

CQ HOME ASSIST SECURE POLICE CERTIFICATE POLICY MANAGEMENT DIRECTIVE



1 Scope

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

2 Purpose

The purpose of this policy is to ensure:

- (a) Employees and contractors are suitable to provide services to clients of the CQ Home Assist Secure Program; and
- (b) Compliance with the Commonwealth Home Support Programme and the Home Assist Secure Program requirements.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Human Rights Act 2019

Local Government Act 2009

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

Home Assist Secure Program Requirements

Pre-Employment Screening Policy and Procedure

Recordkeeping Policy

4 Definitions

To assist in interpretation, the following definitions apply:

Council	Rockhampton Regional Council
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CEO	Chief Executive Officer 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.
CHSP	Commonwealth Home Support Programme
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: (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	As defined in the CHSP Police Certificate Guidelines: (a) A member of the group of persons who is responsible for the executive decisions of the entity at that time; (b) Any other person who has responsibility for (or significant influence over) planning, directing or controlling the activities of the entity at that time; or (c) Any person who is responsible for the day to day operations of the service, whether or not the person is employed by the entity.
NPC	National Police Certificate, a national criminal history check report prepared by the Australian Federal Police, a state or territory police service, or an Australian Criminal Intelligence Commission accredited agency that discloses evidence of whether a person: (a) Has been convicted of an offence; (b) Has been charged with and found guilty of an offence but discharged without conviction; and (c) 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.
Spent Conviction	A criminal conviction that has lapsed after a period of time and are removed from a person's criminal record.

5 Policy Statement

CQ Home Assist Secure, a grant recipient under the CHSP and the Home Assist Secure Program, has a responsibility to ensure the following persons obtain a national police certificate every three years:

- (a) Employees and contractors who are reasonably likely to interact with clients; and
- (b) Executive decision makers.

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5.1 Employees

The NPC requirement is outlined in position descriptions and appointment letters and must be obtained prior to appointment to a position, unless an exception in accordance with paragraph 5.3, and every three years for continued appointment to the position. Failure to obtain an NPC every three years may result in disciplinary action, including termination.

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

5.2 Contractors

Tender documents outline the NPC requirements and proof must be provided before the successful tenderer is listed on the preferred supplier register. CQ Home Assist Supervisor will prompt the renewal of NPCs for contractors and their employees.

5.3 Exceptions for New Employees, Executive Decision Makers 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:

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

5.4 Applications and Costs

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

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

5.5 Statutory Declarations

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

- (a) Applied for but not yet received the NPC; and
- (b) Been a citizen or a permanent resident 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.

5.6 Expiry of NPCs

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

5.6.1 Notification of Offences

In accordance with the Code of Conduct employees and contractors must notify their general manager if they are charged with having committed any criminal offence, are subject of a conviction or charge.

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5.7 NPC Assessments

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

If the NPC has recorded convictions, 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 CHSP – Police Certificate Guidelines and the Pre-Employment Screening Procedure. Decisions will be rigorous, defensible, non-discriminatory and transparent.

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

5.8 Executive Decision Makers

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

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

5.9 Terminating Employment

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

5.10 Recordkeeping Responsibilities

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

- (a) Records relating to NPCs are maintained in a secure environment; and
- (b) Under no circumstances should an applicant's 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.

5.11 Human Rights

In creating this policy Council has considered all human rights protected under the *Human Rights Act 2019* in order to identify which human rights are relevant to this policy. As a result of this consideration, Council identified that the human right to privacy and reputation are relevant to this policy. Any limitation of human rights are reasonable and justified in the circumstances in accordance with section 13 of *Human Rights Act 2019*. When applying this policy, Council acts and makes decisions in a way that is compatible with human rights and gives proper consideration to a human right relevant to the decision in accordance with the *Human Rights Act 2019*.

6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the CEO.

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7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Community Services
Policy Owner	Manager Communities and Culture
Policy Quality Control	Legal and Governance



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