



Mandatory Declarations Policy

Version 1

ESSA:
EXERCISE & SPORTS SCIENCE AUSTRALIA

www.essa.org.au

Mandatory Declarations Policy

Approval Authority	<i>Board</i>
Date Approved	<i>August 2017</i>
Date Effective	<i>January 2018</i>
Date of Next Review	<i>January 2021</i>
Level of Policy	<i>Governance</i>
Related Policies/ Procedures: –ESSA	<p><i>By-law 4: Complaints and Disciplinary Procedures</i></p> <p><i>Code of Professional Conduct and Ethical Practice</i></p> <p><i>Practitioner Accreditation Policy</i></p> <p><i>Professional Indemnity Insurance Policy</i></p> <p><i>Recency of Practice Policy</i></p> <p><i>Return to Practice Policy</i></p> <p><i>CPD Guidelines (these are publicly available for each accreditation category)</i></p>
– External to ESSA	<p><i>Privacy Act 1988 (Cwlth)</i></p> <p><i>OAIC Privacy Factsheet 41: Spent Convictions</i></p>
Designated Authority	<i>Professional Standards Advisory Council (PSAC)</i>
Responsible Officers	<i>Policy & Advocacy Unit Manager</i>
Policy Overview	<p><i>The Mandatory Declarations Policy is a mechanism that aims to proactively identify exercise and sports science professionals whose conduct may place clients at risk of harm. Mandatory declarations are made at initial membership/accreditation and renewal of membership, renewal of accreditation or return from leave of absence, period of lapsed accreditation or period of suspension. They apply throughout the membership and/or accreditation period.</i></p> <p><i>Non-compliance with this policy and associated policies and procedures may breach the ESSA Code of Conduct and Ethical Practice and attract disciplinary action.</i></p>
Scope	<i>This policy applies to all ESSA members and ESSA-accredited individuals. It does not apply to non-practising individuals, individuals currently on leave of absence, period of lapsed membership/accreditation or period of suspension.</i>
Definitions	<p>Accredited individual – means and includes all individuals who hold an accreditation from ESSA.</p> <p>APP – means the Australian Privacy Principles.</p> <p>Australian Privacy Principles – means the <u>13 APPs from Schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2012, that amends the Privacy Act 1988.</u></p> <p>Board – means the Board of Directors of Exercise & Sports Science Australia.</p> <p>CEO – means the ESSA Chief Executive Officer</p> <p>Clinical – means relating to the observation and treatment of clients rather than theoretical or laboratory studies.</p>

Code of Conduct – means the ESSA Code of Professional Conduct and Ethical Practice.

Competency standards – means the standards that set out what individuals should know, understand and be able to do in order to practise safely and effectively. They describe the combination of skills, knowledge, attitudes, values and abilities that underpin effective performance as an exercise and sports science professional. Applicants must meet these standards to become accredited. The Exercise Science Standards, Accredited Exercise Physiologist Professional Standards, and Accredited Sports Science and Accredited High Performance Manager Professional Standards describe the competency standards for the respective ESSA accreditation categories.

CPD – means continuing professional development.

Criminal offence – means an act defined as unlawful in criminal law.

Declaration – means making an official, formal or explicit statement.

ESSA – means Exercise & Sports Science Australia.

Exercise and Sports Science Professional – means an ESSA-accredited exercise and sports science professional and/or a member of ESSA.

Fit – means of suitable quality, standard, or type to meet the required purpose.

Indemnity – means recompense for loss, damage, or injuries; restitution or reimbursement.

Lapsed accreditation – means non-renewed accreditation.

Lapsed membership – means non-renewed membership.

Mandatory – means something that must be done or is demanded by law or a regulatory body.

Mandatory declaration – means a declaration that is required for the granting of ESSA membership and/or accreditation.

Member – means a financial member of Exercise & Sports Science Australia, whether admitted as a student member, full member, accredited member, fellow, associate member, academic member or honorary member.

