

Sutherland Shire

A GUIDE FOR COMMUNITY CARE MANAGEMENT COMMITTEES



home and community care

A JOINT COMMONWEALTH AND STATE/TERRITORY PROGRAM
PROVIDING FUNDING AND ASSISTANCE FOR AUSTRALIANS IN NEED

*Information to assist
Management Committees
with the DADHC Funding Agreement*

3rd (HACC) Edition – December 2008

About this Guide

This is not a DADHC publication. This guide is produced by the Sutherland Shire HACC Development Project for the organisations that receive funding from NSW Department of Ageing, Disability and Home Care (DADHC). It aims to assist organisations with their Funding Agreement compliance and preparations for Service Monitoring. This document is specifically for volunteer management committees; another two-part document, *A Guide to Community Care in the Sutherland Shire*, exists to assist the HACC workers providing service.

This guide provides basic information only and is not a substitute for the specific purpose and activities of an organisation contained in their *Policy and Procedures Manual* in response to relevant legislation, industrial conditions, industry standards and organisational values.

DADHC Monitoring and Evaluation Systems

DADHC plans, funds, monitors and evaluates the HACC Program, CSTDA Disability Services and some other aged services. As part of the DADHC funding agreement, service providers must comply with the Department's accountability and reporting requirements (including but not limited to):

- Service Provider Annual Returns / Performance Reporting;
- Minimum Data Set (MDS) reporting;
- Financial reporting and acquittals.
- Service Provider self-assessment;
- Service review visit; and
- Development of an Action Plan (as required).

Documents relating to some of these requirements can be downloaded from www.dadhc.nsw.gov.au via the 'Doing Business With Us' section.

Supports for DADHC-Funded Services

Department of Ageing, Disability and Home Care (DADHC) Project Officers

Sutherland Shire is a part of Metropolitan South Regional office of DADHC. Each region employs a series of Project Officers to work directly with the services they fund. The POs for Sutherland Shire can be contacted through the Burwood office on 9334 3700.

HACC Development Officer (HACC DO)

Funded as HACC services, there are HACC DOs in most regions of NSW to assist HACC service providers and users through community development and support activities (see www.nswhaccdos.org.au). HACC DOs provide information to HACC services about government policy and organise various networks, including the monthly meeting of HACC services, the HACC Forum, and represent the local care community on local, regional and statewide committees. Sutherland Shire HACC DO, Melinda Paterson, is employed by a community-based organisation, Sutherland Shire Community Care Network, and can be contacted a number of ways:

- Directly, Tel: 9542 6244, Fax: 9542 6291, email: melinda@ssccn.org.au
- via Southern Sydney Community Care Intranet: www.ssccl.org.au
- via Sutherland Shire Community Care Network: www.sccn.org.au

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- Gosford HACC Development Officer, Robyn Skuse for *Brokerage Manual*;
- Local Community Services Association Executive Officer, Faye Williams for *The Importance of Your Community Organisation* (June 2005);
- Sutherland Shire Community Care Network Inc *Policy and Practice Manual*;
- Consultants, Age Communications for *Essential HACC Policy & Procedures* from Workshop (30/8/05) and for *Resources*.

GENERAL CONDITIONS OF FUNDING AGREEMENT

- Contents of Contracts
- Compliance Issues

Contents of Contracts

Grants provided by DADHC are generally covered by either a one or three year agreement. At the end of each financial year (30th June) contracts are renewed between Service Providers and the Department as appropriate. The DADHC funding package comprises:

- **The Funding Agreement.** Encompassing general terms and conditions
- **Schedule 1 Service Description Schedules.** Provides details and conditions, including service expectations, for the delivery of a service or services, including:
 - **Part A: Service Provide Details.** Contains basic Service Provider information such as ABN, GST status, address and contact details and bank account for payment of funds;
 - **Part B: Funded Services Report.** A list of funding allocations the organisation has with the Department and the period of the Agreement;
 - **Part C: Summary of Funded Services and Outputs.** Details of Service provision including outlet information and generic details of target group/service users by (DADHC funding program);
 - **Part D: Service Details.** Specific activities, outcomes and measures for that service type and any special conditions (one for each service);
 - **Part E: Outlet Details.** Contact information, Service and MDS ID numbers, funding allocation and expected outputs (one for each service outlet);
 - **Part F: Property Details.** (where applicable)
- **Schedule 2** outlines the **Financial Reporting** requirements;
- **Schedule 3** outlines the current listing of **Policies and Guidelines** with which compliance is required in delivering the funded services;
- **Information sheets** outlining performance and accountability requirements:
 - Acquittals
 - Annual Returns
 - Minimum Data Set (MDS)
- **The Funding Agreement Guide.** Provides useful information about the Department's Funding Agreements and attachments

Funding agreement schedules are issued not only at renewal time but also when changes to funding occur, such as an increase in funding levels. The generic contents of the DADHC funding agreement can be downloaded from www.dadhc.nsw.gov.au via the 'Doing Business With Us' section.

Compliance Issues

Generally, the NSW Department of Ageing, Disability and Home Care (DADHC) funding agreement requires the following of organisations:

- Meeting its own corporate governance responsibilities, including financial management, industrial relations, occupational health and safety and compliance with all relevant State and Commonwealth legislation (see sections in this Guide: **INCORPORATION, PLANNING AND EVALUATION, FINANCIAL MANAGEMENT, WORKPLACE SAFETY & RISK MANAGEMENT, EMPLOYMENT, HUMAN RIGHTS**);
- Delivery of services in accordance with the specific funding program (**FUNDING PROGRAM SPECIFICS**);
- Delivery of services in accordance with the specific service type;

- Liaison and interaction with existing providers of same or similar services in the area and involvement in the development of protocols to ensure a coordinated system of delivery of the funded service type (**SERVICE DELIVERY SPECIFICS**);
- Maintenance of appropriate insurances with regard to property and assets (**FINANCIAL MANAGEMENT**);
- Development and maintenance of a service budget, which includes Income and expenditure items and depreciation of equipment and property in accordance with Australian Accounting Standards (**FINANCIAL MANAGEMENT**); and
- Provision of service to clients whose demographics reflect the target population specified in the funding agreement.

The specific Policies and Guidelines listed In Schedule 3 for all funded services:

- *Acquittal Guidelines (Updated Annually)*
- *Aboriginal And Torres Strait Islander Access And Equity Strategy (1997)*
- *Integrated Monitoring Framework (2005)*

and all HACC services:

- *Getting It Right - Guidelines For The HACC Program National Service Standards (1991)*
- *Guide To The HACC Amending Agreement (1998)*
- *HACC Capital Guidelines (2006)*
- *HACC National Framework For Comprehensive Assessment In The HACC Program*
- *HACC Standards In Action Manual*
- *HACC Statement Of Rights And Responsibilities (1990)*
- *Home And Community Care Minimum Data Set Version 2 (2006)*
- *National Guidelines for the Home and Community Care (HACC) Program (2007)*
- *NSW Guidelines for Home and Community Care (HACC) funded services (2007)*
- *NSW Government's Inter-Agency Protocol On Abuse Of Older People (2007)*

There is also a list of specific HACC service type guidelines to be released during the term of the agreement.

DADHC's Right of Access

It should be noted that the DADHC funding agreement allows DADHC representatives to access premises and records (in consideration of privacy legislation) in the following circumstances:

1. Upon receipt of at least seven days' written notice from the Department to
 - a. attend management committee meetings;
 - b. inspect and copy, if necessary and at the Department's cost, records relating to the funded service (even if they also contain unrelated information); and
 - c. visit any location used for service delivery (except clients' home without prior consent); or
2. With no notice:
 - a. in response to a complaint which, if confirmed, would be a breach of the funding agreement; and
 - b. the Department has grounds to suggest the non-compliance of the funded organisation.

All reports produced by DADHC through such circumstances will be made available to the organisation within 30 days of completion.

Funding Agreement Disputes

The funding agreement also describes dispute resolutions processes to be used, prior to court action, in the event of disagreement between the Department and funded organisation relating to interpretation of the funding agreement. This includes use of a mediator.

INCORPORATION

- Associations Incorporation Act 1984 - Code of Behaviour for Management Committees

Most government funding programs require applicants for community-based funding to be incorporated. An Incorporated Association has the capacity to act as a legal entity including:

- corporate status under NSW laws with the authority to sign contracts;
- protection for individual members from being sued for undertaking activities on behalf of the organisation, as long as they follow accepted business and community standards;
- operating instructions and greater stability when management committees change because they have to follow the rules and duties established in the Constitution;
- it is the employer of staff; and
- it makes decisions on how the organisation operates as a business.

