

LIFE INDEPENDENCE DISABILITY SERVICES

www.lifeindependence.com.au

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STAFF RECRUITMENT POLICY

Policy number	9	Version	1
Drafted by	Merryn Farnsworth	Approved by	30/11/2020 manager
Responsible person	Merryn Farnsworth	Scheduled review date	20/11/2021

INTRODUCTION

Life Independence will ensure that all applicable checks including security checks are carried out in a fair, efficient and effective manner. The worker screening procedures detailed in this policy practices a zero tolerance stance in relation to abuse principles of worker screening. Worker screening checks are designed to address the risk of abuse of people with a disability evident in unsuitable workers. This policy does not address how Life Independence manages ongoing staff performance.

PURPOSE

Life Independence has devolved the Staff Recruitment Policy in order to demonstrate transparency in staff recruitment processes to assist in contributing to the safety of clients, supporters, staff and other relevant stakeholders during ongoing support. Any person working in accordance with this policy is required to understand the following:

- The state and federal legislations relating to worker screening requirements that Life Independence is required to adhere to
- The guiding principles of Life Independence relating to service delivery and staff recruitment
- The specific safe working checks required before commencement of employment with Life Independence
- How this worker screening system is used to protect the rights and safety of people with a disability

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- That the system in place prohibits any person with a history of harm against people with a disability from having any contact other than that which would be considered incidental with people with a disability when working for a registered NDIS provider
- How this worker screening process reduces the likelihood of employing a person who may pose an unacceptable risk of harm to people with a disability
- That the staff recruitment policy is designed to be accessible and transparent for people with a disability, supporters or other relevant stakeholders to be able to access and understand the protections in place
- How the worker screening system is designed to deter individuals who may pose a high risk from seeking employment in the NDIS sector
- The worker screening process is designed to allow for the strongest screening available under a combination of state and federal systems currently in place

GUIDING LEGISLATION, RULES, REGULATIONS AND GUIDELINES

- Children, Youth and Families Act 2005 (Vic.)
- Working With Children Act, 2005 (Vic)
- Sex Offenders Registration Act 2004 (Vic.)
- Disability Act, 2006 (Vic)
- Privacy and Data Protection Act 2014: (Vic)
- Australian Human Rights Commission Act 1986 (Cth)
- Australian Human Rights Commission Regulations 1989 (Cth)
- Working with Children Regulations 2016 (Vic)
- National Disability Insurance Scheme Act, 2013 (Cth)

SUPPORTING DOCUMENTS

The following resources adhere to the delivery of this policy supporting the requirement of legislation relating to what information can be requested by Life Independence from prospective staff and how that relates to the rights of the prospective staff member from which the information is being requested.

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- The Disability Worker Exclusion Scheme Instruction, 2020, *The Victorian Department of Human Services*.
- NDIS Provider Registration Guide to Suitability, 2017
- National Disability Insurance Scheme (Practice Standards – Worker Screening) Rules, 2018
- Code of Conduct for Disability Workers, Victorian Department of Human Services, 2018.
- Service Information Kit for Funded Agencies, Victorian Department of Health and Human Services, 2018.
- Victorian Disability Abuse Prevention Strategy, 2018.
- Victorian State Disability Plan, 2017-2018.
- Intergovernmental Agreement on Nationally Consistent Worker Screening for the National Disability Insurance Scheme, 2016
- NDIS Code of Conduct, 2018

SCOPE

This policy applies to all Life Independence staff including permanent staff, temporary staff, agency staff, casual staff, contractors, consultants, students and any other person representing Life Independence and its interests.

REQUIREMENTS OF COMPLIANCE

It is a condition of employment that all staff of Life Independence read this document and provide signed documentation acknowledging their understanding and commitment to abide by the principles of this document and Life Independence. All persons representing Life Independence is required to complete the online Worker Orientation Module 'Quality, Safety & You' published by the NDIS Quality & Safeguards Commission prior to commencing employment.

