

# Employee Screening Checks

## POLICY AND PROCEDURE

### 1. Purpose

This policy documents the process for ensuring all employees have all the necessary screening checks to demonstrate Subee Newlake's (Subee) commitment to protect and minimise risks to vulnerable people and members of the public.

This includes but is not limited to NDIS Worker Screening Check (NDIS WSC), Working with Children's Check (WWCC), Criminal record check and Aged Care banning order.

### 2. Scope

This procedure applies to all new and existing employees, volunteers and key personnel, regardless of role, position or conditions of employment within the organisation.

All employees of Subee Newlake have been assessed as being employed in a risk assessed role in regards to requiring an NDIS Workers screening clearance

The organisation has a clear legal requirement under

- the Aged Care Quality Standards (Quality Standards) in the Aged Care Act 1997 to check employees are not listed on the Aged Care Register of Banning Orders
- the *National Disability Insurance Scheme Act 2013* to request and hold NDIS Worker Screening checks for all staff who 'are reasonably likely to have access to care recipients, whether supervised or

unsupervised' (National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018).

This policy has been developed in accordance with guidelines from Sections 9 and 10 of the *Records Principles 2014* the *Privacy Act 1988*, *Disability Inclusion Act 2014* (NSW), *Aged Care Act 1997* and *Probity in Employment Policy* for Department of Communities and Justice (DCJ) funded disability service providers.

### 3. Responsibility and Authority

The Human Resource Manager and any staff member delegated with the responsibility of recruiting or screening prospective employees are responsible for upholding this policy. The monitoring of NDIS Worker Screening Checks status is the responsibility of the Human Resource Manager. The Quality Coordinator will conduct monthly internal audit on workers screening check which includes NDIS Workers Screening Check, Police Check and Working with Children Checks. All employees are responsible for knowing and following this procedure.

Human Resource Coordinator will check the Aged Care register for banning orders against new employees.

<https://www.agedcarequality.gov.au/aged-care-performance/banning-orders-register/aged-care-register-banning-orders>

Anyone listed on the banning order will not be employed at Subee Pty Ltd.

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Current employees have been checked against the register.

A NDIS Worker Screening check will be requested for the specific purpose of applicant screening. Provision of a current NDIS Worker Screening Check will be advised as part of the selection criteria.

All applicants must provide proof of a NDIS Worker Screening Check prior to commencing employment and any offer of employment is subject to this condition.

Existing employees who have a current Police check and WWCC are expected to apply for the NDIS Worker Screening check when either of the mentioned checks are due to expire.

### 4. Working with children

All employees working with clients under 18 years will need an additional risk screening, Working with Childrens Check (WWCC).

Client TRACK file will have under service required, complex need, employee needs WWCC to alert rostering staff to care staff requirement of additional screening check.

Policy and procedure for WWCC refer to P-Working with children checks

### 5. Pending Clearance

Note: Criminal record clearances are transitioning out and being replaced with the NDIS WSC.

Should a NDIS Worker Screening Check status be 'pending' prior to commencement date, SubeeNewlake would need to ensure that any person engaged have:

- a) A criminal record check done within the past four years showing the person did not have a conviction for a prescribed criminal offence within the meaning of the Disability Inclusion Act 2014 (NSW); or
- b) A criminal record check done between 1 July 2018 and before the end of the transition period, and within the past two years showing the person did not have a conviction for a prescribed criminal offence within the meaning of the Disability Inclusion Act 2014 (NSW), and the person has not subsequently had a further criminal record check that had a different result, or
- c) If the person is engaged in a risk assessed role providing supports and services to children, a current New South Wales Working with Children Check that was obtained before the end of the transition period.

In addition, applicants must also sign the Criminal Record Statutory Declaration within their induction to confirm that they have no criminal convictions or pending charges, should the NDIS Worker Screening check yet to be verified at this point in time.

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### 6. Record Keeping

The confirmation of NDIS Worker Screening check must be sighted by the HR delegate, or a certified copy presented.

A copy must be taken for the employee file and stored electronically, filed under the date of expiry and the applicant's name. It is Subee policy that a copy be stored on file.

