



Home and Community Aged Care

Service Manual

For all representatives of Care Assess providing services to HACC or Community Aged Care clients on our behalf

This *Service Manual* applies to all personnel, staff, volunteers, representatives, employed or engaged or contracted by Care Assess to provide services to Care Assess' clients under the HACC Program or Community Aged Care Program (collectively referred to as "Service Providers of Care Assess").

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1. INTRODUCTION

This *Service Manual* (“this Manual”) applies to all representatives of Care Assess providing services to HACC or Community Aged Care clients, including all personnel, staff, volunteers, representatives, employed or engaged or contracted by Care Assess to provide services to Care Assess’ clients under the HACC Program or Community Aged Care Program (collectively referred to as “Service Providers of Care Assess”).

Service providers who are Contractors of Care Assess to provide Commonwealth HACC services may be considered a ‘**Commonwealth service provider**’ for the purposes of the *Ombudsman Act 1976*.

Service Providers of Care Assess play an important role in the lives of many frail older people in the community. The services you deliver allow older people to live in their homes for longer where they would otherwise, without basic maintenance, support and care services, be at risk of premature or inappropriate admission to long-term residential care.

In delivering these services under Care Assess’ Aged Care Funding Agreement, Service Providers of Care Assess have a number of responsibilities. This manual outlines some of those responsibilities, and Service Providers of Care Assess must comply with the responsibilities set out in this Manual. For further detail on their responsibilities, Service Providers of Care Assess should also refer to the Care Assess Contractor Agreement and to the Terms and Conditions for aged care funding (which make up part of our Aged Care Funding Agreement) which is attached to that agreement and referred to therein, noting that these take precedence over this Service Manual.

Welcome to Care Assess

Care Assessment Consultants Pty Ltd, trading as “Care Assess”, is committed to providing quality services within a safe and healthy working environment for both clients and employees, Service Providers of Care Assess and volunteers.

This manual has been designed to provide guidelines for anyone providing services on behalf of Care Assess. The information provided is linked to organisational policies and procedures, plus statutory and legal requirements of State and Australian government funding providers.

Please contact Care Assess for further clarification if required (Phone: 6244 7700 or email info@careassess.com.au)

Company profile

Care Assess is a Tasmanian-owned and state-wide organisations, specialising in needs-assessment, care-coordination and service-contracting of home and community aged programs.

Mission

To provide comprehensive assessment and best-practice coordination of home and community health care that maximises quality, responsiveness and efficiency for older Tasmanians in order to improve their health outcomes, enhance their independence and wellbeing, and enable them to live well within their own community.

Philosophy of care

Care Assess adopts a 'wellness' approach in all that we do. Our philosophy of care is to maintain optimal independence for our clients. All possible methods of assessment, referral and intervention are to be considered or undertaken prior to the approval of services to ensure that an optimal level of functioning is maintained, and that interventions will promote health and independence rather than dependency. Our strategy is to ensure our clients maintain good health, well-being and independence and are therefore not to replace tasks that our clients are capable of doing themselves. Active participation in domestic activities has been shown to have a beneficial health effect, even for the frail and very elderly.

2. SERVICES

The Commonwealth funds Care Assess under the HACC Program to provide basic maintenance, support and care services that are cost effective and meet the needs of the target population in a way that assists them to remain in the community.

Care Assess contract to and coordinate services with Service Providers of Care Assess for HACC clients who have been assessed by us as having difficulties performing activities of daily living without help due to functional limitations and are at risk of admission to long term residential care without assistance from HACC aged care services.

Care Assess is funded for discrete service types to provide basic maintenance, support and care services. These are delivered by Service Providers of Care Assess to our clients and service delivery needs to focus on supporting different areas of need that an individual may have due to a limitation in their ability to undertake tasks of daily living.

These needs are documented in our Agreement of Care documents. For details regarding Care Assess roles and responsibilities, and the roles and responsibilities of Service Providers of Care Assess in relation to the Services we contract to you, please refer to the *Provider's Handbook* which is provided with Care Assess' Contractor Agreement along with this *Service Handbook*.

Care Assess and the Commonwealth define the outputs of the Services we contract to you in the following way:

- **Domestic assistance**

Domestic assistance helps clients with domestic tasks, including:

- cleaning;
- dishwashing;

- clothes washing and ironing; and
- unaccompanied shopping.

- **Personal care**

Personal care provides assistance with daily self-care tasks in order to help a client maintain appropriate standards of hygiene and grooming, including:

- eating;
- bathing;
- toileting;
- dressing;
- grooming; and
- moving about the house.

- **Home maintenance**

Home maintenance is assistance to keep a client's home in a safe and habitable condition. This involves the repair and maintenance of a client's home or yard. Repairs are generally minor repairs such as changing light bulbs and replacing tap washers. More major repairs can include carpentry, painting and roof repairs. Garden maintenance includes lawn mowing and the removal of rubbish.

- **Social support**

Social support assists a client to participate in community life through meeting their need for social contact and accompaniment. Activities include:

- visiting services;
- telephone based monitoring services; and
- assisting the person with shopping and other related activities.

- **Nursing care**

Nursing care is the clinical care provided by a registered or enrolled nurse. This care is directed to treatment and monitoring of medically diagnosed clinical conditions. The care can include recording client observations. Nursing care can be delivered in the client's home, or in a clinic or other location. Nursing care must be provided by a Registered Nurse or an Enrolled Nurse.

3. CODE OF CONDUCT

Service Providers are required to comply with Care Assess' Code of Conduct provided in **Attachment 9**.

The Code of Conduct includes, but is not limited to, the following requirements for Service Providers of Care Assess:

Service Providers of Care Assess **must** abide by the following professional principles:

- Confidentiality and Privacy: Observe a highest standard of ethics and probity in all professional conduct

- Honest Dealings: Act honestly but appropriately in all dealings with workplace participants, clients, and stakeholders
- Professional working relationships: Respect appropriate professional conduct in all dealings with workplace participants and clients, maintaining the highest level of dignity
- Legal compliance: Comply with all legal, statutory & government requirements
- Quality and safety: Act diligently in assessing and controlling all WHS safety risks, and maintaining quality standards in all services
- Best practice: Develop knowledge and skills to continually improve competency and outcomes
- Good order: Mutual respect for all workplace participants and for responsible positions of leadership and authority

Service Providers of Care Assess **must not:**

- Consume alcohol or take illegal drugs when undertaking duties as contracted by Care Assess;
- Have sexual or intimate relationships with service clients or their carers;
- Take clients or carers to their homes;
- Visit clients (outside of contracted hours) without declaring and obtaining authorisation
- Harass in any form clients, employees or volunteers of Care Assess;
- Abuse of a physical, financial or verbal nature any clients, carers, employees or volunteers of Care Assess;
- Alienate clients from their family;
- Remove a client's property;
- Abuse, deface or wilfully damage property;
- Smoke at/in a client's home while undertaking tasks for Care Assess;
- Carry any form of weapon, explosive or inflammable substance.
- Request or accept a gift or bribe in connection with services provided on Care Assess' behalf, or a payment or other benefit from someone other than Care Assess or the Service Provider for the Service or any other work.

Service Providers of Care Assess **must:**

- Maintain confidentiality regarding any information gained through their work and not divulge personal information or the address or phone numbers of employees, Board of Management members or service users;
- Follow safe work practices;
- Respect and safeguard the property of the organisation, clients/carers and colleagues;
- Use safety equipment, where and as required;
- In the event of an emergency, follow standing orders or instructions as directed by a Care Assess Manager or Care Coordinator;
- Report all incidents or potential hazards to the Program Manager or Chief Executive Officer, as soon as practical from the time of incident or potential hazard identification

Service Providers of Care Assess **are responsible to:**

1. Treat clients and carers with respect and dignity;
2. Focus on the needs of clients/carers in relation to service delivery;
3. Achieve quality outcomes through best practice in service delivery;
4. Respect client privacy and observe the need for confidentiality;
5. Act on, and resolve to a satisfactory resolution, any complaints or concerns relating to service delivery or performance; and
6. Evaluate service delivery outcomes at regular intervals.

4. CLIENT RIGHTS & RESPONSIBILITIES

From 1 July 2012 *The Charter of Rights and Responsibilities for Community Aged Care* (contained in Schedule 2 of the User Rights Principles 1997 under the *Aged Care Act 1997*) will apply to the delivery of services under the Commonwealth HACC Program.

Service Providers of Care Assess **must uphold** the rights and responsibilities of Care Assess HACC and Community Aged Care clients as provided in **APPENDIX 5**.

5. WORK HEALTH AND SAFETY

Work Health Safety legislation has replaced the previous legislation known as Occupational Health and Safety (OH&S) legislation following the implementation of the Work Health and Safety Act 2011.