Associations Incorporation Act 1984

As an Incorporated Association, people will be required to fulfil positions of responsibility and certain legal requirements to the NSW Department of Fair Trading, including:

- have a set of rules or Constitution approved by the Department of Fair Trading, using the Model Rules as a minimum;
- only make changes to the rules by a special resolution of members and lodge changes for approval by the Department of Fair Trading within one month;
- have a common seal bearing the organisation's name to be affixed to official documents when sanctioned by the management committee;
- keep records, including a members' register, list of management committee members, financial records and minutes of meetings;
- appoint a Public Officer to act as key contact for the organisation and lodge all forms required by the Department of Fair Trading; and
- hold an Annual General Meeting.

What is in a Constitution?

All Constitutions have some common elements:

- Name of the organisation;
- Type of incorporation and the date of incorporation;
- The aims and objects for which the organisation was established;
- The financial limit of liability of the members;
- Membership: who can be members, minimum and maximum number, the process for applying, how membership ceases;
- General meetings: how they are called, and the timing of the annual general meeting, quorums and voting;
- The board of directors, management committee or collective: numbers on the committee/collective and how they are appointed, and how they cease to be members;
- Powers and duties of board of management members;
- Proceedings of the board of management: how often the committee/collective will meet, quorums and voting;
- Office bearers and their duties;
- Finances: how the accounts are to be managed, appointment of auditors, and use of funds;
- Serving of notices; and
- Winding up or dissolving the organisation.

For more information, go to www.fairtrading.nsw.gov.au.

How Does An Incorporated Organisation Work?

Every Incorporated Association has a documented set of objects that outline a benevolent purpose. These will be in the beginning of the Constitution, under 'Objects' and 'Rules' and in the organisation's *Policy and Procedures Manual* (under 'Purpose, Philosophy and Outcomes'). They should be well known to everyone involved with the organisation and the guide for all subsequent planning and new activities undertaken by the organisation. If the organisation's current activities do not reflect the objects or it is contemplating a change in direction, it is necessary to change either the objects or re-think the activities.

The Importance of Members

The Incorporated Association is not owned by the staff or the management committee, but by all the members. The role of the members is to broadly decide what the organisation will do and then appoint a committee to carry out the organisation's objectives through its activities. Every year at the Annual General Meeting (AGM), the members come together to receive a report from the committee, including activity and finance reports, and decide if the committee has done what it was asked to do. Members then examine options and decide who they want to vote onto the committee for the next year to continue the work.

The Governance Role of the Management Committee

The committee carries out the governance role – setting directions, planning, policies and procedures and ensuring adequate resources. It also carries out many of the management roles – applying for government funding, ensuring contracts are met and staff are employed. Management committees need to be skilled people and able to make decisions, because they are responsible for legal, industrial relations and occupational health and safety issues, including:

- ensuring the organisation acts with integrity and upholds its values;
- protecting the reputation of the organisation;
- planning activities to achieve the organisation's objects;
- ensuring the plans are being carried out (without actually doing them);
- ensuring the organisation has the necessary objectives, rules, regulations, policies and procedures in place and is using them;
- ensuring the board/management committee is operating effectively;
- making sure the organisation has the necessary resources to carry out its activities – funds, staff, equipment and that the resources are being used properly; and
- ensuring that legal responsibilities are being met.

These responsibilities should be stated in the organisation's *Policy and Procedures Manual* (under 'Management Committee' and 'Code of Behaviour for Management Committee Members' and specific duty descriptions for office bearers).

The Management Role of Staff

Generally, it is the staff members who do all the day-to-day work in the organisation, spend their time and invest their energy and usually their hearts as well. Therefore, it is important they are respected and supported. There is real skill in being a community worker, because workers have to know a great deal, do a great deal and then take instructions (not orders) from people who may have limited knowledge of the day to day demands on the organisations and the range of legal and social issues affecting its activities. As the co-ordinators and managers of services, the roles of paid staff include:

- Putting the organisation's plans into action;
- Employing, training and supervising staff;
- Obtaining the necessary finances and making sure they are accounted for;
- Obtaining contracts for providing services, carrying out the activities in the contract and reporting on what was achieved;
- Organising board/committee meetings and providing reports so they can make decisions;
- Ensuring effective communication strategies are in place;

- Ensuring all activities adhere to quality standards;
- Implementing OH&S requirements;
- Ensuring adequate insurance is in place; and
- Ensuring policies and procedures are acted upon.

These responsibilities should be stated in the organisation's *Policy and Procedures Manual* (under 'Staff Accountability' and individual job descriptions).

All new members of the management committee and staff should receive an orientation that includes general information about the organisation and issues specific to his or her individual role.

Code of Behaviour for Management Committees

When a person joins an organisation, s/he is asked to agree to adhere to certain rules, which are stated in the Constitution. Each organisation also has a further set of expectations for management committee members, which should be stated in the organisation's *Policy and Procedures Manual*. This document generally asks members to agree to:

- abide by the philosophy of the organisation;
- observe all the rules of the organisation, including those specified in the *Constitution*, the *Associations Incorporation Act, 1984* and any others set by the management committee or the membership;
- follow any policies and procedures set down in the *Policy and Practice Manual*;
- attend monthly Committee meetings whenever possible, and if unable to attend, to send apologies;
- not act on organisational matters without the consent of the Committee, including not interfering with the day-to-day operations of the organisation;
- act according to all the financial processes of the organisation;
- represent the organisation in a positive way;
- not discuss confidential issues with people outside of the organisation or with staff or members of the organisation without the consent of the committee;
- follow any grievance procedures described in the *Policy and Practice Manual* to try to resolve any conflicts with staff or members of the organisation or with other management committee members; and
- respect and support staff.

If a member of the Committee fails to abide by the above rules s/he will be subject to disciplinary action.

For more information, go to www.governance.com.au or www.ncoss.org.au and go to 'Management Support Unit'.

PLANNING AND EVALUATION

- Annual Planning - Policy and Procedures

Overseeing planning is a fundamental responsibility of a management committee. Planning involves looking at what is happening currently, considering what changes or improvements might be made, and then deciding how to make those changes. Planning is any activity which identifies:

- What is important - priorities and direction for the service;
- What the service will try to achieve;
- What needs to be done, who will do it, and by when; and
- How resources will be used to achieve the plan.

Planning assists the management committee to:

- Agree on the future direction of the service and the priorities for the coming period;
- Maintain control over what happens, by using the plan to guide staff activity;
- Establish clear communication with staff about what is expected;
- Monitor and evaluate the service; and
- Inform people outside the organisation what the organisation is doing.

There are various different approaches to planning and different terms are used for these basic components. For example, 'purpose' is sometimes called a 'mission statement' or a 'vision statement', and 'outcomes' are replaced by 'objectives' in some approaches to planning.

The specific processes around planning and evaluation of an organisation should be outlined in the *Policy and Procedures Manual*. Generally, this section will define the responsibilities of the management committee and staff and includes:

- ongoing monitoring of the service;
- an annual presentation of relevant data in the Annual Report;
- participation from clients of the service;
- participation from staff;
- participation of other local relevant agencies, including Aboriginal and Torres Strait Islander, ethnic and cultural organisations; and
- an account of the unmet needs of people from the service's target group.

Annual Planning

It is good practice to have an annual organisational planning day to allow for review of the organisation's purpose and philosophy and specifics relating to the services or projects funded by DADHC. The agenda may include:

- Overview of the target population and the groups serviced (services currently being accessed, service data, demographic data for the community and information on special needs groups);
- Overview of related services in the area (location and services provided);
- Identification of any duplication, gaps or unmet needs within the organisation and/or client groups targeted by each project;
- Identification of plans and strategies for the next year; and
- Prioritising of plans and strategies including setting timeframes for their implementation.

It is useful to have an outside person to facilitate the planning day, to allow all members of the management committee and staff to be involved. A written document can then be produced by the facilitator reflecting recommendations from the planning day for the management committee to adopt as the strategic plan for implementation in the forthcoming year. Progress on tasks should

be monitored by the management committee in subsequent monthly meetings and reported on in the next year's planning day.

Policy and Procedures

Policies and procedures are used to record agreed ways of doing things. They act as guidelines for staff and management. Significant management decisions should be incorporated into policies or procedures. Without policies and procedures, an organisation is more likely to experience disputes over how things should be done, or what people are entitled to.

