Working with External NDIS Service Providers Procedure
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1. Purpose

This Procedure applies to external service providers. For the purposes of this Procedure, an external NDIS registered service provider is any person, organisation or group external to the Department of Education (DoE) offering their services to support the health, disability or wellbeing needs of students at an individual or group level.

This includes non-government agencies (e.g. St Giles), private organisations, or allied health professionals (e.g. speech pathologists, physiotherapists) seeking to work in schools. These service providers must be approved by the National Disability Insurance Agency (NDIA).

An external NDIS service provider may be engaged by parents or carers who then seek access to their child at school for the delivery of those services.

This Procedure is also applicable when a person is engaged as an external NDIS provider, but is also a DoE employee. Refer to DoE’s Conflict of Interest Procedure for further information.

2. Overview

This Procedure applies where a National Disability Insurance Scheme (NDIS) external service provider has been engaged by a parent or student and seeks to access the school to deliver services for a particular student or group of students.

This Procedure applies to external NDIS service providers, not DoE employees.

The National Disability Insurance Agency (NDIA; the Agency) values the role of providers and sees them as a critical part of the National Disability Insurance Scheme (NDIS; the Scheme) in terms of delivering high quality, person centred supports to help participants to achieve their goals.

For school-aged recipients of NDIS services, their package of care may be provided during school time on school premises. In these cases, it is the discretion of the School Principal to decide whether or not external NDIS service providers can enter the school. Principals are not obliged to either accept or decline such request. Decisions should be made on a case by case basis, considering the individual circumstances of the student and the school. Any decision should take into account the educational needs of the student and the school’s duty of care towards all students and staff. Please refer to the accompanying document, External Service Providers and the NDIS – Factsheet for Principals.

Any request for access to a student by an external provider should come from their parent or carer or with that person’s expressed consent.

3. Roles and Responsibilities

3.1 The Secretary and Deputy Secretaries

- Ensure the relevant Acts, Standards and Policies are adhered to.
- Initiate processes for the regular review and evaluation of the procedure to ensure relevance.
- Ensure appropriate risk management is in place to ensure compliance with this Procedure.

3.2 Student Support Leaders and Student Support Teams

- Ensure all schools and colleges are familiar with, and implement, this Procedure.
• Support staff to comply with the requirements.

3.3 School Principals
• Use their discretion to decide whether or not external NDIS service providers can enter the school and deliver services at school.
• Adhere to these procedures when allowing an external NDIS service provider to deliver services to students at school.
• Ensure a written application is submitted by the parent and external provider, and ensure this is signed by all parties as an agreement for service delivery at school.
• Ensure written documentation is retained in relation to the following requirements:
  - Provide evidence of current Registration to Work with Vulnerable People (RWVP)
  - Provide evidence of being an NDIA approved provider
  - Provide evidence of current insurances.
• Provide a local induction for external service providers before commencing at the school.
• Consider undertaking a risk assessment and risk management plan if required.
• Consider the level of supervision required, depending on the nature of the service being provided.
• Ensure the school’s legal obligations are fulfilled under the duty of care, discrimination and work health and safety law.
• Communicate with school staff about the requirements and processes for NDIS providers working with students at school.

3.4 Teachers
• Understand the requirements for external NDIS providers working with students at school.
• Ensure that approved services are delivered to students as agreed with the principal.
• Record and report any allegations made against an external service provider which contravenes the specified requirements outlined in this procedure.

3.5 Parents/Carers
• Must request the principal’s approval to have NDIS services delivered to their child at school.
• May communicate with the principal in relation to their child’s progress and impact on their classroom learning.
4. Process

4.1 Requirements for Principals to consider before agreeing for access to an external NDIS Service Provider

An external NDIS service provider may seek access to a student to deliver their services during school hours. Any request for access to a student by an external provider should come from their parent or carer or with that person’s expressed consent.

This decision should be made in consultation with the student (where practicable), their parents or carers, and the School Principal.

Factors to be considered when working with external service providers include:

- their qualifications and expertise (this is checked by the NDIA during the registration process)
- the impact of external service provision on the teaching and learning program for the individual student and other students in the classroom/school. Refer to External Service Providers and the NDIS – Factsheet for Principals.
- the school’s legal obligations under the duty of care, discrimination and work health and safety law.

A Checklist to support Principals has been developed to support this process. The following Procedure is based on that checklist.

4.2 Mandatory Requirements for External NDIS Service Providers

The following requirements must be met or followed before a provider is given access to a school or its students.

