOLUTION NO:	DESCRIPTION OF AMENDMENTS:	AUTHOR / EDITOR:	REVIEW / SIGN OFF:
6	24/06/2021	15.06/21	Review and update to new policy format. Minor amendments to reflect legislative, regulatory, and Industry Standard changes since the adoption of the current policy during June 2018.	Manager of Community Services	Council
5	28/06/2018	25.06/18	Relatively minor changes – largely consist of the addition of the words “criminal history” to replace “police” in relation to checks. The addition of the requirement for a Statutory Declaration for an individual after turning 16 years of age from another country.	Team Leader Activity and Lifestyle Support	Council
4	22/06/2017	14.06/17	Minor changes to format and policy template, along with name changes to relevant government departments. Deletion of outdated legislation	Team Leader Activity and Lifestyle Support	Council

Note: Document Control continued at Appendix A

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General Manager

1/9/21
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Date

PURPOSE

The purpose of this policy is to:

- Comply with all legislative requirements related to community-based care delivered from Council's Life Choices - Support Services outlet;
- Maintain a high level of security and protection for all consumers receiving services within the Life Choices - Support Services (LC-SS) section of Glen Innes Severn Council (GISC);
- Provide a documented guide to staff, volunteers, and contractors, who are to:
- Gain a police check certificate prior to commencing direct contact with the LC-SS consumer base that does not preclude any individual from working with vulnerable people; and
- Ensure that the Police Check Certificate / Criminal History Check is renewed every three (3) years.

APPLICABILITY

This policy applies to:

- Key Personnel of Glen Innes Severn Council including all paid LC-SS staff and volunteers (over 16 years of age); and to contractors that have regular unsupervised access to consumers of LC-SS funded services.
- Any full-time student under 18 years of age (e.g., when doing work experience) is exempt from this requirement.

OUTCOMES

Glen Innes Severn Council is an approved provider of services for people who are older and people with a disability. To protect the vulnerable consumers and participants of LC-SS and to comply with the Accountability Principles 2014 made pursuant to the **Aged Care Act 1997 (the Act)**, Council is obliged to implement and monitor policy and procedures to comply with requirements for National Police Certificates. The checking process is now also known as a nationally coordinated Criminal History check and the subsequent storage of that information.

The Amendment sets out the requirement to obtain Police Certificates / Criminal History Checks for staff, contractors, and volunteers that have, or are reasonably likely to have, unsupervised access to consumers funded under the Act and applicable to all participants funded under the National Disability Insurance Scheme (NDIS). This legislation also applies to Key Personnel of the Approved Provider.

ROLES AND RESPONSIBILITIES

LC-SS criminal history checks are undertaken by Pharmacy ID, contracted by the **Australian Criminal Intelligence Commission (ACIC)**. The Administration and Quality Officer of LC-SS and two (2) Activity Support Facilitators are responsible for obtaining documentation and consent, and submitting information for criminal history checks through Pharmacy ID. The criminal history check must not preclude the individual from working in aged care.

i) Criminal history check investigations:

- Will be instigated by Council, through Pharmacy ID, prior to the employment (and with the consent of) an individual by Human Resource staff;
- All LC-SS staff require a National Police Certificate (current within three (3) years) obtained by a nationally coordinated criminal history check and this will be stated within the advertisement. An offer of employment will not be made until the screening process is completed and it has been verified that the criminal history check does not preclude the individual from working in aged care;
- Council will fund all pre-employment and continuing employment criminal history checks for employees, volunteers and Key Personnel, whilst payment for criminal history checks for contractors will be the responsibility of each contractor.
- Exclusion from a position at LC-SS will be automatic if the individual's criminal history check includes any of the following offences:
 - A conviction of murder or sexual assault; or
 - A conviction of, and sentence for imprisonment for, another form of assault;

OR

- Any outstanding charges, warrants, court orders, offences, findings of guilt with or without conviction, in relation to the following:
 - Any offence involving harm or exploitation of vulnerable people;
 - Any serious offence of a violent or exploitative nature;
 - Murder;
 - Serious alcohol or drug related offences that indicate a pattern of dependence or drug trafficking.

A Human Resource employee will need to advise the panel convenor that an automatic exclusion has been identified, in accordance with this policy and the Act, and that the recruitment process will be terminated.

In the event that the criminal history check records other offences that don't automatically preclude employment in the sector, each case will be examined by the Human Resource employee, the panel convenor and they may consult the Manager of Community Services giving consideration to the following factors:

- Seriousness and relevance of conviction;
- Length of time since the conviction;
- Relevance of conviction to the inherent requirements of the job on offer;
- Evidence provided by employer/referees of the applicant, in a relevant / similar position.

