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Department of Health, Disability and Ageing

Aged Care Worker Screening Guidelines

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1 INTRODUCTION

These Guidelines have been developed to assist approved providers with the management of worker screening requirements under the *Accountability Principles 2014* (the Accountability Principles) made pursuant to the *Aged Care Act 1997* (the Act). This includes advice in relation to both police check and National Disability Insurance Scheme (NDIS) Worker Screening clearance requirements.

Police check requirements were implemented in 2007 and strengthened in 2009 as part of the Australian Government's ongoing commitment to protect the health, safety and wellbeing of vulnerable aged care recipients. On 16 June 2021, amendments were made to aged care legislation to recognise NDIS Worker Screening clearances. This allows aged care workers in risk assessed roles supporting NDIS participants to hold a single clearance recognised under both the NDIS and aged care legislation.

These requirements are intended to complement robust recruitment practices and are part of an approved provider's responsibility to ensure all [staff](#) and [volunteers](#)¹ are suitable to provide care to the aged.

Approved providers are also responsible for having appropriate systems and processes in place in relation to visitors, health professionals and contractors. An approved provider may implement additional requirements that relate to people accessing their premises.

¹ For more information please see 5.3 Definition of a staff member; and 5.7 Definition of a volunteer

2 LEGISLATIVE REQUIREMENTS

The Act provides a legislative framework for Commonwealth subsidised aged care services. The Aged Care Principles provide specific details about what is required or permitted under the Act.

Approved providers have a responsibility under the Act to familiarise themselves with these provisions, along with any state or territory specific legislation. All Commonwealth legislation is available on the [Commonwealth Law](#) website.

Part 6 of the *Accountability Principles* 2014 sets out the requirements for workers in relation to police checks and NDIS Worker Screening clearances.

- Sections 9 and 10 of the Records Principles 2014 describe the types of records that need to be kept by approved providers to meet the legislative requirements, and the duty to keep records in accordance with the Privacy Act 1988.
- The Aged Care Quality Standards apply to all aged care services including residential care, home care, flexible care and services under the Commonwealth Home Support Programme. The Aged Care Quality Standards, specifically Standard 8 (3) (c) (v), set out the requirements for approved providers to have systems in place to identify and ensure compliance with all relevant legislation. This includes state and territory specific legislation.
- Part 4 of the Grant Principles 2014 sets out the requirements for Community Visitors Scheme (CVS) auspices.

3 POLICE CERTIFICATES

3.1 Police certificates and police checks

A police certificate is a report of a person's criminal history; a police check is the process of checking a person's criminal history. The two terms are often used interchangeably in aged care.

3.2 Police certificate requirements

A police certificate that satisfies requirements under the Act is a nationwide assessment of a person's criminal history prepared by the Australian Federal Police or a state or territory police service called a National Police Certificate (NPC). A National Police History Check (NPHC) is a check prepared by an Australian Criminal Intelligence Commission (ACIC) accredited organisation.

For more information about assessing police certificates, including the different types, please see section 6 [Assessing a Police Certificate](#).

3.3 Australian Criminal Intelligence Commission checks

National Police History Checks prepared by ACIC accredited organisations are considered by the Department as being prepared on behalf of the police services and meet the requirements under the Act.

More information about ACIC is available at: www.acic.gov.au.

3.4 Statutory declarations and police certificates

Statutory declarations can only be accepted in two instances for police certificates:

- for essential new [staff](#) and [volunteers](#)² who have applied for, but not yet received, a police certificate; and
- for any staff or volunteers who have been a citizen or permanent resident of a country other than Australia after turning 16, in addition to their police certificate.

New staff members or volunteers can commence work prior to receiving their police certificate only if the conditions set out in [5.8 New Staff and New Volunteers](#) are met. This discretion is not available under legislation for existing staff and volunteers where a police check expires, and must adhere to the guidance in [7.6 Police certificate and NDIS Worker Screening clearance expiry](#).

All staff or volunteers who are required to provide a statutory declaration, must state 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.

Statutory declarations relating to police certificate requirements must be made on the form prescribed under the *Commonwealth Statutory Declarations Act 1959* (the Declarations Act), as the police certificate requirements are in connection with a law of the Commonwealth. Anyone who makes a false statement in a statutory declaration is guilty of an offence under the Declarations Act.