Service Providers of Care Assess must provide a safe and healthy workplace for all their employees and volunteers in accordance with the relevant Commonwealth and state WHS legislation as well as WHS codes and standards (Home and Community Care Aged Program – Program Manual P 32). Additionally, codes and standards relating the Australian Building Standards that relate to facilities, vehicles and other physical resources occupied by staff and/or volunteers employed by the Service Providers of Care Assess.

Service Providers of Care Assess must ensure that safety is ensured for themselves, their employees and for their clients.

Your responsibilities as a Service Provider of Care Assess:

- Provision of adequate work health safety training
- Awareness of one's own WHS responsibility
- Instructions for work to be performed must comply with legislation
- All equipment used in delivery of care or services must be appropriate
- All hazards, incidents and accidents are reported verbally and in writing on the appropriate Care Assess Accident/ Incident Form (**APPENDIX 1**).

Policy and Procedure Requirements for Service Providers of Care Assess

Policy and Procedures that reflect the WHS legislation are a mandated requirement for Service Providers of Care Assess. Examples include:

- Public Health notification re an infectious disease or outbreaks
- Infection control measures
- Manual Handling
- First Aid
- Fire and Evacuation
- Risk Management

Change in Scheduled Service Delivery

Your Organisation must notify Care Assess of any change to the Scheduled Service Delivery as soon as possible and provide reasons for the change. Service Providers of Care Assess who receive a cancellation of services at short notice are to notify the Care Assess office as soon as possible, but within one working day of the cancellation. Under no circumstances are Contracted duties to be undertaken without the client being at home.

Client not responding to a scheduled visit or service

Service Providers of Care Assess who are unable to gain access to a client's home for the arranged visit are to contact Care Assess office, as soon as possible. *Contracted duties are not to be undertaken without the client being at home.* If the client does not appear to be home at the arranged time, to avoid confusion and uncertainty Your Organisation or its representative is to leave a card and contact Care Assess office. Care Assess staff will follow up the reason for the client's absence.

Care Assess: South 6244 7700 - North 6331 0803 - North West 6421 7846

The Community Care Common Standards have outlined the requirements for Service Providers of Care Assess in the event that a service user does not respond to a scheduled visit.

Standard 1: Effective Management

1.6 Risk Management

Standard 2: Appropriate Access and Service Delivery

2.1 Service Access; and

2.3 Care Plan Developments and Delivery

Service Providers of Care Assess should use the approved *Guide for Community care Service Providers of Care Assess on how to respond when a client does not respond to a scheduled visit (The Guide)*:

www.health.gov.au/internet/main/publishing.nsf/Content/ageing-commcare-guide-professional.htm

Risk management requirements

Care Assess is committed to a pro-active approach to health and safety. All Service Providers of Care Assess are responsible for their own safety and that of their employees, ensuring that whilst undertaking the work for which they have been engaged, they and others are not exposed to risk.

- **Notification of incidents and issues**

Any accident, injury, incident or potential hazard is to be reported to the Care Assess Program Coordinator or Care Coordinator *as soon as possible*. If a serious incident does occur during or as a result of service delivery, Service Providers of Care Assess must respond appropriately to the incident. Care Assess must notify the Department of any serious incidents within 24 hours of an incident occurring or within 24 hours of them becoming aware of the incident.

See **APPENDIX 8** for a definition of “serious” incident and instructions that must be followed if a serious incident occurs.

- **Incident reports**

Incidents or potential hazards will be followed up and investigated with appropriate action undertaken to prevent any recurrence. The Care Assess Accident/Incident Form is to be completed and forwarded to Care Assess within 24 Hours of the accident/incident, so that an investigation can commence and mitigation strategies implemented. (See **APPENDIX 1** Accident/Incident Form)

- **Risk Register**

A Risk Register is held at the Southern Office of Care Assess. Risks are Risk Rated and treatment plans developed in response to actual and potential risks. All reported incidents and accidents are registered on the Risk Register and discussed at the weekly Management Meeting.

- **Potential hazards**

Potential hazards, near misses or unsafe working conditions are to be reported to Care Assess as soon as possible. This will enable prompt and appropriate action to be undertaken avoiding risk and injury to clients, Service Providers of Care Assess and Care Assess employees.

Any spillage is to be cleaned up immediately using the recommended methods for the particular spillage. The use of suitable clean-up and disposal methods must be used in all situations. For advice on the approved methods of clean-up and disposal in the event of a spill please call Poisons Information Centre on 131126.

Service Providers of Care Assess are requested not to:

- Release any refrigerants/hazardous gases;
- Burn any open fires;
- Discharge any liquids other than potable water to any storm drain or sewer;
- Place or wash any solids into any storm drain/sewer;

- Dispose of any liquids/solids (except domestic waste) in any toilet/urinal.

*All Hazards must be reported and recorded on the Hazard Form (**APPENDIX 3**)*

Service Provider Safety

Service Providers of Care Assess are requested to undertake tasks in accordance with Workplace Health and Safety legislation to ensure safety of employees. Any client requests for duties which may place Service Providers of Care Assess and their employees at risk are to be declined and reported to Care Assess. Please document any incidents of this nature on the Care Assess Incident/Accident Form (**APPENDIX 1**)

Care Assess requests appropriate Manual Handling Training and understanding safe systems of work has been undertaken to reduce the potential for injury. Unidentified containers of chemicals are not to be used.

Identification

Individuals are requested to identify themselves to the client **before** commencing work and wear an identification badge or hold an authentic form of identification. Uniforms must be worn if they are supplied as part of your employment.

Service Provision

Services are only to be provided within the timeframes requested. Please contact the Care Assess Care Coordinator or Program Manager if the contracted service is unable to be completed in the timeframe specified.

At no time is a service is to be sub-contracted to another agency or service provider.

Tools and equipment

It is the responsibility of the service provider to ensure all tools and equipment are safe and in good working order.

- Personal Protection Equipment (PPE) is to be provided by and at the discretion of the service provider in accordance with statutory standards. This includes wearing suitable clothing, safety footwear, eye and hearing protection, dust masks, fall protection equipment, as applicable.
- Loss or damage to any plant, equipment, tools or materials whilst undertaking duties contracted by Care Assess remains the responsibility of the individual /service provider.
- All portable electrical equipment/appliances must be fitted with earth leakage protection devices (residual current devices) and should display a current inspection/safety tag. Electrical leads are not to be draped across floors creating a falls risk to any individual.
- Your Organisation is responsible for the provision and maintenance of all residual current devices.
- All machine, plant and equipment guarding must be in place at all times.

6. RECORD KEEPING

Service Providers of Care Assess must meet all Commonwealth, state or territory government and, where applicable, local government law and policy operational requirements for record keeping. They must keep accurate records and accounts, including receipts, proof of purchase and invoices, to show how they carry out activities.

You are required to:

- maintain up-to-date and accurate records detailing services provided;
- ensure adequate security measures are in place, including the storage of any client-related information and files (both paper and electronic) in locked cabinets and, in the case of electronic files, with appropriate data security;
- ensure all electronic files are appropriately stored with adequate file back-up and storage mechanisms in place;
- keep client records for a minimum period of seven years following the cessation of service delivery; and
- keep accurate records of business operations, including financial transactions, for a minimum period of seven years.

Client progress notes

Service Providers of Care Assess are to maintain client progress notes in a client file.

This requirement for client “progress notes” is entailed in the requirement above for maintaining up-to-date and accurate records detailing services provided. Progress notes also serve as an important communication strategy to ensure reliable ‘handover’ and care continuity between workers and between providers. These records are also required to form the basis of evidence in any investigation or inquiry.

Requirements related to maintaining Client progress notes:

- Depending on a client’s program requirements, Care Assess may provide the client file to the client or the provider (which remains the property of Care Assess), and in that case Service Providers must maintain client progress notes in Care Assess’ client file.
- In the case of more than one Service Provider for a client, Care Assess will provide the client file to the client (which remains the property of Care Assess), and in that case all Providers must access and maintain client progress notes in Care Assess’ client file retained with the client and located at the client’s home.
- However depending on a client’s program requirements, Care Assess may not provide a client file to the client or to the Provider. In this case, Service Providers are required to keep their own client file and are required to maintain that file for recording progress notes against all services provided.
- Wherever Service Providers of Care Assess do maintain their own client file for recording progress notes (whether required to or not), Providers must if requested provide to Care Assess access and/or copies of client notes, records

and documentation, if and when Care Assess demonstrates evidence of obtaining the client's permission to access and/or retain copies of those records.

7. CONFIDENTIALITY AND PRIVACY

Commonwealth HACC clients have a right to privacy, dignity and confidentiality. You must also not do anything that would breach the *Privacy Act 1988*. Care Assess is committed to protecting the privacy of all personal information it collects, holds and administers. Details about clients and carers are to be protected and kept strictly confidential.

Service Providers of Care Assess must comply with all relevant Commonwealth and State legislation and policies regarding:

- collection, use and disclosure of personal information; and
- clients' rights to access their personal information.

