



Disability Services Employment Screening Frequently Asked Questions

Who needs to undergo a disability services employment screening assessment?

Only those working or volunteering in a 'prescribed position' within a 'prescribed disability service provider' as defined by the *Disability Services Act 1993* will need to undergo a disability services employment screening assessment.

If you will not be engaged by a prescribed disability service provider, or your role does not fit the definition of prescribed position, then you cannot be required to undergo disability services employment screening.

A prescribed disability services provider means a government provider of disability services or a non-government provider funded under the *Disability Services Act 1993*. If your organisation is not a prescribed disability service provider then you cannot be required to undergo disability services employment screening.

Organisations that only receive SA Home and Community Care (SA HACC) funding are not considered a prescribed disability service provider because this funding is not provided under the *Disability Services Act 1993*.

The following roles are detailed in section 5B of the *Disability Services Act 1993* as being captured by the screening requirements:

- Anyone who has unsupervised regular contact with or working in close proximity on a regular basis to people with disability
- Anyone in a management or supervision position responsible for someone who has close and regular contact with people with disability
- Anyone who has access to records of a person with disability (as defined in the *Disability Services (Assessment of Relevant History) Regulations 2014*)
- Anyone who provides care to a person with disability overnight and involving sleeping arrangements regardless of whether that care is short-term or ongoing.

The screening arrangements apply to employees, volunteers, agents, contractors and sub-contractors.

What does regular contact with or working in close proximity on a regular basis mean?

The *Disability Services Act 1993* does not define regular contact, regular basis or close proximity. As a result, the terms must be given their ordinary everyday common sense meanings. Generally speaking, the term regular contact implies contact that has a constant or definite pattern, or which recurs at short uniform intervals or on several occasions during short periods of time such as a week.

Organisations will need to decide whether the contact that an individual will have with people with disability will be 'regular contact' or be undertaken in 'close proximity on a regular basis'. This will be a question of fact, and organisations should consider this carefully on a case-by-case basis.

My role relates to children with disability. Do I need a disability services employment screening assessment or a child-related check?

If you work with children in the disability sector, you will be required to undergo a child-related screening check as specified under the *Children's Protection Act 1993* if that role requires or involves one of the following functions:

- Anyone who has unsupervised regular contact with or working in close proximity on a regular basis to children
- Anyone in a management or supervision position responsible for someone who has close and regular contact with children
- Anyone who has access to records of a child (as defined in the *Children's Protection Regulations 2010*)
- Anyone who provides care to a child overnight and involving sleeping arrangements regardless of whether that care is short-term or ongoing.

You do not also need to undergo disability services employment screening.

If you have any questions about the screening requirements under the *Children's Protection Act 1993* please contact the Child Safe Environments team in Families SA for advice and assistance by emailing DECDChildSafe@sa.gov.au.

My role relates to both children and adults with disability. What type of screening assessment will I require?

Staff or volunteers who occupy a prescribed position that relates to **both** people with disability **under** 18 years of age and people with disability **over** 18 years of age must undergo child-related screening in accordance with the *Children's Protection Act 1993*, and then every three years. For someone working across age groups the child-related assessment will enable you to work both with children and adults with disability. Having only a disability services employment screening assessment will not cover you to work with children in the disability sector.

If you have any questions about the screening requirements under the *Children's Protection Act 1993* please contact the Child Safe Environments team in Families SA for advice and assistance by emailing DECDChildSafe@sa.gov.au.

I work in an aged care and disability service provider. Which check do I need?

If you work for a service provider that is funded under the Commonwealth *Aged Care Act 1997* as well as the South Australian *Disability Services Act 1993*, you will need both an aged care screening assessment and a disability services employment assessment. You should check with your employer about how they are funded and which checks they require you to undergo.

I am an existing employee and have already been assessed by the Screening Unit. Do I need to be re-screening under this new arrangement?

If you are an existing employee of your organisation (engaged prior to 1 July 2014) and have been assessed by the Department for Communities and Social Inclusion (DCSI) Screening Unit within the previous three years and been assessed as suitable to work or volunteer in disability services, you will not be required to undergo a new screening assessment until it is due for renewal. You should apply for the new disability services employment screening assessment at least six months before your current one expires to allow enough time for a new assessment to be completed. Early application will avoid any disruption to your employment through a lapsed screening assessment.

Existing volunteers (engaged prior to 1 July 2014) with VOAN checks as at 1 July 2014 can rely on these until they are due for renewal. However, once the VOAN check has expired, volunteers working in a prescribed position within the disability sector will be required to undergo a disability services employment screening assessment.

What is a disability services employment screening assessment?

A disability services employment screening assessment is an assessment of relevant information about a person to determine whether he or she poses a risk of harm to the safety or wellbeing of people with disability.

What is relevant history?

