



# Aged Care Criminal Record Screening Policy

## 1. Background

Part 6 of the *Accountability Principles 2014* made under section 96-1 of the *Aged Care Act 1997* (“the Act”) requires that relevant employees, contractors and volunteers working in Australian Government subsidised aged care services undergo national criminal history record checks.

The requirements apply to ALL Australian Government Aged Care subsidised services specifically:

- Residential aged care.
- Community aged care services under the Act: Commonwealth Home Support Program (CHSP), Home Care Packages (HCP).
- Flexible care services under the Act: Flexible Aboriginal Care, Short Term Restorative Care (STRC), Transition Care Packages (TCP).
- Multi – Purpose Services (MPS) places.
- National Respite for Carers Program (NRCP).

Accordingly, the above Australian Government subsidised aged care services operated by the WA Country Health Service (WACHS) are to comply with requirements for Aged Care Criminal Record Screening (ACCRS).

## 2. Policy Statement

This policy aims to provide greater security and protection for older people receiving Australian Government subsidised aged care services, by ensuring that employees, contractors and volunteers working in WACHS aged care services do not have criminal convictions that would prevent them from working in aged care facilities or services. Convictions include:

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

Other than the specified convictions above, having a criminal record does not automatically preclude a person from working in aged care.

All existing and new employees, contractors and volunteers that provide services to Australian Government Aged Care subsidised services in WACHS are required to complete and maintain a satisfactory Aged Care Criminal Record Screen (ACCRS).

WACHS **shall not start / continue** employment of new or current employees, or engage volunteers or contractors until they provide evidence of possessing a valid Aged Care Criminal Record Screening (ACCRS) clearance or a receipt of application.

In some exceptional circumstances WACHS may allow a person to commence work prior to obtaining a police clearance and pending an assessment of any criminal

conviction identified in the certificate as per Section 49 of the *Accountability Principles 2014*, **for no longer than two weeks from their commencement date**, provided that:

- the care or other service to be provided by the person is essential, and
- an application for a police certificate has been made before the date on which the person first becomes an employee or volunteer and
- until the police certificate is obtained, the person will be subject to appropriate supervision during periods when the person has access to care recipients, and
- the person makes a Statutory Declaration stating that the person has never been:
  1. convicted of murder or sexual assault, or
  2. convicted of, and sentenced to imprisonment for, any other form of assault.

Where an employee / prospective employee, contractor or volunteer is found to be unsuitable to work in aged care as a result of a police check that reveals a conviction or imprisonment for murder or any form of assault, refer to the [WA Health Criminal Record Screening Policy](#) (Guidelines, Part 5 *Persons found to have a criminal record*). A WACHS Decision to Employ / Continue Employment or Terminate Form or Decision to Engage Form will need to be completed.

### 2.1 National Police / Australian Federal Police Certificates

National Police Certificates (NPC) and the Australian Federal Police Certificates (AFPC) are accepted by WACHS as a valid ACCRS, provided the NPC/AFPC has been conducted within the preceding 12 month period from date of commencement of employment, and there are no convictions listed that contravene WA Health's Criminal Record Screening Policy. Only originals or certified copies of the National Police / Australian Federal Police Certificates are accepted.

The Health Support Services Criminal Record Screening Officer can provide employees, contractors and volunteers with a card verifying their NPC/AFPC. Obtaining this card is optional.

An ACCRS check is valid for three years and must be renewed prior to expiry.

### 2.2 Statutory Declarations

As per section 3.4 Statutory Declarations of the *Police Certificate Guidelines for Aged Care Providers (July 2019)* statutory declarations are generally only required in addition to police checks in two instances:

- for essential new employees and volunteers who have applied for, but not yet received, a police certificate, and
- for any employees or volunteers who have been a citizen or permanent resident of a country other than Australia after the age of 16.

In these two instances, an employee, contractor or volunteer can sign a statutory declaration **stating** that they have never, in Australia or another country, been convicted of murder or sexual assault, or convicted of, and sentenced to imprisonment for, any other form of assault.

Statutory declarations relating to police certificate requirements must be made on the form prescribed under the *Commonwealth Statutory Declarations Act 1959* (the Declaration Act), as the police certificate requirements are in connection with a law of the Commonwealth. Anyone who makes a false statement in a statutory declaration is guilty of an offence under the Declaration Act and may also be subject to a disciplinary management process in accordance with the WA Health Discipline Policy.

### 2.3 Fees for undertaking an ACCRS check

The fee payable for the Criminal Record Screening (CRS) Check will change from time to time to reflect increase variations from the Australian Criminal Intelligence Commission (ACIC) charges, GST requirements and the like.

Contractors are required to provide evidence of a CRS (new or renewal) in accordance with the contract requirements.

New employees are expected to pay for undertaking their own ACCRS check. This will be deducted from their pay if it is conducted through HSS.

WACHS will pay for:

- the ACCRS renewal check for existing employees; and
- the ACCRS check for volunteers (new and renewal).

A clearance card can be issued at no extra cost from the date the screening was completed (optional) by emailing [HSS.crs@health.wa.gov.au](mailto:HSS.crs@health.wa.gov.au).