A statutory declaration template and more information about statutory declarations are available at this [website](#).

² For more information please see 5.3 Definition of a staff member; and 5.7 Definition of a volunteer

4 NDIS WORKER SCREENING CLEARANCES

4.1 NDIS Worker Screening Checks and NDIS Worker Screening clearances

An NDIS Worker Screening Check provides a nationwide approach to worker screening. It determines whether a person who works, or seeks to work, with people with disability poses a risk to them. An NDIS Worker Screening Check is undertaken by the NDIS Worker Screening Unit (WSU) in the state or territory in which the person lives. The WSU determines whether a person is cleared or excluded from working in certain roles with people with disability. A person who is cleared is issued with an NDIS Worker Screening clearance.

4.2 NDIS Worker Screening clearance requirements

Under the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018* (Worker Screening Rules), aged care workers (staff and volunteers) engaged in a [risk assessed role](#) by an aged care provider that is also a registered NDIS provider must have a valid NDIS Worker Screening clearance.

Since 16 June 2021, approved providers can satisfy aged care worker screening requirements under the Act with evidence of a valid NDIS Worker Screening clearance. A valid NDIS Worker Screening clearance means that the clearance has been issued by a WSU and has not expired.

An approved provider is not required to assess an NDIS Worker Screening clearance. However, they must be satisfied it is legitimate. For information about verifying an NDIS Worker Screening clearance, please see section 4.5 [Verifying an NDIS Worker Screening clearance](#).

4.3 Information for approved providers that are registered NDIS providers

Aged care providers supporting NDIS participants must meet the requirements of the Aged Care Act, the [National Disability Insurance Scheme Act 2013](#) (NDIS Act) and the Worker Screening Rules where they are also a registered NDIS provider.

The Worker Screening Rules require aged care providers that are registered NDIS providers to ensure that their aged care workers (staff and volunteers) engaged in a [risk assessed role](#) have a valid NDIS Worker Screening clearance. A police certificate meets this requirement if it was issued before 1 February 2021 and is still current. This was part of the [1 December 2020 transitional arrangements](#) and only applies to providers automatically deemed on this date.

Approved providers are responsible for identifying which roles are risk assessed roles and ensuring all workers in these roles have the appropriate clearance.

The Worker Screening Rules define a risk assessed role as one that:

- is a key personnel role as defined in s 11A of the NDIS Act (for example, a CEO or a Board Member)
- involves the direct delivery of [specified supports or services](#) to a person with disability
- is likely to require 'more than incidental contact' with people with disability, which includes:
 - physically touching a person with disability; or
 - building a rapport with a person with disability as an integral and ordinary part of the performance of normal duties; or

- having contact with multiple people with disability as part of the direct delivery of a specialist disability support or service, or in a specialist disability accommodation setting.

Approved providers that have reviewed the Worker Screening Rules and are unsure whether a worker is in a risk assessed role and should get an NDIS Worker Screening clearance, should contact the NDIS Quality and Safeguards Commission for assistance.

4.4 Information for approved providers that are not registered NDIS providers

Approved providers that are not registered NDIS providers can accept evidence of a valid NDIS Worker Screening clearance.

A police certificate is required for new staff and volunteers who work in an aged care service that is not an NDIS provider. However, if a new staff member or volunteer has evidence of a valid NDIS Worker Screening clearance (that is, if they moved from a risk assessed role supporting NDIS participants, or work in a different role at the same time supporting NDIS participants), you may accept this clearance.

If you are not delivering NDIS supports and services to NDIS participants, you cannot sponsor a staff member or volunteer to seek a new NDIS Worker Screening clearance.

4.5 Verifying an NDIS Worker Screening clearance

As an approved provider, your responsibility under aged care legislation is the same for an NDIS Worker Screening clearance and a police certificate. This includes being satisfied that the worker holds a legitimate clearance and maintaining a record of the clearance.

Approved providers that are NDIS providers can access the NDIS Quality and Safeguards Commission Portal to view the clearance status of workers they engage in risk assessed roles by accessing the NDIS Worker Screening Database. The NDIS Worker Screening Database holds a register of workers who have applied for an NDIS Worker Screening Check and its outcome.

Approved providers that are NDIS providers must not access the NDIS Worker Screening Database for purposes other than to verify the clearance status of workers in risk assessed roles (that is, the database cannot be used to verify the clearance status of aged care workers who are not in risk assessed roles).

