



COMPLEX COMMUNICATORS PTY LTD ACN: 682 870 793

NDIS Worker Screening Policy and Risk Management Plan (the “Policy”)

Relating to Laws In force as at 1 September 2024 (post-transitional arrangements).

Last amended: 19/12/2024.

Owned by the **Risks Officer**: Abigail Williams, director, 0489016864, admin@complexcomms.com.au

For and on behalf of Complex Communicators.

Made in response to the National Disability Insurance Scheme (Practice Standards - Worker Screening) Rules 2018, as amended (the “**Rules**”).

1. Background and context

As an NDIS provider, we work with people with disability. Worker screening requirements are an important element of the NDIS practice standards that are designed to minimise the risk of harm to people with disability from the people who work closely with them.

Of course, the primary responsibility for recruiting appropriate staff and providing a safe environment for people with disability rests with us, as a provider. Worker screening is an important source of information that can support us to fulfil our obligations.

As a provider, we must do everything we can to identify and minimise the risk of harm to people with disability. Although worker screening is important, it is just one of our strategies to reduce the risk of harm to people with disability.

This policy is designed to operate alongside our other policies, procedures, and training efforts, including with respect to the requirements set out in our:

- Code of Conduct;
- Human Resources System;
- Complaints Management and Resolution Policy;
- Incident Management Policy;
- Privacy Policy;
- Risk Management System; and
- Emergency and Disaster Management Plan,

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to ensure that our recruitment and employment practices minimise risks of harm to people with disability. **To be clear, we have a zero-tolerance policy for abuse, neglect or exploitation of participants and other people with disability.**

2. Plain English summary: What is this all about?

NDIS participant safety is an essential part of our service and support provision. As a provider, we have developed and will maintain this Policy to protect people with disability when we are working with them.

Among other things, the Rules require that:

- we have this Policy to protect people with disability;
- we conduct a risk assessment of each worker's role to determine whether safety clearances under the Rules are required;
- workers and others working for us are screened, including key personnel and workers who have direct (and not incidental) contact with NDIS participants;
- we take reasonable steps to make sure that people working with us under subcontracting arrangements have appropriate clearances for personnel who will be working with us; and
- we keep adequate records of role risk assessments, worker clearances and subcontractor contracts containing clearance-related clauses for other personnel, and that we keep them for long enough so that the NDIA and others can check we are following the Rules.

3. Policy

Unless the context requires otherwise, terms that are not defined in this Policy including, without limitation, **clearance** and **NDIS worker screening check**, have the meanings given to such terms in the Rules.

4. Policy Status

This Policy documents our practice standards for worker screening, both for the purposes of the Rules, and as required by the Rules.

5. Worker Screening Risk Assessments form part of our Risk Management System

This Policy is an important part of our Risk Management System and in pursuing our overarching objective of protecting NDIS participants when they are receiving supports and other services from us.

6. Mandatory risk assessment of workers' and other personnel's roles

As a provider, we provide supports and other services to people with disability. Our supports and services for people with disability include speech pathology services

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including Alternative and Augmentative Communication prescription and therapy, dysphagia assessment and speech and language assessment and therapy. In providing these supports and services, there is a risk that a worker or other personnel may engage in conduct that harms a person with disability. This Policy, together with our other policies and procedures, are designed to minimise these risks. This Policy is designed to ensure that workers and other personnel are assessed and that workers and other personnel in risk assessed roles complete worker screenings prior to working with a person with disability.

For the purposes of this Policy, a “worker” is any person we employ or otherwise engage, including as an independent contractor. “Other personnel” refers to individuals who:

- are not employed by us or otherwise engaged by us; and
- perform work at our premises or otherwise as part of our provision of services to any person with a disability.

The Risks Officer, on our behalf, must assess **all** roles that will be undertaken with us as a provider in relation to the provision of supports or services to any person with disability by:

- a worker; and/or
- other personnel,

and then identify **risk assessed roles** (as defined in the Rules).