Service Providers of Care Assess must also put in place practices and processes that support privacy and confidentiality. These include:

- each client's right to privacy, dignity and confidentiality being respected;
- consideration of special-needs groups;
- staff/volunteers being aware of and respecting clients' right to privacy; and
- documented policies and procedures for these practices and processes.

Service Providers of Care Assess must also not use any information provided to you about Care Assess clients for any other purpose other than the purpose for which it is provided. A breach of confidentiality may result in termination of the contract.

Disclosure of Service Provider details

Care Assess will be required by the State or Australian Government funding provider to disclose the name and contact details of any agency/business/individuals providing services on behalf of Care Assess.

8. QUALITY AND STANDARDS

Care Assess must comply with the Quality Reporting Program (QRP) which is the Australian Government's mechanism for monitoring the quality of services provided by funded organisations such as Care Assess. We are required to report on how our services meet the Community Care Common Standards (the "Common Standards"). Service Providers of Care Assess have an integral role to play in the services we provide, and will therefore be involved in this. Accordingly, Service Providers of Care Assess will be monitored to ensure that your organisation has systems and processes in place that result in high quality services for our clients. Under the QRP, quality reviewers assess Care Assess' performance against quality standards. As a Service Provider of Care Assess, your involvement with Care Assess and performance under our Agreement will also be assessed.

The Common Standards apply to all 'Commonwealth Service Providers' of Care Assess delivering services to clients and carers under regular contractual agreements with us. The three Common Standards are: Effective Management; Appropriate Access to Service Delivery; and Service User Rights and Responsibilities, and these standards are accompanied by 18 Expected Outcomes.

The Common Standards to HACC (Home and Community Care) Program services as well as to the Community Aged Care Packages (CACP) program; Extended Aged Care at Home (EACH) and Extended Aged Care at Home Dementia (EACHD) programs.

In delivering contracted services on behalf of Care Assess, Service Providers of Care Assess must manage their service consistently with these standards. The Common Standards are provided in **APPENDIX 4** including a link to detailed information contained in the Community Care Common Standards Guide.

9. SUITABLE PERSONNEL

National Criminal History Record Checks (National Police Check)

Service Providers of Care Assess are responsible to comply with the *Commonwealth HACC Program Police Certificate Guidelines* (See **APPENDIX 6**)

Requirements for National Criminal History Checks (police checks) for relevant staff in aged care came into effect on 1 March 2007. The requirements apply to all relevant staff members, Service Providers of Care Assess and volunteers (as defined in the legislation and the detailed Guidelines) of aged care services subsidised under the *Aged Care Act 1997* (the Act).

Approved Providers of community care services such as Care Assess cannot employ, hire, contract or accept people as an employee or volunteer without a current National Criminal History Check (National Police Record Check).

Care Assess in accordance with legislative requirements is obligated to ensure that each relevant Service Providers of Care Assess has a current National Criminal History Check. Care Assess is required to ensure that employees and volunteers have obtained within the previous **three** years a National Police Certificate, or appropriate statutory declaration, and that the certificate or declaration indicates that the person is a suitable person to provide services to clients and/or carers.

Permits and licenses

Service Providers of Care Assess are to obtain the necessary approvals, permits, authorisations and licenses that are required in order to meet their obligations under the Contractor Agreement.

Training and Qualifications requirements

Service Providers of Care Assess are responsible for ensuring staff and volunteers have appropriate skills, knowledge and attributes, and receive adequate training with an emphasis on quality care. Service Providers of Care Assess are also responsible for ensuring staff members are trustworthy, have integrity and will respect the privacy and dignity of clients.

Service Providers of Care Assess must ensure personnel providing services for Care Assess have undergone training that will assist them in applying the Community Care Common Standards when providing service to clients of Care Assess.

Service Providers of Care Assess must also be aware of any registration, accreditation or licensing requirements for the professions from which they draw their workforce and must ensure their personnel comply with these requirements.

Care Assess has a responsibility to ensure that your organisation as a Contractor providing services on our behalf to our HACC clients, will ensure your staff have the appropriate training and qualifications.

Minimum competencies and qualifications for Commonwealth HACC staff have been identified for some service types and Service Providers of Care Assess must comply with any requirements set out in Chapter Three of Commonwealth HACC Program Manual.

For example, Service Providers of Care Assess are responsible for ensuring that personnel have appropriate training to carry out **personal care**, and a Certificate III in aged/community care or equivalent is desirable.

All staff providing services to Care Assess clients should have or be working towards:

- A statement of attainment of training to Apply First Aid
- Undertaken training in Manual Handling,
- Undertaken training in Workplace Health and Safety including Risk Identification, Assessment, Control and Record Keeping.

All Service Providers of Care Assess should be encouraging staff to undertake vocational and other formal education and training to enhance the skill base of the Commonwealth HACC workforce.

It is desirable that all staff recruited or retained to provide service to Care Assess clients should have or be working towards Certificate III in Aged Care, or Certificate III in Home and Community Care or Certificate III in Disability.

10. EVIDENCE FOR SUITABLE PERSONNEL

Service Providers of Care Assess must submit evidence when requested demonstrating their compliance against the requirements of their Contractor Agreement in relation to use of suitable personnel, such as:

- Your Organisation has complied with the requirements of applicable Workplace Health and Safety legislation and relevant codes of Practice;
- Your Organisation has complied with the requirements of the *Commonwealth HACC Program Police Certificate Guidelines* (See **APPENDIX 6**)
- Your Organisation has only used appropriate/suitable personnel with the qualifications and other requirements outlined in this agreement, including but not limited to copies of certificates and registrations.
- if transporting clients, all drivers have current drivers licences, and all vehicles used have full comprehensive motor vehicle insurance and all vehicles are registered and in a sound working condition.

11. SERVICE DELIVERY AND INVOICES

Services are to be provided Monday to Friday within business hours, unless individual arrangements are made and approved by Care Assess.

Invoices must detail:

1. Business letterhead, stating Tax Invoice including ABN;
2. Client name(s) and address(es);
3. Date(s) and time(s) of service provided; and

Invoices should be submitted **fortnightly** for payment, but in any event **must not be** submitted later than monthly after the date of any service.

12. COMPLAINTS AND FEEDBACK

Care Assess welcomes all feedback and comments about the services we provide and our people across the state. Please find attached our **Complaints and Compliments Brochure** with information on how to make a complaint or give a compliment (**APPENDIX 2**).

Clients and their carers should be actively encouraged to provide feedback about the services they receive. Service Providers of Care Assess must accept a complaint regardless of whether it is made orally, in writing or anonymously.

Care Assess are also responsible for the services contracted to you and provided by you to our clients on our behalf as a Contractor. This includes the responsibility to resolve any complaints regarding the subcontractor.

Care Assess Service Providers of Care Assess are required to notify Care Assess of the receipt of any complaint regarding one of our clients as soon as practicably possible, but not later than 1 working day after receiving a complaint.

Care Assess have effective, appropriate processes in place to receive, record and resolve complaints. These processes include consideration of people with special needs such as people with vision or hearing impairments and people from culturally and linguistically diverse backgrounds. Care Assess inform all clients about the mechanisms available for dealing with complaints made by, or on behalf of, our clients.

Should a complaint regarding a Contractor be escalated to the Department for management, Care Assess will retain responsibility for liaison with the Department and ensuring Service Providers of Care Assess comply with all reasonable requests, directions and monitoring requirements, requested by the Department.

Service Providers of Care Assess contracted to Care Assess are required to comply with our process for receiving and addressing complaints from Care Assess clients and their representatives, including complaints concerning your organisation. Service Providers of Care Assess are required to comply with any requests made of your Organisation as part of our process for receiving and addressing complaints concerning your Organisation from Clients and/or their representatives.

In addition, Service Providers of Care Assess must not cease providing services to clients, or refuse a person access to a service, or otherwise take recrimination against any person because they have made a complaint. This does not prevent Service Providers of Care Assess from taking any action which is or may be necessary to prevent harm to the client.

13. ACKNOWLEDGING THE COMMONWEALTH AND CARE ASSESS

Service Providers of Care Assess are required to acknowledge the financial and other support Care Assess receive from the Commonwealth for each service which your organisation delivers to our clients on our behalf.

The following prescribed wording should be used to make this acknowledgement whether in text or in dialogue:

- *“This Service is supported by funding from the Australian Government under the Commonwealth HACCC Program to Care Assess.”*

This acknowledgement should be done in all:

- Publications, advertising and promotional materials, whether published online, in hard copy or any other format; and
- public announcements; and
- public promotional activities, by, or on behalf of, Care Assess in relation to each Service.

However, publications and published advertising and promotional materials that acknowledge Commonwealth HACC funding and Care Assess must also include the following **disclaimer**:

- *“Although funding for this Service has been provided by the Australian Government to Care Assess, the material contained herein does not necessarily represent the views or policies of the Australian Government or Care Assess.”*

Care Assess is responsible for ensuring that Service Providers of Care Assess comply with the requirements for acknowledging the funding which are set out in this section.