Policy Format

Policies are the broader guidelines on how something is to be done, while procedures are the more detailed, step by step instructions. Ideally, policies and procedures should not be seen as separate things, as most actions require both a 'policy' and a 'procedure'. One way of organising policies is to use the following format for every policy area:

- Purpose: This should identify *why* the area or issue requires a policy, and what the policy hopes to achieve. This provides the policy with a reason.
- Policy: This explains the policy, and provides the guidelines, rules or parameters for action. It may describe the *way or manner* in which something is done.
- Procedure: Details the specific tasks or actions that are required in order to carry out a policy.

There are many resources available to assist in formulating an organisation's policy and procedures, including pro forma documents. For links, go to www.ncoss.org.au/msu or HACC workers can access the Sample Policy & Procedures in the members' 'Documents' section of www.sssci.org.au.

Minimum Policy Requirements of HACC-Funded Organisations

Organisations that receive HACC funding must have core policy and procedures that reflect the HACC National Service Standards:

1. Access to Services: Access and culturally appropriate service delivery; Fees; Assessment and re-assessment; Prioritisation of Needs.
2. Information and Consultation: Consumer rights and responsibilities; Service information and promotion; Changes to Service Provision.
3. Efficient and Effective Service Delivery: Statement of service philosophy; Management; Financial management; Planning and evaluation; Data collection and reporting; Use of facilities, equipment and safety; Occupational health and safety; Insurance; Sub-contracting and brokerage; Consumer input and participation; Staff recruitment and selection; Volunteers; Staff support, training and development; Staff grievances and disputes.
4. Co-ordinated, Planned and Reliable Service Delivery: Re-assessment; Referral for comprehensive assessment; Exiting the service; Care Plan development and monitoring; Referrals [plus local ClARR/referral protocol]; Responding to abuse of clients and carers [plus interagency abuse protocol].
5. Privacy, Confidentiality and Access to Personal Information: Consumer privacy and confidentiality; Consumer records.
6. Complaints and Disputes: Complaints handling.
7. Advocacy: Advocacy policy.

For a copy of HACC-specific Policy and Procedures Manual pro formas, email the HACC DO: melinda@ssccn.org.au:

(see also **FUNDING PROGRAM SPECIFICS** section of this document)

FINANCIAL MANAGEMENT

- Principles of Financial Management
 - Taxation
 - Insurance
- Budgets and Acquittals

The planning and monitoring of expenditure and income generation is one of the key functions of the management committee. As part of its governance responsibilities, a management committee must ensure the solvency of the organisation. This means ensuring that the organisation does not commit itself to expenditure beyond its means, and that it puts aside funds for its liabilities (such as accumulated staff leave entitlements). The committee should:

- Set priorities and guidelines for use of the funds, including detailed policies and procedures;
- Ensure that the financial system is safeguarded against fraud or unauthorised activity, and that the Treasurer does their job effectively;
- Ensure that the financial system is managed, and the accounts kept, by people with the appropriate skills;
- Approve budgets; and
- Monitor income and expenditure against budgets.

The whole management committee shares responsibility for financial management and decision-making in an organisation, even if specific day-to-day duties are delegated to the Treasurer and paid staff according to the following organisational documents:

- the Constitution (which includes a description of duties for the Treasurer);
- the Policy and Procedures Manual (which describes all financial processes and who does what); and
- individual staff job descriptions.

The committee's responsibilities are set out in the key legislation relating to wages, taxes and insurance: Superannuation Guarantee (Administration) Act 1992, Income Tax Assessment Act 1997, Workers Compensation Act 1987, A New Tax System (Goods and Services Tax) Act 1999.

Specific DADHC Financial Reporting requirements in the current DADHC Funding Agreement include the following documents prepared in accordance with Australian Accounting Standards and signed by two Duly Authorised Officers of the management committee:

- Separate statement of income and expenditure for each funded service showing DADHC's contribution and;
- An audited financial statement showing the organisation's activities which clearly identifies each service and accompanying Auditor's Report.

Principles of Financial Management

The policy and practices of any DADHC-funded organisation should reflect the following:

- an annual budget of projected income and expenditure developed by the Treasurer and staff for presentation to the committee by the June management committee meeting for implementation in the following financial year;
- all monies received are recorded in the appropriate receipt book and deposited in the appropriate nominated accounts;
- all petty cash will be locked away securely and a register maintained of all expenditure, receipts and signatures of persons expending monies;
- a separate cash receipt and cash payment book kept;

- all payments (except petty cash and wages) must be made by cheque or approved direct debit;
- cheques must be signed by two (2) delegated persons, of which at least one (1) signatory must be a management committee member;
- blank cheques must never be signed and all relevant invoices and cheque/debit requisitions must accompany cheques presented for signature;
- all payments should be in accordance with the approved budget;
- maximum levels should be established for the petty cash float and individual non-budgeted items not requiring approval of the management committee;
- monthly reports detailing budget information will be presented by the Treasurer to the committee for endorsement; the Treasurer will highlight any issues requiring consideration by the committee;
- an Assets Register recording a description of the goods, the date of purchase, where purchased, and cost must be maintained and depreciation of equipment and property in accordance with Australian Accounting Standards (and seek DADHC approval before leasing or disposing of property or equipment valued at over \$5,000 that was purchased with funding);
- an annual audit shall be undertaken each year by a qualified auditor appointed by the management committee; and
- the Treasurer will present the audited report on the financial position of the organisation at the Annual General Meeting.

Taxation

Registering an organisation as a non-profit

A non-profit organisation is an organisation that is not operating for the profit or gain (either direct or indirect) of its individual members. This applies both while the organisation is operating and when it winds up. In order to access various concessions and comply with its tax obligations, the organisation may need to register for an Australian Business Number (ABN), Goods And Services Tax (GST) and others.

What is an ABN?

The ABN is a single identifier that non-profit organisations use to:

- register for GST and claim GST credits;
- register for PAYG withholding;
- deal with investment bodies;
- apply to the Tax Office for endorsement as a deductible gift recipient or a tax concession charity;
- interact with other government departments, agencies and authorities; and
- interact with the Tax Office on other taxes, such as fringe benefits tax.

Each organisation's ABN registration details become part of the Australian Business Register (ABR), which the Australian Tax Office maintains for all Commonwealth purposes. The publicly available information on this register allows people to find out whether the entities they are dealing with have an ABN, are registered for GST, are endorsed as deductible gift recipients and what charity tax concessions they are endorsed to access. It is important to keep the organisation's ABN registration details up-to-date, for example to ensure the Tax Office can speak to the organisation's representative about its tax affairs.

Non-profit organisations may be entitled to access income tax, fringe benefits tax and goods and services tax concessions. Few tax concessions apply to all organisations in the non-profit sector – they tend to apply to particular types of non-profit organisation. Charities are not automatically entitled to access charity tax concessions. There is a system of endorsement where charities apply to the Tax Office to access charity tax concessions.

Go to www.ato.gov.au for more information on a range of issues that may affect the organisation, including:

- income tax;
- goods and services tax;
- employees and other workers;
- fundraising;
- record keeping, administration and payment; and
- specific State/Territory government taxes and duties.

What is GST?

GST is a tax on consumption. It is

- Applied to the domestic consumption of goods and services;
- Applied to transactions;
- Collected by suppliers/sellers; and
- Paid by the final consumer.

As a management committee, if the non-profit organisation has an annual turnover of \$50,000 or more, the management committee's GST responsibilities are to:

- register for GST;
- work out whether the sales are taxable, GST-free or input taxed;
- include GST in the price of taxable sales;
- issue tax invoices for taxable sales;
- obtain a tax invoice for business purchases that have GST included in their price;
- claim GST credits for the GST included in the price of business purchases;
- work out if any adjustments are needed;
- account for GST on a cash or non-cash basis; and
- report and pay GST to the Australian Taxation Office (ATO).

For more information, contact the ATO on 132 478 or go to <http://www.ato.gov.au/nonprofit/>.

Insurance

Taking out insurance is a way of protecting the organisation financially against certain risks, including being sued for negligence in areas of personal risk or injury.

Some insurances are compulsory:

- **Workers Compensation:** set by the Workers Compensation Act; insures the organisation against claims for payments made by injured staff (including for stress related conditions).
- **Public liability:** covers the activities of the organisation as outlined in the Funding Agreement, for at least \$10m and insures the organisation against claims by any person injured as a result of the organisation's negligence.
- **Fire and all risk insurance:** required for all property bought with funding (including motor vehicles); insures buildings, contents and vehicles against theft, or damage.
- **Compulsory Third Party insurance (CTP):** required by the Roads and Traffic Authority as part of the registration of motor vehicles; insures against claims made by people injured in motor accidents.
- If managing property funded under a joint agreement, ensure the interests of the funding body/ies are ensured.