Approved providers that are not NDIS providers must view evidence of a valid NDIS Worker Screening clearance. The information provided on the clearance and the format may vary between the different state and territory WSUs.

Evidence of the clearance may be an email, letter or physical card, and should outline:

- the person's full name;
- an NDIS Worker Screening ID; and
- the issue date of the NDIS Worker Screening clearance and/or expiry date³.

If you would like to further verify the staff member or volunteer's NDIS Worker Screening clearance, you must obtain consent from the staff member or volunteer to contact their most recent employer that is a registered NDIS provider.

³ If the clearance is issued by the NSW Worker Screening Unit, the expiry date is only available on the worker's MyService NSW account. The worker must provide evidence of the expiry date.

With their consent, you can contact the employer to confirm the staff member or volunteer's NDIS Worker Screening status at the time they were employed.

4.6 Statutory declarations and NDIS Worker Screening clearances

Statutory declarations are also applicable to NDIS Worker Screening clearances when used in aged care, and can only be accepted in two instances:

- for essential new [staff](#) and [volunteers](#)⁴ who have applied for, but not yet received, an NDIS Worker Screening clearance⁵; and
- for any staff or volunteers who have been a citizen or permanent resident of a country other than Australia after turning 16, in addition to their NDIS Worker Screening clearance.

New staff members or volunteers can commence work prior to receiving their NDIS Worker Screening clearance only if the conditions set out in [5.8 New Staff and New Volunteers](#) are met. This discretion is not available under legislation for existing staff and volunteers where an NDIS Worker Screening Clearance has not been renewed, is suspended or revoked, and must adhere to the guidance in [7.6 Police certificate and NDIS Worker Screening clearance expiry](#). It is also an offence in some states and territories to commence in a risk assessed role without an NDIS Worker Screening clearance.

All staff or volunteers who are required to provide a statutory declaration, must state

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.

Statutory declarations relating to NDIS Worker Screening clearance requirements must be made on the form prescribed under the *Commonwealth Statutory Declarations Act 1959* (the Declarations Act), as the NDIS Worker Screening clearance requirements are in connection with a law of the Commonwealth. Anyone who makes a false statement in a statutory declaration is guilty of an offence under the Declarations Act.

A statutory declaration template and more information about statutory declarations are available at this [website](#).

⁴ For more information please see 5.3 Definition of a staff member; and 5.7 Definition of a volunteer

⁵ Under NDIS Worker Screening Rules, some states and territories do not allow a worker to [commence working with NDIS participants](#) until a clearance is received. In some states and territories it is an offence to work in a risk assessed role at a time in which a worker does not hold an NDIS Worker Screening clearance.

- Queensland, South Australia and Victoria do not allow workers to commence work in a risk assessed role until the clearance is received.
- If a worker in the process of obtaining an NDIS Worker Screening clearance is deemed essential, they can only provide care and services to aged care recipients and not NDIS participants in these states until they receive an NDIS Worker Screening clearance.

5 STAFF, VOLUNTEERS AND CONTRACTORS

5.1 Staff and volunteers

Police certificates, not more than three (3) years old must be held by:

- all staff members who are reasonably likely to have access to care recipients, whether supervised or unsupervised; or
- volunteers who have unsupervised access to care recipients.

NDIS Worker Screening clearances, not more than five (5) years old, must be held by:

- all workers (staff and volunteers) of registered NDIS providers in a risk assessed role, as defined under the Worker Screening Rules, providing care and services to NDIS participants.

5.2 Approved provider key personnel

Key personnel of approved providers are also required to undergo police checks. If the approved provider is a registered NDIS provider, key personnel will be required to undertake an NDIS Worker Screening Check. Obtaining these checks for key personnel is a separate process and has different assessment criteria than for aged care staff and volunteers. For more information about police check requirements for key personnel, please visit the [Aged Care Quality and Safety Commission](#) website. For more information about NDIS Worker Screening Check requirements that may apply to key personnel, please visit the [NDIS Quality and Safeguards Commission](#) website.

5.3 Definition of a staff member

A staff member is defined in section 4 of the Accountability Principles as a person who:

- a) is at least 16 years old; and
- b) 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
- c) has, or is reasonably likely to have, access to care recipients.