4.3 Written application by the parent and external provider to the Principal

In order for an external NDIS Provider (Provider) to be given access to a school and student, the Provider must apply to DoE using the Parent, External Provider and School Agreement Form. The parent/guardian of the student must consent to the application being made by the Provider. The application form includes information such as:

- The Provider’s details (including the NDIS number);
- The student’s details;
- The parent/guardian’s details;
- Information about the services to be provided to the student;
- Details of insurances; and
- Details of a Working with vulnerable people registration.

The application form must be accompanied by the relevant licence for the Provider to review prior to applying to DoE. The licence includes appropriate protections for DoE including, for example, risk, loss or damage.

The process to be followed in relation to engaging an external Provider is as follows:
i. The Application Form is completed by the Provider, in consultation with and consent from the Parent/Guardian and submitted to the School’s Principal for consideration;

ii. The School’s Principal considers the Application in accordance with this Procedure and External Service Providers and the NDIS – Factsheet for Principals to determine the viability of the Provider providing services to the student at the School. The Principal may consult with the staff of the School to determine the viability or otherwise. The Principal can approve or reject the Application;

iii. If the School’s Principal agrees to the Provider’s application, the Principal will complete the Licence Information Table based on the information provided for in the Application, with any required changes if the Provider and the Principal have agreed to these changes;

iv. The Provider, Parent/Guardian and authorised person on behalf of the Crown in Right of Tasmania will sign the Agreement. The Crown in Right of Tasmania should be the last party to sign the licence, after which the signatory should date the licence and provide each party with a copy. A copy should be placed on school records and also emailed to Disability Programs at: NDIS.support@education.tas.gov.au

4.4 **External service providers need a current RWVP**

All external service providers and their staff must obtain a RWVP Check prior to starting work at the school. The Principal (or delegate) must check clearance of all personnel seeking to access the school prior to entry. Further checks should be taken on a periodic basis to confirm the external service provider’s clearance remains current.

Further information about the registration process is available via the Department of Justice RWVP webpage.

Principals or their delegates must retain written evidence that they have checked/complied with mandatory requirements of RWVP.

4.5 **External service providers must be approved by the NDIA**

External service providers must also have the appropriate qualifications, accreditation standards, registration requirements and training. This will be assessed by the NDIA and is a condition on approval as an NDIS Service Provider. DoE stipulates that only NDIA approved providers will be able to work in DoE schools. This is to ensure that providers meet the Quality Assurance Frameworks.

4.6 **External service provider must have current insurances**

Prior to an external service provider being given access to the school, the Principal (or delegate) must sight and record documentary evidence of the currency of the following:

- Workers Compensation Insurance or personal injury insurance in the case for a sole provider that will cover them in the event that they have an injury to themselves in the course of their work
- Professional indemnity insurance for not less than $10 million
- Public liability insurance for not less than $20 million.
4.7 Application of the Code of Conduct to external service providers

External service providers working in DoE schools must be aware of the Conduct and Behaviour Policy for External NDIS Providers – working in Government Schools and act in line with the conduct outlined within. This document will be made available by the School Principal to the external provider. While external service providers are not subject to disciplinary action, conduct that would be assessed as being a serious breach of the Code of Conduct may result in the contract or arrangement being terminated.

4.8 Child Safety and Mandatory Reporting for external service providers

The provider must advise the Principal if they become aware of a child safety issue in addition to meeting their own mandatory reporting requirements. After completion, details should be recorded and retained at the school.

It is the responsibility of School Principal (or delegate) to retain written evidence that they have checked each of these mandatory requirements for external providers, i.e.

- They have sighted a current RWVP and recorded the number or taken a photocopy of the card
- They have sighted and copied documentation that the external provider is a NDIA approved provider
- They have sighted and copied documentation regarding current insurances of the external provider.

4.9 Further Considerations

A risk assessment may be undertaken and risk management plan developed

A risk assessment is a methodical and systematic examination of what may potentially cause harm or damage to people and/or property within our working and learning environments. Please refer to DoE Risk Management process which can be used to assist and guide the completion of a risk assessment. These procedures include supporting the Principals to:

- identify any hazards associated with the provision
- assess who or what might be harmed and how
- evaluate the risks and decide on appropriate control measures
- record findings and implement them
- review assessments and update if necessary
- consult and communicate with staff, peers, students and others.

Managing a request by an external service provider for the use of school accommodation and/or equipment

A request to use school accommodation or equipment should be discussed prior to entering into the agreement. School based programs have an absolute priority over the use of school facilities during school hours.