A copy of the signed consent form for any checks requested by Subee must be kept on file; including copies of documents that make up the 100-point check.

The expiry date for the NDIS Worker Screening Check will be entered into TRACK as part of the employee record and an expiry flag/email created to the users' generic email address.

All records must be stored in accordance with the Privacy Act. NDIS Worker Screening checks must not be printed out or considered part of a hardcopy file. NDIS Worker Screening checks should be treated as 'records' under the Privacy Act.

### 7. Ongoing checks

Subee informs staff well before their NDIS Worker Screening check expires that they need to arrange an update.

NDIS Worker Screening check expiry date is entered onto TRACK. Staff receive an automated email 60, 28, 14 and 7 days for the expiry date.

Human Resources manager and Newlake manager also receive email at 1 week to be able to follow up with a phone call to staff member.

Staff who do not renew by the expiry date are taken off the roster. Subee requires renewal of NDIS Worker Screening check every 5 years. Checks must be renewed prior to expiry.

### 8. Assessing Outcome

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. Disqualifying offences include:

- a) Murder and attempted murder
- b) Serious assault against a child or vulnerable person
- c) Sexual assault of a child or vulnerable person including incest
- d) Child pornography-related offences
- e) Abduction or kidnapping offences against a child or vulnerable person involving a sexual or abusive element
- f) Bestiality and serious animal cruelty offences

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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:

- a) Manslaughter
- b) Assault and sexual offences not captured in the previous clause
- c) Dangerous or negligent acts against a person under care
- d) Abduction or kidnapping offences not captured in the previous clause
- e) Animal cruelty offences not captured in the previous clause
- f) Drug trafficking offences
- g) Fraud and deception offences against a child or vulnerable person
- h) National security offences
- i) Pending charges for offences captured in the previous clause

### **9. Recognising NDIS worker screening: for aged providers that are registered NDIS providers**

From 16 June 2021, a NDIS worker screening clearance will allow approved providers to satisfy the requirements for aged care staff and volunteers under the Aged Care Act 1997 (Aged Care Act) for those supporting NDIS participants.

The NDIS worker screening clearance will be implemented for all employees providing support to clients on HCP once their police check or working with children's check expires.

### **10. Exclusion**

Under the NDIS Code of Conduct, workers who have been issued an exclusion following an NDIS Worker Screening Check are required to notify their employer and any person with disability to whom they are delivering NDIS supports and services.

Non-compliance constitutes a breach of the NDIS Code of Conduct and may be subject to regulatory action by the Commission.

Excluded workers are prohibited from delivering NDIS specified supports and services, and non-specified supports and services entailing more than incidental contact with a person with disability as a registered NDIS provider or as a worker for a registered NDIS provider.

Any exclusions are to be reported to the Human Resource Manager immediately and employment would be terminated, or employment application declined.

### **11. Risk Assessment**

If an application does not result in an automatic clearance or an exclusion due to disqualifying

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offences, the application proceeds to a risk assessment.

A risk assessment is an evaluation of whether a person poses an unacceptable risk to people with disability in light of their criminal history and/or other relevant information, conducted by a NDIS worker screening unit. Assessing the risk for possible adverse decision will be based on the following criteria:

- a) The nature, gravity and circumstances of the offence, misconduct and/or other relevant information, and how this is relevant to disability-related work
- b) The length of time that has passed since the event occurred
- c) The vulnerability of the victim at the time of the event and the person's relationship to the victim or position of authority over the victim at the time of the event
- d) The person's criminal, misconduct and disciplinary, or other relevant history, including whether there is a pattern of concerning behaviour
- e) The person's conduct since the event
- f) All other relevant circumstances in respect of their offending, misconduct or other relevant history, and the impact on their eligibility to be engaged in disability-related work.

Should the applicant/employee receive an adverse decision, this is to be documented on the employee file by the Human Resources Manager.

### Employee acknowledgement

I acknowledge:

- receiving the Subee Policy.
- that I will comply with the Policy; and
- that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.

Your name:

Signed:

Date:

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