OAIC – means [Australian Government: Office of the Australian Information Commissioner](#)

Personal information – means information or an opinion, whether true or not, and whether recorded in a material form or not, about an identified individual, or an individual who is reasonably identifiable.ⁱ

Practicable – means feasible or possible – something that can be done.

Practice – means any role, whether remunerated or not, in which the individual uses their skills and knowledge as a practitioner in their profession. Practice includes the direct provision of services to clients, and the use of professional knowledge and/or skill in a direct clinical or non-clinical way. This includes non-direct relationships with clients, such as working in management, administration, education, research, advisory, regulatory or policy development roles; and any other roles that impact on safe, effective delivery of exercise and sports science services.

Practitioner – means an exercise and sports science professional.

Proper – means of the required or correct type or form; suitable or appropriate.

Prospective – means looking forward to events or situations expected to occur in the future.

Quality assurance – means that part of quality management that is focused on ensuring that quality requirements will be fulfilled.ⁱⁱ

Reasonably – means what someone else with similar competence, knowledge and experience in a similar situation would do.

Recency of practice – means the period of time over which an individual has utilised their professional knowledge and skills and the extent to which contemporary practice and competence within a profession has been maintained.

Recency of practice threshold – means the practitioner has accrued at least 1000 hours of practice over the previous five years or part thereof, where practice is less than five years, with not more than 2 consecutive years without any practise. Maintenance of certification and CPD does not constitute practice.

Retrospective – means looking back on or dealing with events or situations that occurred in the past.

Serious criminal offence – means an indictable offence that is punishable by imprisonment for life or for a term of 5 years or more.ⁱⁱⁱ

Spent conviction – means a conviction where:

- (a) the individual has been granted a pardon for a reason other than that the individual was wrongly convicted of the offence, or
- (b) the individual was not sentenced to imprisonment for the offence (or not imprisoned for more than 30 months) and the waiting period for the offence has ended.

The waiting period is ten years beginning on the day on which the individual was convicted of the offence, or five years in the case of a juvenile offender (generally being a person under the age of 18, except in Queensland where it is under the age of 17).^{iv}

Substantiating evidence – means evidence tendered to support the facts presented and to provide proof of the declaration.

Supporting evidence – means evidence to support the existence of the circumstances leading to the need for the declaration.

Threshold – means the magnitude or intensity that must be exceeded for a certain reaction, result or condition to occur or be manifested.

1. Governance Responsibilities

- 1.1 Under the ESSA Constitution, the Board is responsible for ensuring that ESSA admits only fit and proper persons as members of ESSA.
- 1.2 Under delegation from the Board, ESSA Accreditation Council is responsible for determining outcomes for applications for accreditation with ESSA.
- 1.3 This policy helps the Board and ESSA Accreditation Council deliver on these responsibilities.

2. Member/ Accredited Individual Declarations

- 2.1 Exercise and sports science professionals must make declarations to ESSA at the time of their initial accreditation and reaccreditation in relation to their ESSA membership and/or accreditation as set out in Clause 4. Member Declarations and Clause 5. Accreditation Declarations.
- 2.2 The declarations are a mandatory requirement for the duration of the exercise and sports science professional's ESSA membership and/or accreditation period.
- 2.3 In making the declarations against the mandatory declaration thresholds, see appendix 1 the individual is self-assessing their suitability for membership of, and/or accreditation with, ESSA. The individual is also providing an assurance that they are a suitable person to provide exercise and sports science services.
- 2.4 Mandatory declarations apply throughout the membership and/or accreditation period. Individuals must notify ESSA as soon as practicable when they have reason to believe they may be in breach of the declaration.
- 2.5 ESSA may, at its discretion, and in line with its annual audit and quality assurance measures, request evidence to support mandatory declarations.
- 2.6 Evidence to support mandatory declarations must be provided on request by ESSA.
- 2.7 ESSA may undertake a disciplinary review when it is suspected or known that an exercise and sports science professional has made false declaration(s) at the time of initial application and/or renewal of ESSA membership and/or accreditation.

3. Exemptions

- 3.1 There are no exemptions from the Mandatory Declarations Policy.

