



TITLE: Aged Care Criminal Record Screening Policy

This policy continues to apply and will be incorporated into the revised WA Health CRS policy in due course.

1. Background

The Accountability Principles made under Subsection 96-1(1) part 4.3 of the *Aged Care Act 1997* (“the Act”) require 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: Community Aged Care Packages (CACP),
- Flexible care services under the Act: Extended Aged Care at Home (EACH) and Extended Aged Care at Home Dementia (EACHD) packages
- Multi – Purpose Services (MPS) places; Transitional Care, and
- 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).

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

The Aged Care Standards and Accreditation Agency has a responsibility for monitoring residential care facilities’ compliance with their obligations under the Act. Failure to meet these requirements may result in compliance action being taken under the Act.


2. Policy

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 a criminal convictions that would prevent them from working in these facilities or services. Convictions include:

- murder or sexual assault, or
- convictions resulting in imprisonment for, any other form of assault.

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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 **aims not to start / continue** employment of new or current employees, volunteers or contractors until they provide evidence of possessing a valid Aged Care Criminal Record Screening (ACCRS).

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 1.22 of the Accountability Principles 2006, **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
- 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 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 Screening Policy](#) and Aged Care Criminal Record Screening [Pathway 3](#) and [Pathway 8](#).

2.1 National Police / Australian Federal Police Certificates

National Police Certificates (NPC) and the Australian Federal Police Certificates (AFPC) are accepted by WA Health 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.

Supporting documents are attached to the Consent Form (Aged Care Criminal Record Screening Check (D10A) form) i.e. a copy of the AFPC or the NPC.

The WA Health CRS Coordinator can provide employees and volunteers with a card verifying their NPC/AFPC. Obtaining this card is optional.

An Aged Care Criminal Record Screening check is valid for three years and must be renewed prior to expiry.



2.2 Statutory Declarations

As per section 3.4 of the [Department of Health and Ageing; Office of Aged Care Quality and Compliance, Police Certificate Guidelines](#), 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 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.

2.3 Fees for undertaking an ACCRS check

The fee payable for the Criminal Record Screening Check will change from time to time to reflect increase variations in CrimTrac charges, GST requirements and the like.

New employees are expected to pay for undertaking their own ACCRS check.

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 CR.Screening@health.wa.gov.au.

3. Procedure

3.1 Employees – new, rescreening, not meeting requirements

a. New employees

Refer To:

- [Aged Care Criminal Record Screening Pathway 4 – New Employee Process Flowchart](#)
- [Aged Care Criminal Record Screening Pathway 5 – Termination Process For New and Existing Employees \(process for Human Resources and Manager\) Flowchart](#)

b. Rescreening

Refer to [Aged Care Criminal Record Screening Pathway 10 – Employee Rescreening Flowchart](#)

c. Not meeting requirements

Refer to:

- [Aged Care Criminal Record Screening Pathway 8 – Employee / Prospective Employee Not Meeting Requirements](#)
- [Aged Care Criminal Record Screening Pathway 9 – Grievance Procedure Flowchart](#)

3.2 New and existing contractors

Refer to:

- [Aged Care Criminal Record Screening Pathway 7A – Contractors \(Providing Care To Care Recipients\) Flowchart](#)
- [Aged Care Criminal Record Screening Pathway 7B – Existing Contractors \(Providing Care to Care Recipients\) Interim Arrangements Flowchart](#)

3.3 Volunteers - new, rescreening and not meeting requirements

a. New Volunteers

Refer to:

- [Aged Care Criminal Record Screening Pathway 1 – New Volunteer Flowchart](#)
- [Aged Care Criminal Record Screening Request Form – Volunteer](#)

b. Rescreening

Refer to [Aged Care Criminal Record Screening Pathway 2 – Volunteer \(Re-screening\) Flowchart](#)

c. Not meeting requirements

Refer to [Aged Care Criminal Record Screening Pathway 3 – Volunteer Not Meeting Requirements Flowchart](#)

3.4 Existing employees - transferring

Employees who move their employment within WACHS with no break in service and who have a current ACCRS issued within the preceding 12 month period from 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 their original “Department of Health Aged Care Criminal Record Screening Clearance Card”, has a copy certified by their manager and is forwarded to HCN.



An ACCRS renewal is required in the following circumstances:

- Change of status e.g. temporary role to permanency or promoted to a new role
- Move from another employer e.g. North and South Metropolitan Health Services or
- Notification of a criminal offence.

3.5 Employees and Volunteers from overseas on either temporary (457 Visa) and permanent work visas

As per the Department of Health [Operational Directive OD 0275/10 29 March 2010 Criminal Record Screening Policy and Guidelines](#).

People who are to be employed from overseas on either temporary (457 Visa) and permanent work visas are required by WA Health 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, certain employees 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 *Commonwealth Statutory Declarations Act 1959* and the *Commonwealth Statutory Declarations Regulations 1993*, 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.

More information about statutory declarations can be found in [section 2.2](#) of this policy.


For further information on process, refer to sections 3.1, 3.2, 3.3, 3.4 and 3.6 of this policy, as appropriate.

3.6 Employees and volunteers who are Australian Resident and have been working overseas

An employee, contractor or volunteer who is an Australian resident and who prior to employment with WACHS has been working overseas is required to also provide evidence, as per clause **3.5 Employees and Volunteers from overseas on either temporary (457 Visa) and permanent work visas**.

4. Definitions

Aged Care Criminal Record Screening refers to the document issued by the WA Police Service or another body or agency approved by the 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 another overseas country.



Aged Care Service means a service through which aged care is provided.

Australian Federal Police Certificate is 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 been conducted within the preceding 12 month period prior to date of commencement of employment.

A **Contractor** is a person who provides services to another entity under terms specified in a contract. Unlike an employee, a contractor does not work regularly for an organisation.

National Police Certificate is 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:

- has been convicted of an offence
- has been charged with and found guilty of an offence but discharged without conviction, or
- is the subject of any criminal charge still pending before a Court.

The information on the certificate is drawn from all Australian jurisdictions and is subject to relevant spent conviction schemes.

A **Relevant Employee** is any person who has turned 16 years of age and is employed, hired, retained or contracted by WACHS (whether directly or through an employment or recruitment agency) to provide care or other services and has, or is reasonably likely to have, supervised or unsupervised access to care recipients.

Spent Convictions - The Commonwealth, the Territories and most States have “spent conviction” schemes, allowing former offenders to “wipe the slate clean” for old minor offences in certain circumstances.

VMP stands for Visiting Medical Practitioner

Volunteer is defined in Section 1.18 of the Accountability Principles as a person who:

- a) is not an employee
- b) offers his or her services to the approved provider, and
- 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
- d) has, or is reasonably likely to have, unsupervised access to care recipients, and
- e) has turned 16 years of age or, if the person is a full-time student, has turned 18 years of age.



5. Roles and Responsibilities

5.1 Employees

The employee is 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, and
- providing written notice to their manager of change in police record status.

5.2 Volunteers, VMPs and contractors

The relevant employees, volunteers, VMPs and contractors 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, and
- providing written notice to their manager of change in police record status.

5.3 Managers

The manager is responsible for:

- ensuring that when recruiting to a position that requires an ACCRS all prospective applicants are aware that the screening is required prior to recruitment and selection
- ensuring that when recruiting to a position that requires an ACCRS all prospective applicants are aware that the screening is required prior to appointment (in job advertisement)
- responsible for the compliance of employees and volunteers working within certain commonwealth funded aged care services; and
- **ensuring that persons with specified criminal convictions do not provide aged care services**
- the recording and storage of ACCRS check information/statutory declaration form (if applicable) / Contracts with Labour Hire Agencies and Other Service Providers for contractors
- liaising with Regional Human Resources about processing, recording, storage and rescreening of ACCRS check for volunteers, and
- monitoring compliance checks regularly. Refer to [Aged Care Criminal Record Screening Pathway 6 – Reporting Process Flowchart](#).

5.4 Regional Human Resource Services

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 check for volunteers as advised by managers
- running a report monthly in order to produce non-compliance letters and report to Executives
- issuing of letters where non-compliance
- undertaking a review of positions requiring an ACCRS at a minimum of 18 months.





5.5 Regional Director

The Regional Director is responsible for:

- ensuring this policy and ACCRS pathways are followed to comply with the requirements for ACCRS for relevant employee, volunteers and contractors working within certain commonwealth funded aged care services in their region.

5.6 Regional Medical Directors

Regional Medical Directors are responsible for:

- monitoring compliance checks for Visiting Medical Practitioners (VMPs) regularly (this includes notifying non-compliance and expiry dates)
- processing ACCRS for VMPs
- recording and storage of ACCRS information for VMPs
- managing the re-screening process for medical practitioners.

5.7 Approved Provider - WACHS

The Chief Executive Officer is responsible for ensuring that WACHS:

- complies as an approved Provider under the Act to ensure relevant employees, volunteers and contractors working within certain Commonwealth funded aged care services have an ACCRS, and
- **persons with the specified criminal convictions do not provide aged care services.**

5.8 Health Corporate Network (HCN)

The Health Corporate Network is responsible for:

- processing ACCRS check for relevant paid employees
- ensuring that fees for undertaking the ACCRS are deducted from the new employee's wages
- recording of all ACCRS information in LATTICE
- Sending out monthly compliance report to managers.

6. Evaluation

This policy is to be reviewed within two years. Management of ACCRS is to be carried out in accordance with the *Records Amendment Principles 2006 Schedule 1, 19.5A* and *Privacy Act 1988*.





7. References

[Accountability Principles 1998 Under Subsections 96-1 \(1\) of the Aged Care Act 1997](#)

[Aged Care Act 1997](#)

[Aged Care Act 1997 \(Commonwealth\) Accountability Amendment Principles 2006 \(No1\)](#)

[Department of Health and Ageing; Police Certificate Guidelines for Aged Care Providers December 2006](#)

[Records Amendment Principles 2006 Schedule 1, 19.5A](#)

[Privacy Act 1988](#)

[WA Health Criminal Record Screening Policy](#)

[Department of Health and Ageing; Office of Aged Care Quality and Compliance, Police Certificate Guidelines](#)

[WACHS Aged Care Pathways](#)

[WACHS Volunteer Procedures and Pathways](#)

[Department of Health Policies](#)