Examples of staff members include:

- key personnel of the approved provider;
- employees and contractors of the approved provider who provide care to recipients (this includes all staff employed, hired, retained or contracted to provide services under the control of the approved provider whether in the residential aged care setting, a community setting or in the care recipient's own home);
- allied health professionals contracted by the approved provider to provide care to recipients;
- kitchen, cleaning, laundry, garden and office personnel employed by the approved provider either directly or through a contract agency; and
- consultants, trainers and advisors for accreditation support or systems improvement who are under the control of the approved provider.

5.4 Definition of non-staff members

Under section 4 of the Accountability Principles, individuals who are not considered staff members 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
- trades people who perform work otherwise than under the control of the approved provider (that is, independent contractors). For example, plumbers, electricians or delivery people who are utilised on an 'ad-hoc' basis.

5.5 Contractors

Where an approved provider has a contract with an agency that provides staff, the individuals may be considered staff members under the Act, including where suppliers subcontract work to others. The contract between the agency and the approved provider should state that any staff, provided they are considered staff members under the Act, must have a current police certificate that does not preclude them from working in aged care.

Providers must meet their responsibilities under the Act. This includes the requirement that providers that subcontract services to other organisations must be **satisfied** that the individuals providing the services are suitable and meet police certificate requirements.

For more information about assessing police certificate requirements for contractors, please see section 6 [Assessing a police certificate](#).

5.6 Independent contractors

Police check requirements are not intended to extend to people engaged on an ad-hoc basis. Trades people engaged to provide a service at a date and time determined by the person providing the service generally do not require police checks. The policy intention is to allow for reasonable judgements to be made.

Approved providers have an overarching responsibility to protect the health, safety and wellbeing of care recipients, and independent contractors should be subject to appropriate supervision.

Approved providers can use the following indicators as a guide to establish whether a person is an independent contractor:

- the service provider has an ABN;
- the service provider advertises his or her services;
- the service provider has clients other than the approved provider;
- the approved provider does not determine the working hours and wages of the service provider;
- the approved provider does not make superannuation payments on behalf of the service provider;
- the approved provider does not pay the service provider holiday pay or sick leave.

The difference between a contractor and an independent contractor is generally decided on the basis of the degree of control that is exercised over the person's work. A precise determination of whether a contractor is under the control of an approved provider can be difficult, and whether someone is a staff member or an independent contractor is a matter that might ultimately be determined by the courts.

An employee or contractor decision tool is available at this [website](#) to assist employers to determine whether an individual is a staff member or an independent contractor.

5.7 Definition of a volunteer

Under section 4 of the Accountability Principles, a volunteer is defined as a person who:

- a) is not a staff member; and
- b) offers his or her services to the approved provider; and
- c) provides care or other services on the invitation of the approved provider and not solely on the express or implied invitation of a care recipient; and
- d) has, or is reasonably likely to have, unsupervised access to care recipients; and
- e) is at least 16 years old or, if the person is a full-time student, is at least 18 years old.

Examples of persons who are not volunteers under this meaning include:

- full-time students under the age of 18;
- persons who are directly or indirectly invited into the aged care service by a care recipient (for example, family and friends of the care recipient);
- volunteers who only have supervised access to residents (for example, persons who volunteer in an aged care service to read to care recipients, but are not alone with any one care recipient).

5.8 New staff and new volunteers

While approved providers should aim to ensure all new staff members and volunteers have obtained a police certificate or, where applicable, hold evidence of an NDIS Worker Screening clearance before they start work, the legislation does provide arrangements for commencing work prior to this in exceptional circumstances.

Section 49 of the Accountability Principles enables a person to start work prior to obtaining a police certificate or, where applicable, an NDIS Worker Screening clearance* and pending an assessment of any criminal conviction identified if:

- the care or other service to be provided by the person is essential; and
- an application for a check has been made before the date on which the person first becomes a staff member or volunteer; and
- until the outcome of the check is obtained, the person will be subject to appropriate supervision during periods when the person has access to care recipients; and
- the person makes a statutory declaration stating that they have never been:
 - a) convicted of murder or sexual assault; or
 - b) convicted of, and sentenced to imprisonment for, any other form of assault.

