

Updates to the National Police Check Application Process

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Aged Care

Since 2007, Commonwealth-funded Approved Providers have been required to undertake criminal background checks for all staff and volunteers to ensure that aged care is only undertaken by appropriate individuals.

Checks must be undertaken for individuals who are:

- staff members over the age of 16 and likely to have either supervised or unsupervised access to care recipients; or
- volunteers with unsupervised access to care recipients who are over the age of 16 (except where they are a full-time student, then over the age of 18).

The *Accountability Principles 2014* defines a “staff member” of an approved provider, as a person who:

- is at least 16 years old;
- is employed, hired, retained or contracted by the approved provider (whether directly or through an employment or recruitment agency) to provide care or other services under the control of the approved provider; and
- has, or is reasonably likely to have, access to care recipients.

Examples of persons who are staff members of an approved provider include:

- key personnel of the approved provider;
- employees and contractors of the approved provider who provide care to care recipients;
- allied health professionals contracted by the approved provider to provide care to care recipients;
- kitchen, laundry, garden and office personnel employed by the approved provider; and
- consultants, trainers and advisors for accreditation support or systems improvement who are under the control of the approved provider.

Examples of persons who are **not** staff members of an approved provider include:

- visiting medical practitioners, pharmacists and other allied health professionals who have been requested by, or on behalf of, a care recipient but are not contracted by the approved provider; and

- tradespeople who perform work otherwise than under the control of the approved provider (that is, as independent contractors).

Ideally the police check should be undertaken before commencing work, although there are allowances for exceptional circumstances.

The police checks only cover convictions in Australia. Staff and volunteers who have been a citizen or permanent resident of a country outside of Australia are required to sign a statutory declaration stating that they have not been convicted of a precluded offence.

The Act prohibits people being employed or volunteering in aged care if they have:

- a conviction for murder or sexual assault; or
- a conviction of (and sentence to imprisonment for) any other of assault.

Any other convictions should be assessed on a case by case basis.

Part 6 of the *Accountability Principles 2014* sets out the current requirements of police checks, which must be undertaken by an agency accredited by the Australian Criminal Intelligence Commission (**ACIC**) on a National basis.

The Approved Provider must ensure that the certificate is not more than 3 years old.

From 1 July this year, the process by which ACIC conducts checks has been significantly updated, and all accredited agencies will be required to enter in to new agreements with the ACIC which incorporate these new requirements. The timing of the rollout appears to vary.

Access to the National Police Checking Service is administered under the *Australian Crime Commission Act 2002 (Cth)* (**ACC Act**), and the ACIC is responsible for both allowing access to National Police Check information, as well as accrediting the providers of check.

From 1 July 2018 order for a Police Check to be undertaken, an ACIC agency will now have to sight four “identity documents”, which is replacing the current 100 points system for the confirmation of identity of police check applicants. The new categorisation of acceptable identity document will be consistent with:

- one “commencement of identity” document which must not be expired (such as a full Australian Birth Certificate, a current Australian Passport (not expired) or Australian Visa current at the time of entry to Australia as a resident or tourist, an ImmiCard issued by the Department of Home Affairs or other certificate of identity issued by the Department of Foreign Affairs and Trade (**DFAT**) (for refugees and non-Australian citizens for entry into Australia) or document of identity issued by DFAT (for Australian citizens or nationals of Commonwealth countries) or certificate of evidence of resident status;





- one “primary use in the community” document (such as a current Australian Drivers licence, Australian marriage certificate, current passport issued by a foreign government containing a valid entry stamp or visa for Australia), current proof of age or photo identity card issued by an Australian Government agency in the name of the applicant with a signature and photo, current shooters or firearms licence or for persons under the age of 18 with no other Primary Use in Community Documents a current student identification card with signature or photo; and
- two “secondary use in the community” documents (including but not limited to a certificate of identity issued by DFAT or document of identity issued by DFAT, convention travel documents (United Nations) issued by DFAT, other documents issued by foreign governments (for example drivers licence), Medicare Card, enrolment with the Australian Electoral Commission, security guard or crowd control licence, Centrelink or Veterans’ Affairs card, photo identity card issued by the Commonwealth or State Governments, bank card or credit card).

For some approved providers, identity documents are also now able to be sighted in additional ways: locally (face to face in person) and remotely (certified and uploaded or emailed).

The staff members ‘application pack’ (including application form, consent and identifying documents) will need to be destroyed after a minimum of 12 months and before a maximum of 15 months.

Health Care providers will need to ensure that agencies providing police checks for staff are appropriately accredited with ACIC, and that internal record keeping procedures are updated in line with the new information disposal guidelines.

For a full list of police check protocols, refer to the ACIC website: <https://www.acic.gov.au/our-services/national-police-checks>.

Working with Children Checks

For hospital operators, working with children checks are different.

A single screening unit has been set-up in each state and territory to conduct working with children checks and issue the resulting cards, registrations or permits. The following state and territory screening units are the only organisations allowed, under legislation, to conduct working with children checks:³¹

- Australian Capital Territory - Access Canberra - Working with Vulnerable People
- New South Wales - Office of the Children’s Guardian
- Northern Territory - Northern Territory Government
- Queensland - Queensland Government Department of Justice and Attorney-General - Blue Card Services
- South Australia - Department for Communities and Social Inclusion
- Tasmania - Department of Justice
- Victoria - Justice and Regulation
- Western Australia - Department of Communities

At this time, the identity requirements for obtaining Working With Children Checks for employees and volunteers remain unchanged.

³¹ <https://www.acic.gov.au/our-services/national-police-checking-service/find-out-more-information/working-children-checks#accordion-2>