

St Vincent's Health Australia Policy

Portfolio: People & Culture

Policy Title:

Pre- Employment/ Appointment Safety Checks

Policy Statement:

This policy aims to:

- ensure the security, safety and integrity of patients, residents and clients by preventing those who pose a potential risk to their safety from working with them;
- maintain public confidence in the integrity of our employees, volunteers and those representing or delivering our health services.
- ensure the safety and security of our employees, volunteers and members of the community; and
- comply with current legislative and policy requirements relevant to pre- employment safety screening as applicable across jurisdictions.

Pre- Employment/ Appointment Safety Checks are a pre-requisite to all employment/ appointment of individuals to any facility owned or managed by SVHA. While some of these checks are mandated by law, the remaining are mandated by this policy to ensure consistent and open practices across all SVHA facilities. This policy also aims to enable the implementation of the SVHA policy on Clinical Credentialing and Defining Scope of Clinical Practice.

Applicable to:

This policy applies to all employees (permanent, fixed term, casuals), students, trainees, individuals undertaking work experience, volunteers, contractors, Accredited Medical Practitioners (AMPs), Resident Medical Officers (RMOs) appointed on or after 1 July 2012 and existing appointments within high risk areas.

Relationship to Delegations Manual:

Pursuant to Delegation Item E15 of the SVHA Delegations Manual, effective December 2012, this policy requires the approval of the Group CEO.

Definitions:

1. **Contractor:** For the purpose of this policy a contractor is a person, group of persons or an organisation engaged on behalf of the health service to undertake clinical and/ or non-clinical services.

Clinical Services: contractors within this category may include but not limited to: locum medical and/ or nursing staff who are employed through private recruitment agencies, labour hire companies or an independent medical/ nursing professional hiring out their expertise to SVHA on individual contracts.

Non-Clinical Services: contractors within this category may include but not limited to: building and maintenance workers, suppliers of materials and equipment, administrative/ financial / non-clinical support appointed through private recruitment agencies, labour hire companies or an independent non clinical professional hiring out their expertise to SVHA on a contractual basis.

2. **High Risk Areas:** *For the purpose of this policy, SVHA high risk areas include:*
 - 2.1. Residential Aged Care Facilities

- 2.2. *Aged Care Hostels*
- 2.3. *Community Aged Care Packages (CACP)*
- 2.4. *Flexible Care Services including:*
 - 2.4.1. *Extended Aged Care at Home packages (EACH), Extended Aged Care at Home Dementia packages(EACHD) , Multi-Purpose Service (MPS) places and Transitional Aged Care*
- 2.5. *Correctional Health Services*
- 2.6. *Mental Health Services*

3. Child: *Child means a person under eighteen (18) years of age.*

Exemptions:

Contractors of non-clinical services who attend the workplace to undertake work on an ad hoc basis (e.g. one off repairs/ maintenance), individuals from other health facilities that are on-site to undertake competency assessments or undertake short-term work experience/assignments and students undertaking work experience for less than a month are exempt from the requirements of this policy as long as the person does not have unsupervised access to patients/ residents private or confidential information/ documents whilst they are in a SVHA service and are informed of the areas they are permitted and those they are not permitted to enter.

Policy Procedures and Outcomes:

The types of checks that will be undertaken prior to all potential employment/ appointment include (but not limited to as some areas e.g. correctional health services may require individuals to undergo further security procedures/ checks or NSW Public Services may require immunisations as part of their employment):

1. PROOF OF IDENTITY CHECK

While a proof of identity check is not a legislated requirement, it aligns with good risk management and fraud prevention practice as it will ensure that any person appointed is the person they claim to be. It is therefore a requirement for all individuals, prior to commencement; to provide SVHA with appropriate documentation to satisfy the 100 point ID check adapted from the requirements of the *Financial Transaction Reports Act 1988*.

All SVHA facilities must sight relevant original documents totalling 100 points and note in writing that the individual's identity was confirmed for all appointed employees/ individuals.

Applies to: All persons appointed by SVHA to undertake work/ volunteering activities.

2. NATIONAL POLICE CHECK (NPC)/ NATIONAL CRIMINAL RECORD CHECK (NCRC)

SVHA requires that National Police Checks or National Criminal Record Checks be undertaken not only for those individuals required by law but for all employees , volunteers, AMPs, RMOs and contractors **prior to** being appointed to their role and/or prior to their initial accreditation regardless of the duration of their appointment/ employment with SVHA.

A NPC/ NCRC is a police check that is conducted by nominated jurisdiction authorities, the outcome of which is a 'National Police Certificate' that provides a national summary of an individual's offender history. This check is conducted because a person's prior convictions/ charges may be relevant to the performance of the duties of some positions.

