



COUNCIL POLICY

YP Leisure Options Worker Screening Requirements

Strategic Plan Objective:	Goal 4 – Community Engaged and Supported 4.10 Continue to provide Council's Leisure Options services		
Policy Number:	PO177		
Policy Owner:	Director Corporate and Community Services	Record Number:	20/39032
Responsible Officer:	YP Leisure Options Coordinator	Minute Reference:	097/2020
Issue Date:	14/05/2020	Next Review Date:	May 2024

1. PURPOSE

Yorke Peninsula Leisure Options (YPLO) has a responsibility to protect and remove unreasonable risk from the following groups:

- the aged;
- vulnerable adults (including people with disabilities); and
- workers.

In meeting this responsibility, YPLO must be satisfied that all workers and key personnel of the programme meet the highest standard of integrity and suitability so that the risk of placing anyone in an unsafe environment is minimised. Worker screening checks help to ensure that workers and key personnel with a known history of violent or abusive behaviour do not work or make key decisions relating to our vulnerable clients.

2. SCOPE

This policy applies to key personnel and workers of YPLO.

3. DEFINITIONS

Refer to Attachment 1.

4. POLICY STATEMENT

YPLO will undertake screening clearances to:

- Establish the suitability of workers working with vulnerable adults;
- Establish the suitability of key personnel; and
- Ensure that all workers and clients are protected from working with personnel who do not meet the requirements of satisfactory screening.

Under quality and safeguards arrangements, YPLO will risk assess all workers and key personnel to determine the applicable clearance requirements. All workers in a 'risk

assessed' role must have a clearance (or make an application for a clearance) before they can start work.

All roles risk assessed will consider:

- Key personnel;
- A role whose normal duties includes the direct delivery of a specified support or services; and
- A role in which the normal duties are likely to involve more than incidental contact with clients.

As such, compliance with this policy is a condition of appointment for all persons engaged to provide services or make decisions on behalf of YPLO.

Worker Screenings for all risk assessed roles is a mandatory requirement for YPLO NDIS registration to remain in place and valid.

4.1. IDENTIFYING ROLES

A risk assessment will be undertaken to determine which type of screening will be required for all roles within YPLO. Risk assessed roles will be required to have an appropriate check.

Roles performed in the course of working with YPLO clients include direct workers such as employees, volunteers, consultants and other personnel such as subcontractors.

Section 11A of the NDIS Act defines key personnel as:

- a) 'A member of the group of persons who is responsible for the executive decisions of the NDIS provider (which includes but is not limited to a member of the NDIS provider's governing body); and
- b) Any other person who has authority or responsibility for (or significant influence over) planning, directing or controlling the activities of the NDIS provider.'

Key Personnel roles includes those that are responsible for executive decision making, planning, directing or controlling the activities of YPLO. While these roles may not involve more than incidental contact with clients, due to the nature of these roles, they still need to be categorised as a risk assessed role. These roles include the Corporate Management Team, Elected Members (referred to as Board Members in the legislation), Manager and YPLO Coordinator etc.

The risk assessment process will include:

- The reasons why the role is a risk assessed role; and
- The date the role was assessed and the name and title of the person who made the assessment.

4.2. SCREENING TYPES

There are three worker screening checks that are relevant to YPLO including:

1. Mandated by Legislation
 - Disability Services; and
 - Aged Care Sector.
2. Non Mandated by Legislation:

- Vulnerable person-related employment.

4.3. POSSIBLE OUTCOMES

1. Clearance – the applicant meets the criteria and successfully receives their Worker Screening Clearance.
2. Exclusion – the applicant does not meet the criteria and is unable to engage in NDIS related work.
3. Risk Assessment – the application is still in the assessment stage. They are still able to engage in NDIS related work only in the instance where a service provider has a risk assessment plan in place and they are appropriately supervised.
4. Interim bar – the applicant is neither cleared nor excluded (yet). This stage is similar to the risk assessment stage, however they are not allowed to engage in NDIS relation work with this status.

4.4. ACCEPTABLE DISABILITY SECTOR CHECKS IN SOUTH AUSTRALIA

From 1st July 2018, any worker engaged in a risk assessed role may have in place a Department of Human Services Disability Services Employment Screening check. These checks will remain valid until they expire (three years from date of issue), or are revoked. Any new worker delivering NDIS supports or services in South Australia who require a check, or whose existing check expiring after 01/07/2019, will need to obtain a Department of Human Services Disability Services Employment Screening check, until the NDIS Worker Screening Check is in place and accessible for applications.