14. CONFLICTS OF INTEREST

Care Assess and the Service Provider agree to declare any actual or potential conflict of interest in respect of the Care Assess' Contractor Agreement with Service Providers of Care Assess. For details of this requirement please see the 'Head Agreement' with the Commonwealth under the HACC Program which is provided with your organisations' Contractor Agreement with Care Assess.

15. DISPUTE RESOLUTION

Care Assess' Contractor Agreement sets out a process regarding dispute resolution between Care Assess and Service Providers of Care Assess. In brief, Care Assess:

1. is committed to resolving any disputes that may arise as quickly and efficiently as possible;
2. will notify the Service Provider of any issue or concerns in by phone or in writing, informing the timeframe, action and outcome of the concern;
3. will refer a dispute to an independent qualified mediator agreed to by both parties for resolution of an issue or concern which has not been mutually resolved;

Care Assess and Service Providers of Care Assess must continue to meet all other obligations in accordance with our Agreement which do not affect the dispute.

16. INSURANCES

Service Providers of Care Assess are to annually submit to Care Assess copies of their Certificates of Currency against the following insurances as soon as possible prior to

the expiry of your cover which must provide demonstrated evidence of compliance with the Insurances clause (clause 9) in our Agreement:

1. Workers Compensation Insurance if required, or if you are a sole trader and the single operator of your organisation, personal accident cover;
2. Public Liability; and
3. Professional Indemnity if required.

17. WORKCOVER RESOURCES



Please find out about WorkCover Tasmania, the organisation working with Tasmanian employers, workers, insurers, doctors and others to reduce the incidence of work-related injury and illness in Tasmania, and facilitate the early return to work of injured workers.

Please visit WorkCover to find easy-to-use resources to help you make your workplace safer.

- **Small Business Guide - Making your small business safer and healthier**



This guide helps you make your workplace safer and healthier by providing practical information and tools that are useful to a small business.

http://www.workcover.tas.gov.au/__data/assets/pdf_file/0019/165403/Making_your_small_business_safer_and_healthier.pdf

- **Safe Operating Procedures, checklists, forms, policies and registers**














http://www.workcover.tas.gov.au/resources/employers/providing_a_safe_workplace

Provided below are some examples of the samples available on this site:




Sample Safe Operating Procedures (SOPs)

- SOP - Blower Vacuum Electric
- SOP - Brush Cutter-Line Trimmer Petrol Operated
- SOP - Chainsaw Petrol Operated
- SOP - Edger Handheld Petrol Operated
- SOP - Mower Walk Behind






Sample checklists

- [Checklist - Manual Tasks \(Sample\)](#) 
- [Checklist - Chemicals \(Sample\)](#) 
- [Checklist - Cutting Tools \(Sample\)](#) 
- [Checklist - Electrical \(Sample\)](#) 
- [Checklist - Emergency Procedures \(Sample\)](#) 
- [Checklist - Induction \(Sample\)](#) 
- [Checklist - Machinery and Equipment \(Sample\)](#) 
- [Checklist - Noise \(Sample\)](#) 
- [Checklist - Rural Hazard \(Sample\)](#) 
- [Checklist - Slips Trips Falls \(Sample\)](#) 
- [Checklist - Vehicle Maintenance \(Sample\)](#) 
- [Checklist - Working Alone Money Public \(Sample\)](#) 
- [Checklist - Working at Height \(Sample\)](#) 




Sample forms

- [Form - Accident, Incident Reporting \(Sample\)](#) 
- [Form - Risk Assessment \(Sample\)](#) 
- [Form - Hazard Report \(Sample\)](#) 

Sample policies

- [Policy - Bullying \(Sample\)](#) 
- [Policy - Drug and Alcohol \(Sample\)](#) 
- [Policy - Health and Safety 1 \(Sample\)](#) 
- [Policy - Health and Safety 2 \(Sample\)](#) 
- [Policy - Workplace Stress \(Sample\)](#) 

Sample registers

- [Register - Chemical \(Sample\)](#) 
- [Register - Competency \(Sample\)](#) 
- [Register - Training \(Sample\)](#) 

18. TELEPHONE NUMBERS

NAME	NUMBER
Emergency Numbers Police, Ambulance, Fire Service	000

Care Assess - South	6244 7700
Care Assess - North	6331 0803
Care Assess - North West	6421 7846
Poisons Information Centre	131126
Tasmanian WorkCover	1300 776 572
Advocacy Tasmania	1800 005 131

19. OTHER RESOURCES

1. Commonwealth HACC Program Manual
<http://www.health.gov.au/internet/main/publishing.nsf/Content/ageing-hacc-manual.htm>
2. APS Code of Conduct
<http://www.apsc.gov.au/conduct/>
3. Charter of Rights and Responsibilities for Community Aged Care
<http://www.health.gov.au/internet/main/publishing.nsf/Content/ageing-charter-rights.htm>
4. Community Care Common Standards Guide
www.health.gov.au/internet/main/publishing.nsf/Content/ageing-publicat-commcare-standards.htm
5. Community Packaged Care Guidelines 2011
www.health.gov.au/internet/main/publishing.nsf/Content/ageing-cacp-guidelines.htm1
6. On the record – Guidelines for the prevention of discrimination in employment on the basis of criminal record
http://www.humanrights.gov.au/human_rights/criminalrecord/on_the_record/index.html
7. The Guide for Community Care Service Providers of Care Assess on how to respond when a community care client does not respond to a scheduled visit
www.health.gov.au/internet/main/publishing.nsf/Content/ageing-commcare-guide-professional.htm

THANK YOU

Care Assess greatly appreciate the collaboration of all Service Providers of Care Assess who work with us to deliver on our behalf quality care that is efficient and effective to improve the health outcomes of older Tasmanians, enhancing their independence and wellbeing, and enabling them to live well within their own community.

APPENDIX 1 – ACCIDENT/INCIDENT REPORT FORM

Date of incident: _____ Time of incident: _____

Person Injured: _____

Location of incident: _____

What Happened: _____

Action taken: _____

Reported By: _____ Witnessed By: _____

Signed: _____ Signed: _____

Date: _____ Date: _____

South

p. 6244 7700

f. 6244 7711

L2, 6 Bayfield Street
Rosny Park TAS 7018

North

p. 6331 0803

f. 6331 0688

L5, QV Tower
11 High Street
Launceston TAS 7250

North West

p. 6421 7831

f. 6421 7812

23 Steele Street
Devonport TAS 7310

ACCIDENT/INCIDENT INVESTIGATION

Investigation: _____

Recommendations: _____

Investigated By: _____

Signed: _____

Date: _____

South

p. 6244 7700

f. 6244 7711

L2, 6 Bayfield Street

Rosny Park TAS 7018

North

p. 6331 0803

f. 6331 0688

L5, QV Tower

11 High Street

Launceston TAS 7250

North West

p. 6421 7831

f. 6421 7812

23 Steele Street

Devonport TAS 7310

Appendix 2 – Complaints/Compliments Brochure

- The complaint is then referred to the relevant area for investigation
- Following this, a response will be sent to you within twenty-one calendar days
- If, for any reason, there will be a delay in our response we will notify you immediately

If I am still not happy with the outcome?

If you are unhappy with the outcome of your complaint you can contact:

Advocacy Tasmania
1800 005 131

Advocacy staff will assist you in reaching a conclusion.

If you are an Aged Care Client, you also have the right to complain to the Aged Care Complaint Investigation Scheme by phoning 1800 550 552

Compliments and commendations

Staff appreciate feedback on what they have done well. Compliments can either be given directly to the staff member concerned, or by contacting our head office by phone or in writing.

For more information on either making a complaint or giving a compliment contact:

Jane Smith
Operations Manager
Care Assess
Level 2, 6 Bayfield Street
Rosny Park TAS 7018



p. 1300 364 876
e. info@careassess.com.au
w. careassess.com.au

Complaints & Compliments

South
Phone: 6244 7700 Fax: 6244 7711
Address: Level 2, 6 Bayfield St, Rosny Park 7018

North
Phone: 6331 0803 Fax: 6331 0688
Address: Level 5, QV Tower, 11 High St, Launceston 7250

North West
Phone: 6421 7846 Fax: 6421 7812
Address: 23 Steele St, Devonport 7310



offices
state-wide
> North West
> North
> South

*By providing us your
valuable comments
we can continue
to improve our
services for you.*

Introduction

Care Assess encourages feedback from clients, as well as their families and visitors. This feedback lets us know what we are or are not doing well, and enables staff to better understand the needs of the client. This is crucial in assisting us to continue to provide the best quality client care.

All complaints to Care Assess will be received and responded to in compliance with our Complaints and Feedback Policy. A copy of this is available upon request.

Why complain?

It is the right of every client and members of their family to make a complaint regarding the services you receive and care that is provided.