In such cases, the approved provider must have policies and procedures in place to demonstrate:

- that an application for a police check or an NDIS Worker Screening Check has been made;
- the care or other service to be provided is essential;
- the way in which the person would be appropriately supervised;
- how supervision will occur in a range of working conditions, e.g. during night shifts and holiday periods when supervisory staff numbers may be limited.

*Under NDIS Worker Screening Rules, some states and territories do not allow a worker to [commence working with NDIS participants](#) until a clearance is received. In some states and territories it is an offence to work in a risk assessed role at a time in which a worker does not hold an NDIS Worker Screening clearance.

- Queensland, South Australia and Victoria do not allow workers to commence work in a risk assessed role until the clearance is received.
- If a worker in the process of obtaining an NDIS Worker Screening clearance is deemed essential, they can only provide care and services to aged care recipients

and not NDIS participants in these states until they receive an NDIS Worker Screening clearance.

5.9 Staff and volunteers who have resided overseas

Staff members and volunteers who have been citizens or permanent residents of a country other than Australia at any time after turning 16 must make a statutory declaration before starting work in any aged care service, 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 certificate or an NDIS Worker Screening clearance, as these contemplate only those convictions recorded in Australian jurisdictions.

6 ASSESSING A POLICE CERTIFICATE

6.1 Police certificate format

Police certificates may have different formats, including printed certificates or electronic reports. Every police certificate or report must record:

- the person's full name and date of birth;
- the date of issue;
- a reference number or similar.

An approved provider must be satisfied that a certificate is genuine and has been prepared by an Australian Police service, ACIC or an ACIC accredited organisation.

The Department does not provide advice on whether a police certificate meets the requirements under the Act. It is up to the approved provider to be satisfied that a certificate meets the requirements, and enables them to assess a person's criminal history. Any police certificate decision should be documented by the approved provider. For more information on record keeping, and the sighting and storing of police certificates, please see section 7

[ADMINISTRATION](#)

6.2 Purpose of a police certificate

A police certificate that best satisfies requirements under the Act is one obtained for the purposes of aged care. However, a national criminal history record check undertaken for another purpose will generally also satisfy the requirements. It is best practice to specify the purpose of the police check to the police service or ACIC accredited organisation issuing the certificate.

6.3 Police certificate disclosure

A police certificate discloses whether a person:

- has been convicted of an offence;
- has been charged with and found guilty of an offence but discharged without conviction; or
- is the subject of any criminal charge still pending before a Court.

The information on the certificate is drawn from all Australian jurisdictions and is subject to relevant state and territory spent conviction schemes. For more information about spent convictions, please see section 6.7 [Spent convictions](#).

6.4 Assessing precluding offences

The offences that preclude a person from working in aged care are:

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

Any person with a conviction for a precluding offence must not be employed, contracted, hired, retained, or accepted as a volunteer in an aged care service subsidised by the Commonwealth.

The precluding offence definitions are deliberately broad to account for the effect different jurisdictional law has on the accepted terminology for a type of offence. Murder and all forms of sexual assault are considered suitably serious to warrant absolute preclusion from employment; and the reference to being sentenced to imprisonment for any other form of assault is intended to preclude only the more serious forms of physical assault.

6.5 Assessing other offences

Approved providers should ensure they have policies and procedures in place to assess police certificates that record convictions for offences not considered precluding under the Act. An approved provider's decision regarding the employment of a person with any recorded convictions must be rigorous, defensible and transparent.

For more information please see section 6.6 [Refusing or terminating employment on the basis of a criminal record](#).

The following considerations are intended as a guide only to assist approved providers in assessing a person's police certificate for their suitability to be either a [staff member](#) or [volunteer](#)⁶ in an aged care service:

- **Access:** the degree of access to care recipients, their belongings, and their information. Considerations include whether the individual will work alone or as part of a team, the level and quality of direct supervision, the location of the work, i.e. residential, community or home based settings.
- **Relevance:** the type of conviction in relation to the duties a person is, or may be undertaking. An approved provider should only have regard to any criminal record information indicating that the person is unable to perform the inherent requirements of the particular job.
- **Proportionality:** whether excluding a person from employment is proportional to the type of conviction.
- **Timing:** when the conviction occurred.
- **Employment history:** whether an individual has been employed since the conviction and the outcome of referee checks with any such employers.
- **Individual's information:** the findings of any assessment reports following attendance at treatment or intervention programs, or other references; and the individual's attitude to the offending behaviour.
- **Pattern:** whether the conviction represents an isolated incident or a pattern of criminality.
- **Likelihood:** the probability of an incident occurring if the person continues with, or is employed for, particular duties.
- **Consequences:** the impact of a prospective incident if the person continues, or commences, particular duties.