Other insurances an organisation should consider taking out:

- **Motor vehicle third party property:** this covers the organisation for damage to other people's vehicles in a motor accident, and is strongly advised.

- **Volunteer insurance:** this performs a similar function to Workers Compensation insurance for unpaid workers, essential if volunteers are working in the service.
- **Professional Indemnity insurance:** covers claims made against staff based on the advice or guidance they have given to clients.
- **Directors' Liability insurance:** provides additional personal protection to management committee members for decisions taken by the committee.

As a part of the *Policy and Procedures Manual*, the organisation should maintain a Register of Insurance Policies, which includes the policy number, the insurance company, what it covers, the premium, the date paid and the expiry of the cover. Renewals for insurance policies will generally be delegated to the manager of staff, but it is ultimately the responsibility of the Management Committee to ensure the appropriate insurance cover is maintained.

For more information, go to the Insurance Project at NCOSS www.ncoss.org.au.

Budgets and Acquittals

The Budget

A draft budget should be prepared prior to the new financial year by someone with expertise in budgeting, and a good knowledge of the organisation's activities (usually the Treasurer and relevant administration staff). When this is presented to the management committee, it should check:

- That the amounts allocated to different items are realistic - ask for an explanation about how the figures for both income and expenditure items were decided;
- That figures take into account inflation and costs increases (such as those for wage or rent increases);
- That the 'accruals' are included - these are amounts that are unspent from the previous year, but are still 'owed' (such as accrued long service leave) and amounts that will need to be set aside from this year's budget to pay for things in the future (such as relief staff to cover leave accrued during this year, funds to cover replacement of equipment); and
- That income covers expenditure, and that all income is allocated to a line item (this may include being set aside for future expenses).

Cash flow charts

These can be used to make sure that the organisation does not run out of money or into problems during the year. A simple cash flow chart shows:

Income for the month
Expenditure for the month
Surplus or deficit for the month
Amount in the bank at start of month
Amount in the bank at the end of the month

Simple Financial Reports

A simple financial report should show the board of management:

- Income and expenditure for each item during the month;
- Total income and total expenditure;
- The difference between income and expenditure for the month (surplus or deficit);
- The change in bank balances, and the current amount in the bank;
- The comparison between actual income and expenditure, and the amounts budgeted for that period; and
- The comparison between the actual amount spent or received from the beginning of the year to the current date and the amount budgeted.

In order to conform with the requirements of DADHC funding and readily produce figures for acquittal, most organisations structure their projected budgets at the beginning of the year using a series of generic line items that clearly show income and expenditure for each funded project and shared costs across the organisation, where there are several projects and/or funding sources.

End-of-Financial-Year Acquittals

At the end of each financial year, DADHC-funded organisations are required to 'acquit' for the funding that they have been paid. Acquittal Packages are sent to Service Providers around September/October detailing funding allocated in the previous financial year. Service providers are required to complete the package and return it to the Department for analysis.

There are several documents in the package each year, which can be downloaded from www.dadhc.nsw.gov.au or email: acquittals@dadhc.nsw.gov.au.

WORKPLACE SAFETY and HAZARD MANAGEMENT

- Who Is Responsible For OH&S In The Workplace?

- Key Concepts in OH&S

The WorkCover Scheme provides workers compensation benefits and injury management (rehabilitation) to injured workers in NSW. It also helps employers to improve health and safety standards at the workplace, and contains incentives for good health and safety practice. The management of occupational health and safety (OH&S) aims to minimise the likelihood and severity of illness and injuries at work.

Who is Responsible for OH&S in the Workplace?

The legal obligations for all parties are set out in the *Occupational Health and Safety Act 2000* and in the *Occupational Health and Safety Regulation 2001*. Parties with OH&S responsibilities include:

- Employers;
- Employees;
- Self-employed persons;
- Controllers of work premises, plant or substances; and
- Designers, manufacturers and suppliers of plant and substances for use at work.

Employers' Obligations

- Maintain a safe workplace and safe ways of working;
- Keep equipment, tools and machinery in a safe condition;
- Ensure safe and hygienic facilities, including toilets, eating areas and first aid;
- Provide information, training and supervision to all workers;
- Implement a process for consultation with workers and to keep workers informed and involved in decisions that may affect their health and safety; and
- Develop processes for identifying hazards, assessing risks and controlling risks (ie. risk management).

Employees' Obligations

- Take reasonable care for the health and safety of persons at their place of work and those who may be affected by their acts or omissions at work; and
- Co-operate with any requirement imposed in the interests of health, safety and welfare by the employer or any other person who is authorised to do so under the Act.

Requirements in Service Delivery

The service provider must have in place safety management policies and procedures to provide a safe workplace and to manage the workplace health and safety obligations. The service provider must plan their work, identify the hazards and have in place suitable control measures, including:

- Have thorough understanding of the hazards and risks associated with their activities;
- Have established systems and procedures for managing OH&S risks;
- Be licensed for the relevant activities and ensure employees have appropriate competencies and licences for the contract works, where appropriate; and
- Equipment is appropriately licensed or registered and maintained/inspected on a regular basis.

Key Concepts in OH&S

Hazard

A hazard is anything that has the potential to cause injury or disease to people, damage to the environment, property, plant or equipment. Examples of types of hazards:

Machinery and Equipment: sharp edges, inappropriate equipment, pinch points, poorly maintained equipment, mechanical movement, hot surfaces, electricity.

Material: toxicity, corrosiveness, flammability, inappropriate storage, inappropriate disposal, shape, weight, reactivity, radioactivity.

Physical Work Environment: slippery or irregular floors, uneven treads, cluttered walkways, blocked exits, noise, lighting, air quality, excessive cold or heat, outdoor environment, UV radiation, space per person.

People and Tasks: fatigue, lack of experience, lack of training, low morale, poor job design, excessive reaching, awkward posture, lifting, bullying, harassment.

Organisational: lack of policy, procedures, maintenance schedules, training, shift work, work schedules, lack of consultation, workplace change or restructure.

Risk

Risk is the probability of an injury, illness or loss occurring. Risk is a combination of the extent of the hazard, and the amount of exposure to the hazard.

ie. $RISK = [HAZARD] \times [EXPOSURE]$

Hazard and Risk Management

Hazard management is the process of identifying and controlling hazards in the workplace.

ie. Identify the hazard > Assess the risk > Control the risk > Monitor the solution.

Hazard Identification:

- Check the organisation's records – look at first aid records, reports of accidents and near misses, hazard management log books;
- Consult with fellow employees; and
- Inspect the area, evaluate and monitor incidents.

Assessing the Hazard:

- Judge the severity of the hazard; and
- Judge the likelihood of the hazard causing injury.

Controlling the Hazard:

- Eliminate the hazard;
- Change equipment or materials; or
- Change work methods.

Monitor the Hazard:

- Check that the hazard is fixed;
- Keep checking the organisation's records, incident and accident reports; and
- Demonstrate that the organisation is serious about safety. Display the records and discuss solutions at committee meetings.

For more information, contact WorkCover NSW on 131 050 or the Occupational Health & Safety (OH&S) Project at NCSS: www.workcover.nsw.gov.au or www.ncoss.org.au/ohs.

EMPLOYMENT

- *Industrial Relations Act 1996*
- Industrial Awards
- Equal Employment Opportunity
- Staff Checks

The management committee must accept fully its responsibilities as an employer. This means:

- Being familiar with and complying with all Awards and industrial laws and requirements;
- Ensuring that staff are recruited and selected on a fair and equitable basis, and appointing staff according to merit;
- Providing a safe and comfortable work environment;
- Providing job descriptions and contracts that clearly describe what is expected of staff;
- Ensuring that proper records are kept, income tax and workers compensation payments made, and pay details supplied to staff;
- Providing appropriate support, supervision and training;
- Enabling staff to participate effectively in the business of the organisation; and
- Ensuring complaints, grievances and disputes are heard and handled fairly and properly.

Employer Associations

It is good practice to join an employer association for the relevant industry for information and advice on industrial issues. These associations represent the industrial (and sometimes the commercial or trade) interests of their member companies and organisations. They are usually respondents to the Awards covering their members' employees.