NON COMPLIANCE

Should any member of staff be found to be in breach of this policy they will be liable for disciplinary action. This may include but not be limited to immediate termination, counselling or any other action deemed suitable in keeping with company policy and the law.

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PROCEDURES

This policy is not designed to be used as a manual for procedural duties to be performed on behalf of Life Independence. Should procedural advice be required staff can access companion documentation via the service website or on request. Staff are required to check with those sources for information on relevant policies, legislation and other relevant standards.

DECLARAION OF INTENT

This policy will show the values Life Independence has in relation to their approach to service delivery. The intention is to have in place a range of policies, processes and practices proportional to the scope and size of the service that effectively meets the needs of our clients. Services are guided by individual elements combining to form a set of principles and framework for best practices. The intent is best understood in the context of an NDIS registered service providing support services to individual clients. Those principles of worker screening and induction for workers supplying those services are as follows:

- Human rights-based: the primary consideration is the rights of all people with disability to live their lives free from abuse, violence, neglect and exploitation, consistent with the United Nations Convention on the Rights of Persons with Disabilities.
- Provider duty-of-care: employers have the primary responsibility to ensure that they do not engage unsuitable people and that their workers are not acting or behaving in any way that puts people with a disability at risk
- Risk-based: ensuring that all decisions relating to potential risk are made by individual workers through careful assessment of available details and relevant information
- Proportionality – ensuring that only workers whose role poses a significant opportunity for harm are required to be screened
- Consistency – ensuring that regardless of the jurisdiction in which the assessment was carried out, all NDIS worker screening assessments deliver the same outcome
- Privacy & use of information – ensuring that any information obtained during an NDIS worker screening assessment is only used for the purpose it has been collected for and is protected from inappropriate disclosure
- Natural justice – ensuring that NDIS worker screening processes and decisions are fair and impartial

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- Efficiency and effectiveness – a single screening process to be used for all NDIS worker roles operating across different jurisdictions

OPERATING SYSTEMS OF THIS POLICY

This policy adheres to the principles and instructions outlined in the Funded Organisation Monitoring Framework, operated and oversighted by the Victorian Department of Human Services. The policy complies with section 4.5 of the framework relating to the safety screening requirements for funded organisations. All staff should make themselves familiar with the provisions of that clause contained in the Services Information Kit for Funded Agencies, Victorian Department of Health & Human Services, 2018. Life Independence will retain information on workers obtained during the course of the worker screening process in a secure register of workers protected by passwords and with limited access.

ROLES & RESPONSIBILITIES

The manager of Life Independence is primarily responsible for the worker screening process and has the responsibility of ensuring that all protocols of this policy are adhered to. Should any person working for Life Independence receive an exclusion notice following an NDIS Worker Screening Check, they must notify the manager immediately. Failure to do so will be considered a breach of this policy and NDIS code of conduct and the worker will be subject to internal action by Life Independence and the NDIS Commission. Should an employee of Life Independence become subject to any action, inaction or offence posing a risk to a person with a disability during the term of their employment they must notify the manager immediately. It is a pre-employment requirement for any employee to conduct their own worker screening checks at personal cost as a condition of employment involving contact with a person with a disability. It is the responsibility of the manager to sight and retain a copy of all applicable worker screening checks prior to the commencement of employment.

DEFINITIONS

This policy is designed to ensure any unsuitable person is not recruited or allowed to work with people with disabilities and as such the following definitions of key terms are relevant. Workers requiring valid and current NDIS Worker Screening Clearance are defined as anyone who in the course of duties:

- Directly delivers support duties to people with a disability

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- Is likely to have more than incidental contact with anyone with a disability as part of their duties
- Is a key personnel member of the service
- Contact includes physical contact, face to face contact, oral communication, written communication and electronic communication

ROLES WITHIN THE SERVICE

The proportionate response to worker screening in this policy is designed in the context of Life Independence as the deliverer of disability support services through a small and simple business structure. The structure consists of key roles and secondary roles delivering support services to NDIS participants. Each role has been risk assessed with the following outcomes in terms of worker safety screening:

- Key personnel – owner and manager. Worker screening required.
- Disability support workers. Worker screening required.