Care Assess endeavors to:

- Encourage clients to come forward with any genuine complaints and concerns
- Deal with complaints in a supportive environment

- Encourage fairness and impartiality in finding an appropriate resolution

What will happen to me if I complain?

If you make a complaint, your services will not be affected. You will continue to receive the highest quality of care and be treated with the utmost respect.

How to make a complaint or compliment

Complaints or compliments can be made:

- In person
 - In writing
 - Over the phone
- Using the details provided in this brochure.

When making a complaint...

All complaints will be handled sensitively with the utmost discretion while being investigated thoroughly before resolution.

- Try to remain calm
- Identify the issue as briefly as possible
- Where able, write it down

Who do I make the complaint to?

Complaints can be made to:

- A staff member
- The Operations Team Leader
- The Clinical Team Leader

Can I have someone make the complaint on my behalf?

Yes. You have the right to have an advocate or representative (such as a spouse, family member or a friend) make a complaint on your behalf or be involved in the discussions regarding the complaint.

What happens next?

When we receive a complaint the following process occurs:

- The complaint is registered
- You will be contacted either by phone or in writing, to acknowledge the receipt of your complaint

For more information call Care Assess on (03) 6244 7700

APPENDIX 3 – HAZARD REPORT FORM

HAZARD REPORT FORM

Brief description of Hazard/Health and Safety Issue

Include details, if any, of immediate action taken to ensure the safety of persons who may be affected

Where is the Hazard located in the Workplace?

Time/Date Hazard identified

Time: am / pm

Date: / /

Recommended action to fix an Issue

Recommended completion date: / /

PLEASE NOTE: This report does not imply that all conditions and work practices are acceptable

Workplace Health & Safety Representative

Name:

Signature:

Date: / /

Received by the Employer of Health & Safety Officer

Name:

Signature:

Date: / /

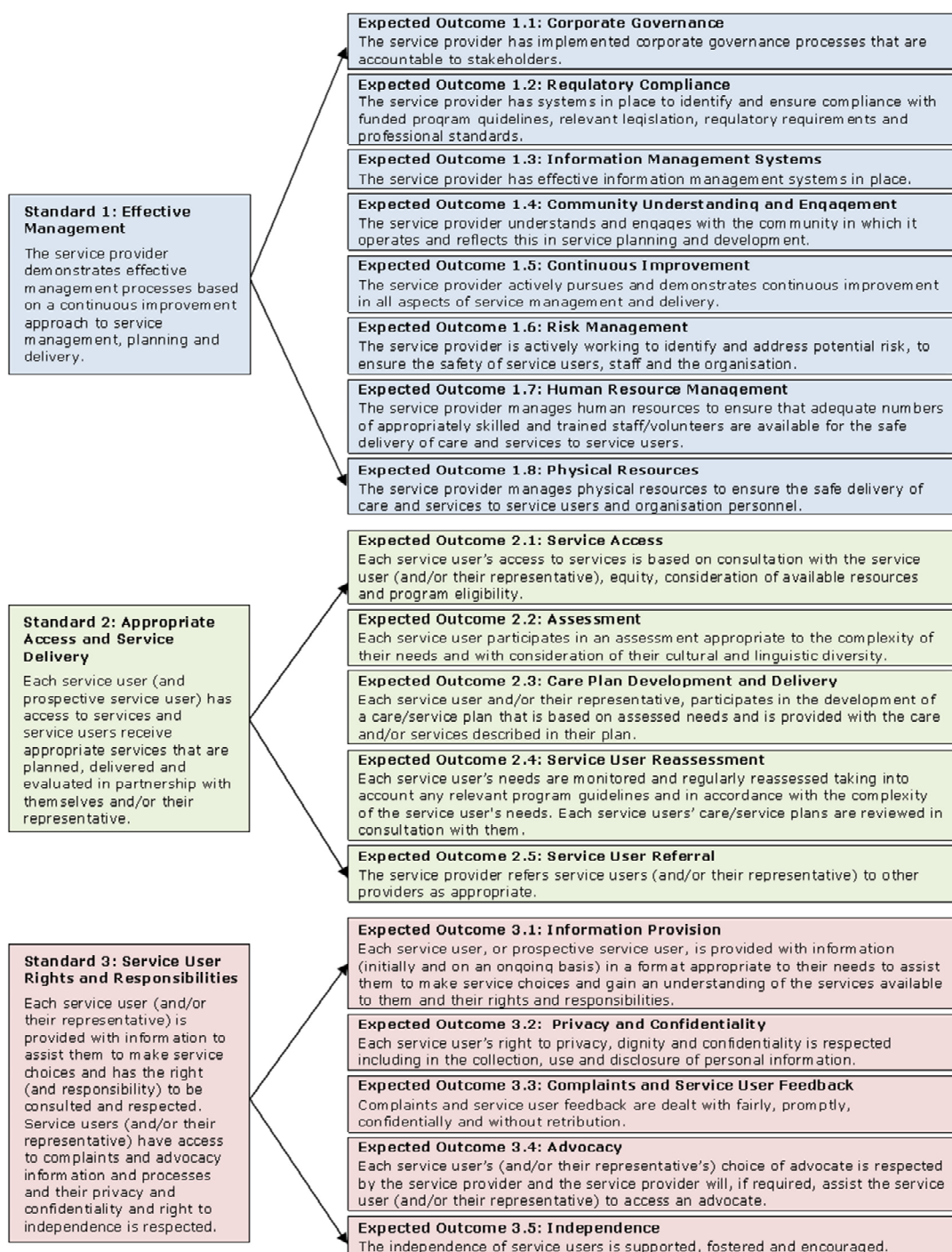
How did the Employer Address the Hazard/Issue?

Do you consider the issue Resolved?	Completed on: / /
<input type="checkbox"/> Yes <input type="checkbox"/> No	Signature: / /

TO BE COMPLETED IF THE REPRESENTATIVE INTENDS TO NOTIFY THE INSPECTOR

Details of Employer	Details of Principal Contractor (only if employed on construction work)
Employer/Company Name:	Principal Contractor Name
Address where you are normally employed:	
Employer Phone Number: ()	

APPENDIX 4 – THE COMMUNITY CARE COMMON STANDARDS



A Community Care Common Standards Guide is available at:

- www.health.gov.au/internet/main/publishing.nsf/Content/ageing-publicat-commcare-standards.htm

APPENDIX 5 – CHARTER OF RIGHTS AND RESPONSIBILITIES FOR COMMUNITY CARE



Australian Government

Department of Health and Ageing

Rights

As a care recipient HACC clients have the following rights:

1 GENERAL

- a) to be treated and accepted as an individual, and to have my individual preferences respected
- b) to be treated with dignity, with my privacy respected
- c) to receive care that is respectful of me, my family and home
- d) to receive care without being obliged to feel grateful to those providing my care
- e) to full and effective use of all my human, legal and consumer rights, including the right to freedom of speech regarding my care
- f) to be treated without exploitation, abuse, discrimination, harassment or neglect

2 PARTICIPATION

- a) to be involved in identifying the community care most appropriate for my needs
- b) to choose the care and services that best meet my assessed needs, from the community care able to be provided and within the limits of the resources available
- c) to participate in making decisions that affect me
- d) to have my representative participate in decisions relating to my care if I do not have capacity

3 CARE AND SERVICES

- a) to receive reliable, coordinated, safe, quality care and services which are appropriate to my assessed needs
- b) to be given before, or within 14 days after I commence receiving care, a written plan of the care and services that I expect to receive
- c) to receive care and services as described in the plan that take account of my lifestyle, other care arrangements and cultural, linguistic and religious preferences
- d) to ongoing review of the care and services I receive (both periodic and in response to changes in my personal circumstances), and modification of the care and services as required

4 PERSONAL INFORMATION

- a) to privacy and confidentiality of my personal information
- b) to access my personal information

5 COMMUNICATION

- a) to be helped to understand any information I am given
- b) to be given a copy of the Charter of Rights and Responsibilities for Community Care
- c) to be offered a written agreement that includes all agreed matters
- d) to choose a person to speak on my behalf for any purpose

6 COMMENTS AND COMPLAINTS

- a) to be given information on how to make comments and complaints about the care and services I receive
- b) to complain about the care and services I receive, without fear of losing the care or being disadvantaged in any other way
- c) to have complaints investigated fairly and confidentially, and to have appropriate steps taken to resolve issues of concern

7 FEES

- a) to have my fees determined in a way that is transparent, accessible and fair
- b) to receive invoices that are clear and in a format that is understandable
- c) to have my fees reviewed periodically and on request when there are changes to my financial circumstances
- d) not to be denied care and services because of my inability to pay a fee for reasons beyond my control

Responsibilities

As a care recipient HACC clients have the following responsibilities:

1 GENERAL

- a) to respect the rights of care workers to their human, legal and industrial rights including the right to work in a safe environment
- b) to treat care workers without exploitation, abuse, discrimination or harassment

2 CARE AND SERVICES

- a) to abide by the terms of the written agreement
- b) to acknowledge that my needs may change and to negotiate modifications of care and service when my care needs do change
- c) to accept responsibility for my own actions and choices even though some actions and choices may involve an element of risk

3 COMMUNICATION

- a) to give enough information to assist the approved provider to develop, deliver and review a care plan
- b) to tell the approved provider and their staff about any problems with the care and services

4 ACCESS

- a) to allow safe and reasonable access for care workers at the times specified in my care plan or otherwise by agreement
- b) to provide reasonable notice if I do not require a service

5 FEE

- a) to pay any fee as specified in the agreement or negotiate an alternative arrangement with the provider if any changes occur in my financial circumstances
- b) to provide enough information for the approved provider to determine an appropriate level of fee



APPENDIX 6 – COMMONWEALTH HACC PROGRAM POLICE CERTIFICATE

GUIDELINES July 2012

This information is a subset of **Commonwealth HACC Program Manual Edition 1 – Appendix F**

These Guidelines have been developed to assist Service Providers of Care Assess with the management of police check requirements under the Commonwealth HACC Program.