NPC/NCRC are one-off checks (for non-high risk areas only) that are required to be undertaken for all individuals, provided their employment/ appointment with SVHA is unbroken. All SVHA facilities (except NSW Public Hospitals) may accept an original or certified copy in the event an individual has a current 'National Police Certificate' as long as the certificate is:

- Less than six (6) months within the date of issue volunteers, trainees, employees, AMPs, RMOs, Medical Practitioners or
- Less than three (3) years within the date of issue for contractors and students.

- Less than three (3) years within the date of issue for employees transferring employment from an acquired facility, as long as the 'National Police Certificate' are provided from the transferring employer.

2.1. Applicants from overseas and/or with overseas experience

SVHA recognises that applicants from overseas may, as part of their visa approval be required by the Department of Immigration and Citizenship (DIAC) to undergo a criminal history check from their country of origin and/or other countries where they have resided or been employed in.

Applicants who have worked or resided overseas prior to commencing work with SVHA must provide a statutory declaration stating whether or not they have been charged, convicted or been found guilty of any offence and have no pending criminal charges or convictions from any country they have resided in or been employed in. If they do have such records, they must list the date of offence, type of offence and court outcome.

Individuals who have initially arrived in Australia within six (6) weeks from their start date of employment are not required to undergo an Australian NPC/NCRC but are still required to complete a statutory declaration as stated above.

Individuals who have returned to Australia from overseas will be required to undergo an Australian NPC/NCRC in addition to providing a statutory declaration as stated above.

2.2. Periodic NPC/NCRC in High Risk Areas

All individuals working within high risk areas, regardless of the frequency of their work, will be required to undertake a NPC/ NCRC **once prior to** appointment followed by **periodic check every 3 years**.

In addition to undertaking a NPC/NCRC, all individuals appointed to perform work in high risk area of Aged Care may, where applicable also need to provide a statutory declaration if they were a citizen or resident of another country other than Australia since turning 16 years of age stating they have never been:

- convicted of murder or sexual assault; or
- convicted of, and sentenced to imprisonment for, any other form of assault

Applies to: All persons appointed by SVHA undertaking work/ work experience, volunteering activities (contractors, volunteers, trainees, students, employees).

3. WORKING WITH CHILDREN CHECK/ BLUE CARD

In addition to the NPC/NCRC, the Working With Children Check is a system that is in place to contribute to the creation of safe and supportive environments for children and young people when receiving services across a range of industries. It helps to keep children safe by preventing those who pose a risk to the safety of children from working with them, in either paid or volunteer work.

Each state and territory has its own requirement and it is necessary to fulfil the requirements in the jurisdiction in which an individual is engaged to perform work/ volunteering activities. The table below provides an overview of the requirements across each of the Jurisdictions within which SVHA operates.



Jurisdiction	Act	Requirements
NSW	<i>Child Protection (Working With Children) Act 2012 (NSW)</i>	<p>A Working With Children Check is a prerequisite for anyone in child-related work in NSW. If the outcome is a clearance, the Check is valid for five years and may be used for any child-related work (paid or voluntary) in NSW. Cleared applicants will be subject to ongoing monitoring and relevant new records could lead to a bar and the clearance being revoked. Before engaging an individual for child-related work (paid or unpaid), an employer must verify that the worker has a Working With Children Check clearance (or has completed the application process for a new Check). The only way to verify a status is using the new online verification system; you may not accept paper evidence of a clearance or an application from the worker because they may have since been barred.</p> <p>Employees/Volunteers/Students: Mandatory for all AMP's, RMO's, students, trainees, and volunteers who are appointed to undertake child-related work/activities. A child-related worker is responsible for applying for his/her own Working with Children Check.</p> <p>Before engaging a new paid child-related worker, an employer must ensure the worker has a clearance to work with children, or a completed Check application in process</p>
QLD	<i>Commission for Children and Young People and Child Guardian Act 2000 (Qld)</i>	<p>Individuals are required to apply for a Working With Children Check to obtain a suitability notice/ 'Blue Card' in Queensland. A Blue Card is valid for three years from the date of issue and entitles individuals to engage in child-related occupations/volunteering.</p> <p>Employees: All paid employees (with the exemption of Registered Health Practitioners/ Workers) who <u>work with children and young people</u> must hold a blue card or an exemption card if their work falls into a category of regulated <u>employment</u> and they work, or are likely to work, for at least: eight consecutive days, or once a week for each week during a period of four weeks, or once a fortnight for each fortnight during a period of eight weeks, or once a month for each month during a period of six months unless an exemption applies. A paid employee can commence regulated child-related work once their application is lodged with the Paid employees must submit a renewal application before their card's expiry date to continue working. Commission provided that the application is not subsequently withdrawn or the employee is not issued with a negative notice. <i>Note: employees who have been members of staff prior to 1 May 2001 do not require a Blue Card.</i></p> <p>Volunteers/ Students: Volunteers/ trainees/ students must hold a Blue Card and current positive notice prior to commencing work in one of the <u>categories as specified by the Commission</u>.</p>

