

# Workforce Employment Checks

## POLICY STATEMENT

**Acorn Aged Care meets its obligations to deliver safe, high-quality services to all consumers and a safe work environment by ensuring employment checks are conducted, documented, maintained and monitored.**

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## 1 PURPOSE

To provide guidance in the conduct of employment checks for workers.<sup>1</sup>

## 2 SCOPE

Residential and Home Care

<sup>1</sup> Workers refers to all personnel employed directly, unpaid workers (such as students), volunteers and contractors who deliver services on our behalf.

### 3 EMPLOYMENT CHECKS REGISTER

An **Employment Checks Register** is maintained and includes information on all checks that must be conducted before new workers join Acorn Aged Care, and checks that are maintained throughout employment.

### 4 BANNING ORDER CHECK

- A Banning Order Check is made of all applicants before employing, engaging, extending or renewing a contract or agreement of a worker, volunteer or key personnel/ executive decision-maker
- The check is made on the [Aged Care Register of Banning Orders](#)
- If a current Banning Order is in place the person is not engaged.

### 5 REFERENCE CHECKS

- Reference checks are conducted for each preferred applicant.
- The chair of the interview panel or delegate contacts one or more of the referees of the preferred applicant
- Referees are asked to comment on the person's ability to carry out the duties of the position applied for, strengths and areas for development
- Referee's comments are noted in writing on the **Summary of Interview** form and filed in the workers file if employed.

### 6 POLICE CHECKS<sup>2</sup>

#### 6.1 DEFINITIONS

See the Department of Health and Aged Care, [Aged Care Worker Screening Guidelines 2021](#) (pp 10-12) for definitions of workers, volunteers and contractors.

#### 6.2 WORKERS AND VOLUNTEERS

- Acorn Aged Care requires all workers who are reasonably likely to have access to consumers, supervised or unsupervised, and volunteers<sup>3</sup> who have unsupervised access to consumers, to provide a Police Certificate not more than three years old
- Workers meet the cost of their police check. Volunteer police checks are available at a reduced cost from the WA Police for registered volunteer organisations. Applications are made online and are paid for by Acorn Aged Care
- The following offences preclude a person from working in Acorn Aged Care:
  - a conviction for murder or sexual assault

<sup>2</sup> Procedures for police checks are based on information in the: Australian Government Department of Health and Aged Care [Commonwealth Home Support Programme \(CHSP\) Manual](#) 2024-2025 Published June 2024, Appendix E – CHSP Police Certificate Guidelines; and the Australian Government Department of Health and Aged Care [Aged Care Worker Screening Guidelines](#)

<sup>3</sup> The Australian Government Department of Health and Aged Care [Aged Care Worker Screening Guidelines](#) advises that service providers do not need to obtain a police check for CVS Volunteers provided by the CVS, as they have a police certificate and have been assessed as meeting the requirement. P 13. The Guidelines further state: "Community Visitors will provide approved providers with a 'Letter of Introduction' confirming the date of expiry of their police check and that they have made a statutory declaration if they have lived permanently overseas after they turned 16. Provided that the letter is current, the home is not required to view the original police certificate or statutory declaration. The home may keep a copy of the 'Letter of Introduction' to assist with compliance requirements. P 13

- a conviction of, and sentenced to imprisonment for, any other form of assault
- convicted for an indictable offence within the past 10 years<sup>4</sup>
- A person with other convictions can be considered for employment by the relevant manager in consultation with human resources, taking into consideration their role and contact with consumers.

### 6.3 APPROVED PROVIDERS<sup>5</sup> AND NDIS WORKER SCREENING<sup>6</sup>

Whilst Acorn Aged Care is not a NDIS provider, we can accept the following for our aged care workers:

- Evidence of a NDIS worker screening clearance, not more than 5 years old, or
- A police certificate not more than 3 years old.

OR<sup>7</sup>

As Acorn Aged Care is a registered NDIS provider<sup>8</sup> we accept the following, in risk assessed roles supporting NDIS participants:

- Evidence of an NDIS worker screening clearance not more than 5 years old.

Acorn Aged Care as an approved provider is responsible for identifying which roles are risk assessed roles and ensuring all workers in these roles have the appropriate clearance.

The Worker Screening Rules define a risk assessed role as one that:

- Is a key personnel role as defined in section 11A of the NDIS Act (for example, a CEO or a Board Member) involves the direct delivery of specified supports or services to a person with disability
- Is likely to require 'more than incidental contact' with people with disability, which includes:
  - physically touching a person with disability; or
  - building a rapport with a person with disability as an integral and ordinary part of the performance of normal duties; or
  - having contact with multiple people with disability as part of the direct delivery of a specialist disability support or service, or in a specialist disability accommodation setting.