Risk assessed roles include:

- key personnel roles (as defined in section 11A the *National Disability Insurance Scheme Act 2013*), including our directors, executives, and managers;
- roles for which the normal duties of the workers or other personnel will include specified supports or specified services to a person with a disability; and
- roles for which a worker or member of other personnel’s normal duties are likely to require more than incidental contact with people with disability. Contact includes physical contact, face-to-face contact, and oral, written and/or electronic communication with people with disability.

Without limiting the general guidance above, the Risks Officer should assume that screening of a role is required if the normal duties of a worker or member of other personnel’s role may include:

- physically touching a person with a disability;
- building rapport with a person with a disability as an integral or ordinary part of performance of those duties; and/or

- having contact with more than one person with a disability as part of a specialist disability support or service or in a specialist disability accommodation setting.

If unsure, the Risks Officer **must assume**, for the purposes of this Policy, that the worker or other personnel has a risk assessed role and apply worker screening procedures to the role.

For risk management reasons, it is our expectation that most (if not all) of our staff will be subject to worker screening clearance checks.

7. General policy for workers: no clearance, no start

As noted above, a **worker** is a person we employ or otherwise engage, including as an independent contractor.

As a general risk management principle, we have decided that all our workers must have worker screening clearance before they engage in a risk assessed role. **For most workers, this means that clearance is a precondition for working for us.**

In very rare cases, the Risks Officer may make exceptions to this rule, but only if:

- the person is in the process of obtaining a clearance; and
- the exception is unambiguously lawful under the Rules in the jurisdiction(s) in which the person will provide supports or services to a person with disability; and
- a risk management analysis and plan has been conducted, documented and implemented by the Risks Officer to ensure that the worker is adequately and directly supervised at all times by a worker with a clearance.

It is our expectation that this may occur only in urgent and exceptional situations, and even then, only when the exception is lawful and compliant with the Rules and fully documented and implemented under a risk management plan approved in writing by the Risks Officer.

Limited exception: secondary school students on formal work experience

For the purposes of the Rules, secondary school students on formal (official) work experience placements who are directly supervised by a worker with a clearance do not themselves need clearance under the Rules. However, for the avoidance of doubt, university students on vocational placements will and do need clearance to work for us.

8. Other personnel and subcontractor arrangements

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As noted above, under the rules “**other personnel**” refers to individuals who:

- are not employed by us or otherwise engaged by us; and
- perform work at our premises or otherwise as part of our provision of services to any person with a disability.

For example, this would include our cleaners and external IT support contractors who come to our premises because they do work which is integral to the supports and services provided by us to people with disability.

Before a member of other personnel is engaged, the Risks Officer must:

- identify to the relevant subcontractor each risk assessed role that the member of other personnel engages in (if any);
- enter into a written contract with the subcontractor that shows we have taken reasonable steps to satisfy ourselves that the member of other personnel has a worker screening clearance; and
- ensure that the written contract with the subcontractor imposes obligations on the subcontractor to:
 - obtain prior and current clearance under the NDIS worker screening legislation for each other personnel engaged in a risk assessed role for us; and
 - notify us immediately in writing about any matter relating to the other personnel member’s clearance to engage in a risk assessed role (including, without limitation, any application for an NDIS worker screening check, interim or other bar, suspension, exclusion, closure of an application for an NDIS worker screening check, or revocation of clearance, or expiry of a clearance); and
 - cooperate with any reasonable request from us for assistance to investigate any complaint to us about, and reportable incident involving, a member of other personnel engaged in a risk assessed role; and
 - cooperate with any reasonable request from us relating to whether the subcontractor is complying with its obligations under the appropriate contract; and
 - impose these same obligations on any other party the subcontractor contracts with, or has another arrangement with, that allows the provision of services by the other personnel to us,

collectively, the “**mandatory other personnel clearance conditions**”.

