

CQ HOME ASSIST SECURE POLICE CERTIFICATE POLICY (MANAGEMENT DIRECTIVE)

1 Scope:

This policy applies to Rockhampton Regional Council employees (including executive decision makers), contractors and volunteers who provide a service to the CQ Home Assist Secure Program.

2 Purpose:

To ensure relevant persons are suitable to provide services to clients of the CQ Home Assist Secure Program.

3 Related Documents:

Primary

Nil

Secondary

Code of Conduct

Commonwealth Home Support Programme – Police Certificate Guidelines

Commonwealth of Australia Statutory Declaration

CQ Home Assist Secure National Police Certificate Register

CQ Home Assist Secure Police Certificate Procedure

Discipline Procedure

Enterprise Risk Management Process Procedure

Pre-Employment Screening Policy and Procedure

Queensland Community Care Services Manual

Volunteer Procedure

4 Definitions:

To assist in interpretation, the following definitions apply:

CEO	<i>Chief Executive Officer</i> A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Client	Person applying for or accessing services through CQ Home Assist Secure.
Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Council	Rockhampton Regional Council
Employee	Local government employee:

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	(a) the chief executive officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Executive Decision Maker	<ul style="list-style-type: none"> ▪ A member of the group of persons who is responsible for the executive decisions of the entity at that time; ▪ Any other person who has responsibility for (or significant influence over) planning, directing or controlling the activities at the entity at that time; or ▪ Any person who is responsible for the day to day operations of the service.
National Police Certificate (NPC)	<p>A national criminal history check report prepared by the Australian Federal Police or by the police force or service of a State or Territory that discloses evidence of whether a person has:</p> <ul style="list-style-type: none"> (a) Any criminal convictions; (b) Been convicted of an offence; or (c) Been charged with, and found guilty of, an offence but discharged without conviction, is the subject of any criminal charge still pending before a Court.
Spent Conviction	A conviction is considered spent where there has been a specified crime-free period.
Volunteer	Any person, who of their own free will, offers to undertake unpaid work for Council and is accepted as a volunteer by the Chief Executive Officer and/or his authorised delegates.

5 Policy Statement:

CQ Home Assist Secure, a grant recipient under the Commonwealth Home Support Programme and Queensland Community Care Services, has a responsibility to ensure the following persons obtain a national police certificate every three years:

- Employees and contractors who are reasonably likely to interact with clients;
- Volunteers who have unsupervised interaction with clients; and
- Executive decision makers.

5.1 Employees

The NPC requirement is outlined in appointment letters and position descriptions and must be obtained every three years for continued appointment to the position. Failure to obtain the NPC may result in termination for both new employees and existing employees.

Preferred applicants will be required to obtain the NPC during the recruitment process in accordance with the Pre-Employment Screening Procedure.

5.2 Volunteers

In accordance with the Volunteer Procedure new volunteers will be required to obtain the NPC during the recruitment process if unsupervised interaction with clients may take place. Unsupervised interaction with clients will not occur until the NPC has been received and assessed.

5.3 Contractors

Tender documents outline the NPC requirements and proof must be provided before the successful tenderer is listed on the preferred supplier register.

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5.4 Exceptions for New Employees, Executive Decision Makers, Volunteers and Contractors

Whilst Council aims to ensure relevant persons obtain the NPC before commencing work, the following exceptional circumstances may allow a person to commence before obtaining the NPC:

- The service to be provided by the person is essential;
- An application was made before commencement;
- The person is under direct supervision while interacting with clients; and/or
- A statutory declaration has been made.

5.5 Applications and Costs

Council (CQ Home Assist Secure) covers the cost of NPCs for employees and volunteers and applies for the NPC once consent is received.

Council does not apply or covers the cost of NPCs for contractors.

5.6 Statutory Declarations

A Commonwealth of Australia Statutory Declaration is required in addition to the NPC for those employees, contractors, volunteers and executive decision makers who have:

- Applied for but not yet received the NPC; and
- Been citizens or permanent residents of a country other than Australia after the age of 16.

The declaration must state their circumstances, either that they have never in Australia or another country, been convicted of an offence or, if they have been convicted of an offence, give the details. Persons are entitled to sign a statutory declaration stating they have not been convicted if the conviction is a spent conviction.

5.7 Expiry of NPCs

NPCs will be valid for a period of three years. A new NPC is required prior to this period expiring.

5.7.1 Notification of Offences

In accordance with the Code of Conduct employees, volunteers and contractors must notify their manager if they are charged with having committed any indictable offence, are subject to an indictable offence conviction, or are subject to a summary conviction

5.8 NPC Assessments

When the NPC is received indicating no criminal history, the recruitment and selection process will proceed or the employee, volunteer or contractor will continue in the current role.

If the NPC has recorded offences, the General Manager Community Services will use discretion to determine if the offences are relevant to the role based on the risk of harm to clients. Risk assessments will be in accordance with the Enterprise Risk Management Process Procedure and the considerations outlined in the Commonwealth Home Support Programme – Police Certificate Guidelines. Decisions will be rigorous, defensible, non-discriminatory and transparent.

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The General Manager Community Services will make a recommendation to the CEO for final consideration and approval.

5.9 Executive Decision Makers

The following offences preclude an executive decision maker from performing the functions and duties of an executive decision maker:

- A conviction for murder or sexual assault;
- A conviction and sentence to imprisonment for any other form of assault; or
- A conviction for an indictable offence within the past 10 years.

5.10 Terminating Employment

Terminating employment based on criminal record is completed in accordance with the Discipline Procedure.

5.11 Recordkeeping Responsibilities

In order to maintain the strictest confidence in the keeping of NPCs and related documentation, Council will ensure:

- Records relating to NPCs are maintained in a secure environment; and
- Under no circumstances should applicants NPC records or information be disclosed to persons not directly involved in determining their suitability for employment. Disciplinary action may be taken against an employee allowing unauthorised access or disclosure of details of NPC records.

6 Review Timelines:

This policy will be reviewed when any of the following occur:

- 6.1. The related information is amended or replaced; or
- 6.2. Other circumstances as determined from time to time by the CEO.

7 Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Communities and Facilities
Policy Quality Control	Corporate Improvement and Strategy

EVAN PARDON
CHIEF EXECUTIVE OFFICER

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