



MODULE 3:

What are the legal considerations in Shared Management?



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Don't forget!

Make sure you save your work by downloading and saving this PDF to your own computer before you write in it.

Introduction

In Module 1 you learned that Shared Management - by definition - is when a person or their family is in partnership with a provider who supports them to be the employer of their paid supports. A person who becomes an employer takes on significant legal responsibilities. In this module, we explore the role that providers play in supporting people to meet their responsibilities across five domains: Taxation; Superannuation, Industrial Relations, Workers' Compensation and Work, Health & Safety. In Shared Management arrangements there are also regulatory responsibilities related to safeguarding the person, service quality and acquitting funding. These may be primarily service providers' responsibilities, but this will vary in different circumstances. Whatever the case, your people and families will need to engage and cooperate with you around all of these domains in order for both of you to fulfil your responsibilities.

Accordingly, your organisation needs to be able to support people to navigate their way through relevant information to enable them to make informed and wise decisions. It is also important that you are aware of your own organisation's legal responsibilities and liabilities as a Shared Management provider, so there is a lot to consider.

Learning Outcomes

By the end of this module, you should be able to:

1. Describe your organisation's obligations in the areas of service quality, safeguarding the person and acquitting funded supports. This includes:
 - a. Explaining to people and family members what you need from them in order to meet these legal obligations and
 - b. Explaining to people and family members why these obligations are important
2. Identify the legal considerations that people and families have in each of the following five areas in Shared Management arrangements (when hiring and managing workers): Taxation, Superannuation, Industrial Relations, Workers' Compensation, and Work Health and Safety
3. Create and/or refine some practical steps you can take to systematically support people and families to know what their legal responsibilities are and be able to meet them

Activity 3.0: How do you rate for knowing what the legal considerations are?

This quiz is from Activity 1.3 in Module 1. Take a few moments to review your scoring from Module 1. You can either transpose your scores from the Module 1 workbook into the table below, or you can quickly redo the quiz now.

Using the scale below, indicate how confident you are that your organisation can clearly explain the legal and regulatory considerations in each of the following areas to people who want to use Shared Management.

Non-existent 1

Patchy 2

Average 3

Very good 4

Can't be better 5

Your Score here

Taxation	1	2	3	4	5	
Superannuation	1	2	3	4	5	
Industrial Relations	1	2	3	4	5	
Workers' Compensation	1	2	3	4	5	
Work, Health & Safety	1	2	3	4	5	
Ensuring quality services	1	2	3	4	5	

Total Score

Activity 3.1: How do you work with people and families to meet quality, safeguarding and acquittal obligations?

Knowing what both the person and your organisation's legal and regulatory obligations are around service quality, safeguarding the person and family, achieving outcomes and acquitting funding is important. To ensure that you and the person or family are successful in meeting these obligations, you will need the person and family to recognise the importance of these and commit to actions that will ensure these are met.

In the spaces provided below, make notes about how you might address the two questions we have posed with respect to each of these areas. What strategies will you use? What practices do you think will work? As much as you can, make your notes really practical. Remember, the goal of this activity is to engage people and families to think about these things themselves, to take them seriously and make sure that both you and they meet all of these responsibilities and obligations. We've given you a couple of examples to start with.

This principle can be seen in things like:	What do you need from people and families to meet these obligations when providing Shared Management services?	How are you going to communicate this to people and families? What resources are available to help you?
Service quality	e.g. Engagement with the National Disability Service Standards	
Safeguarding the person	e.g. To tell you about any reportable incidents in a timely manner	E.g. WAIS - Be A Boss Self Management course - Module 8
Meeting outcomes and acquitting funding		

Activity 3.2a: What do you need to know to ensure that people and families are properly informed about Tax related responsibilities?

Make notes in the spaces provided below as Leighton and Su discuss tax-related responsibilities. We've included some resources that you will be able to refer to later. Make a note of others that are mentioned in the video or others you find in your own research of the topic.

What particular Tax law information and considerations do you need to know about in order to support people and families?	Where can you find reliable resources that will enable people and families to be properly informed?
	<p>WAIS Engaging Your Own Supports booklet</p> <p>WAIS Engaging Your Own Support Workers - Employee or Independent Contractor? Brochure</p> <p>ATO - Difference between employees and contractors</p> <p>ATO - employee v contractor tool</p> <p>WAIS - Be A Boss Self Management course - Module 3</p> <p>WAIS - Be A Boss Self Management course - Module 4</p> <p>WAIS - Be A Boss Self Management course - Module 5</p> <p>WAIS Engaging Your Own Support Workers - Checklist for Employees Brochure</p> <p>WAIS Engaging Your Own Support Workers - Checklist for Contractors Brochure</p> <p>ATO Register for a PAYG Withholding account</p> <p>ATO - Workers who want to be contractors</p> <p>ATO - PAYG withholding branch when an ABN is in use</p>

Activity 3.2b: What do you need to know to ensure that people and families are properly informed about their Superannuation responsibilities?