Relevant history incorporates a broad range of information that can be taken into account by the DCSI Screening Unit for the purposes of assessing whether a person poses a risk of harm to people with disability.

Relevant history is defined in the *Disability Services Act 1993* and *Disability Services (Assessment of Relevant History) Regulations 2014*. For a technical definition, please refer to section 5B of the Act and Regulation 9.

In general terms, relevant history is broader than criminal history information and includes:

- convictions
- charges (including pending charges) regardless of the outcome
- information held by government and non-government agencies that is relevant to assessing an applicant's suitability to work in the disability sector, and includes (but is not limited to) information about investigations undertaken by a government unit or Human Resources information.

Information about convictions and charges from other jurisdictions across Australia is included in a screening assessment.

Refer to section 4 of the Disability Services Employment Screening Standards, which explains “relevant history” in more detail.

Where do I go to get a disability services employment screening assessment?

The DCSI Screening Unit is the only screening unit authorised to undertake disability services employment screening assessments in accordance with the *Disability Services Act 1993* and *Disability Services (Assessment of Relevant History) Regulations 2014*.

An application form can be downloaded from the Screening Unit website at: <http://screening.dcsi.sa.gov.au/>

There are three ways your application can be paid for and sent to the Screening Unit. This can be by you through an Australia Post office, online using a credit card, or through your employer. Please discuss with your current or prospective employer or volunteer organisation to determine which applies to you.

What will the Screening Unit do if they find relevant history about me?

If the Screening Unit uncovers any relevant history about you, they will inform you by letter and provide you with an opportunity to respond.

The Screening Unit will then consider all the information available to determine the level of risk you pose to people with disability. If you pose low or no risk to people with disability, the Screening Unit will advise you that you are considered suitable to work in a prescribed position within the disability sector. If you pose a risk to people with disability, the Screening Unit will determine that you are unsuitable to work in the disability sector and will advise the organisation that you have applied to accordingly.

*Please note that the term ‘suitable’ relates to your assessed level of risk as determined by the Screening Unit, not your overall suitability for a particular job role (eg just because you have been assessed as ‘suitable’ by the Screening Unit does not mean your prospective employer will regard you as suitable for the role you’ve applied for. Employment decisions are not made by the Screening Unit).

What if I disagree with the Screening Unit’s decision?

If you dispute a decision made by the Screening Unit, you can apply to have that decision internally reviewed. During this process, a different officer within the Screening Unit will consider your assessment. The process of internal review is more fully explained in the Disability Services Employment Screening Standards.

A review of the decision is not available simply because you are unhappy with the decision. When requesting an internal review, you must explain why the Screening Unit should review the decision. Section 7 of the Disability Services Employment Screening Standards provides some examples of reasons.

If you still dispute the decision following an internal review, you may wish to consider referring the matter to an external body. This may include the Ombudsman, or judicial review. You should seek legal advice if you wish to pursue this avenue.

If I have been assessed as suitable to work in the disability sector by the DCSI Screening Unit, why was I not successful in gaining employment?

The term 'suitable' relates to your assessed level of risk as determined by the Screening Unit, not your overall suitability for a particular job role (eg just because you have been assessed as 'suitable' by the Screening Unit does not mean your prospective employer will regard you as suitable for the role you've applied for).

There is a difference between being found suitable by the DCSI Screening Unit (where suitability relates to your level of risk) and being found suitable for employment by the organisation for which you have applied. Being found suitable by the screening process is NOT an offer of employment. You still need to meet the requirements of the role as determined by the organisation. Employment decisions are not made by the Screening Unit, they are made by your prospective employer/volunteer organisation. Screening is only one element of a recruitment process.

If I have been assessed as unsuitable by the DCSI Screening Unit, can I still work or volunteer in the disability sector?

No. The new screening regime has been introduced to protect the safety and welfare of people with disability. If the DCSI Screening Unit has assessed you as unsuitable to work or volunteer in the disability sector, you have been found to pose an unacceptable level of risk to people with disability and will not be permitted to work or volunteer in the sector.

What will I receive at the conclusion of a disability services employment assessment?

You will receive a letter from the Screening Unit to notify you of the outcome of your disability employment assessment.

How long is an assessment valid for?

An assessment is valid for three years. It is advisable that you re-apply for an assessment six months before your current assessment expires.

Will my disability services employment screening assessment be accepted by all disability service providers in South Australia?

Yes. The disability services employment screening assessment is transferrable across services provided or funded under the *Disability Services Act 1993* in South Australia.

Will my disability services employment screening assessment be accepted by interstate disability service providers?

No. The disability services employment screening assessment is only accepted by services provided or funded under the *Disability Services Act 1993* in South Australia.

How long will it take to process my assessment application?

A number of factors may impact upon the time taken to process your application. If the Screening Unit does not identify any risk requiring assessment, the turnaround time for your clearance should be within 30 business days.