If after reviewing the Worker Screening Rules we are unsure whether a worker is in a risk assessed role and should get an NDIS Worker Screening clearance, we contact the NDIS Quality and Safeguards Commission for assistance.

<sup>4</sup> The Australian Government Department of Health and Aged Care [Commonwealth Home Support Programme \(CHSP\) Manual 2024-2025](#) Published June 2024, Appendix E – CHSP Police Certificate Guidelines

<sup>5</sup> Approved providers include providers who deliver Home Care Packages or residential care.

<sup>6</sup> Australian Government Department of Health and Aged Care [Aged Care Worker Screening Guidelines](#) July 2021 4 NDIS Worker Screening Clearances p.7. It is recommended that providers read this document in full

<sup>7</sup> Select text based on your NDIS provider status

<sup>8</sup> Note: If an approved provider is not an NDIS provider they can still accept a valid NDIS Worker Screening Clearance. If you are not an NDIS Provider replace all the text under this heading with: Whilst Acorn Aged Care is not an NDIS provider, we still accept a valid NDIS Worker Screening Clearance.

## 6.4 CHSP AND NDIS WORKER SCREENING<sup>9</sup>

- The NDIS worker screening arrangements are acceptable for employees who also deliver services under the CHSP if they also include a police check prepared by the Australian Federal Police, a State or Territory police service or an Australian Criminal Intelligence Commission accredited agency
- In place of a national criminal history record check, Acorn Aged Care may accept workers and volunteers who hold a card issued by a State or Territory authority following a vetting process that enables the card holder to work with vulnerable people.

## 6.5 SUBCONTRACTORS SERVICE DELIVERY

The contract signed between Acorn Aged Care and contractors who provide services to consumers on our behalf requires that they or their workers or sub-contractors have a current Police Clearance and professional registrations as appropriate. This is monitored by the relevant Manager. We ensure we are provided with evidence of sub-contractors police check documentation (See Subcontractors).

## 6.6 INDEPENDENT CONTRACTORS

Police check requirements are not intended to extend to people engaged on an ad-hoc basis. Trades people engaged to provide a service at a date and time determined by the person providing the service generally do not require police checks<sup>10</sup>. These people are supervised by an employee of Acorn Aged Care whilst they are in contact with consumers.

## 6.7 STATUTORY DECLARATIONS

### 6.7.1 NEW WORKERS COMMENCING EMPLOYMENT WITHOUT A POLICE CHECK

Acorn Aged Care requires all new workers and volunteers to have a current police certificate before they start work. Where this is not possible and the circumstances are extenuating and require the person to commence work, we, under Section 49 of the Accountability Principles, allow a person to start work prior to obtaining a police certificate and pending an assessment of any criminal conviction subject to the following:

- The person provides a copy of the application for a police certificate showing that it was made before the date on which the person first became a workers or volunteer
- It is clear the care and other services to be provided are essential and cannot be provided in the absence of the workers person and this is documented
- The person is appropriately supervised until the police certificate is obtained
- It is clearly shown and documented how supervision occurs in a range of working conditions such as during night shifts and holiday periods when supervisory workers numbers may be limited
- The person makes a **Statutory Declaration** stating that they have never been:
  - convicted of murder or sexual assault, or
  - convicted of, and sentenced to imprisonment for, any other form of assault.

<sup>9</sup> Australian Government Department of Health and Aged Care [Commonwealth Home Support Programme \(CHSP\) Manual](#) 2024-2025 Published June 2024, Appendix E – CHSP Police Certificate Guidelines. It is recommended that providers read this section in full

<sup>10</sup> The Australian Government Department of Health and Aged Care [Aged Care Worker Screening Guidelines](#) July 2021 p.11 provides more information on contractors

### 6.7.2 WORKERS AND VOLUNTEERS WHO HAVE RESIDED OVERSEAS

Workers and volunteers who have been citizens or permanent residents of a country other than Australia at any time after turning 16 must make a statutory declaration before starting work in any aged care service, stating that they have never:

- Been convicted of murder or sexual assault, or
- Been convicted of, and sentenced to imprisonment for, any other form of assault.

This statutory declaration is in addition to a current national police certificate, as this reports only those convictions recorded in Australian jurisdictions.