An external service provider seeking to access accommodation or school equipment (other than the basic provision, such as tables and chairs) should discuss their requirements with the Principal at the time the service agreement is negotiated.

In considering requests from an external service provider, the Principal should consider:
• whether the proposed use should be considered under the School Facility Casual Hire agreement;
• any risks or liabilities that might arise from the provider using school equipment, and strategies to minimise that risk (e.g. ensuring that sporting equipment is suitable for use);
• whether there is suitable accommodation available and appropriate to meet the request (e.g. psychological services requiring a private space);
• whether there will be an impact on other programs operating in the school, including the provision of student support services;
• the inclusion of the use of accommodation and school equipment in risk management planning;
• identification in an agreement of school equipment such as sound systems, copiers, DVD or CD players, interactive whiteboards and other ICT equipment, etc. that may be made available.

5. Induction of Service Providers

All external service providers must participate in an induction.

Prior to an external service provider commencing at a school, they should participate in a local induction where the Principal can clarify the responsibilities of all parties and provide important information including, but not limited to:

• A general introduction to the school site. This should include introduction to relevant staff, sign in/sign out procedures, carrying of identification, facilities, contact details, first aid arrangements, emergency responses (evacuation, lockdown, and lockout), procedures for reporting injuries, illnesses or safety hazards in the workplace, and processes for Mandatory Reporting.
• Confirming specific information about the students with whom they will have contact and ensuring that external providers have training in relation to any specific health conditions which may require an emergency response.
• The school Principal will provide the external provider a copy of the following document:
  - Conduct and Behaviour Policy for External NDIS Providers working in Government Schools

6. Managing External Service Providers

6.1 External service providers need to be observed or supervised

The school maintains its duty of care and child safety obligations when a student is receiving services from an external provider. In order to ensure that it meets those obligations, the school needs to ensure that the provider is able to be observed or supervised by a member of staff while the provision is taking place. This does not necessarily mean constant supervision, but may mean that the service needs to be provided in a classroom or in a space that can be observed, for example through a window in a doorway.

The Principal has discretion as to the level of supervision required, depending on the nature of the service being provided.
Exceptions to this could include provision of counselling services by psychologists and/or social workers. These services generally require confidentiality and discretion in their delivery, and should be provided by registered psychologists and accredited social workers/mental health social workers. These professionals are bound by their respective codes of conduct.

Services delivered by registered psychologists and accredited social workers may be delivered in a location in which they cannot be directly observed. Rooms set aside for provision of counselling services are ideally in an active area of the school, such as the administration block or close to staff rooms, and not in an isolated area of the school. The school Principal will need to ensure that these counselling spaces are not already in use by support services staff, as priority needs to be given to DoE staff such as; school psychologists, social workers and speech and language pathologists.

6.2 Dealing with an allegation made against an external service provider in the area of child safety

The allegation is to be promptly reported to the relevant Manager of the employee. In the instance of a sole provider, a report can be made to the local NDIA office.

Consideration should also be given to the school’s mandatory reporter obligations and Mandatory Reporting guidelines.

7. Related policies

- Conduct and Behaviour Policy for External NDIS Providers Working in Government Schools

8. Related procedures

- Nil.

9. Supporting information/websites

- National Disability Insurance Scheme.
- NDIS Provider – Factsheet for Principals
- NDIS Provider – Checklist for Principals
- NDIS Parent, External Provider and School Agreement

10. Legislation

- National Disability Insurance Scheme (NDIS) Act 2013

11. Definitions

External NDIS Service Provider

A provider that is an accredited professional or organisation, independent of DoE, contracted to provide service/s to a child with a disability and their family. These providers will be registered with the NDIA.
Local Area Coordinator

Is an NDIS employed coordinator who will work with students and link them to the NDIS. Their role is to help clients understand the NDIS, access the NDIS, create a first plan, implement the plan and review the plan. They provide information and support in the community, and work with their local community to make sure it is more welcoming and inclusive for people with disability.

National Disability Insurance Agency (NDIA)

The NDIA is the local agency, which works with local communities to provide information and referrals, support to access community services and activities, personal plans and supports over a lifetime.

National Disability Insurance Scheme (NDIS)

The NDIS is the national scheme that provides disability support. It is an insurance scheme, which will provide Australians under the age of 65 who have a permanent or significant disability with the reasonable and necessary supports they need to live an ordinary life.