

# Service Provider Employee Screening Policy

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<b>Policy application</b>	Service Providers
<b>Policy category</b>	Procurement
<b>Authorisation</b>	General Manager - Service Delivery Partnerships
<b>Policy issue</b>	15 May 2019
<b>Policy implementation date</b>	15 May 2019
<b>Policy review</b>	15 May 2022
<b>Applicable legislation</b>	<ul style="list-style-type: none"> <li>• Aged Care Act 1997 (Cth)</li> <li>• Disability Services Act 2006 (Vic)</li> <li>• Working with Children Act 2005 (Vic)</li> <li>• Child Protection (Working with Children) Act 2012 (NSW)</li> <li>• Children Protection (Working with Children) Regulation 2013 (NSW)</li> <li>• Commission for Children and Young People and Child Guardian Act 2000 (Qld)</li> <li>• Child Wellbeing and Safety Act 2005 (Vic)</li> <li>• Fair Work Act 2009 (Cth)</li> <li>• Fair Work Relations 2009 (Cth)</li> <li>• Work Health and Safety (Transitional and Consequential Provisions) Act 2011 (Cth)</li> <li>• Work Health and Safety Regulations 2011 (Cth)</li> <li>• Work Health and Safety Act 2011 (NSW)</li> <li>• Work Health and Safety Act 2011 (Qld)</li> <li>• Occupational Health and Safety Act 2004 (Vic)</li> <li>• Privacy Act 1988 (Cth)</li> <li>• Health Records Act 2001 (Vic)</li> <li>• Privacy and Data Protection Act 2014 (Vic)</li> <li>• Privacy and Personal Information Protection Act 1998 (NSW)</li> <li>• Health Records and Information Privacy Act 2002 (NSW)</li> <li>• Information Privacy Act 2009 (Qld)</li> <li>• Modern Slavery Act 2018 (NSW)</li> </ul>

## Policy Overview

This policy is designed to ensure that Care Connect complies with all relevant legislation and funding requirements regarding the employment safety screening of workers employed by the Service Provider to support Care Connect clients. This policy seeks to ensure that the safety and security of clients are not compromised. The aim of the policy is to define the obligations of the Service Provider in relation to its compliance with all relevant provisions regarding Police Checks (including international police checks), Working With Children Checks and other employment safety screening requirements.

## Policy Description

The Service Provider is to develop, implement and maintain processes that reflect employment safety screening requirements set by Funders, legislation, and advised by Care Connect. Processes are to include provisions that:

- establish the identity of workers
- satisfy applicable statutory workers exclusion schemes and provide written confirmation to Care Connect that the workers have been subjected to and cleared any requirements
- comply with Anti-Slavery Laws
- obtain National Police Check certificates issued by an authorised agency for all workers and ensure that they are not more than three years old
- obtain Working With Children Check certificates if providing services to clients under the age of 18. These must be issued to workers by an authorised agency and ensure that they are current to within that state's requirements in which the service is provided
- include a process for the worker to advise of an incident or situation which changes the status of the most recent employment safety screening requirement

Direct care workers who have been citizens or permanent residents of a country other than Australia at any time after turning 16 must provide a statutory declaration before starting work, stating that they have never:

- a) been convicted of murder or sexual assault; or
- b) been convicted of, and sentenced to imprisonment for, any other form of assault.

This statutory declaration is in addition to a current National Police Check, as it only checks those convictions recorded in Australian jurisdictions.

Providers of services in Victoria must also comply with the following if they provide services to Home and Community Care Program for Young People (HACC-PYP) or Disability clients:

1. If a direct care worker has resided continuously in an overseas country for 12 months or more in the last 10 years, they should contact the relevant overseas police force to obtain a criminal or police record check. This is not applicable if they were travelling through, for example, backpacking and only staying in some countries for very short periods. If obtaining a criminal or police record check is not possible, then the information in #2 (below) will be required. If they were a minor when they were overseas, they do not require an international police check.
2. Where international police records checks cannot be made, character reference checks must be conducted with at least two individuals who personally knew the direct care worker while they were residing in the other country. The referee must be informed that the character references will be asked whether they have knowledge or information concerning the worker, which would adversely affect the worker from performing the job, including any relevant criminal offences. The credentials of persons acting as referees must be verified and can include previous employers, government officials and family members. In addition, the worker within the abovementioned criteria will be required 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.
3. Comply with the Victorian Government Disability Worker Exclusion Scheme (disability clients only).
4. The Service Provider's Code Of Conduct must meet the requirements of *Victoria's Code of conduct for disability workers* (disability clients only).

The Service Provider is to ensure that conditions of employment for all new and current workers include provision for their consent to obtaining relevant employment safety screening requirements and for their agreement that this information may be shared with Care Connect for the purposes of compliance verification, client incident or complaint investigation.

The Service Provider is to have robust systems and processes in place to ensure that only workers who pass employment safety screening requirements relevant to the client are allocated work to that client. Where a worker's certification lapses or changes status as a result of an incident, the Service Provider is to notify Care Connect of steps taken to replace the worker with a suitably screened and qualified alternative worker.

If a National Police Check (including international police check) or Working With Children Check is not to the satisfaction of Care Connect, in its absolute discretion, the Service Provider will be asked to redeploy the relevant worker away from delivering services to Care Connect clients.

When engaging a short-term worker (e.g. agency or locum staff), the Service Provider must ensure that the appropriate employment safety screening requirements have been completed and that evidence of compliance is satisfactory prior to commencement of the short-term worker.

The Service Provider is to allow access by Care Connect to relevant processes and material to demonstrate that the completed employment safety screening requirements and relevant Service Provider processes satisfy Care Connect's duty of care and the standards set by Funders (as advised by Care Connect). This will be required as part of an investigation into a client complaint, client incident or on request.

***Qualification: Where the Service Provider has its own policy governing these requirements, that policy is to apply to its organisation provided it addresses all aspects of this Care Connect policy. Where the Service Provider's policy does not address all or any aspect of this Care Connect policy, the Service Provider is to ensure that its personnel, agents and contractors are aware of and comply with these requirements.***

## Associated Documents

Document ID	Document Name
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## Reference Documents

Document Name
<i>Victoria's Code of conduct for disability service workers</i>
Disability Worker Exclusion Scheme Instruction - State of Victoria, Department of Health and Human Services - October 2017

## Definitions

**Agreement** - Agreement and Terms and Conditions (previously Short Form Deed, Service Provider Agreement or Home Care Services Agreement) executed between Care Connect and a preferred Service Provider

**Anti-Slavery Laws** - means any anti-slavery or anti-human exploitation laws, e.g. *Modern Slavery Act 2018 (NSW)*

**Client Incident** - an event or circumstance that occurred during service delivery and resulted in harm to a client



**Duty of care** - a legal obligation to ensure, as far as is reasonably practicable, the safety and well-being of others where there is a foreseeable risk of harm

**Funder organisations / Funders** - include Australian (Commonwealth and State) Governments, State authorities, health services and other funded entities that provide funds to Care Connect for the delivery of client support services

**Preferred Service Provider** - a provider approved for use in service delivery to clients who has met all compliance and Care Connect requirements and has an Agreement with Care Connect signed by a duly authorised Care Connect representative