## 6.8 PROCESSING POLICE CHECKS AND OTHER DOCUMENTS

- The relevant team member processes the individual **Police Check Assessment** for workers and volunteers. When the original or certified copy of the police clearance or other notification is received relevant information including the reference number and expiry date is entered in the **Employment Checks Register**
- The Police Certificate and other documents including statutory declarations are filed in a sealed envelope in the person's file which is only accessible to management workers
- The Employment Checks Register is checked at the start of each month by the team member, and three months prior to the police check expiring, each worker or volunteer is advised that a new police certificate is required. When workers provide the updated certificate the information in the Employment Checks Register is updated. Workers taking leave may be provided with additional notice as necessary
- If workers do not provide an updated police certificate before the expiration of the existing certificate, they are not permitted to work until a valid police certificate is obtained.

## 6.9 ASSESSING OFFENCES

Where workers or volunteers have recorded an offence other than those specified above under Workers and Volunteers the relevant manager considers the offence/s against the criteria specified in the Department of Health and Aged Care, [Aged Care Worker Screening Guidelines 2021](#) (p 15). A previous conviction does not necessarily disqualify a person from employment.

Workers and volunteers are required to advise their Coordinator if they are convicted of any offence in the three-year period between obtaining and renewing their police clearance. Any offences are considered by the Manager and a Board representative. If the reviewers are satisfied on reasonable grounds that the offence makes the person unsuitable to work with our consumers and other workers, they are not permitted to continue as a workers or volunteer. Notes are maintained on all considerations of police and other checks.

## 6.10 KEY PERSONNEL / EXECUTIVE DECISION MAKERS<sup>11</sup>

Acorn Aged Care follows the requirements for Key Personnel / Executive Decision Makers stipulated by the Australian Government Department of Health and Aged Care<sup>12</sup>. Police clearances and other checks of key personnel are managed by the CEO, if he/she has a current clearance. If a check is being

<sup>11</sup> Approved providers refer to key personnel and the CHSP programme refers to executive decision makers. Both groups have the same role. Key personnel/executive decision makers include: directors, board members, executive workers, the nurse responsible for nursing services and any person who is responsible for the day-to-day operations of the aged care service.

<sup>12</sup> Australian Government Department of Health and Aged Care [Home Care Packages Program Operational Manual A Guide For Home Care Providers](#) Version 1.4 – August 2023, 15.1.2 Material changes to suitability. This information can be applied to all programs

conducted of the CEO, a Board member manages it. The same process that applies to workers applies to key personnel but with the Board deciding the action taken in the event of a non-disqualifying conviction.

Police certificates and other check documents are filed in a sealed envelope in the person's file which is only accessible to the relevant manager. Notes are maintained on all considerations of police and other checks.

Acorn Aged Care makes sure that key personnel are not disqualified individuals through three yearly renewals of their police certificate. We advise the Department of any changes that affect our suitability to provide aged care.

## 7 VISA CHECKS

Workers who are on visas allowing them to work in Australia may have restrictions related to the number of hours per week they can work and/or other restrictions. The visa restrictions are reviewed by the coordinator and the worker rostered accordingly to comply with the visa requirements.

## 8 PROFESSIONAL REGISTRATION CHECKS

All workers and visiting professionals who are required to be registered with the Australian Health Practitioner Regulation Agency (AHPRA) are required to provide a copy of their registration certificate on commencement of employment and on each expiration of their certificate. If health professionals have conditions noted in their registration, these are noted, and appropriate action taken to ensure any actions to support the conditions are put in place.

This applies to:

- Registered and Enrolled nurses
- Medical Practitioners
- Allied health professionals, excluding Social Workers<sup>13</sup>.

## 9 DRIVER'S LICENCE, VEHICLE REGISTRATION AND INSURANCE CHECKS

All workers who use their vehicle in their work are required to show their valid driver's licence so the name can be checked, and the date of expiry recorded.

If a worker transports consumers in their personal vehicle, they must provide a copy of their valid car registration and insurance certificates (identifying that the vehicle is used for work purposes) on commencement with us and on expiry of the certificates.

Workers are required to advise us if their licence or registration is revoked.

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<sup>13</sup> Social Workers are not registered with AHPRA but may have registration with their professional body.

## DOCUMENT INFORMATION

<b>Owner**</b>	Manager Corporate Services
<b>Date Approved</b>	1 August 2024
<b>Applicable Aged Care Programs</b>	CHSP, HCP, Residential Care
<b>Review History</b>	Developed: 1 August 2024
Date of review and summary of changes	
Date of review and summary of changes	
Date of review and summary of changes	

\*\*The person responsible for ensuring the Procedure is appropriate, followed and maintained up to date.