Police checks are intended to complement robust recruitment practices and are part of a service provider's responsibility to ensure all staff, volunteers and executive decision makers are suitable to provide services to clients of the Commonwealth HACC Program.

1. YOUR OBLIGATIONS

Service Providers of Care Assess have a responsibility to ensure that all staff, volunteers and executive decision makers working in Commonwealth HACC services are suitable for the roles they are performing. They should undertake thorough background checks to select staff in accordance with the requirements under the Aged Care Funding Agreement and the Community Care Common Standards.

As part of this, Service Providers of Care Assess must ensure national criminal history record checks, not more than three years old, are held by:

- staff who are reasonably likely to interact with clients;
- volunteers who have unsupervised interaction with clients; and
- executive decision makers.

Service Providers of Care Assess should ensure they have policies and procedures in place to assess police certificates. A service provider's decision to employ or retain the services of a person with any relevant recorded convictions will need to be rigorous, defensible and transparent.

2. POLICE CERTIFICATES

Police certificate requirements

A police certificate that satisfies requirements under the Aged Care Funding Agreement and Commonwealth HACC Program Manual is a nationwide assessment of a person's criminal history (also called a "National Criminal History Record Check" or a "National Police Certificate") prepared by the Australian Federal Police, a state or territory police service, or a CrimTrac accredited agency.

CrimTrac certificates

Police certificates or reports prepared by CrimTrac accredited agencies are considered by the Department as being prepared on behalf of the police services and therefore meet the Department's requirements. More information about CrimTrac is available at:

www.crimtrac.gov.au

Statutory declarations

Statutory declarations are generally only required in addition to police checks in two instances:

- for essential new staff, volunteers and executive decision makers who have applied for, but not yet received, a police certificate; and
- for any staff, volunteers or executive decision makers who have been a citizen or permanent resident of a country other than Australia after the age of 16.

In these two instances, a staff member, volunteer or executive decision maker can sign a statutory declaration stating either that they have never, in Australia or another country, been convicted of an offence or, if they have been convicted of an offence, setting out the details of that offence. Note that a person is entitled to sign a statutory declaration stating that they have not been convicted of an offence if they have been convicted of an offence but the conviction is a 'spent' conviction (see 5.8 Spent convictions).

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

A statutory declaration template is provided at **APPENDIX 7**. More information about statutory declarations is available at: www.ag.gov.au/statdec

3. STAFF, VOLUNTEERS AND EXECUTIVE DECISION MAKERS

Staff, volunteers and executive decision makers

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

- staff who are reasonably likely to interact with clients;
- volunteers who have unsupervised interaction with clients; and
- executive decision makers.

Definition of a staff member

A staff member is defined, for the purposes of the Guidelines, as a person who:

- has turned 16 years of age; and
- is employed, hired, retained or contracted by the service provider (whether directly or through an employment or recruitment agency) to provide care or other services under the control of the service provider; and
- interacts, or is reasonably likely to interact, with clients.

Examples of individuals who are staff members include:

- employees and subcontractor of the service provider who provide services to clients (this includes all staff employed, hired, retained or contracted to provide services under the control of the service provider whether in a community setting or in the client's own home);
- employees and subcontractor who contact the client by phone.

Definition of non-staff members

Individuals who are not considered to be staff members, for the purposes of the Guidelines, include:

- employees who, for example, prepare the payroll, but do not interact with clients;
- independent Service Providers of Care Assess.

Generally, an independent contractor is a person:

- who is paid for results achieved;
- provides all or most of the necessary materials and equipment to complete the work;
- is free to delegate work to others;
- has freedom in the way that they work;
- does not provide services exclusively to the service provider;
- is free to accept or refuse work; and
- is in a position to make a profit or loss.

For the purposes of these Guidelines, a subcontractor who has an ongoing contractual relationship with the service provider is not taken to be an independent contractor but is regarded as a staff member. A person who is contracted to perform a specific task on an ad hoc

basis may fall within the definition of an independent contractor. Having an Australian Business Number (ABN) does not automatically make a person an independent contractor.

Definition of a volunteer

A volunteer is defined, for the purposes of the Guidelines, as a person who:

- is not a staff member; and
- offers his or her services to the service provider; and
- provides care or other services on the invitation of the service provider and not solely on the express or implied invitation of a client; and
- has, or is reasonably likely to have, unsupervised interaction with clients.

A student undertaking a clinical placement in the community who is over 18 years and has, or is reasonably likely to have, unsupervised interaction with clients would be a volunteer.

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

- persons volunteering who are under the age of 16 (except where they are a full-time student, then under the age of 18);
- persons who are expressly or impliedly invited into the client's home by a client (for example, family and friends of the client); and
- persons who only have supervised interaction with clients.

Definition of unsupervised interaction

Unsupervised interaction is defined as interaction with a client where a volunteer is unaccompanied by another volunteer or staff member. In regard to volunteers, if volunteers are visiting a client in pairs it is not a requirement for either of those volunteers to have a police certificate.

Definition of an executive decision maker

An executive decision maker is:

- a member of the group of persons who is responsible for the executive decisions of the entity at that time; or
- any other person who has responsibility for (or significant influence over) planning, directing or controlling the activities of the entity at that time; or
- any person who is responsible for the day-to-day operations of the service, whether or not the person is employed by the entity.

In determining who are executive decision makers, Service Providers of Care Assess need to consider the functional role individuals perform rather than their job title.

New staff

While Service Providers of Care Assess should aim to ensure all new staff members, volunteers and executive decision makers have obtained a police certificate before they start work, there are exceptional circumstances where new staff, volunteers and executive decision makers can commence work prior to receipt of a police certificate.

A person can start work prior to obtaining a police certificate if:

- the care or other service to be provided by the person is essential; and
- an application for a police certificate has been made before the date on which the person first becomes a staff member or volunteer; and
- until the police certificate is obtained, the person will be subject to appropriate supervision during periods when the person interacts with clients; and
- the person makes a statutory declaration stating either that they have never, in Australia or another country, been convicted of an offence or, if they have been convicted of an offence, setting out the details of that offence.

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

- that an application for a police certificate has been made;
- the care and other service to be provided is essential;
- the way in which the person would be appropriately accompanied; and

- how a person will be appropriately accompanied in a range of working conditions, e.g. during holiday periods when staff numbers may be limited.

Staff, volunteers and executive decision makers who have resided overseas

Staff members, volunteers and executive decision makers who have been citizens or permanent residents of a country other than Australia since turning 16 years of age must make a statutory declaration before starting work with any Commonwealth HACC service provider, stating either that they have never, in a country other than Australia, been convicted of an offence or, if they have been convicted of an offence, setting out the details of that offence.

This statutory declaration is in addition to a current national police certificate, as this reports only those convictions recorded in Australian jurisdictions.

4. ASSESSING A POLICE CERTIFICATE

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; and
- a reference number or similar.

A service provider must be satisfied that a certificate is genuine and has been prepared by a Police service or a CrimTrac accredited agency. An original police certificate or a certified copy should be provided rather than an uncertified photocopy.

It is up to the service 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 service provider.

Purpose of a police certificate

A police certificate that best satisfies requirements under the Commonwealth HACC Program police check regime 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 CrimTrac agency issuing the certificate.

In place of a national criminal history record check, Service Providers of Care Assess may accept staff members and volunteers who hold a card issued by a state or territory authority following a vetting process that enables the card holder to work with vulnerable people. Executive decision makers are required to have a national criminal history record check.

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.

Assessing information obtained from a police certificate for staff and volunteers

Commonwealth HACC Service Providers of Care Assess may use discretion when assessing a person's criminal history to determine whether recorded offences are relevant to the job. The principle that Service Providers of Care Assess should apply is to determine the risk of harm to clients.