To be considered for employment, a risk assessment will be conducted using each of the above factors. For example, a person who recorded a single conviction 10 or more years ago that has no relevance to the requirements of the current position may be deemed eligible for employment.

The overriding determinant must be to minimise the risk of harm to LC-SS consumers.

- When a person is determined ineligible, they will be advised in writing by Human Resource staff and also advised that they will be ineligible for other positions within LC-SS. This information must be documented in the individual's personnel file and remain with the file until it reaches its disposal date.
 - If the individual has been a citizen or permanent resident of another country after turning 16, a statutory declaration must be supplied with a current National Police Certificate (Statutory declarations relating to police certificate requirements must be made on the form prescribed under the *Commonwealth Statutory Declarations Act 1959* (the Declarations Act), as the police certificate requirements are in connection with a law of the Commonwealth). This declaration must state that the individual has never been convicted of murder or sexual assault, and that the individual has never been convicted or imprisoned for any other form of abuse, in a country other than Australian. This declaration will be stored in the individual's personnel file until it reaches its disposal date.
 - LC-SS staff will maintain a register of all staff performing consumer services and ensure that the Police Certificate remains current by facilitating renewal every three (3) years;
 - LC-SS staff will maintain a register of all volunteers that are likely to have direct contact with consumers and ensure that the Police Certificate remains current by facilitating renewal every three (3) years;
 - Council's responsibility under the Act will be met by requiring all providers to whom they subcontract funded services to show proof that the individuals providing the services also meet police certificate requirements.
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- ii) Updating Currency of Police Certificate means that a nationally coordinated criminal history check must occur every three (3) years. To facilitate this process, in February each year:
- The Administration and Quality Officer will supply the relevant Pharmacy ID forms to staff who need to renew their Police Certificates in the current year;
 - The Activity Support Facilitator will supply the relevant Pharmacy ID forms to volunteers; who need to renew their Police Certificates in the current year;
 - The aforementioned staff will be responsible for reminding the people to whom they issued forms to complete and return the forms by the last working day in February. They will then be submitted at least two (2) months ahead of the expiry date on the current Police Certificate.
- iii) Recording and Storing Information:
- GISC and / or LC-SS can retain the 'application pack' of an applicant for a minimum of twelve (12) months and not more than fifteen (15) months. All identity documents are to be uploaded with the application to Pharmacy ID but not retained.
 - In the case of unpaid staff, documents provided as proof of identity, will be sighted by an authorised officer, but will not be retained;
 - A register (LC-SS Criminal History Check Register) will be maintained for staff and volunteers which includes the individual's name, the date of the certificate, the Pharmacy ID reference number and the date of renewal as well as the individual's employment status and position;
 - For current contractors the above documentation will be provided to Council and retained as an adjunct to the contract records.

DEFINITIONS

A Police Certificate is a report of a person's criminal history, whereas a nationally coordinated criminal history check is the process of checking a person's criminal history. They are often used interchangeably in aged care and provides evidence of whether a person:

- Has been convicted of an offence;
 - Has been charged with, and found guilty of, an offence;
 - Is the subject of any pending criminal charge.
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POLICY STATEMENT

GISC, is committed to protecting the vulnerable people receiving services through LC-SS by implementing and monitoring policy and procedures to comply with requirements for current National Police Check Certificates through nationally coordinated criminal history checks and the subsequent storage of that information.

LEGISLATION AND SUPPORTING DOCUMENTS

Relevant Legislation, Regulations and Industry Standards include:

- Australian Criminal Intelligence Commission (ACIC) Guidelines;
- Aged Care Act 1997 (the Act);
- The Aged Care Quality Standards;
- The NDIS Quality and Safeguards Commission Practice Standards;
- The NDIS Code of Conduct.

Relevant Council Policies and Procedures include:

- Pharmacy ID Contract;
- Life Choices - Support Services Nationally Coordinated Criminal History Check Protocol;
- Life Choices - Support Services Criminal History Check Register.

VARIATION AND REVIEW

The Life Choices - Support Services National Police Certificate / Criminal History Check Policy shall be reviewed every three (3) years, or earlier if deemed necessary, to ensure that it meets the requirements of legislation and the needs of Council. The term of the Policy does not expire on the review date, but shall continue in force until superseded, rescinded or varied either by legislation or a new resolution of Council.

Appendix A**Document Control Continued**

PREVIOUS VERSIONS:	DATE:	RESOLUTION NO:	DESCRIPTION OF AMENDMENTS:	AUTHOR / EDITOR:	REVIEW / SIGN OFF:
3	24/04/2014	09.04/14	Changed from the Aged and Disability Police Check Policy to the Life Choices - Support Services National Police Certificate Policy		Council
2	24/03/2011	17.03/11	Titled the Aged and Disability Police Check Policy		Council
1	26/11/2009	14.11/09	New Policy		Council