Make notes in the spaces provided below as Leighton and Su discuss Superannuation related responsibilities. We've included some resources that you will be able to refer to later. Make a note of others that are mentioned in the video or others you find in your own research of the topic.

What particular Superannuation legal information and considerations do you need to know about in order to support people and families?	Where can you find reliable resources that will enable people and families to be properly informed?
	<p>WAIS Engaging Your Own Supports booklet WAIS Engaging Your Own Support Workers - Checklist for Employees Brochure WAIS Engaging Your Own Support Workers - Checklist for Contractors Brochure ATO - Do you have to pay Super? ATO Super Eligibility Tool WAIS - Be A Boss Self Management course - Module 4 ATO - Accessing the Small Business Super Clearing House (SBSCH)</p>

Activity 3.2c: What do you need to know to ensure that people and families are properly informed about their Industrial Relations responsibilities?

Make notes in the spaces provided below as Leighton and Su discuss Industrial Relations responsibilities. We've included some resources that you will be able to refer to later. Make a note of others that are mentioned in the video or others you find in your own research of the topic.

What particular Industrial Relations legal information and considerations do you need to know about in order to support people and families?	Where can you find reliable resources that will enable people and families to be properly informed?
	WAIS Engaging Your Own Supports booklet WAIS Engaging Your Own Support Workers - Type of Employees brochure WAIS Engaging Your Own Support Workers - Checklist for Employees Brochure WAIS Engaging Your Own Support Workers - Checklist for Contractors Brochure WAIS - Be A Boss Self Management course - Module 4 Fair Work - Types of Employees WA Minimum Conditions of Employment

Activity 3.2d: What do you need to know to ensure that people and families are properly informed about their Workers' Compensation responsibilities?

Make notes in the spaces provided below as Leighton and Su discuss workers' compensation responsibilities. We've included some resources that you will be able to refer to later. Make a note of others that are mentioned in the video or others you find in your own research of the topic.

What particular Workers' Compensation legal information and considerations do you need to know about in order to support people and families?	Where can you find reliable resources that will enable people and families to be properly informed?
	<p>WAIS Engaging Your Own Supports booklet WAIS Engaging Your Own Support Workers - Checklist for Employees Brochure WAIS Engaging Your Own Support Workers - Checklist for Contractors Brochure WAIS - Be A Boss Self Management course - Module 4 Workcover WA Government agencies in other states - e.g. Worksafe Queensland; Worksafe Victoria</p>

Activity 3.2e: What do you need to know to ensure that people and families are properly informed about their Work, Health & Safety responsibilities?

Make notes in the spaces provided below as Leighton and Su discuss Work, Health and Safety obligations. We've included some resources that you will be able to refer to later. Make a note of others that are mentioned in the video or others you find in your own research of the topic.

What particular Work, Health and Safety legal information and considerations do you need to know about in order to support people and families?	Where can you find reliable resources that will enable people and families to be properly informed?
	WAIS Engaging Your Own Supports booklet WAIS Engaging Your Own Support Workers - Checklist for Employees Brochure WAIS Engaging Your Own Support Workers - Checklist for Contractors Brochure WAIS - Be A Boss Self Management course Worksafe WA - Rights and responsibilities Worksafe WA - Home-based care Government agencies in other states - e.g. Worksafe New South Wales ; Worksafe South Australia

Activity 3.3: What will you do to keep people and families informed and operating within the law?

This activity is designed to help you think about what approaches your organisation can use to make sure that your people and families who engage their own workers are properly informed about and operating within the law in the five domains. How will you monitor things to ensure that they are meeting their obligations? Remember that most people and families who choose Shared Management don't want anything intrusive. So your goal is to engage them so they 'own' this and understand why it is important.

What questions might you ask to discover what people and families already know about their legal responsibilities and obligations?

How will you be sure that you have done all you can to support the person or family to meet their legal responsibilities?

Besides having the say-so of the person or family, how will you know for sure that the person is safe from abuse and neglect?

How will you know if restrictive practices are being used and if the correct guidelines are being followed? How will you know if reportable incidents occur?

How can you discover what other providers might be doing to keep themselves independently informed?

What will you do to check in that the person or family are meeting their legal responsibilities?

What will you do if it becomes apparent that the person or family isn't meeting their legal responsibilities? How will you respond?

What other approaches could you use?

Activity 3.4: How do you now rate for knowing what the legal considerations are?

Take a few moments to redo the quiz you did at the start. Have your scores improved as a result of doing this Module? If we've done our job well, your scores will have improved AND you should be clearer about what you need to do next.

Using the scale below, indicate how confident you are that your organisation can clearly explain the legal and regulatory considerations in each of the following areas to people who want to use Shared Management.

	Non-existent 1	Patchy 2	Average 3	Very good 4	Can't be better 5	Your Score here
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Total Score