AUTOMATIC CLEARANCES, EXCLUSIONS & PRESUMED EXCLUSIONS

An applicant who does not have a relevant criminal history record, disciplinary or misconduct record, any issues identified through self-disclosure, or any other relevant records, and has not previously been issued an NDIS Worker Screening Check exclusion will automatically be issued an NDIS Worker Screening Check clearance.

An applicant who has a conviction for specified offences within the following categories will be issued an exclusion due to disqualifying offences with no right of appeal (except on grounds of mistaken identity), provided the applicant was at least 18 years old at the time of the offence. Examples of exclusions and presumed exclusions are at the annexure to the rear of this policy.

INFORMATION SHARING & DISCLOSURE

Information received by the manager of Life Independence for the purposes of worker screening checks is treated as confidential in nature regardless of results. Results for people employed will be retained in a secure environment. Results which exclude people from employment will be destroyed.

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RECORD KEEPING

Life Independence must keep records of all workers for at least 7 years if they have engaged in risk assessed roles. Those roles include:

- The name, date of birth and address of the worker
- The risk assessed role in which the worker engages
- Whether or not the worker is eligible for an exemption, the start and end date of the exemption and the name of the worker's supervisor during this period
- The worker's application number or check number and outcome expiry date
- Records relating to an interim bar, suspension, exclusion or any action taken by the registered NDIS provider in relation to those decisions
- Allegations of misconduct against a worker with a check and the action taken by the registered NDIS provider in response to that allegation

PROCEDURES

Life Independence will take all reasonable steps to ensure that staff may be safely entrusted with the duties of their position. This includes a requirement that all staff delivering client services must have the following prior to commencing duties:

- A valid Working With Children Check
- A current national police check certificate
- Proof of checks and eligibility to be employed as a disability worker under the Victorian Disability Worker Exclusion Scheme
- Proof of checks and eligibility to perform duties as a carer not excluded under the provisions of the Disqualified Carer Check where relevant
- References and proof of qualifications checks with a registered agency to establish employment history
- Suitable qualifications and experiences to deliver services to clients in accordance with business rules of the National Disability Insurance Agency and the Victorian Department of Human Services.
- Satisfaction of 100 point proof of identity check
- Proof of completion of the NDIA worker module, Code of Conduct

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ANNEXURE: OFFENCES SUBJECT TO WORKER EXCLUSION (SOURCE: INTERGOVERNMENTAL AGREEMENT ON NATIONALLY CONSISTENT WORKER SCREENING FOR THE NATIONAL DISABILITY INSURANCE SCHEME)

- a) Disqualifying offences include:
 - i. murder and attempted murder
 - ii. serious assault against a child or vulnerable person
 - iii. sexual assault of a child or vulnerable person including incest
 - iv. child pornography-related offences
 - v. abduction or kidnapping offences against a child or vulnerable person involving a sexual or abusive element
 - vi. bestiality and serious animal cruelty offences

- b) an applicant with a conviction or pending charge for specified offences within the following categories will be excluded, unless there are exceptional circumstances, provided the applicant was at least 18 years old at the time of the offence:
 - i. manslaughter
 - ii. assault and sexual offences not captured in clause 61b
 - iii. dangerous or negligent acts against a person under care
 - iv. abduction or kidnapping offences not captured in clause 61b
 - v. animal cruelty offences not captured in clause 61b
 - vi. drug trafficking offences
 - vii. fraud and deception offences against a child or vulnerable person
 - viii. national security offences
 - ix. pending charges for offences captured in clause 61b.