



## **A and D In Home Care Employee Screening Policy**

### **Legal Requirements and definitions**

1. A and D In Home Care have legal obligations under the Child Protection (Working with Children) Regulation 2013 (“Child Protection Regulations”) when providing a service or working with children and understand it is against the law to engage anyone in child-related work without a Working with Children Check.
2. The Working with Children Check (WWCC) is a requirement for anyone who works or volunteers in child-related work in NSW. It involves a National Police Check (criminal history record check) and a review of reportable workplace misconduct.
3. Child Protection Regulations defines child related work under Section 6 as:
  - (1) A worker is engaged in child-related work for the purposes of this Act if—
    - (a) the worker is engaged in work referred to in subsection (2) that involves direct contact by the worker with a child or children and that contact is a usual part of and more than incidental to the work, or
    - (b) the worker is engaged in work in a child-related role referred to in subsection (3).
4. A and D In Home Care workers are engaged in a child related role as defined by Child Protection Regulations Section 6(3)(e) disability services respite care or other support services for children with a disability
5. A and D In Home Care are required to ensure all employees have an acceptable check in accordance with the National Disability Insurance Scheme (Worker Screening—Practice Standards) Rules 2018
6. NDIS Worker Screening Check (Worker Screening Check) is an assessment completed by the NSW Worker Screening Unit to determine whether a person who works, or seeks to work with people with disability, poses a risk to them.
7. A Police Check is a National Check undertaken by A and D In Home Care to obtain a certificate that states there are no disclosable criminal offences for an employee as part of A and D In Home Care to safeguard children, young people and adults we work with.

### **Purpose of Policy**

8. A and D In Home Care is committed to being a child safe organisation and adopting the National Principles for Child Safe Organisations (National



Principles). We place the protection and safety of children and young people at the forefront of our responsibilities. A and D In Home Care recruitment and screening processes are designed to identify the safest and most suitable people to employ and prevent employment of people who pose a risk to children.

9. A and D In Home recruitment and screening processes adhere to NDIS Practice Standards for good human resources management that requires records of employee pre-employment checks, qualifications and experience are maintained by A and D In Home Care.
10. A and D In Home recruitment and screening processes apply to all staff, contractors and volunteers and as part of our commitment to promoting and protecting the safety of all children, young people and adults using A and D In Home Care services.
11. A and D In Home Cre Leadership nominate Director Anita McEwen as the Principal Officer responsible for WWCC and employee screening compliance.

### **Screening Process**

12. A and D In Home Care Manager will email unsuccessful applicants using the Unsuccessful Applicant Email Guide. A and D In Home Care will not undertake further employee screening for unsuccessful applicants.
13. A and D In Home Care Operational Manager Anita McEwen will be contactable to provide feedback to unsuccessful applicants using the notes provided by the A and D In Home Managers who interviewed for the position.
14. Prior to a new employee commencing employment, A and D In Home Care Manager will telephone the successful applicant/s within five (5) days of the applicant interview and advise of the outcome.
15. A and D In Home Care Manager will email the successful applicant:
  - A and D In Home Care Code of Conduct
  - Tax Declaration Form
  - Superannuation Fund Nominee Form
  - Employee Details Form
  - Employee Assistance Program Service information

And request the successful applicant returns the completed documentation with their:



- WWCC number/application
  - Date of Birth
  - NDIS Worker number
  - Preferred email address for 'Fit To Work' to forward an online request for a National Police Check
16. A and D In Home Manager will email A and D In Home Care Safeguarding and Compliance Manager, Anita McEwen, the successful applicant's:
- WWCC number/application
  - Date of Birth
  - NDIS Worker number
  - Qualifications
  - First Aid Certificate
  - Comprehensive Car Insurance Policy
  - Driver Licence
17. A and D In Home Care Safeguarding and Compliance Manager will:
- 17.1 Log into the Office of the Children's Guardian WWCC Register to verify the successful applicant has a paid WWCC check and clearance. A copy of the verification will be recorded in the successful applicant's personnel file and recorded in the Employee Compliance Register.
- 17.2 Log into NDIS Worker Screening Data Base database to verify the successful applicant has an acceptable worker check. A copy of the verification will be recorded in the successful applicant's personnel file and recorded in the Employee Compliance Register.
- 17.3 Request a Police Check is undertaken by Fit to Work through A and D In Home Care business account. A copy of the Police Check outcome will be recorded in the successful applicant's personnel file and recorded in the Employee Compliance Register.
- 17.4 Enter the expiry date of successful applicant's First Aid Certificate, Driver Licence, Comprehensive Car Insurance Policy, and Qualifications in the Employee Compliance Register and place a copy of each document in the personnel file.
18. The Employee Compliance Register is maintained by A and D In Home Care Safeguarding and Compliance Manager for all employees and volunteers and contains:



- workers full name and date of birth
- the WWCC number
- WWCC clearance expiry date
- WWCC verification dates
- WWCC verification status result
- WWCC renewal verification status result
- NDIS Worker Check number
- NDIS clearance as an acceptable check
- NDIS Worker Check expiry date
- NDIS Worker Renewal date
- Police Check
- Police Check outcome
- Police Check verification date
- Police Check Renewal outcome
- First Aid Certificate expiry
- CPR First Aid Expiry
- Comprehensive Car Insurance
- Comprehensive Car Insurance expiry
- Signed Code of Conduct
- Driver Licence expiry
- Secondary Employment

19. A and D In Home Care Safeguarding and Compliance Manager will notify Director Anita McEwen of the outcome of a successful applicant's WWCC, NDIS and Police check verification.