<p>4. Member Declarations</p>	<p>3.2 When an individual has concerns about meeting the professional development threshold, see appendix 1 they may submit an ESSA Application Form – Reduction/Extension of CPD points, supported by substantiating evidence; see CPD for the relevant accreditation category.</p> <p>3.3 When an individual has concerns about meeting the mandatory declaration threshold(s) other than professional development which is dealt with in 3.2 above, they must provide to ESSA a written statement of their concern in the form of a statutory declaration accompanied by substantiating evidence.</p> <p>3.4 Following review of the statement and evidence, ESSA will provide the individual with an outcome in writing. This outcome serves as guidance for that declaration.</p>
<p>5. Accreditation Declarations</p>	<p>4.1 The mandatory declarations may include:</p> <p>4.1.1 truthfulness and correctness of application</p> <p>4.1.2 commitment to abide by the ESSA Code of Professional Conduct and Ethical Practice</p> <p>4.1.3 disclosure of charges, convictions and involvement in proceedings related to criminal offence(s)</p> <p>4.1.4 ESSA’s management of personal information.</p> <p>5.1 The accreditation declarations may include:</p> <p>5.1.1 the declarations in 4.1</p> <p>5.1.2 having recent practice or a return to practice plan in place; see Recency of Practice and Return to Practice Policies.</p> <p>5.1.3 having adequate professional indemnity insurance; see Professional Indemnity Insurance Policy.</p> <p>5.1.4 meeting continuing professional development requirements; see Scope of Practice Policy, and the CPD guide(s) for accreditation(s) held with ESSA.</p> <p>5.1.5 having first-aid and CPR qualifications, if necessary. Holding first-aid and CPR qualifications is mandatory for AEP accreditation, but for other accreditation categories is required only when the exercise and sports science professional works with human subjects.</p>

Policy Modification History *This section will be managed by the Operations Manager*

Date:	Version no.	Details:
August 2017	1	New policy

ⁱ Privacy Act (1988) Accessed 5 June 2017 from <https://www.oaic.gov.au/privacy-law/privacy-act/>

ⁱⁱ AS/NZS ISO 9000:2016 Quality Management Systems – Fundamentals and Vocabulary

ⁱⁱⁱ NSW Consolidated Laws Act Crimes Act 1900-Section 4. Accessed 13 April 2017 from http://www.austlii.edu.au/au/legis/nsw/consol_act/ca190082/s4.html

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- iv Australian Government Office of the Australian Information Commissioner (2014). Privacy fact sheet 41 Commonwealth spent convictions scheme <https://www.oaic.gov.au/individuals/privacy-fact-sheets/general/privacy-fact-sheet-41-commonwealth-spent-convictions-scheme>