Industrial Relations Act 1996

The NSW Industrial Relations Act includes provisions relating to leave entitlements such as parental leave, sick leave, personal and carer's leave and bereavement leave, enterprise agreements, pay-slips, employment records and right of entry of union officials and industrial inspectors. Other legislation supports conditions of employment, including:

- *Annual Holidays Act 1944* sets out minimal provisions for annual leave;
- *Long Service Leave Act 1955* sets out minimum provisions for long service leave;
- *Employment Protection Act 1982*;
- *Occupational Health and Safety Act 2000* deals with the health, safety and welfare of everyone in all workplaces; and
- *Anti-Discrimination Act 1977* prohibits discrimination and harassment at the workplace on a number of grounds.

Some conditions of employment will depend on whether a person is employed on a permanent, part-time, temporary or casual basis.

Industrial Awards

An Award sets out the rights and obligations of employers and employees engaged in particular types of work. There are many different types of Awards covering different industries and occupations. Awards cover conditions of employment including:

- hours of work;
- pay rates, penalty rates, overtime and other loadings, such as annual leave loading;
- allowances, for example, tools or uniform allowances;
- leave entitlements;

- employment protection provisions, for example, redundancy payments; and
- part-time or casual work.

The NSW Industrial Relations Commission makes NSW Awards after being approached by an employer organisation or employee organisation (union) to create a new or revised Award for a particular industry. Awards can also be made to settle industrial disputes.

A NSW Award covers all employers and employees in the industry or occupation to which it relates, whether or not they were involved in creating the Award. Every Award has a section that explains the industry or occupation covered by the Award. Most workers in community care are employed under the Social and Community Services (SACS) Award.

Download specific Awards from <http://www.industrialrelations.nsw.gov.au/awards/>.

Federal Awards

Some employees who work in NSW are covered by Federal Awards. Sometimes, both Federal and NSW Awards apply to the one workplace, but each employee will only be employed under one Award. Information on Federal Awards can be obtained by telephoning the Department of Employment and Workplace Relations on 1300 363 264.

Enterprise Agreements

An enterprise agreement, like an Award, sets out the rights and obligations of employers and employees engaged in particular types of work in a business. It may be negotiated between an employer and the employees or with a union on behalf of those employees. When the enterprise agreement covers the same employment conditions as the Award, the enterprise agreement overrides the Award.

An application to approve an enterprise agreement can be made to the Industrial Registrar of the NSW Industrial Relations Commission. An enterprise agreement is not enforceable unless it has been approved by the Commission. Every enterprise agreement must be in writing and signed by or on behalf of the parties. The parties to the agreement must be named and the agreement must state the employees who will be covered by the agreement. Generally, all enterprise agreements must be for a fixed term of between one and three years; however, an enterprise agreement continues in force beyond that term until it is cancelled.

No one can be forced to sign an enterprise agreement. However, where an enterprise agreement has been approved in a secret ballot of the employees, an employee who did not vote for the agreement is still covered by it once the agreement has been approved by the Commission. Any new employee to a workplace is covered by the existing enterprise agreement if it applies to the work that the employee will be doing. However, employers are required to notify new employees of the existence of the agreement and must provide a summary of the agreement to the employee.

Displaying Information for Staff

Every employer must by law display a copy of all NSW Awards and enterprise agreements that apply in their workplace, in a place easily accessible to all employees. Employers can display Awards on their computer system or intranet if all staff have access, know how to access the Award and are notified that the Award is there. If employers have employees who do not have access to the computer system or are infrequent users, then a paper copy must be available to them as well.

Displaying the Award means that all employees working under the Award can be aware of their rights and obligations.

Pay Rates

The lowest rate of pay that can lawfully be paid to an adult wage earner in an Award is referred to as a minimum wage. The wage clause in an Award specifies the minimum wage that must be paid for each classification or grade of employee covered by the Award. Each employee must receive this amount as a minimum. Sometimes the actual minimum weekly pay consists of a normal Award wage plus compulsory additional components such as industry allowances or tool allowances. There are often additional rates to be paid for very specific circumstances such as working in the wet or dealing with toxic substances. The wage clause in an Award often specifies how casual or part-time rates should be calculated, that is, what additional loading they receive.

Wages should normally be paid on the same day each week. The *Industrial Relations Act* requires employers to provide their employees with a pay advice slip detailing all pay matters and deductions such as income tax, superannuation payments, union dues, health fund and all other deductions.

For further information on Awards and pay rates, conditions of employment, leave entitlements and industrial legislation, contact the NSW Department of Industrial Relations on 9243 8888 or 131 628 or go to <http://www.dir.nsw.gov.au>.

Equal Employment Opportunity

Equal Employment Opportunity (EEO) is about making sure that workplaces are free from all forms of unlawful discrimination and harassment and provide programs to assist members of EEO groups to overcome past or present disadvantage. This means having workplace rules, policies, practices and behaviours that are fair and do not disadvantage people because they belong to particular groups.

In such an environment, all workers are valued and respected and have opportunities to develop their full potential and pursue a career path of their choice. EEO groups are people affected by past or continuing disadvantage or discrimination in employment. As a result they may be more likely to be unemployed or working in lower paid jobs. These groups are:

- women;
- Aboriginal people and Torres Strait Islanders;
- members of racial, ethnic, and ethno-religious minority groups; and
- people with a disability.

EEO strategies for these groups include recruitment programs and access to training and career development.

Employing People With Disabilities and Carers

To ensure that people with disabilities and people with caring responsibilities are given an equal opportunity, anti-discrimination law also says that employers must provide any special facilities or services people with disabilities need to do a job and make any reasonable arrangements that are necessary for a person who has carers' responsibilities to enable them to do a particular job, unless it would cause the employer 'unjustifiable hardship' to do this.

Discriminating in Favour of Particular Groups

Naturally, the anti-discrimination laws allow employers to employ people of one gender rather than the other, or people of particular races or ethnic groups or people of particular ages for some types of jobs. In other words, employers can discriminate in favour of some groups over others in a few circumstances. For example, the organisation can employ a male actor for a male part in a play, or a person under the age of 21 to do a 'junior' job, or a woman to clean female toilets while women are likely to be using them, or a person of a particular ethnic group

to provide certain welfare services for that ethnic group. In these kinds of cases, employers can go ahead and deliberately employ a person of a particular gender, race or age without getting permission from anyone. In other cases, employers need to apply for and get a specific exemption from the anti-discrimination laws before they can do this. Exemptions are only usually granted where targeting the job to a particular group will promote equal opportunity by helping to redress or correct previous employment disadvantages suffered by that group. In other words, exemptions are only usually granted where the employer intends to run what is effectively an 'affirmative action strategy'.

For more information about 'unjustifiable hardship' and exemptions, contact the Anti-Discrimination Board's Enquiry Service & Employers Advisory Service on 9268 5544 or go to <http://www.lawlink.nsw.gov.au/adb>.

Staff Checks

Whether a volunteer or a paid worker, every HACC service provider is employed in a 'professional capacity', with a legal obligation to take reasonable care of clients and avoid injury that can reasonably be foreseen when delivering service. There are some specific ways the organisation should ensure it has employed the appropriate people to conduct the activities for which it has been funded.

Working with Children Check

If the organisation provides service to people aged under eighteen years, it has a legal responsibility to create a workplace where children are safe and protected by ensuring, as far as possible, people who may pose a risk to children are not employed in roles where they have direct, unsupervised contact with children. A Working With Children Check must be conducted where people are working in a 'child related' employment. On the advice of DADHC, this should be done through the NSW Commission for Children and Young People.

For more information, contact Commission for Children and Young People on 9286 7219 or email check@kids.nsw.gov.au.

Criminal History Check

A criminal history check must be conducted by HACC agencies providing community care services to clients who are frail and vulnerable. On the advice of DADHC, this can be done through the Department at no cost. A general Criminal History Check may be done through the Australian Federal Police at a small cost.

For more information, go to <http://www.afp.gov.au> and then to Employment.

HUMAN RIGHTS

- *Privacy Amendment (Private Sector) Act 2000/ Privacy Act 1988*
- *Health Records Information Privacy Act 2002 (HRIP Act)*
- *Anti-Discrimination Act 1977*

In order to comply with the Privacy laws at both Commonwealth and NSW levels, the organisation needs:

- A publicly available privacy policy including a clear statement of what it is going to do with the information it collects, records and maintains;
- A process for handling requests for information;
- A process for storage and removal of information;
- Knowledgeable, well trained staff;
- Someone in the organisation who is responsible for compliance; and
- A contract if the organisation outsources information-keeping functions to someone else (the organisation will be held responsible).