4.5. EXEMPTIONS

Secondary school students on a formal work experience placement or participating in planned school interactions/ visits, do not need to go through a check to work with YPLO clients provided they are directly supervised by another worker who has a check.

Those workers in the process of obtaining a Worker Screening Clearance under the conditions that they are supervised by another worker with a clearance and YPLO has a risk management plan in place.

4.6. ENGAGING CONTRACTORS

There are additional responsibilities and obligations for a contractor to perform work on any YPLO premises or otherwise as part of YPLO provision of supports and services. Contractors are responsible for acquiring their relevant clearances. YPLO will:

- Take reasonable steps to ensure that the worker of the contractor has a check; and
- Make sure that the contract with the contractor requires them to:
 - Only allow a worker who has a check or is subject to an exemption to work in a risk assessed role; and
 - Only allow someone to work in a risk assessed role if the contractor is allowed to share information with YPLO about any matter relating to

whether that person be engaged in a risk assessed role, such as whether they are subject to an interim bar, suspension or exclusion,

4.7. HOW THE PROCESS WORKS

Applications will be commenced by the YPLO Coordinator. The screening provider will then email the individual, requesting them to login to the system, confirm their identity and complete and submit the application.

YPLO will cover all expenses relating to worker screenings.

The screening process will be undertaken. Screening Clearance Certificates for any check are no longer issued. The organisation and individuals will be notified of the outcome via email.

4.8. RENEWALS

YPLO will monitor the screenings via the Training Needs Analysis system (elementSTAFF). When screenings are coming up for renewal, the Training Advisor will notify the YPLO Coordinator for the process to be undertaken.

5. RESPONSIBILITIES

All YPLO workers are responsible for implementing this policy.

6. REVIEW

This policy will be reviewed every four (4) years, in consultation with employees and/or their representatives. The policy will also be reviewed as deemed necessary in consideration to any changes to legislation, relevant standards, codes and guidelines, audit findings, any corrective actions/controls arising from risk assessment and/or hazard/incident reports and stakeholder feedback.

7. RECORDS

Records shall be maintained in line with Council's Records Management Procedure (PR063).

8. TRAINING

Council is committed to supporting workers in complying with this Policy and workers will be made aware of this Policies and how the Worker Screening is relevant to their role.

9. COMPLAINTS

Complaints in relation to this policy are to be directed in writing to the Manager People, Culture and Safety. All complaints will be managed in accordance with Council's Complaints Policy PO147. Internal complaints will follow the Dispute Resolution Procedures provided in their current Enterprise Agreement.

10. RELATED COUNCIL POLICIES AND DOCUMENTS

PO147 Complaints Policy

PO137 Volunteer Policy

RA0249 YPLO Worker Screening Risk Assessment

11. REFERENCES AND LEGISLATION

Australian Human Rights Commission Regulations 1989

NDIS Act 2013

NDIS Rules 2018 – National Disability Insurance Scheme (Practice Standards – Worker Screening)

NDIS Quality and Safeguards Commission – Worker Screening Requirements (NDIS Registered Providers)

Aged Care Quality Standards

Privacy Act 1988

Charter of Aged Care Rights

12. COUNCIL DELEGATION

Details of Delegation:	Chief Executive Officer
Delegate:	Director Corporate and Community Services

13. DOCUMENT HISTORY

Version No	Issue Date	Description of Change
1.0	14/05/2020	New Council Policy

Attachment 1 – Definitions

Client	Is any person who receives a service of YPLO.
Worker Screening Clearance	Screening which has been completed and evidence provided by the Screening body that the worker has no restriction with respect to filling a position requiring screening.
Positions requiring Screening	Refers to positions (existing or prospective) which require workers, as an inherent requirement of the position, to interact directly with vulnerable adults or key personnel.
Worker	A person who carries out work in any capacity for the Yorke Peninsula Council including: (a) an employee (b) a contractor or subcontractor (c) an employee of a contractor or subcontractor (d) an employee of a labour hire company (e) an outworker (f) an apprentice or trainee (g) a student gaining work experience (h) a volunteer
Vulnerable adult	People with a disability and recipients of aged care services.
YPLO	Yorke Peninsula Leisure Options
Incidental contact	Includes: <ul style="list-style-type: none">- Physical contact;- Building a level of rapport with a client as an integral or ordinary part of duties;- Having contact with multiple client of YPLO either as part of the direct delivery of a specialist disability support or services.
Corporate Management Team	Includes the Chief Executive Officer and all Directors of Yorke Peninsula Council.