

EMPLOYEE COMPLIANCE CHECKS

Objective

- To specify circumstances under which Council will require compliance checks to be conducted with the relevant department/authority for new and existing employees.
- To provide greater security and protection for those people receiving aged care, disability and other services from Gilgandra Shire Council.

Scope

All full, part time and casual employees of the following divisions/functions of Gilgandra Shire Council:

- Gilgandra Shire Council – General Manager, 2nd tier Managers/ Directors and their substitutes
- Cooee Lodge Aged Hostel and Jack Towney Hostel
- Orana Living
- Carlginda
- Gilgandra Youth Services
- Gilgandra Community Care
- Library
- Pool
- Gilgandra Fitness Centre

All volunteers working within the following divisions of Gilgandra Shire Council:

- Cooee Lodge Aged Hostel and Jack Towney Hostel
- Orana Living
- Carlginda
- Gilgandra Youth Services
- Gilgandra Community Care
- Library
- Pool

All Contractors working within the following divisions of Gilgandra Shire Council:

- Cooee Lodge Aged Hostel and Jack Towney Hostel
- Orana Living
- Carlginda
- Gilgandra Youth Services
- Gilgandra Community Care
- Library
- Pool

Any other roles, positions or functions as determined by Council or the General Manager from time to time.

Policy

1. Gilgandra Shire Council will have the highest regard for the protection and safety of the residents, clients and members of the public in its care.
2. A request for **Criminal Record Check** will be submitted by People and Culture to the relevant authority.
3. For those working in the Gilgandra Youth Services, Community Care, Library, Pool and Gilgandra Fitness Centre sections of Community Services a **Working With Children Check** will also be submitted by People and Culture to the relevant authority.
4. Under the NDIS Quality & Standards Commission an NDIS Worker Screening Check is required for individuals working with or supporting people with disabilities under the National Disability Insurance Scheme (NDIS).
5. People and Culture will review the Aged Care Banning Order Register with the Aged Care Quality & Safety Commission to identify individuals restricted or prohibited from providing or being involved in aged care services and ensure they are not employees.
6. Under the Department of Health and Aged Care *Aged Care Worker Screening Guidelines* police certificates, not more than three years old, must be held by:
 - All staff members of Community Care, Cooee Lodge and Jack Towney Hostel who are reasonably likely to have access to care recipients, whether supervised or unsupervised; and
 - Volunteers who have unsupervised access to care recipients.
7. Gilgandra Shire Council will ensure that a staff member or volunteer is not employed or allowed to continue to provide services if he or she has been convicted of murder or sexual assault or sentenced to imprisonment for any other form of assault. Any person convicted for these serious offences is deemed to be unsuitable and must not be employed, contracted, hired, retained, accepted as a volunteer, or allowed to provide any other care or ancillary duties.
8. Gilgandra Shire Council will also consider other convictions that do not fall into the categories mentioned above to determine suitability to perform duties in the respective facility. This consideration will take into account the factors including the seriousness and relevance of the conviction, the level of access the person has to the residents and the length of time since the conviction.
9. Employees, volunteers and any contractors who are likely to be in a one on one situation with care recipients will not commence working in any of these divisions/functions of Council prior to the return of these checks. However, Section 49 of the Accountability Principles enables a person to start work prior to obtaining a police certificate, pending an assessment of any criminal conviction identified if:
 - a) *the care or other service to be provided by the person is essential; and*
 - b) *an application for a check has been made before the date on which the person first becomes a staff member or volunteer; and*
 - c) *the person will be subject to appropriate supervision until the outcome of the check is obtained during periods when the person has access to care recipients; and*

- d) *the person makes a statutory declaration stating that the person has never been:*
 - i) *convicted of murder or sexual assault; or*
 - ii) *convicted of, and sentenced to imprisonment, for any other form of assault.*
- 10. For existing employees working within the departments listed in the Scope of this policy, repeat checks may be conducted on a regular basis throughout employment as per relevant legislation and/or the relevant Government Department's guidelines.
- 8. Existing employees under this policy who are convicted of an offence must immediately advise Council. Depending on the nature of the offence, Council may subsequently terminate employment.

Relevant Legislation

Aged Care Act 1997
 Disability Inclusions Act 2014
 Children and Young Persons (Care and Protection) Act 1998
 National Disability Insurance Scheme Act 2013

Associated Documents

Department of Health and Aged Care – Aged Care Working Screening Guidelines

Responsible Officer:	Executive Leader Transformational Change		
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