		<p>Management: Operators or people seeking to <u>operate a business</u> working with children and young people must hold a blue card or an exemption card prior to commencing work if their work falls into a category of regulated business</p> <p>Application Forms, definitions, and information on how to obtain a Blue Card may be accessed from: http://www.bluecard.qld.gov.au/about.html</p>
<p>VIC</p>	<p><i>Working With Children Act 2005 (Vic.)</i></p>	<p>The Working with Children Act requires that any person who wishes to work or volunteer in any of the <u>20 listed child-related occupational fields</u> are required to possess a 'Working with Children Check Card'(WCC Card). This Card is valid for five years from the date of issue and the Card entitles individuals to engage in child-related occupations as an employee or a volunteer.</p> <p>Employees/ Volunteers/ Students: All employees, AMPs, RMOs and volunteers who wish to work in, one of the <u>20 listed child-related occupational fields</u> must apply for a WWC check and provide a current assessment notice and WWC Card prior to engaging in child- related <u>work or volunteering activity</u>.</p> <p>Application Forms, definitions of child-related work or volunteering activity and information on how to undertake a WWC Check may be accessed from: <http://www.justice.vic.gov.au></p>

4. PROOF OF ELIGIBILITY TO WORK IN AUSTRALIA/ VISA ENTITLEMENT VERIFICATION ONLINE (VEVO)

To ensure individuals employed or appointed by SVHA are eligible to perform work/ volunteering activities, SVHA will undertake the following to verify an individual's entitlement to work prior to their appointment/ employment.

Proof of eligibility to work in Australia required by SVHA may include a Full Australian Birth Certificate; or an Australian Passport or an Australian Citizenship Certificate. Individuals who are unable to present the above will be required to provide satisfactory evidence of a valid Australian Visa to work and remain lawfully in Australia.

Visa Checks: All Australian Visas presented to SVHA must be verified to confirm any work restrictions/ limitations. Visa Entitlement Verification Online (VEVO) is a free online facility offered by the Department of Immigration and Citizenship that allows organisations to check the visa entitlements and conditions of a visa holder.

Based on the conditions and limitations of an individual's visa (e.g. working holiday visa holders, student visa holders etc.), individuals may be required to provide additional documentation (e.g. time of visa renewal, or when there are changes to their visa status) to the employer. Any such changes or updates provided by individuals to SVHA must be followed by a new VEVO check to verify and validate the changes provided.

VEVO Checks can be conducted by accessing the <[Department of Immigration and Citizenship website](#)>.

Applies to: All persons appointed by SVHA to undertake work including permanent/ temporary/ fixed term/casual employees, VMOs, RMOs.

5. EMPLOYMENT HEALTH ASSESSMENT

Employment with SVHA is based on merit & is conditional on an individual being able to perform the inherent requirements of the position. A person may only be appointed to a position (whether permanent, temporary or casual) when their fitness to carry out the inherent job requirements and job demands of the position is supported by an appropriate health declaration.

The purpose of a health declaration is to help ensure that a person is not placed in an environment or given tasks that will impact upon their health, safety or wellbeing or that of others. The health declaration is required so that appropriate and reasonable action may be taken to ensure that adjustments, where possible, may be made as long as it does not cause the employer unjustifiable hardship. Reasonable action may include the employer requiring the applicant to undertake a medical assessment to further assess their ability to meet the inherent requirements of the role.

Other Requirements:

Regardless of the type of screening, all SVHA facilities must have procedures in place to ensure the following:

1. Notification

- 1.1. Where appropriate, reference to the requirements for pre-employment/ appointment safety screening is clearly articulated in any media used to advertise, position descriptions, recruitment & selection procedures and/or contracts of employment/ appointment.
- 1.2. All individuals are clearly informed of the nature of the check they are to undertake, what it means and the reason for such checks.
- 1.3. Checks (within certain jurisdictions) that require the employer to advise/ warn/ inform an individual of any prohibition on applications and declarations must be made in writing.
- 1.4. All checks are undertaken following obtaining written consent from the individual concerned.
- 1.5. Inform all Contractors (Clinical & Non Clinical Services) and Educational Institutions of their requirements to conform with this policy by ensuring all checks have been completed with evidence of satisfactory outcome provided to SVHA prior to the initial instance of work undertaken by an individual (agency staff, contractor or student) within an SVHA facility.