Appendix 1 – Declaration thresholds

<p>A1. ESSA Code of Professional Conduct and Ethical Practice</p>	<p>A1.1. The ESSA Code of Professional Conduct and Ethical Practice threshold is applied to each accreditation period retrospectively through Clause A1.2 and prospectively through Clause A1.3.</p> <p>A1.2. Exercise and sports science professionals meet the ESSA Code of Professional Conduct and Ethical Practice threshold retrospectively for a membership and/or accreditation period when they have been in practice in a manner consistent with the ESSA Code of Professional Conduct and Ethical Practice during the preceding membership and/or accreditation period. Does not apply at initial membership/or initial accreditation.</p> <p>A1.3. Exercise and sports science professionals meet the ESSA Code of Professional Conduct and Ethical Practice threshold prospectively for a membership and/or accreditation period when they intend practising in a manner consistent with the ESSA Code of Professional Conduct and Ethical Practice in the coming membership and/or accreditation period. Applies to all membership and/or accreditation periods.</p> <p>A1.4. Non-compliance with the ESSA Code of Professional Conduct and Ethical Practice declaration is assessed through the ESSA By-law 4: Complaints and Disciplinary Procedures.</p>
<p>A2. Competency Standards</p>	<p>A2.1. The declaration in Clause 4.1.1 acts as the competency standards threshold at initial accreditation. Exercise and sports science professionals meet the threshold if they have been assessed as meeting the professional practice requirements for one or more accreditation categories with ESSA.</p> <p>A2.2. The declarations in Clause 5.1.2 and Clause 5.1.4 act as the competency standards thresholds at accreditation renewal and return from a leave of absence or period of lapsed accreditation or suspension. Exercise and sports science professionals meet the thresholds if they have maintained their recency of practice and continuing professional development requirements, or have an ESSA-approved return to practice program in place.</p> <p>A2.3. Exercise and sports science professionals are deemed to meet the competency standards threshold only in the professional practice areas in which they are competent as defined by the definition of practice, relevant competency standards, relevant scopes of practice and relevant policies.</p> <p>A2.4. Non-compliance with the competency standards requirement is assessed through the ESSA By-law 4: Complaints and Disciplinary Procedures, and against the relevant competency standards, relevant scope(s) of practice, and the ESSA Code of Professional Conduct and Ethical Practice.</p>
<p>A3. Criminal History</p>	<p>A3.1. Declarations made under Clause 4.1.3 act as the threshold for criminal history.</p> <p>A3.2. Exercise and sports science professionals meet the criminal history threshold when they have no criminal convictions or when spent conviction applies; see OAIC factsheet 41: Spent Convictions.</p> <p>A3.3. Spent conviction exemption applies to healthcare providers and a complete criminal history must be supplied at the time of application for the AEP accreditation category.</p> <p>A3.4. Exercise and sports science professionals may meet the criminal history threshold when they have declared a criminal history in line with Clause 2.4 and 5.1.3, and have been assessed as posing low risk to the public and have been accredited for the practice of the profession of exercise and sports science.</p> <p>A3.5. Non-compliance with competency requirements is assessed through the ESSA By-law 4: Complaints and Disciplinary Procedures, and against the ESSA Code of Conduct and Ethical Practice.</p>
<p>A4. Management of Personal Information</p>	<p>A4.1. Declarations made under Clause 4.1.4 act as the threshold for understanding how ESSA manages personal information.</p>

	<p>A4.2. ESSA manages personal information in line with the ESSA Privacy Policy and <u>Australian Privacy Principles from Schedule 1 of the Privacy Amendment (Enhancing Privacy Protection) Act 2012, that amends the Privacy Act 1988.</u></p> <p>A4.3. Understanding of the management of personal information is a self-assessment declaration. ESSA does not assess this declaration.</p>
<p>A5. Recency of Practice</p>	<p>A5.1. Clauses 1.4 and 1.5 of the ESSA Recency of Practice Policy act as the threshold for establishing recency of professional practice as an exercise and sports science professional.</p> <p>A5.2. Exercise and sports science professionals meet the recency of practice threshold when they can provide substantiating evidence to meet the ESSA Recency of Practice Policy requirements.</p> <p>A5.3. Compliance with recency of practice declaration is assessed through the ESSA Audit Procedures Manual, annual member audit, other quality assurance processes, and against the Recency of Practice Policy.</p> <p>A5.4. Non-compliance with the recency of practice declaration is assessed through the ESSA By-law 4: Complaints and Disciplinary Procedures, and against the Recency of Practice Policy and ESSA Code of Professional Conduct and Ethical Practice.</p>
<p>A6. Professional Indemnity Insurance</p>	<p>A6.1. The ESSA Professional Indemnity Insurance Policy acts as the threshold for establishing whether an individual practitioner has adequate professional indemnity insurance in place.</p> <p>A6.2. Exercise and sports science professionals meet the professional indemnity insurance threshold when they can provide substantiating evidence to meet the Professional Indemnity Insurance Policy requirements.</p> <p>A6.3. Compliance with the professional indemnity insurance declaration is assessed through the ESSA Audit Procedures Manual, annual member audit, other quality assurance processes, and against the Professional Indemnity Insurance Policy.</p> <p>A6.4. Non-compliance with the professional indemnity insurance declaration is assessed through the ESSA By-law 4: Complaints and Disciplinary Procedures and against the Professional Indemnity Insurance Policy and ESSA Code of Professional Conduct and Ethical Practice.</p>
<p>A7. Continuing Professional Development</p>	<p>A7.1. The ESSA CPD points system and CPD guidelines for each accreditation category act as the declaration threshold for meeting continuing professional development requirements.</p> <p>A7.2. Exercise and sports science professionals meet the continuing professional development requirements threshold when they can provide substantiating evidence to meet the CPD guidelines requirements for the relevant accreditation categories.</p> <p>A7.3. Compliance with the continuing professional development declaration is assessed through the ESSA Audit Procedures Manual, annual member audit, other quality assurance processes, and against the ESSA CPD points system and CPD guidelines for each accreditation category.</p> <p>A7.4. Non-compliance with the ESSA CPD points system and CPD guidelines for each accreditation category is managed through the Audit Procedures Manual and against the ESSA Code of Professional Conduct and Ethical Practice.</p>
<p>A8. First-Aid</p>	<p>A8.1. When holding a current first-aid qualification is necessary, see Clause 5.1.5 of this policy, Section D - Declarations of the ESSA accreditation application forms act as the threshold for meeting the first-aid requirement at initial accreditation.</p> <p>A8.2. Exercise and sports science professionals meet the first-aid qualification threshold at initial accreditation when:</p> <p style="padding-left: 40px;">A8.2.1 holding a first aid qualification is not required under Clause 5.1.5 of this policy, or</p> <p style="padding-left: 40px;">A8.2.2 they can provide evidence of holding a current and suitable first-aid statement of attainment.</p> <p>A8.3. The renewal notice declaration acts as the threshold for meeting the first-aid requirement at accreditation renewal.</p>