Privacy Amendment (Private Sector) Act 2000/ Privacy Act 1988

Organisations with an annual turnover of more than \$3 million and health service providers have to comply with the Privacy Act. Those with a turnover of \$3 million or less are exempt unless they:

- provide a health service and hold health records;
- are a contracted service provider for a Commonwealth contract; or
- are related to another business that has an annual turnover of more than \$3 million.

What is a Health Service?

The definition of a health service is quite broad and includes welfare or counselling services that improve or maintain a client's health. In the provision of that service, the organisation is required to collect, record and maintain information pertaining to people's health. The Act applies to information collected after December 21, 2001.

What is Personal Information?

Personal information includes:

- information that identifies a person (this includes photos); and
- sensitive information - information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record or health information about an individual.

The National Privacy Principles (NPPs)

The National Privacy Principles (NPPs) in the Privacy Act set out how private sector organisations should collect, use, keep secure and disclose personal information. The principles give individuals a right to know what information an organisation holds about them and a right to correct that information if it is wrong:

- Principle 1: Collection
- Principle 2: Use and disclosure
- Principle 3: Data quality
- Principle 4: Data security
- Principle 5: Openness
- Principle 6: Access and correction
- Principle 7: Identifiers

- Principle 8: Anonymity
- Principle 9: Transborder data flows
- Principle 10: Sensitive information

Health Records Information Privacy Act 2002 (HRIP Act)

This Act applies to every organisation that is a health service provider or that collects, holds or uses health information.

What information is protected under the Act?

Personal health information is personal information or an opinion about:

- A person's physical or mental health or disability;
- A person's express wishes about the future provision of health services for themselves; or
- A health service provided or to be provided to a person.

Any personal information collected for the purposes of the provision of health care will be 'personal health information'. It will also include personal information that is not itself health related but is collected in connection with providing health services.

"Any information or an opinion about a person whose identity is apparent or can reasonably be ascertained from the information or opinion". This includes: name, address, photographs, fingerprints, genetic characteristics. Other information can become personal information if it is viewed in combination with other information for example, age, date of birth, ethnicity, diagnosis.

Health Privacy Principles

Health Privacy Principles (HPPs), which are consistent with the Commonwealth National Privacy Principles, establish obligations in relation to the collection, retention, storage, use and disclosure of health information. They also establish a right for an individual to access health information which applies to them.

HPPs Summary

Collection Principles:

- HPP 1 Purposes of collection of personal health information
- HPP 2 Collection and information sought to be relevant, not excessive, accurate and not intrusive
- HPP 3 Collection from individual concerned
- HPP 4 Individual to be made aware of certain matters

Security Principles:

- HPP 5 Retention and Security

Access and Amendment Principles:

- HPP 6 Information about personal health information held by organisations
- HPP 7 Access to personal information
- HPP 8 Amendment of personal health information

Accuracy Principles:

- HPP 9 Accuracy

Use Principles:

- HPP 10 Limits on use of personal health information

Disclosure Principles:

- HPP 11 Limits on disclosure of personal information

Other Principles:

- HPP 12 Identifiers
- HPP 13 Anonymity
- HPP 14 Transborder data flows and data flows to Commonwealth agencies
- HPP 15 Linkage of health records

Anti-Discrimination Act 1977

It is illegal to discriminate against people on the basis of gender, family arrangement (marital status, pregnancy or children), race or ethnicity, religion, age, homosexuality, being transgender, or disability in employment, education, goods and services, accommodation and registered club activity. In employment, recruitment processes and interview questions must not discriminate on any of these grounds, unless the organisation has specific exemption from the NSW Anti-Discrimination Board (see **EMPLOYMENT** section).

In a community care service, the management committee is legally responsible for making sure that anti-discrimination law is not broken. Obviously, if the committee delegates the responsibility to a manager, they may also share some of the responsibility for making sure that the law is followed. So it is in the interest of the committee and manager to make sure that the organisation is run fairly and properly. Service providers are responsible for harassment or discrimination that happens:

- by their staff to clients/customers;
- by clients/customers to their staff; or
- between their clients/customers.

Key Anti-discrimination Legislation includes:

- *Anti-Discrimination Act 1977 (NSW)*;
- *Racial Discrimination Act 1976 (Cwlth)*;
- *Sex Discrimination Act 1984 (Cwlth)*;
- *Disability Discrimination Act 1992 (Cwlth)*; and
- *Human Rights and Equal Opportunity Commission Act 1992 (Cwlth)*.

Anti-Discrimination Law in Service Provision

Anti-discrimination law applies to several areas of public life. The provision of goods and services is one of those areas. Others include employment, education and accommodation. It does not matter whether the goods or services are for payment or not. The definition of goods and services includes:

- banking, insurance and the provision of other financial services;
- entertainment and recreation services such as pubs, cinemas etc;
- transport or travel;
- services provided by members of any profession or trade such as doctors, dentists, lawyers, plumbers, electricians etc;
- retail services; and
- services provided by a government department, government authority or local government.

In general, the organisation must not use a person's (or their relative's, friend's or associate's) gender, age, pregnancy, marital status, race/ethnic group, disability, age, transgender (transsexuality) or homosexuality to decide:

- whether the service is provided eg. the organisation can't refuse to provide to someone because s/he is transgender;
- the type of service provided eg. the organisation can't charge one gender more than the other for the same or similar service;
- the manner in which the service is provided eg. people must not be harassed or ignored.

For more information on Privacy and other legal responsibilities, go to www.lawlink.nsw.gov.au.

FUNDING PROGRAM SPECIFICS

- *Home and Community Care (HACC) Act, 1985*
- HACC National Program Guidelines and Service Standards

It is the responsibility of the management committee to ensure the services they are funded to run meet the aims and requirements of the Home and Community Care (HACC) Program.

Home and Community Care (HACC) Act, 1985

The Act states the HACC is a national service program funded in each State by the Commonwealth and State/Territory governments. HACC aims to provide basic, long-term services for frail older people, younger people with disabilities and the carers of both of these groups, so they can live safely and appropriately in the community and in their own homes, rather than institutions, like nursing homes or hostels.

Eligibility for HACC Services

- older and frail persons with moderate, severe or profound disabilities;
 - younger persons with moderate, severe or profound disabilities;
 - such other classes of persons as are agreed upon by the Commonwealth and the State Minister; and
 - the carers of these people;
- who are at risk of premature institutionalization if basic support services are not provided.

The HACC Program also aims to address the unique requirements of special needs groups within the target population, including:

- Aboriginal and Torres Strait Islanders (ATSI);
- People from non-English speaking backgrounds (NESB);
- People living with dementia;
- People experiencing geographical isolation; and
- People experiencing financial disadvantage.

It should be noted, however, that a referral does not guarantee service. HACC is not an entitlement service. Access to a HACC service is based on relative need, so that limited resources are allocated to those with the greatest need for support to enable them to stay in their homes.

A HACC-funded management committee must ensure its staff have the knowledge and skills to assess clients to determine their eligibility and priority for service provision, and the extent of need that person has for assistance. They should also make decisions about service delivery that reflect the eligibility criteria and prioritisation procedures described in *National Guidelines for the Home and Community Care (HACC) Program (2007)* and *NSW Guidelines for Home and Community Care (HACC) funded services (2007)*.

To access the *Home and Community Care Act 1985* go to: <http://scaleplus.law.gov.au/> and type "Home and Community Care" in search engine and follow links.

HACC National Program Guidelines and Service Standards

It is a requirement of HACC funding that service agencies meet the HACC National Service Standards, which are reflected in their operational policy and procedures.

Home and Community Care (HACC) National Service Standards

1. Access to services: Each consumer's access to a service is decided only on the basis of relative need.
2. Information and consultation: Each consumer is informed about his/her rights and responsibilities and the services available, and consulted about any changes required.
3. Efficient and effective management: Consumers receive the benefit of well-planned, efficient and accountable service management.
4. Co-ordinated, planned and reliable service delivery: Each consumer receives co-ordinated services that are planned, reliable and meet his/her specific ongoing needs.
5. Privacy, confidentiality and access to personal information: Each consumer's rights to privacy and confidentiality are respected, and he/she has access to personal information held by the agency.
6. Complaints and disputes: Each consumer has access to fair and equitable procedures for dealing with complaints and disputes.
7. Access to an advocate: Each consumer has access to an advocate of his/her choice.