Service Providers of Care Assess should ensure they have policies and procedures in place to assess police certificates. A service provider's decision to employ or retain the services of a person with any relevant recorded convictions will need to be rigorous, defensible and transparent.

A risk assessment approach

The following considerations are intended as a guide to assist Service Providers of Care Assess to assess a person's police certificate for their suitability to be either a staff member or volunteer for a Commonwealth HACC service provider:

- **Access:** the degree of access to clients, their belongings, and their personal 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. community or home based settings.
- **Relevance:** the type of conviction and sentence imposed for the offence in relation to the duties a person is, or may be undertaking. A service 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.
- **Age:** the ages of the person and of any victim at the time the person committed the offence. The service provider may place less weight on offences committed when the person is younger, and particularly under the age of 18 years. The service provider may place more weight on offences involving vulnerable persons.
- **Decriminalised offence:** whether or not the conduct that constituted the offence or to which the charge relates has been decriminalized since the person committed the offence.
- **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.

Assessing information obtained from a police certificate for executive decision makers

Commonwealth HACC Service Providers of Care Assess may use limited discretion when assessing a person's criminal history to determine whether any recorded offences are relevant to performing the functions and duties of an executive decision maker.

A Commonwealth HACC service provider must not allow a person whose police certificate records a precluding offence to perform the functions and duties of an executive decision maker. The offences that preclude a person under the Commonwealth HACC Program police check regime from performing the functions and duties of an executive decision maker are:

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

Whether or not an offence is an indictable offence will depend on legislation within the jurisdiction. Service Providers of Care Assess might need to seek legal advice if there is any doubt. If a conviction for what would otherwise be a precluding offence is considered 'spent' under the law of the relevant jurisdiction, the conviction does not preclude the person from performing the functions and duties of an executive decision maker.

While a service provider may not use discretion to allow a person whose police certificate records a conviction for a precluding offence to perform the functions and duties of an executive decision maker, Service Providers of Care Assess may use discretion in determining whether any other recorded convictions are relevant to performing those functions and duties. The risk assessment approach set out in 5.4 may be used as a guide to assist Service Providers of Care Assess to assess the relevance of any non-precluding offences to performing the functions and duties of an executive decision maker.

A service provider's decision to allow a person with any recorded convictions to perform the functions and duties of an executive decision maker must be rigorous, defensible and transparent. The overriding principle that Service Providers of Care Assess should bear in mind is to minimise the risk of harm to clients.

Committing an offence during the three year police certificate expiry period

Service Providers of Care Assess must take reasonable measures to require each of their staff members, volunteers and executive decision makers to notify them if they are convicted of an offence in the three year period between obtaining and renewing their police check. If an executive decision maker has been convicted of a precluding offence they must not be allowed to continue as an executive decision maker.

Refusing or terminating employment on the basis of a criminal record

If a service provider refuses or terminates employment on the basis of a person's conviction for an offence, the conviction must be considered relevant to the inherent requirements of the position. If in any doubt, Service Providers of Care Assess 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 at: www.fwa.gov.au. In addition, under the *Human Rights and Equal Opportunity Act 1986*, the Australian Human Rights Commission has the power to inquire into discrimination in employment on the ground of criminal record.

If a person feels they have been discriminated against based on their criminal record in an employment decision of a service provider, they may make a complaint to the Australian Human Rights Commission. Further information on discrimination on the basis of criminal record is available at: www.humanrights.gov.au

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. If a conviction has been 'spent' the person is not required to disclose the conviction. The aim of the scheme is to prevent discrimination on the basis of old minor convictions, once a waiting period (usually 10 years) has passed and provided the individual has not re-offended during this period.

Spent conviction legislation varies from jurisdiction to jurisdiction. In some circumstances or jurisdictions certain offences cannot be spent. Further Information on spent convictions can be found at: <http://www.afp.gov.au/what-we-do/police-checks/spent-convictions-scheme.aspx>

5. POLICE CHECK ADMINISTRATION

Record keeping responsibilities

Service Providers of Care Assess must keep records that can demonstrate that:

- there is a police certificate, which is not more than three years old, for each staff member, volunteer and executive decision maker;
- an application has been made for a police certificate where a new staff member, volunteer or executive decision maker does not have a police certificate; or

- a statutory declaration has been provided by any staff member, volunteer or executive decision maker who has not yet obtained a police certificate or was a citizen or permanent resident of a country other than Australia.

How a service provider demonstrates their compliance with record keeping requirements is a decision for their organisation to make, based on their circumstances.

Sighting and storing police certificates

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 at: www.privacy.gov.au

When individuals undertake to obtain their own police certificate, or employment agencies hold police certificates, Service Providers of Care Assess 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 service provider to meet their responsibilities under the Commonwealth HACC Program police check regime.

Cost of police certificates

Service Providers of Care Assess have a responsibility to ensure all staff members, volunteers and executive decision makers undergo police checks. However, the payment of the cost of obtaining a police certificate is a matter for negotiation between the service provider and the individual.

Individuals may be able to claim the cost of the police certificate as a work-related expense for tax purposes. Further advice on this issue is available from the Australian Taxation Office through their website at: www.ato.gov.au

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

Obtaining certificates on behalf of staff, volunteers or executive decision makers

A person may provide a police certificate to the service provider or give consent for the service provider to obtain a police certificate on their behalf.

Service Providers of Care Assess can obtain consent forms from the relevant police services or a CrimTrac accredited agency. In some jurisdictions, parental consent may be required to request a police certificate for an individual under the age of 18 years.

Police certificate expiry

Police certificates for all staff, volunteers and executive decision makers must remain current and need to be renewed every three years before they expire. If a police certificate expires while a staff member is on leave, the new certificate must be obtained before the staff member can resume working at the service. Service Providers of Care Assess should note that the application or renewal process can take longer than eight weeks.

Documenting decisions

Any decision taken by a service 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 service provider, the individual, a legal representative, board members etc.

Monitoring compliance with police check requirements

Service Providers of Care Assess must have policies and procedures in place to demonstrate suitable management and monitoring of the police certificate requirements for all staff members, volunteers and executive decision makers. This includes, for example:

- three-year police check renewal procedures;

- appropriate storage, security and access requirements for information recorded on a police certificate; and
- evidence of a service 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.

The Community Care Common Standards outline the requirements for Service Providers of Care Assess to have appropriate policies and procedures in place to manage relevant legislative and regulatory requirements for police checks. Specific references to police checks requirements are made in Standard 1: Effective Management, Expected Outcome 1.2 Regulatory Requirements and Expected Outcome 1.7 Human Resource Management.

Under the Community Care Common Standards, quality reviewers may check the currency of a service provider's police checks, and that they have appropriate systems and procedures in place to ensure police checks remain current.

6. POLICE SERVICE CONTACT DETAILS

Australian Federal Police (for ACT)

Phone: (02) 6202 3333
<http://www.afp.gov.au/what-we-do/police-checks/national-police-checks.aspx>

Tasmania Police

Phone (03) 6230 2928
<http://www.police.tas.gov.au/services-online/police-history-record-checks/>

APPENDIX 7 - STATUTORY DECLARATION TEMPLATE

Commonwealth of Australia STATUTORY DECLARATION *Statutory Declarations Act 1959*

1 Insert the name, address and occupation of person making the declaration

1 I, _____ make the following declaration under the *Statutory Declarations Act 1959*:

2 Set out matter declared to in numbered paragraphs

2 I declare that (place a tick or cross in applicable box):

☐ since turning 16 years of age, I have been a citizen or permanent resident of a country/countries other than Australia.

☐ since turning 16 years of age, I have never been a citizen or permanent resident of a country/countries other than Australia

[Delete whichever declaration is not applicable and initial beside deletion]

I declare that I have never been convicted of any offence in any country.

OR

I declare that I have been convicted of the following offence(s):

<Insert details of offence(s)>

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration

3

Declared at⁴

on⁵

of⁶

4 Place

5 Day

6 Month and year

Before me,⁷

7 Signature of person before whom the declaration is made (see over)

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

8 Full name, qualification and address of person before whom the declaration is made (in printed letters)

Note 2 Chapter 2 of the Criminal Code applies to all offences against the Statutory Declarations Act 1959 — see section 5A of the *Statutory Declarations Act 1959*.