20. A and D In Home Care Director Anita McEwen will discontinue proceeding with employment of the successful applicant and keep a record of all actions when:

20.1 The WWCC verification returns an outcome of:

- Barred: the successful applicant has been barred from working with children and it is an offence to engage this person in child-related work or in a child-related role
- Interim barred: the successful applicant has been barred from working with children and during the course of a risk assessment it is an offence to engage this person in child-related work or child-related roles until they are cleared.
- Expired: the successful applicant does not have a current WWCC and will need to provide a valid WWCC Application or WWCC Number prior to engaging in work



- Closed - the successful applicant has no current WWCC application and must contact Services NSW to discuss reapplying

21. A and D In Home Care Director Anita McEwen will discontinue proceeding with employment of the successful applicant and keep a record of all actions when:

21.1 The NDIS Worker Check does not return an acceptable result

21.2 The Police Check returns a disclosable offence

21.3 The successful applicant is unable to evidence stated qualifications

21.4 The successful applicant does not have a valid Driver Licence

21.5 The successful applicant does not hold a First Aid Certificate, and refuses to obtain this qualification prior to employment

21.6 The successful applicant refuses to sign A and D In Home Care Code of Conduct

21.7 The successful applicant is engaged in secondary work more than 35 hours a week

### **Expiry of Checks**

22. A and D In Home Care Safeguarding and Compliance Manager will notify employees by email one month before:

- Expiry of WWCC with a request to renew the check and information about how to complete this task
- Expiry of NDIS Worker Check and a request to renew this check and information about how to complete this task
- Annual Police Checks and a request to complete an updated Fit To Work online application
- Expiry of First Aid Certificate and request to complete the expired component of the First Aid Course and provide a certificate
- Expiry of Driver Licence and a request to provide a copy of the valid licence
- Annual review and signature of Code of Conduct



23. A and D In Home Care Safeguarding and Compliance Manager will record the renewal dates and verification on the A and D In Home Employee Compliance Register.
24. A and D In Home Care Safeguarding and Compliance Manager will notify Director Anita McEwen within 24 hours if a worker returns a disclosable criminal offence or is refused clearance for an NDIS Worker Check or WWCC. Within 24 hours of receiving notification, Director Anita McEwen will provide direction in writing to an employee to cease work immediately.
25. A and D In Home Care Director Anita McEwen will terminate the employment of a worker without a cleared WWCC or NDIS Check. A worker who returns a disclosable criminal offence in the annual Police Criminal History check will be subject to a risk assessment and may be terminated based on the outcome of this risk assessment.
26. A and D In Home Care Director Anita McEwen will document actions taken in the Employee Compliance Register and notify the Office of The Children's Guardian if an annual Police Criminal History check returns a disclosable criminal offence for an employee.
27. The Office of The Children's Guardian will liaise directly with the worker to advise a bar is being considered and provide an opportunity for the worker to provide additional information.
28. A and D In Home Care Director Anita McEwen will be notified by the Office of The Children's Guardian with a Notice of Final Decision and Reasons for the decision barred or if a worker has WWCC closed before the five-year expiry date. A and D In Home Care will liaise with Office of The Children's Guardian to determine whether termination of the employee is appropriate, or if the employee needs to be suspended from child related work until a WWCC paid clearance can be verified.
29. A and D In Home Care Director Anita McEwen will notify a staff member in writing within 24 hours of receiving recommendations from the Office of The Children's Guardian and advise of remediation required by the worker and to cease child related work until a WWCC paid clearance is verified or commence termination of employment of the worker.
30. A and D In Home Care Director Anita McEwen will notify a staff member who had employment terminated due to a WWCC bar of their right to apply to [NSW Civil and Administrative Tribunal](#) for an appeal of the WWCC bar within 28 days



of receiving notification and encourage the terminated worker to seek independent legal advice.

#### Relevant Documents

[Child Protection \(Working with Children\) Act 2012](#)

[Child Protection \(Working with Children\) Regulation 2013](#)

[Children and Young Persons \(Care and Protection\) Regulation 2022](#)

A and D In Home Care Employee Compliance Register

A and D In Home Care Successful Applicant Email

A and D In Home Care Unsuccessful Applicant Email

A and D In Home Care Direction to Employee to Cease Work Immediately

A and D In Home Care Specific Risk Assessment

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

Child Safe Standards

NDIS Practice Standards