### 2.4 Transferring between Regions

Employees and contractors who move within WACHS with no break in service and have a current ACCRS issued within the preceding 12 month period from the date of commencement of employment may not be required to be re-screened. However, a copy of the current ACCRS must be provided.

The employee is to ensure that a copy of their original ACCRS card is certified by their new line manager and forwarded to HSS Employment Services.

An ACCRS renewal is required in the following circumstances:

- Move from another employer e.g. North and South Metropolitan Health Services; or
- Notification of a criminal offence.

### 2.5 Overseas Candidates

As per the WA Health Criminal Record Screening Policy and Guidelines, people who are to be employed or engaged from overseas on either temporary or permanent work visas are required by WACHS to provide evidence of both:

- A satisfactory criminal record check from their country of origin and from any other country in which they have lived for one (1) year or more in the last 10 years; and

- A satisfactory Australian National Police Certificate; or
- A satisfactory Australian Federal Police Certificate.

In addition to the above requirement for a police check, employees, contractors and volunteers who have been citizens or permanent residents of another country since turning 16 years of age, are required to provide a statutory declaration in accordance with Declarations Act stating that they have never, in Australia or another country, been convicted of murder or sexual assault, or convicted of, and sentenced to imprisonment for, any other form of assault.

### 2.6 Students

Students on clinical placement (Allied Health, Nursing and Medicine) are excluded from this process. It is the responsibility of the Educational Institutions to ensure staff and students obtain and provide evidence of a National Police Certificate (NPC) which is dated within twelve (12) months before the commencement of the clinical placement, and ensure where a conviction is recorded, it complies with the clearance requirements of WACHS. WACHS may request a student to provide evidence of NPC at any time.

### 2.7 Dispute Resolution

Where a decision to not employ a person has been made, the person concerned may forward a written request for review within seven working days from the date of the outcome letter to the Executive Director, People and Culture. This review may be delegated by the Executive Director, People and Culture. However, the Executive Director, People and Culture will make the final decision and inform the person concerned of the outcome in writing.

## 3. Definitions

<b>Aged Care Criminal Record Screening</b>	Refers to the document issued by an agency approved by the Commonwealth Department of Health that sets out the criminal convictions of an individual for offences under the law of Western Australia, the Commonwealth, another State or territory or overseas country.
<b>Aged Care Service</b>	Means a service through which aged care is provided.
<b>Australian Criminal Intelligence Commission (formally Crimtrac)</b>	A Commonwealth Government Agency which delivers and maintains: <ul style="list-style-type: none"><li>• National policing information services</li><li>• Advanced national police investigation tools</li><li>• National criminal history record checks for accredited agencies</li></ul>
<b>Australian Federal Police Certificate</b>	The name given to a National Police Clearance that was acquired in the Australian Capital Territory (ACT). They are accepted by WA Health as a valid CRS, provided the National Police Certificate has

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	been conducted within the preceding 12 month period prior to date of commencement of employment.
<b>Contractor</b>	A person engaged under a contract for services on the terms and conditions (including remuneration) that WACHS determines in accordance with section 143 of the <i>Health Services Act 2016</i> (WA).
<b>Employee</b>	Any person engaged by WACHS in accordance with the <i>Health Services Act 2016</i> (WA) who has turned 16 years of age, to provide care or other services and has, or is reasonably likely to have, supervised or unsupervised access to aged care recipients.
<b>National Police Certificate</b>	<p>A national report prepared by the Australian Federal Police or by a State or Territory police force or service that discloses evidence of whether a person:</p> <ul style="list-style-type: none"> <li>• has been convicted of an offence</li> <li>• has been charged with and found guilty of an offence but discharged without conviction, or</li> <li>• is the subject of any criminal charge still pending before a Court.</li> </ul> <p>The information on the certificate is drawn from all Australian jurisdictions and is subject to relevant spent conviction schemes.</p>
<b>Non-salaried medical practitioners</b>	Includes all Medical Practitioners engaged under a Medical Services Agreement (MSA) as a Contracted Medical Practitioner (CMP). Collectively referred to as contractors throughout this policy.
<b>Volunteer</b>	<p>Defined in Section 1.4 of <i>the Accountability Principles 2014</i> as a person who:</p> <ol style="list-style-type: none"> <li>a) is not an employee of the approved provider, and</li> <li>b) offers his or her services to the approved provider, and</li> <li>c) provides care or other services on the invitation of the approved provider and not solely on the express or implied invitation of a care recipient, and</li> <li>d) has, or is reasonably likely to have, unsupervised access to care recipients, and</li> <li>e) is at least 16 years of age or, if the person is a full-time student, has turned 18 years of age.</li> </ol> <p>Full time students under the age of 18 are not considered as volunteers.</p>

## 4. Roles and Responsibilities

**Employees** are responsible for:

- Providing consent for an ACCRS check.
- Completing the required documentation in a timely manner.
- Maintaining a current ACCRS check.
- Providing written notice to their manager of a change in police record status.