If your name registers as a match in any of the databases assessed by the Screening Unit and then requires a complex assessment, additional time **beyond the 30 days** may be required to process your application. This will depend on the relevance, complexity, and amount of information which requires assessment. Various other factors may impact upon the time taken to process your application, which may include:

- the time of year (January-April is traditionally the busiest time of year);
- the process of obtaining information from other agencies across Australia; and
- The process of police agencies distinguishing simple name matches from similarly-named individuals with relevant information.

Furthermore, the following common mistakes frequently result in forms being returned to you for resubmission:

- not including your FULL name and/or FULL previous names;
- insufficient current address detail;
- insufficient information describing your role;
- failure to complete satisfactorily the 100 point identification check; and
- missing signatures: three signatures MUST BE included – the applicant, the verifying officer and, if not paying through Australia Post, the requesting officer.

IT IS EXTREMELY IMPORTANT THAT YOU COMPLETE EACH SECTION OF THE FORM AND CHECK IT THOROUGHLY BEFORE SUBMISSION. PROCESSING OF AN APPLICATION WILL ONLY COMMENCE ONCE A CORRECTLY COMPLETED FORM HAS BEEN RECEIVED BY THE DCSI SCREENING UNIT.

Can I get a replacement if I lose my letter from the Screening Unit advising of my assessment outcome?

No. If you lose your letter, you will need to re-apply for an assessment and pay the associated costs.

I am a disability services provider, what are my responsibilities?

Under section 5B of the *Disability Services Act 1993* you are legally required to ensure that before appointing or engaging someone in a prescribed position, either as a paid employee, contractor, sub-contractor or volunteer, the person undergoes disability services employment screening by the DCSI Screening Unit. You are also responsible for identifying whether the person is required to undergo child-related screening instead of disability services employment screening. You must not appoint a person who has not been appropriately screened or who has been assessed as unsuitable to work in a prescribed position.

If you believe your staff may require child-related screening, you should contact the Child Safe Environments team in Families SA for advice and assistance by emailing DECDChildSafe@sa.gov.au.

Disability services employment screening assessments are valid for three years. As the employer, it is recommended that a follow-up assessment is organised at least six months prior to the current assessment expiring. This ensures that the Screening Unit has enough time to conduct a re-assessment.

The definition of 'relevant history' includes information legally held by disability service providers funded under the *Disability Services Act 1993* that is relevant to whether a person is suitable to be appointed to a position within a disability services organisation (prescribed position). Therefore the DCSI Screening Unit can take into account any information you may have in relation to the actions of a staff member, volunteer or contractor in their disability services employment screening assessment.

To enable this to occur, you now have a legislative obligation to report any matters of abuse, neglect or misconduct to DCSI. These matters should be reported to the Disability SA Feedback and Incident Review Team, whether investigated by you or not, by emailing DisabilitySAFeedbackandIncidentReview@sa.gov.au. From time-to-time, you may also be required to provide additional information to the DCSI Screening Unit about any reports you provide to Disability SA.

Also, as previously required, it is important that you ensure confidentiality when handling any information provided about a staff member by the Screening Unit.

I am a disability services provider, what type of information should I report to the Disability SA Feedback and Incident Review Team within DCSI?

You should report any instances (including suspected instances) of behaviour which adversely affects, or has the capacity to affect, the safety or wellbeing of a person with disability. This can include abuse, neglect or misconduct by anyone in your organisation. Examples include, but are not limited to, the following:

- Physical abuse
- Sexual abuse
- Serious financial abuse
- Serious emotional/psychological abuse
- Unauthorised restrictive practices
- Extreme neglect.

Refer to section 4 of the Disability Services Employment Screening Standards for more detail.

When reporting the matter to the Feedback and Incident Review Team, you should include the following information:

- Person involved for identification purposes (including full name and correct spelling, address and date of birth)
- Nature of the incident, for example impact on the client
- Details of any investigation
- Action taken.

You should also report matters of concern where the staff member resigned before an investigation could take place or be finalised.

I am a disability services provider. Can I employ or engage someone in a prescribed position before they have been assessed by the DCSI Screening Unit?

No. Under section 5B of the *Disability Services Act 1993*, you are required to ensure a person undergoes a relevant history assessment before they are employed or engaged in a prescribed position.

I am a disability services provider. Can I employ or engage someone in a prescribed position if they have been assessed as unsuitable by the DCSI Screening Unit?

No. It is a requirement under the updated Service Agreement that you must not employ or engage a person who has been found unsuitable by the Screening Unit.

What are the Disability Services Employment Screening Standards?

The Disability Services Employment Screening Standards is a publicly available document that sets out how DCSI Screening Unit assessment officers will use relevant history information to make an assessment about your level of risk. They are available on the Screening Unit website at:

www.dcsi.sa.gov.au/screening

Please note that these Standards will be varied from time to time, and the FAQs will be updated accordingly.