



Identifying Risk Assessed Roles in Residential Aged Care

Introduction

This information is intended for residential aged care providers who are registered NDIS providers supporting NDIS participants in their residential facilities ('registered RAC providers'). It provides **guidance** focusing on the obligation of registered RAC providers under NDIS worker screening requirements to identify all risk assessed roles that will be undertaken in supporting NDIS participants in residential aged care settings. Guidance on the obligations of registered NDIS providers in relation to risk assessed roles (once identified) can be found [here](#).

Risk assessed roles in residential aged care

Registered NDIS providers, including residential aged care providers supporting NDIS participants residing in their facilities ('registered RAC providers'), are required to determine which of their workers¹ and personnel² are in **risk assessed roles** for the purposes of the NDIS worker screening requirements.

A risk assessed role (in the context of registered RAC providers) is:

- a key personnel of the registered RAC provider (i.e. – someone who is a member of a group of persons responsible for the executive decisions of the registered RAC provider, or any other person who has authority or responsibility for – or significant influence over – planning, directing, or controlling the activities of the registered RAC provider);
- a role for which the normal duties include the direct delivery of [specified supports or services](#) to NDIS participants; or

¹ **“worker”** (in the context of registered RAC providers) means any of the following:

- (a) an individual employed or otherwise engaged by the registered RAC provider;
- (b) each of the key personnel of the registered RAC provider;

² **“personnel”** (in the context of registered RAC providers) means individuals:

- (a) who are not workers; but
- (b) whose services are made available by a personnel provider to perform work:
 - i. at the registered RAC provider's premises; or
 - ii. as part of the provision of supports or services to any person with a disability, by, or on behalf of, the registered RAC provider

- a role for which the normal duties are likely to require more than incidental contact with an NDIS participant.

The purpose of NDIS worker screening requirements is to ensure people who may pose an unacceptable risk to NDIS participants do not work closely with them or make decisions about the services or supports they receive. This means registered RAC providers must take a risk management approach in determining which of their workers and personnel are in risk assessed roles.

Identifying risk assessed roles

A registered RAC provider must look at all the roles of their workers and personnel and make decisions about which roles are risk assessed roles.

Most registered RAC providers find identification of workers or personnel in the first two categories of risk assessed roles straightforward. Here are two examples:

Example 1:

Koan is the Chief Financial Officer of Kappa Residential Aged Care (Kappa). Kappa supports 150 care recipients, including five NDIS participants. Koan's role includes organisational financial planning, undertaking organisational risk management, providing detail on possible business opportunities, and deciding on investment strategies for the organisation. Koan has not met the NDIS participants supported by Kappa.

In this example, as part of his normal duties, Koan is in a risk assessed role because he is key personnel. This means the registered RAC provider will have to ensure that Koan has an NDIS worker screening clearance (or rely on one of the exceptions in relation to a clearance, e.g. an acceptable check under the transitional and special arrangements).

Example 2:

Paul works at a residential aged care facility and provides support and care to both residents and NDIS participants. As a standard part of Paul's role, he supports Tom who is an NDIS participant by assisting him with daily personal hygiene and dressing tasks. Paul supports Tom on a regular basis and is required to be in close physical contact when supporting him with daily personal activities. Paul engages with Tom and asks him how he is managing and if there is more support he requires. Tom discusses his needs and Paul builds rapport by providing a level of trust and openness as part of his normal duties.

In this example, as part of his normal duties, Paul delivers one of the [specified supports and services](#) to a NDIS participant because he provides assistance with daily life tasks in a group or shared living arrangement. This means that the registered RAC provider will have to ensure that Paul has an NDIS worker screening clearance (or rely on one of the exceptions in

relation to a clearance, e.g. an acceptable check under the transitional and special arrangements) as this role is considered to be a risk assessed role.

More than incidental contact

Identifying whether workers or personnel are in risk-assessed roles where there may be more than incidental contact with people with disability can be more difficult. This is because identifying those workers comes down to the judgment of the registered RAC provider.

There is no way for the NDIS Commission to say which roles have more than incidental contact with NDIS participants, because there are so many types of roles and different kinds of work undertaken by workers and personnel for registered NDIS providers, including those in residential aged care facilities where NDIS participants reside.

When a registered RAC provider is thinking about whether a worker is in a risk assessed role because they might have more than incidental contact with NDIS participants, that registered RAC provider should consider:

Question	If yes:	If no:
Does the role in question include physical contact, face to face contact, undertake oral or written communication, or electronic communication with a NDIS participant residing in a registered RAC facility?	The role is likely to be a risk assessed role	The role is unlikely to be a risk assessed role

Then	If yes:	If no:
Does the role in question require a worker to physically touch a NDIS participant?	The role is likely to be a risk assessed role	The role might not be a risk assessed role

Or:	If yes:	If no:
Does the role in question involve building a rapport with a NDIS participant as an integral and ordinary part of the performance of those duties?	The role is likely to be a risk assessed role	The role might not be a risk assessed role

As a registered RAC provider, the decision is **yours** as to what roles involve more than incidental contact with NDIS participants taking into account the non-exclusive factors above.

You may like to document your review of all roles that have contact with NDIS participants – not just risk assessed ones. This will help you think through the questions above and provide evidence of your decision making process in deciding the role is not a risk assessed one.

Remember:

- These considerations only apply to roles that relate to working with NDIS participants, not roles that involve service delivery to non-NDIS residents in a residential aged care facility.
- Registered NDIS providers, including residential aged care providers, employ workers in both risk assessed and non-risk assessed roles.