**Managers** are responsible for:

- Ensuring that when recruiting an employee to a position that requires an ACCRS all prospective applicants are aware that the screening is required prior to appointment (except in exceptional circumstances) and is an ongoing requirement of employment.
- Ensuring the compliance of employees and volunteers working within commonwealth funded aged care services with this policy.
- Ensuring that persons with the specified criminal convictions do not provide aged care services.
- Recording and storage of ACCRS check information/statutory declaration form/ contracts with labour hire agencies and other service providers for contractors.
- Liaising with Regional Human Resources about processing, recording, storage and rescreening of ACCRS checks for volunteers.
- Monitoring compliance checks regularly.

**Contractors** (including non-salaried medical practitioners) who are engaged to provide aged care service to WACHS, must have an ACCRS prior to the commencement of services are responsible for:

- Providing consent for an ACCRS.
- Completing the required documentation in a timely manner.
- Maintaining a current ACCRS.
- Providing written notice to their manager of change in police record status.

**Regional Director Medical Services** are responsible for:

- Monitoring compliance checks for non-salaried medical practitioners regularly (this includes notifying non-compliance and expiry dates).
- Processing the ACCRS.
- Record and store the ACCRS information.
- Manage the re-screening process.

**Regional Human Resource Services** are responsible for:

- Ensuring that all Job Description Forms for positions requiring an ACCRS identify the requirement for this screening (appointment conditions).
- Processing, recording, storing and re-screening of ACCRS checks for volunteers as advised by managers.
- Recording the outcomes of Decision to Employ forms on the central register.

**Regional Directors** are responsible for:

- Ensuring this policy is followed within their region.



**Volunteers** are responsible for:

- Providing consent for an Aged Care Criminal Record Screening (ACCRS) check.
- Completing the required documentation in a timely manner.
- Maintaining a current ACCRS check.
- Providing written notice to their manager of a change in police record status.

The **Chief Executive Officer** is responsible for ensuring that WACHS:

- Complies as an Approved Provider under the Act to ensure employees, volunteers and contractors working within aged care services have an ACCRS; and
- Persons with the specified criminal convictions do not provide aged care services.

**Health Support Services** are responsible for:

- Processing ACCRS checks.
- Ensuring fees for undertaking the ACCRS are deducted from the new employee's wages.
- Recording of all ACCRS information in the Human Resource Information Management System.
- Providing compliance reports.

## 5. Compliance

This policy is a mandatory requirement under the *Aged Care Act 1997* (Cth).

The Department of Health is responsible for monitoring systems and processes as part of ongoing quality management and reporting systems.

The Aged Care Quality and Safety Commission has a responsibility for monitoring Aged Care providers compliance with their obligations under the Act. Failure to meet these requirements may result in compliance action being taken under the Act.

Failure to comply with this policy may constitute a breach of the WA Health Code of Conduct Policy (Code). The Code is part of the [Integrity Policy Framework](#) issued pursuant to section 26 of the [Health Services Act 2016](#) (HSA) and is binding on all WACHS staff which for this purpose includes trainees, volunteers, researchers, contractors for service (including all visiting health professionals and agency staff) and persons delivering training or education within WACHS.

WACHS staff are reminded that compliance with all policies is mandatory.

## 6. Records Management

Records about staff members and volunteers police certificates and statutory declarations related to ACCRS must be kept in accordance with *Records Principles 2014*.

All WACHS corporate records must be stored in the approved Electronic Documents and Records Management System.

WACHS Decision to Employ Forms outcomes will be recorded on a central register.

WACHS Decision to Engage Forms will be recorded and saved at Central Office Medical Services.

WACHS [Records Management Policy](#)

### 7. Evaluation

Evaluation of this policy is to be carried out by the Director Human Resources.

Compliance monitoring will be conducted through regular reporting of non-compliant staff to WACHS Executive.

### 8. Standards

[National Safety and Quality Health Service Standards – 1.7](#)  
[Australian Aged Care Quality Agency Accreditation Standards – 7](#)

### 9. Legislation

[Aged Care Act 1997 \(Cth\)](#)  
[Accountability Principles 2014 \(Cth\)](#)  
[Records Principles 2014 \(Cth\)](#)  
[Health Services Act 2016 \(WA\)](#)  
[Privacy Act 1988 \(Cth\)](#)  
[Statutory Declarations Act 1959 \(Cth\)](#)

### 10. References

[Police Certificate Guidelines for Aged Care Providers \(July 2019\)](#)  
[Aged Care CRS Process](#)

### 11. Related Forms

[Aged Care CRS Decision to Employ Form](#)  
[Aged Care CRS Decision to Engage Form](#)  
[Aged Care CRS Request Form – Volunteer](#)  
[Aged Care CRS Statutory Declaration](#)

### 12. Related Policy Documents

WACHS [Records Management Policy](#)  
WACHS [Volunteer Policy](#)



## 13. Related WA Health System Policies

- [Code of Conduct Policy](#)
- [Criminal Record Screening Policy and Guidelines](#)
- [Discipline Policy](#)
- [Notifiable and Reportable Conduct Policy](#)

## 14. Policy Framework

- [Employment Policy Framework](#)

**This document can be made available in alternative formats on request for a person with a disability**

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