Treatment strategies: procedures that will assist in reducing the likelihood of an incident occurring including, for example, modification of duties.

6.6 Refusing or terminating employment on the basis of a criminal record

Approved providers are legally bound under the Act not to allow a person to become, or continue as, a staff member or volunteer if their police certificate records a precluding offence. If in any doubt, approved providers should seek legal advice regarding the refusal or termination of a person's employment on the basis of their criminal record.

Under the *Fair Work Act 2009* there are provisions relating to unfair dismissal and unlawful termination by employers. More information about the *Fair Work Act 2009* is available on the [Fair Work Commission](#) website. In addition, under the *Australian Human Rights Commission Act 1986*, the Australian Human Rights Commission has the power to inquire into discrimination in employment on the ground of criminal record.

⁶ For more information please see 5.3 Definition of a staff member; and 5.7 Definition of a volunteer

If a person feels they have been discriminated against based on their criminal record in an employment decision of an approved provider, they may make a complaint to the Australian Human Rights Commission. Further information on discrimination on the basis of criminal record is available on the website for the [Australian Human Rights Commission](#).

6.7 Spent convictions

Convictions that are considered “spent” under state, territory and Commonwealth legislation will not be disclosed on a police certificate unless the purpose for the application (for example, working with children) is exempt from the relevant spent conviction scheme.

Spent conviction legislation varies from jurisdiction to jurisdiction. In some circumstances or jurisdictions certain offences cannot be spent.

7 ADMINISTRATION

7.1 Record keeping responsibilities

Approved providers must keep records that can demonstrate that:

- there is a police certificate, which is not more than three (3) years old, for each [staff member](#) or [volunteer](#)⁷; or an NDIS Worker Screening clearance, which is not more than five (5) years old;
- an application has been made for a police certificate where a new staff member or volunteer does not have a police certificate or an NDIS Worker Screening clearance;
- a statutory declaration has been provided by any staff member or volunteer who has not yet obtained a police certificate or an NDIS Worker Screening clearance or was a citizen or permanent resident of a country other than Australia.

How an approved provider demonstrates their compliance with record keeping requirements is a decision for their organisation to make, based on their circumstances. The collection, use, storage and disclosure of personal information about staff members and volunteers must be in accordance with the *Privacy Act 1988* (Commonwealth). State and territory privacy laws can also impact on the handling of personal information such as a police certificate. Further information about privacy is available from the [Office of the Australian Information Commissioner](#).

To assist the Aged Care Quality and Safety Commission in determining compliance with the Aged Care Quality Standards, the Department recommends that approved providers keep a register of their staff and volunteers' police certificate and where applicable, NDIS Worker Screening clearance information. This includes police certificate reference numbers, NDIS Worker Screening IDs and expiry dates. A register template is provided at [Appendix 1](#).

7.2 Sighting and recording police certificates and NDIS Worker Screening clearances

When individuals undertake to obtain their own police certificate, or employment agencies hold police certificates, approved providers should sight an original or a certified copy of the police certificate and the information and reference number should be recorded on file.

If it is impossible to assess a person's police certificate for any reason, the individual may be required to obtain a new police certificate in order for the approved provider to meet their responsibilities under the Act.

Approved providers that are not NDIS providers should sight the NDIS Worker Screening clearance, or evidence of the NDIS Worker Screening clearance, and the information and NDIS Worker Screening ID should be recorded on file. For more information about verifying an NDIS Worker Screening clearance, see section 4.5 [Verifying an NDIS Worker Screening clearance](#).

For approved providers that are also registered NDIS providers, information relating to a person's NDIS Worker Screening clearance will be maintained on the NDIS Worker Screening Database. However, records of the NDIS Worker Screening clearance must still be maintained in accordance with the Worker Screening Rules.