Statement of Rights and Responsibilities for HACC Service Users

This Statement recognises that:

- The Program assists people who are at risk of premature or inappropriate long term residential care and their carers;
- The Program aims to enhance the quality of life and independence of those 'at risk' people;
- The Program is administered within available resources and in accordance with the principles and goals set out in the HACC Agreements;
- Users of HACC services retain their status as members of Australian society and enjoy the rights and responsibilities consistent with this status; and
- Providers of HACC operate under the constraints of relevant law.

Service User Rights are:

- The right to respect for their human worth, dignity and privacy.
- The right to be assessed for access to services without discrimination.
- The right to be informed about available services.
- The right to choose from available alternatives.
- The right to pursue any complaint about service provision without retribution.
- The right to involve an advocate of their choice.

Service User Responsibilities are:

- To respect the human worth and dignity of the service provider staff and other consumers.
- To accept responsibility for the results of any decisions they make.
- To play their part in helping the service provider to provide them with services.

Service Provider Responsibilities are:

- To enhance and respect the independence and dignity of the consumer.
- To ensure that the consumer's access to a service is decided only on the basis of need and the capacity of the service to meet that need.
- To inform the consumer about any options for HACC support
- To inform the consumer of his or her rights and responsibilities in relation to HACC services.
- To involve the frail elderly person or younger person with a disability and his or her carer in the decisions about the assessment and service delivery plan.
- To negotiate with the consumer before a change is made to the service being provided.
- To be responsive to the diverse social, cultural and physical experiences and needs of consumers.
- To recognise the role of the carer and to be responsive to his or her need for support.
- To inform the consumer about the details of the service to be delivered and any fees to be charged.

- To inform the consumer of the standards to expect in relation to services he or she may receive.
- To ensure that the consumer continues to receive services agreed upon with the provider, taking the consumer's changing needs into account.
- To respect the privacy and confidentiality of the consumer.
- To allow the consumer access to information about him or her held by the provider.
- To allow the carer access to information held by the service provider about a frail elderly person or younger person with a disability where the carer is the legal guardian or has been so authorised.
- To deliver services to the consumer in a safe manner.
- To respect a consumer's refusal of a service and to ensure any future attempt by the consumer to access a HACC service is not prejudiced because of that refusal.
- To deal with a consumer's complaint fairly and promptly and without retribution.
- To mediate and attempt to negotiate a solution if conflict about a service arises between the carer and the frail elderly person or younger person with a disability.
- To accept the consumer's choice and involvement of an advocate to represent his or her interests.
- To take into account the consumer's views when planning, managing and evaluating HACC service provision.

For more information on HACC eligibility, see *A Guide to Community Care in the Sutherland Shire (Section 1)* and other HACC Program documents available from the HACC DO: melinda@ssccn.org.au:

- *HACC Act 1985*
- *HACC National Guidelines*
- *Summary of HACC National Guidelines*
- *Standards in Action*

SERVICE DELIVERY SPECIFICS

- HACC Minimum Data Set (MDS)
- Client Information and Referral Record (ClaRR)
- Interagency Networks and Protocols

This section outlines some of the systems that staff should be using in their day-to-day work in service delivery, in the areas of information gathering and usage, and networking and collaboration with other providers. Management committee members are responsible for ensuring these funding agreement requirements are met. Note that the services for which funding has been provided cannot be contracted out (through brokerage arrangements) without prior written approval of the funding body (except where this is an aspect of service delivery described in the funding agreement). Contracting out any part of the service will not relieve the management committee of any responsibilities related to the funding agreement.

HACC Minimum Data Set (MDS)

The HACC Minimum Data Set (MDS) is a collection of data about HACC clients (such as their age and living arrangements) and the amount and types of assistance being provided to them. When an organisation is funded through the Home and Community Care (HACC) Program, the funding agreement states that funding is allocated for the provision of one or more of the following service types to members of the HACC target group (see **FUNDING PROGRAM SPECIFICS** section). The organisation reports service delivery hours through MDS:

TYPE OF ASSISTANCE	DEFINITION
Domestic assistance	Domestic assistance is normally provided in the home, and includes services such as dishwashing, house cleaning, clothes washing, shopping and bill paying.
Social support	Social Support is normally provided in the client's home but may include accompanying the client on an excursion or trip. The support is provided to them as an individual and helps them to participate in society. It includes keeping them company, helping them do paper work, taking them shopping, banking or to attend an appointment.
Nursing care	Nursing care is defined as health care provided to a client by a registered or enrolled nurse.
Allied health care	Allied Health consists of a wide range of specialist services, including podiatry, occupational therapy, physiotherapy, social work etc.
Personal care	Personal Care is normally provided in the home, and includes helping the client with daily self-care tasks (eg eating, bathing, grooming etc.). It may include medication monitoring.
Centre-based day care	Centre-based day care refers to assistance provided to the client to attend/participate in group activities and is conducted in a centre-based setting. It includes group excursions/activities conducted by centre staff but held away from the centre.
Meals	Meals refers to those meals which are prepared and delivered to the client. It does not include meals prepared in the client's home.

Other food services	Other Food Services means any assistance provided during preparation/cooking of a meal at the client's home. It also includes advice on nutrition, food storage or preparation. It does not cover the delivery of a meal prepared elsewhere.
Respite care	Respite Care is assistance provided to Carers so they may have relief from their caring role and pursue other activities or interests. The motivation underlying the assistance to the Carer is essential: a substitute carer is being provided so the carer gains time out.
Assessment	Assessment refers to all assessment (and re-assessment) activities undertaken on behalf of the individual client. Not all these activities are necessarily undertaken face-to-face with the client.
Case management	Case management refers to the assistance received by a client with complex care needs from a formally identified agency worker. This person will coordinate planning and delivery of services from more than one agency.
Case planning/ review and coordination	Case Planning refers to activities which relate to the coordination, planning and delivery of services which are directly attributable to an individual client. It includes monitoring and reviewing of individual case/service plans as well as organisational and case coordination activities associated with service delivery to the client.
Home maintenance	Home Maintenance refers to general repair and care of a Client's home or yard provided by an agency. This helps the client to live comfortably and safely in their home. It may include handyman work, repairs, lawn mowing, rubbish removal, wood chopping and repairs to roof or guttering.
Home modification	Home Modification refers to structural changes to the Client's home so they can continue to live and move safely about the house. It will often include the fitting of rails, ramps, alarms or other safety and mobility aids.
Provision of goods and equipment	Provision of goods and equipment may be provided by an agency by lending or purchasing an item to help their Client. These goods and equipment items will help the Client's mobility, communication, reading, personal care or health care.
Formal linen service	A Formal Linen service means that both the linen and the laundry services are provided to the client, and the cleaning of the linen is done elsewhere.
Transport	Transport is assistance provided so that the client may get out of their house and do chores, attend other activities or community centres, and participate in the community.
Counselling/ support, information and advocacy	This assistance type covers a number of supportive services to help clients and carers deal with their situation. It includes one-on-one counselling, advice, and information.

The Australian Government and State and Territory governments use this information to help plan for the HACC Program. This information is collected by HACC agencies on an ongoing basis, and is submitted electronically to the HACC MDS National Data Repository (NDR) four times a year. In NSW, HACC MDS is collected via DADHC at mds@dadhc.nsw.gov.au.

Most organisations use specific data management software to record and report their MDS. There are commercial softwares available for some service types or free software, HACC and Disability Services (HADS), which has been developed for DADHC.

Copies of the free software can be downloaded from www.dadhc.nsw.gov.au via the 'Doing Business with Us' section.

There are also a number of documents available to assist providers to complete their MDS:

- *HACC MDS Guidelines* provide up-to-date information about individual data items and instructions on how to report them;
- Additional background information on HACC MDS data items can be found in the *HACC Data Dictionary*;
- Answers to Frequently Asked Questions about the HACC MDS by subject area;
- Resources to assist agencies and software developers collect and report HACC MDS data, including technical specifications.

Client Information and Referral Record (ClARR)

Mandatory for use by all HACC services, ClARR is a common form for gathering essential information from service users. A ClARR form is completed by the first service a consumer accesses and, with their permission, used to make referrals to other services. There are three sections:

Part A - the general form completed by all services.

Part B (service specific) - designed by individual services to collect information they need that is not contained in Part A.

ClARR Addendum – additional information about the carer required for MDS.

A copy of the form is inserted into a yellow folder/booklet that remains in the consumer's home. The computerised ClARR incorporates Minimum Data Set.

ClARR Referral Protocols

The *Sutherland Shire ClARR Referral Protocol (or ClARR Protocol)* specifies the agreed way that ClARR is used between agencies to make and take referrals, with their clients' permission. The protocol includes background information about the ClARR and protocol tools, agreed principles for receiving and making referrals and a guide for completing the ClARR.