**A9. Cardio-
Pulmonary
Resuscitation
(CPR)**

- A8.4. Exercise and sports science professionals self-assess at accreditation renewal whether they meet the first-aid requirement.
- A8.5. Exercise and sports science meet the threshold for holding a first-aid qualification at accreditation renewal, when:
- A8.5.1 holding a first aid qualification is not required under Clause 5.1.5 of this policy, or
 - A8.5.2 they can substantiate holding a current relevant first-aid qualification and a relevant first-aid qualification for the preceding accreditation period.
- A8.6. Exercise and sports science professionals meet the first-aid qualification threshold on return to practice from a leave of absence, period of lapsed accreditation or period of suspension when:
- A8.6.1 holding a first aid qualification is not required, see clause 5.1.5 of this policy, or
 - A8.6.2 they can provide substantiating evidence of holding a current first-aid qualification.
- A9.1. When holding a current CPR qualification is necessary, see Clause 5.1.5 of this policy, Section D – Declarations of the ESSA accreditation application forms acts as the threshold for meeting the CPR requirement at initial accreditation.
- A9.2. Exercise and sports science professionals meet the CPR qualification threshold at initial accreditation when:
- A9.2.1 holding a CPR qualification is not required under Clause 5.1.5 of this policy, or
 - A9.2.2 they can provide substantiating evidence of holding a current CPR statement of attainment.
- A9.3. The renewal notice declaration acts as the threshold for meeting the CPR requirement at accreditation renewal.
- A9.4. Exercise and sports science professionals self-assess meeting the CPR requirement at accreditation renewal.
- A9.5. Exercise and sports science professionals meet the threshold for holding a CPR qualification at accreditation renewal when:
- A9.5.1 holding a CPR qualification is not required under Clause 5.1.5 of this policy, or
 - A9.5.2 they can substantiate holding a current and suitable CPR qualification for the preceding accreditation period.
- A9.6. Exercise and sports science professionals meet the CPR qualification threshold on return to practice from a leave of absence, period of lapsed accreditation or period of suspension when:
- A9.6.1 holding a CPR qualification is not required under Clause 5.1.5 of this policy, or
 - A9.6.2 they can substantiate holding a current CPR qualification.