⁷ For more information please see 5.3 Definition of a staff member; and 5.7 Definition of a volunteer

7.3 Ongoing responsibility to ensure convictions are notified and employment is assessed

Police Certificates

Approved providers must take reasonable measures to require each of their staff members and volunteers to notify them if they are convicted of a precluding offence in the three (3) year period between obtaining and renewing their police check. If a staff member or volunteer has been convicted of a precluding offence, they must not be allowed to continue as a staff member or volunteer.

NDIS Worker Screening clearances

Approved providers must take reasonable measures to require that each of their staff members and volunteers who hold an NDIS Worker Screening clearance to notify them, and their state and territory WSU, of any change in assessable information (police information, disciplinary information or any other matter that may be relevant to whether they pose a risk of harm to people with disability). If a staff member or volunteer has been convicted of a precluding offence, they must not be allowed to continue as a staff member or volunteer.

The WSUs will continue to receive information from police and court services, the NDIS Quality and Safeguards Commission, and other sources, including other regulators. This information can trigger a reassessment of a clearance and a suspension can be placed on the clearance while the reassessment takes place. This means the worker is unable to work until a determination in relation to their clearance status is made.

If the worker receives an exclusion following a reassessment within the five (5) year period, their NDIS Worker Screening clearance is revoked and they are unable to continue to work in a risk assessed role. This will be reflected in the NDIS Worker Screening Database.

For non-NDIS providers, if a worker has an NDIS Worker Screening clearance and their clearance is revoked, they must inform the provider.

7.4 Cost of checks for staff and volunteers

Approved providers have a responsibility to ensure all staff members and volunteers undergo police checks and, where applicable, NDIS Worker Screening Checks. However, the payment of the cost of obtaining these checks is a matter for negotiation between the provider and the individual.

Individuals may be able to claim the cost of the police certificate or NDIS Worker Screening clearance as a work-related expense for tax purposes. Further advice on this issue is available from the [Australian Taxation Office](#) through their website.

Volunteers may be eligible to obtain a police certificate or NDIS Worker Screening clearance at a reduced cost whether the check is requested by an individual or by an approved provider on behalf of a volunteer. This should be confirmed with the agency issuing the police certificate or NDIS Worker Screening clearance.

7.5 Obtaining certificates on behalf of staff or volunteers

A person may provide a police certificate to the approved provider or give consent for the approved provider to obtain a police certificate on their behalf. For example, in Queensland only Government agencies with legislative authority can obtain police certificates on behalf of individuals.

Approved providers can obtain consent forms from the relevant police services, ACIC or an ACIC accredited organisation. In some jurisdictions, parental consent may be required to request a police certificate for an individual under the age of 18 years.

7.6 Police certificate and NDIS Worker Screening clearance expiry

Police certificates and, where applicable, NDIS Worker Screening clearances for all staff and volunteers must remain current and need to be renewed every three (3) years for a police certificate and every five (5) years for an NDIS Worker Screening clearance, **before they expire**. If a police certificate or NDIS Worker Screening clearance expires while a staff member is on leave, the new certificate or clearance must be obtained before the staff member can resume working at the service. Approved providers should note that timeframes for application or renewal processes can vary.

7.7 Documenting decisions

Any decision taken by an approved provider should be documented in a way that can demonstrate to an auditor the date the decision was made, the reasons for the decision, and the people involved in the decision, i.e. the approved provider, the individual, a legal representative, board members etc.

7.8 Monitoring compliance with worker screening requirements

The Aged Care Quality and Safety Commission, as part of its normal audit process in relation to the Quality Standards, specifically Standard 8 (3) (c) (v), will monitor compliance with the worker screening requirements in residential aged care and home care services.

Approved providers must have policies and procedures in place to demonstrate suitable management and monitoring of the worker screening requirements for all staff members and volunteers. For example:

- three (3) year police check and five (5) year NDIS Worker Screening Check renewal procedures;
- evidence of procedures for NDIS Worker Screening clearance currency;
- appropriate storage, security and access requirements for information recorded on a police certificate; and
- evidence of an approved provider's decisions in respect of all individuals, or where staff are contracted through another agency, evidence of contractual arrangements with the agency that demonstrates the police certificate requirements.

For more information please see section 7.1 [Record keeping responsibilities](#).

APPENDIX

APPENDIX 1 – POLICE CERTIFICATE/NDIS WORKER SCREENING CLEARANCE REGISTER

Name	Date of Birth	Position	Police certificate reference no./NDIS Worker Screening ID	Date of issue	Date of expiry