When agreeing to use the ClARR Protocol, service agencies commit to providing high quality and accessible information and referral systems, including cultural and linguistic sensitivity, client involvement and informed decision making (involving carers and advocates where relevant), and to secure client permission for referrals and information sharing. When receiving referrals, agencies will give prompt feedback to the referral source, as part of their commitment to working co-operatively with other agencies and the client for his/her benefit.

For copies of the ClARR and Protocol, contact the HACC DO or workers can access the Sample Policy & Procedures in the members' 'Documents' section of www.ssccl.org.au.

Interagency Networks and Protocols

Networking with other community organisations and care providers is an integral part of the role of any community worker. Indeed, involvement in local interagency meetings and in the development of service-level agreements and protocols is stated as a requirement of DADHC funding. The management committee is responsible for ensuring that the staff employed to deliver services have the resources necessary to be active participants in these activities, including time and transport to attend meetings.

Sutherland Shire Community Care (formerly HACC) Forum

Organised by the HACC Development Officer as a requirement of her DADHC funding agreement, the Forum is the key interagency for providers, funders and supporters of community care services in the Sutherland Shire. The Forum meets on the fourth Wednesday of every month (except December), generally 12.00 to 2.00 pm and includes a report from DADHC regional staff, as well as guest speakers and discussion topics. The Forum goals are:

- to network and share information;
- to educate service providers and consumers on a variety of issues;
- to undertake advocacy and lobbying in order to address service gaps and development needs;
- to provide a critical analysis and feedback from a community perspective to government departments and peak bodies.

Participants share responsibility for minute-taking and chairing meetings, and the HACC Development Officer acts as key contact and circulates agendas and minutes. Management committee members are welcome to attend and there is also a weekly newsletter, *e-Snippets*, which is emailed or posted to all member organisations.

The Forum provides updates to assist organisations with a range of corporate governance responsibilities, issues relating to delivery of services in accordance with their specific funding program and specific service type. Attendance of meetings will also assist the organisation's compliance with the DADHC funding agreement. The Forum allows individual staff to liaise and interact with existing providers, of same or similar services, in the area and to assist in the development of protocols to ensure a coordinated system of delivery of the funded service type.

Other local interagencies are not HACC-specific but may be relevant to the specific service types provided by the organisation and/or the client group, such as Sutherland Shire Interagency and Sutherland Shire Multicultural Network. For meeting details, contact the HACC DO or workers can access the members' section of www.ssccl.org.au.

Interagency Abuse Protocol

Developed as a result of recommendations of the NSW Task Force on Abuse of Older People, statewide consultations and training of services, this protocol has a formal legal status as the Government's Interagency Protocol. The protocol describes how services work with each other in a co-ordinated way to deal with suspected potential and actual cases of abuse of older people, people with a disability and their carers in the home (ie. in private rather than residential settings, and not to self neglect, commercial abuse and criminal acts by strangers). Abuse occurs when a person is at risk of behaviour which causes harm or neglect, including:

- Financial abuse;
- Psychological abuse;
- Physical abuse;
- Sexual assault and abuse; and
- Neglect.

The abuse protocol should be used in conjunction with the policies and procedures established by individual services, including support for workers who may be traumatised by coming in contact with abuse situations.

For more information on HACC service delivery specifics, see other HACC Program documents available from the HACC DO: melinda@ssccn.org.au:

- *CIARR page 1*
- *CIARR page 2*
- *CIARR page 3*
- *CIARR page 4*
- *CIARR Addendum*
- *Functional Screening Tool*
- *MDS Guidelines*
- *MDS Workbook*
- *Standard Service Type Definitions*

and Sutherland Shire-specific documents:

- *Services to Help You At Home* (Sutherland HACC brochure)
- *St George HACC brochure*
- *HACC National Service Standards brochure*
- *Client Referral System in Southern Sydney* (summary of CIARR Referral Protocol)
- *Interagency Abuse Protocol*
- *A Guide to Community Care: Community Care in NSW (section 1)*
- *A Guide to Community Care: Community Care in Sutherland Shire (section 2)*
- *CIARR Referral Protocol*
- *'Care What's Happening' (local submission to Community Care Review)*

RESOURCES

Legislation and Regulations

All legislation listed below can be accessed via the Internet. For Commonwealth legislation go to www.austlii.edu.au/au/legis/cth/consol_act and access the alphabetical listing. For NSW legislation go to www.nsw.gov.au and access NSW legislation.

- *A New Tax System (Good and Services Tax) Act (Commonwealth) 1999*
- *Affirmative Action (Equal Opportunity for Women) Act (Commonwealth) 1986*
- *Anti Discrimination Act (NSW) 1977*
- *Building Code of Australia*
- *Children (Care & Protection) Act (NSW) 1987*
- *Children (Protection and Parental Responsibility) Act (NSW) 1997*
- *Commission for Children and Young People Act (NSW) 1998*
- *Community Services (Complaints, Appeals & Monitoring) Act (NSW) 1993*
- *Complaints and Appeals Monitoring Act (NSW) 1993*
- *Crimes Act (Commonwealth) 1914 (NSW) 1900*
- *Disability Discrimination Act (Commonwealth) 1992*
- *Disability Services Act (Commonwealth) 1986 (NSW) 1993*
- *Food (General) Regulations (NSW) 1997*
- *Freedom of Information Act (Commonwealth) 1982 (NSW) 1989*
- *Guardianship Act (NSW) 1987*
- *Health Care Complaints Act (NSW) 1993*
- *Home and Community Care Act (Commonwealth) 1985*
- *Home Care Service Act (NSW) 1988*
- *Human Rights and Equal Opportunity Commission Act (Commonwealth) 1986*
- *Industrial Relations Act (NSW) 1986*
- *Local Government Act (NSW) 1993*
- *Mental Health Act (NSW) 1990*
- *Occupational Health & Safety Acts & Regulations (Commonwealth) 1991 (NSW) 1983*
- *Privacy & Personal Information Act (NSW) 1998*
- *Privacy Act (Commonwealth) 1988*
- *Racial Discrimination Act (Commonwealth) 1975*
- *Relevant Commonwealth and State Awards*
- *Sex Discrimination Act (Commonwealth) 1984*
- *Workers Compensation Act (NSW) 1987*
- *Workplace Injury Management and Worker's Compensation Act (NSW) 1987*
- *Workplace Relations Act (Commonwealth) 1996*

Other Publications

- Commonwealth Department of Health and Family Services (1998), *National Framework for Comprehensive Assessment of the HACC Program* (1998), Aged and Community Care Services Development and Evaluation Reports, No. 34.
- Commonwealth of Australia (1989), *Home and Community Care Program National Guidelines*.
- Commonwealth of Australia (1990), *Home and Community Care Program: Statement of Rights & Responsibilities*.
- Commonwealth of Australia (1991), *Getting It Right*.
- Commonwealth of Australia (1992) *Home and Community Care Program: Complaints Policy*.

- Commonwealth of Australia (1994), *The Client Information & Referral Record (CIARR)*.
- Commonwealth of Australia (1998), *Home and Community Care (HACC) Program National Minimum Data Set, HACC Data Dictionary. Version 1.0.*
- Commonwealth of Australia (1998), *The Home and Community Care National Standards Instrument and Guidelines.*
- Commonwealth of Australia (1999), *(Draft) National Fees Policy.*
- NSW Ageing & Disability Department (1998), *Disability Standards in Action: Practice Requirements and Guidelines for Service Funded under the Disability Services Act.*
- Age Communications (2001), *HACC Standards in Action.*
- NSW Department of Community Services and Commonwealth Department of Human Services and Health (1995), *Home and Community Care Program Policy & Practice Manual.*
- NSW Government (1994), *Charter of Principles for a Culturally Diverse Society.*
- NSW Privacy Committee (1998), *Data Protection Principles.*
- Office of the Director of Equal Opportunity in Public Employment (1997), *Equal Employment Opportunity for Community Organisations.*
- Gevers, L. (1994), *Example Policy and Practice Manual: A resource for assisting HACC funded services in NSW to implement the HACC National Service Standards.*

Other Organisations

- Funding bodies, including the Australian Government Department of Health & Ageing, NSW Department of Ageing, Disability and Home Care, NSW Health and NSW Department of Transport.
- Peak bodies within HACC and the broader community service sector.
- Local HACC/Community Care Forums.
- Local generalist, aged, disability, ethnic and Koori interagencies.

NOTES PAGE

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