A statutory declaration under the Statutory Declarations Act 1959 may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trademarks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public

Australian Consular

Officer or Australian Diplomatic Officer (within the meaning of the Consular Fees Act 1955)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service Employee of the Australian Trade Commission

who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (d) of the Consular Fees Act 1955; and

(c) exercising his or her function in that place Employee of

the Commonwealth who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (c) of the Consular Fees Act 1955; and

(c) exercising his or her function in that place Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the Marriage Act 1961

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

(a) an officer; or

(b) a non-commissioned officer within the meaning of the Defence Force Discipline Act 1982 with 5 or more years of continuous service; or

(c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising

Accountants or the

National Institute of Accountants

Member of:

(a) the Parliament of the Commonwealth; or

(b) the Parliament of a State; or

(c) a Territory legislature; or

(d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the Marriage Act 1961 Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is

employed in an

office supplying postal services to the public

Permanent employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority; or

(c) a local government authority; with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution

APPENDIX 8 – SERIOUS INCIDENTS

Defining a serious incident

A serious incident is an incident that occurs as a result of, or during, the delivery of Commonwealth HACC services, and includes:

- the unexpected death* of a client, staff member, subcontractor or volunteer;
- a serious injury** to a client, staff member, subcontractor or volunteer;
- allegations of conduct that may result in death, harm or injury, made in relation to a service provider's organisation, staff, subcontractor or volunteers;
- allegations of unlawful or criminal activity, made in relation to a service provider's organisation, staff, subcontractor or volunteers; and
- a serious fire, natural disaster, accident or other incident which will or is likely to prevent service provision, or which results in closure or significant damage to premises or property, or which poses a significant threat to the health and safety of clients, staff, subcontractor or volunteers.

Note that this list is not exhaustive. Service Providers of Care Assess must use their judgment in considering the sensitivity of individual incidents and whether it is appropriate to notify the Department of those incidents.

* The death of a client, staff member, subcontractor or volunteer does not in itself constitute a serious incident. However, if the death involves circumstances that are out of the ordinary then it may constitute a serious incident, for example:

- the death occurred in unusual circumstances;
- a client dies and the standard of services provided may have been a contributing factor;
- the death has an obvious and direct correlation to the services the person was receiving; and
- the death is reportable by law.

** A serious injury to a client, staff member, subcontractor or volunteer does not in itself constitute a serious incident. However, if the serious injury involves circumstances that are out of the ordinary then it may constitute a serious incident, for example:

- the serious injury occurred in unusual circumstances;
- the serious injury results in the hospitalisation of a client, staff member, subcontractor or volunteer;
- a client is seriously injured and the standard of services provided may have been a contributing factor;
- the serious injury has an obvious and direct correlation to the services the person was receiving; and
- the serious injury is reportable by law.

If a serious incident occurs

If a serious incident does occur as a result of, or during, the delivery of Commonwealth HACC services, Service Providers of Care Assess must:

- respond to the immediate needs of the individual and re-establish a safe environment;
- advise senior staff members; and
- immediately notify Care Assess
- Care Assess is required to immediately notify the Department in writing.

If a serious incident does occur, the Department may request documentation from the service provider to show evidence of how it will manage the serious incident. Given this, Service Providers of Care Assess may wish to develop Activity Continuity Plans.

APPENDIX 9 – CODE OF CONDUCT



CODE OF CONDUCT

Purpose

Care Assessment Consultants Pty Ltd ("Care Assess") recognises the importance of a work environment which actively promotes best practice. The purpose of this Code of Conduct is to describe the standards of behaviour and conduct expected from workplace participants in their dealings with customers, suppliers, clients, co-workers, management and the general public.

Care Assess expects all workplace participants to observe the standards set out in this Code of Conduct. Compliance with this Code is expected and non-compliance may result in disciplinary action. Agents and contractors (including temporary contractors) may have their contracts with Care Assess terminated or not renewed.

Commencement

This Code of Conduct will commence from 6/10/2011. It replaces all other codes of conduct (whether written or not).

Application of policy

This Code of Conduct applies to employees, agents and contractors (including temporary contractors) of Care Assess, collectively referred to in this policy as 'workplace participants'. The Code of Conduct does not form part of any contract between an employee and Care Assess nor does it form part of any other workplace participant's contract for service.

The Code

All employees of Care Assess are expected to observe the highest standards of ethics, integrity and behaviour during the course of their employment with Care Assess. This Code provides an overview of Care Assess' fundamental business values. It is by no means exhaustive, but summarises some of our most important policies, which are based on standards that underlie our business ethics and professional integrity, standards that apply to all workplace participants.

As representatives of Care Assess, all workplace participants are expected to conduct themselves in a professional and courteous manner and observe the following standards of behaviour both inside the workplace and outside the workplace. Where the workplace participant can be perceived as representing Care Assess, all workplace participants are expected to:

- Comply with all laws, policies, procedures, rules, regulations and contracts.
- Comply with all lawful and reasonable directions from Care Assess.
- Be honest and fair in dealings with customers, clients, suppliers, co-workers, management and the general public.
- Display the appropriate image of professionalism at your workplace, ensuring their appearance is neat and tidy.
- Treat customers, clients, suppliers, co-workers, company management and the general public in a non-discriminatory manner with proper regard for their rights and dignity. In this regard, discrimination, victimisation or harassment based on a person's race, colour, creed,

religion, national origin, citizenship, age, sex, sexual orientation, marital status, union membership or non-membership, mental or physical disability, or any other classification protected by law will not be tolerated.

- Promptly report any violations of law, ethical principles, policies and this Code.
- Maintain punctuality. If a workplace participant is late or cannot report for work, please telephone and let the supervisor know as soon as possible.
- Do not use work time for private gain. If a workplace participant is required to leave the work premises for personal reasons they should advise their Manager well in advance.
- Maintain and develop the knowledge and skills necessary to carry out duties and responsibilities.
- Observe health and safety policies and obligations, and co-operate with all procedures and initiatives taken by Care Assess in the interests of occupational health and safety.
- Be truthful in all dealings with persons encountered at the workplace.
- Refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment or give rise to the reasonable suspicion or appearance of improper conduct or biased performance.
- Not act for an improper or ulterior purpose or on irrelevant grounds.
- Never demand or request any gift or receive benefit in connection with employment or engagement.
- Respect Care Assess' ownership of all of its funds, equipment, supplies, books, records and property.
- Maintain during employment with Care Assess and after the termination of employment, the confidentiality of any confidential information, records or other materials acquired during the employment with Care Assess.
- While employed at Care Assess, not accept any employment with another organisation that is a supplier or competitor of Care Assess, or any other employment that is in conflict with your position at Care Assess.
- Not make any unauthorised statements to the media about Care Assess' business (requests for media statements should be referred to the line manager).
- Do not fight in the workplace.
- Do not swear in the workplace.
- Never report for work under the influence of illicit drugs or alcohol.
- Do not smoke during working hours unless during prescribed breaks and within designated areas.
- Immediately and fully disclose in writing to the Employer any potential or actual conflicts of interest.
- Do not undertake any activity (whether paid or unpaid) which may compromise the Employee's ability to properly and objectively perform his duties and responsibilities to the Employer.
- Without limiting the generality of the above, do not engage in any of the following conduct:
 - Participate in any dishonest or unfair conduct in any business transaction or other dealing with the Employer's clients or customers, contractors or employees;
 - Disparage the Employer or its business;
 - Assist or participate in the business of a competitor of the Employer;
 - Divert clients, customers or business away from the Employer;
 - Undertake during working hours a business or work which is unrelated to that of the Employer;
 - Undertake outside of working hours a business or work which competes with the business of the Employer or otherwise gives rise to a conflict of interest;
 - Provide work, business or any other benefit on behalf of the Employer to a business in which the Employee or the Employee's immediate or extended family, friends, partners or associates have a significant financial or personal interest, without the explicit permission from the Chief Executive Officer;
 - Encourage employees or contractors of the Employer to leave the Employer;
 - Create discontent amongst employees or contractors of the Employer;
 - Accept a benefit from someone other than the Employer, such as a bribe, in return for an act or forbearance in relation to the Employer's business;

- Accept a benefit from a person that does business or competes with the Employer;
 - Earn or attempt to earn a secret profit or commission from the Employer's business; or
 - Engage in insider trading.
- The above restrictions set out in this Code will not apply to any of the following:
 - A lawful activity which the Employer has approved in writing after receiving full details of the activity from the Employee;
 - Reasonable involvement in any professional or educational activity or body; or
 - Trading in any shares or stock of any company which is listed on a recognised stock exchange for the purpose of investment only, provided that such shares or stock do not exceed 5% of the company's issued capital.
- You must report to the Employer any actual or suspected breaches of this Code by any other employee to their Manager.
- Breaches of this Code may lead to termination without notice.

Issues for Managers and Supervisors

Managers and supervisors should also:

- Promote a team spirit.
- Maintain confidentiality when conducting investigations into complaints, personal grievances and disputes.
- Avoid bias in decision making.
- Ensure compliance with procedures when carrying out counselling and discipline.
- Exercise objectivity when administering rewards or discipline.
- Do not condone, permit, or fail to report any breaches of the above code by workplace participants under their supervision.

Variations

Care Assess *reserves the right to vary, replace or terminate this policy from time to time.*

POLICY VERSION AND REVISION INFORMATION

Policy Authorised by: Joe Towns

Original issue: 7/10/2011

Title: Chief Executive Officer

Policy Maintained by: Jane Smith

Current version: 1

Title: Operations Manager

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