Example: Jack works for ABC Cleaning Services Pty Ltd. We decide to hire Jack to clean our premises three times a week. It is likely that Jack will have direct interactions with people with disabilities while working. Before Jack can start, we must negotiate a contract with ABC Cleaning Services Pty Ltd that includes each of our mandatory other personnel clearance conditions. We need to be reasonably satisfied that Jack has been screened and cleared under the Rules.

9. Record keeping

9.1 Risk Assessed Roles List

The Risks Officer, on our behalf, will:

- maintain a written list of all roles with us that are risk assessed roles (the **“Risk Assessed Roles List”**). This includes both worker and other personnel risk assessed roles; and
- update the Risk Assessed Roles List:
 - if an existing role is reclassified as a risk assessed role following a review; and
 - within 20 business days if a new risk assessed role is identified.

The form of our Risk Assessed Roles List appears in **Appendix 1**.

9.2 Worker Clearance List

The Risks Officer will keep and maintain a written list of all workers who engaged in risk assessed roles (the **“Worker Clearance List”**).

The form of our Worker Clearance List appears in **Appendix 2**.

9.3 Other Personnel Clearance Record

The Risks Officer will keep and maintain a written list of appropriate contracts (the **“Other Personnel Clearance Record”**), including:

- **a copy of any appropriate contract**;
- any record relating to the administration of the appropriate contract;
- any record of information provided to us about a member of other personnel pursuant to the appropriate contract (including any record relation to its performance of that contract); and
- any record about an allegation of any misconduct against any member of other personnel with an NDIS worker screening check clearance.

An appropriate contract, for the purposes of this Policy, is a legally binding arrangement between us and a subcontractor which includes the **mandatory other personnel clearance conditions** (as defined above).

The form of our Other Personnel Contract Clearance Record appears in **Appendix 3**.

9.4 Retention of records

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A record kept to comply with this section of the Policy must be kept for at least **7 years** from the date the record is made.

10. Review of this Policy

Periodically, and at least annually, the Risks Officer must review this Policy. If material changes are made to the Rules, the Risks Officer will update this Policy.

Appendix 1: Form of the Risk Assessed Roles List (see Rule 17)

Role Title/ organisational identifier	Which paragraph or paragraphs of the definition of risk assessed role apply*	Role description	Date first assessed as a risk assessed role	Name, title of Risks Officer who assessed role as being a risk assessed role

*In other words, which of these paragraph(s) of the definition of “risk assessed role” applied to the role – select as many as relevant:

- key personnel of a person or an entity; or
- role where normal duties include the direct delivery of specified supports or specified services to a person with a disability; or
- role where normal duties are likely to require more than incidental contact with a person with a disability.

Appendix 2: Form of Worker Clearance List (see Rule 18)

Important Note: These records must be kept in a form that will allow an auditor to determine which workers were engaged in risk assessed roles with us on any given day in the seven years prior to the day the auditor examines the list.

For each worker in a risk assessed role:

Worker full name	DOB	Address	Risk assessed role(s)	Date hired	Worker screening application number	Worker screening check number	Check outcome & expiry date	Any decisions that affect check?	Status of check (current, bar, suspension, exclusion, investigation)	Any allegations of misconduct?	Action taken to investigate	Date worker stopped working for us

Appendix 3: Form of the Other Personnel Clearance Record (see Rule 19)

Contractor details	Contract Date of appropriate contract	Contract Expiry Date (if any)	Mandatory clearance conditions included? (Y/N)	Copy on file? (Y/N)	Information about other personnel and clearance received?	Any allegations of misconduct related to screening and clearance?

Note:

An appropriate contract, for the purposes of this Policy, is a legally binding arrangement between us and a subcontractor which includes the **mandatory other personnel clearance conditions** (as defined above).

Include:

- **a copy of any appropriate contract;**
- any record relating to the administration of the appropriate contract;
- any record of information provided to us about a member of other personnel pursuant to the appropriate contract (including any record relation to its performance of that contract); and
- any record about an allegation of any misconduct against any member of other personnel with an NDIS worker screening check clearance.