

## **CRIMINAL RECORD & WORKING WITH CHILDREN CHECKS**

### *Objective*

- To specify circumstances under which Council will require a Criminal Record and/or Working With Children Check to be conducted 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, 2<sup>nd</sup> 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 Human Resources to the Australian Federal Police or NSW Businesslink Pty Ltd.
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 Human Resources to the Office of the Children's Guardian.

Under the Department of Health (Office of Aged Care Quality and Compliance) *Police Certificate Guidelines for Aged Care Providers*, 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.
4. 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.
  5. 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.
  6. 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, the Aged Care Principles may apply in certain circumstances:

*A person who does not have a police certificate required under section 1.19 may become a staff member or volunteer if:*

- a) *the care or other service to be provided by the person is essential; and*
- b) *an application for a police certificate 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 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.*

7. 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

Associated Documents

Department of Health and Ageing (Office of Aged Care Quality & Compliance) *Police Certificate Guidelines for Aged Care Providers*

<b>Responsible Officer:</b>	Director Corporate Services		
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