2. Recruitment & Selection

- 2.1. Hiring Managers, Interview & Selection Panels have clearly defined roles, responsibilities and are provided with adequate training on facility/ regional procedures pertaining to pre-employment/ appointment safety checks.
- 2.2. Individuals are not automatically precluded from being considered for a position/ placement if they have a disclosable record.
- 2.3. Each SVHA region has a risk based assessment methodology & criteria that is fair and defensible; appoint at least one designated officer to manage the assessment process to determine whether an applicant is suitable for employment or placement in the event of a disclosable record/ negative notice.

3. Privacy & Confidentiality

- 3.1. At all times, procedural fairness principles, privacy and confidentiality must be maintained when conducting pre-employment/ appointment safety screening check.
- 3.2. The collection, verification, recording, storage and monitoring (validity of visa, checks etc.) of information is in accordance with the relevant privacy policy, legislative requirements and accreditation guidelines.



- 3.3. Any information relating to the Employment Risk Assessment (where one is conducted) must be filed separately from the personnel file and under secure conditions, only accessed by authorised persons.

4. Cost

- 4.1. The responsibility for cost associated with conducting pre-employment safety checks shall be as determined by the respective SVHA facility.

5. Offer of Employment

- 5.1. All conditional offers (of appointment/ employment) made pending outcome of Police Check and/or Working With Children Check are done only on an exceptional circumstances where the Police Check and/or Working with Children Check for the preferred applicant is not immediately available and a delay in recruitment will significantly disadvantage the organisation. Such conditional offers must be in compliance with relevant jurisdictional requirements. For all conditional offers made, individuals must provide evidence of application for a police check/ working with children check with the relevant agency and a statutory declaration as appropriate, prior to commencing their employment/placement/ contract. Until the outcome of the relevant check is obtained, the person will be subject to appropriate supervision during the periods the person has access to care recipients.
- 5.2. Revoking or Termination of an appointment/ employment due to the outcome of a pre-employment/ appointment safety check or a changes to circumstances that affects ones (Police/ Working With Children) record is fully documented, is fair, consistent, based on the principles of natural justice, is conducted in a manner that complies with relevant legislation, communicated to the individual in writing.
- 5.3. There is no requirement to rescreen existing employees changing positions within/ between SVHA services if their employment is continuous with no break in service unless rescreening is required due to specific legislative requirements e.g. employment in high risk areas or on renewal of credentialing in accordance with the SVHA policy on Clinical Credentialing and Defining Scope of Clinical Practice.
- 5.4. A health declaration is undertaken prior to any offer of employment being made.

6. Individual Responsibilities

It is the responsibility of each individual (employee, prospective employee, VMOs, RMOs, volunteers, students, contractors, agency staff) to:

- 6.1. Advise their line manager or a manager of the Nursing/ Medical Workforce/ Human Resources Department of any changes to their circumstances relating to working in Australia (e.g. visa), Working With Children, working within a health care facility or a change to their police record (e.g. being charged or convicted with a criminal offence).
- 6.2. Monitor the validity of their police checks, WWC Cards/ Blue Cards, visa (as applicable) and ensure timely submission of relevant consent/ declaration/ application forms.
- 6.3. Where a WWC/ Blue 'Card' is issued, this is carried at all times when working with children.

Legal and Compliance Considerations:

Aged Care Act 1997 (Cth)

Commission for Children and Young People Act 1998 (NSW)

Child Protection (Working With Children) Act 2012;

Commission for Children and Young People and Child Guardian Act 2000 (Qld.)

Child Protection Act, 1999 (Qld.)

Working With Children Act 2005 (Vic.)

Criminal Records Act 1991 (NSW)

DOH Guidelines, Pre-employment/Pre-placement Safety Screening (Police Checks) (Vic.)

Model Work, Health & Safety Act 2011

Relevant References:

SVHA Clinical Credentialing and Defining Scope of Clinical Practice Policy



**ST VINCENT'S
HEALTH AUSTRALIA**

UNDER THE STEWARDSHIP OF MARY AIKENHEAD MINISTRIES

SVHA Group Model By-Laws

Review Officer:

Group General Manager, People & Culture

Date Introduced:

1 July 2012

Last Review Date:

1 May 2015

Next Review Date:

1 May 2017

Approval:

Group Chief Executive Officer

20 May 2015

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Signature:

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Date: