

COMPETENCIES



SCOPE

These guidelines apply to all service providers, staff/ contractors/volunteers delivering services in the community in Australia or Australians visiting overseas with their Australian support worker/s.

DISCLAIMER

This guideline is provided to help guide best practice in the disability, aged care and community support industry. This information does not in any way replace legislative, regulatory, or contractual requirements. Users of this document should seek appropriate expert advice in relation to their circumstances. ACIA does not accept any liability on the use of this guideline.

PURPOSE

These guidelines have been developed to assist service providers manage their legislative obligations concerning National Police Checks (NPCs).

BACKGROUND

Current legislation prescribes a National Police Check (NPC) as a pre-requisite for employment in particular kinds of occupations, including those working with the elderly, children, young people and other vulnerable members of the community. An NPC would commonly be seen as a normal part of the pre-employment screening or probity checking processes.

DESIRED OUTCOME

- To maintain a quality and safe standard of support
- To guide when it is appropriate for a support worker to transport a Client in the support worker's private motor vehicle

DEFINITIONS

Support Worker is an individual who assists or supervises a client to perform tasks of daily living to support and maintain general wellbeing and enable meaningful involvement in social, family and community activities in the person's home and community. The Support Worker is a paid person who has access to education, support and advice from the Service Provider line manager or team leader.

Service Providers are organisation or a person who are funded for the delivery of supports and services to clients

Carer is a person that provides supports to the client at no cost (generally family or friend).

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Applicant means a staff member/contractor/volunteer who is required to undergo a National Police Check.

Staff Member means any person who is employed/hired/ retained/contracted by the service provider to provide services in the community.

Client means the participant, care recipient, consumer or person receiving the services or supports.

Volunteer means person who is not a paid staff member and has offered his or her services to a service provider. This person provides assistance on the invitation by the service provider and not on the express or implied invitation of the Client. He or she will have or is likely to have access to Clients and will be 16 years or older or if a full time student 18 years or older.

GUIDELINE

All service provider staff members/contractors/volunteers must undergo a National Police Check (NPC). To maintain currency and meet legislative requirements, a NPC must be repeated every three years.

National Police Check

Under the Accountability Principles 1998 made pursuant to the Aged Care Act 1997, NPC's are required for those who have access to vulnerable clients requiring protection. NPC's ensure that criminal convictions that may be relevant to the position can be identified and assessed in terms of any potential ongoing risk.

Completing the check

NPC's can also be completed through the following channels:

- Your local police station
- Crimtrac - if more than 500 checks are required by your service
- Any other pre-employment screening broker

NPC Results

An assessment of the suitability of the candidate on the basis of the crime committed should be undertaken by a Key Personnel of the service provider. Service providers should develop policies and procedures for assessing suitability to work in relation to convictions and offences.

It is important to be aware that in some states and territories there is legislation that makes it unlawful to discriminate because of an irrelevant criminal record. If a person feels they have been discriminated on the basis of a criminal record, they may make a complaint to The Australian Human Rights and Equal Opportunities Commission. A resource entitled On The Record: Guidelines for the Prevention of Discrimination on the Basis of a Criminal Record may assist with your assessment of the suitability of a candidate with a criminal record.

Privacy

The right to privacy of the applicant undergoing a National Police Check must be maintained at all times by the service provider. The applicant's documentation should be treated as highly confidential. Lodging an applicant's documentation should be completed in a timely and efficient manner.

RESOURCE DOCUMENTS

- Criminal Records Acts
- Accountability Principles 2014
- Australian Human Rights Commission 2012
- On the Record: Guidelines for the Prevention of
- Discrimination on the Basis of a Criminal Record.