

COMPETENCIES

8 / 10

Communication

7 / 10

Critical Thinking & Decision Making

8 / 10

Accountability

5 / 10

Teamwork & Collaboration

5 / 10

Leadership

SCOPE

This guideline applies to Australian service providers, support workers, funders, Clients and carers, whereby agreement has been reached between the service provider and the Client, carer or funder for a support worker to drive a Client, carer or funder owned motor vehicle.

DISCLAIMER

This guideline is provided to help guide best practice in the disability, aged care and community support industry. This information does not in any way replace legislative, regulatory, or contractual requirements. Users of this document should seek appropriate expert advice in relation to their circumstances. ACIA does not accept any liability on the use of this guideline.

PURPOSE

This guideline is to assist:

- Service providers, support workers, Clients, carers, stakeholders and funders
- Regarding the use of a Client, carer or funder owned motor vehicle by support workers while delivering a community support or service

BACKGROUND

In the course of delivering a service, a support worker may, subject to agreement by both the service provider and the Client, be required to drive a Client or carer's motor vehicle or a vehicle owned by the funder. This includes motor vehicles that have been modified to meet the specific needs of the Client.

This scenario requires clarification on the responsibilities and liabilities of all parties.

As Client involvement and service direction has increased it is imperative to involve the Client in all aspects of the service delivery and the direction of their services to their ability. It is further acknowledged that dignity of risk is an important part of this choice and control.

DESIRED OUTCOME

- To maintain a quality and safe standard of support
- To guide when it is appropriate for a support worker in delivering supports and services to drive a Client, carer or funder owned motor vehicle

DEFINITIONS & SUPPORTING INFORMATION

Support Worker - A paid person who assists people to perform tasks of daily living so as to participate in social, family and community activities in the person's home and their community. Support Workers have been commonly known in the past as attendant care worker, disability worker, aged care worker, community worker, homecare worker, care worker or paid carer. The Support Worker is a paid person who has access to education, support and advice from the Service Provider line manager or team leader.

Service Provider - Organisation or person accountable for the delivery of supports to Clients.

Carer - a person that provides supports to the Client at no cost (generally family or friend).

Client means the service user, participant, user, care recipient, consumer or person receiving the nursing or support services. As Client involvement and service direction has increased it is imperative to involve the client in all aspects of the service delivery and the direction of their services to their ability.

Plan means a Service Plan, Support Plan or Individual Plan (however titled – the plan) is a document developed in response to a request for service. It is developed by a Registered Nurse or a person deemed competent by the provider from the service provider, prior to the commencement of service delivery. It outlines the expected outcomes of the requested care/services and the tasks, duties and interventions required to meet the care and service needs of the client (within the parameters of the funding program). The plan guides and directs the individual support worker or Registered Nurse in their day-to-day delivery of the services.

Support Worker Competency for modified vehicle use means a support worker who has been trained and assessed as competent by the supplier of the vehicle or an Occupational Therapist and then signed off as competent with the service provider representative (e.g. Coordinator)

Service Agreement means a written agreement or plan between the service provider and the Client that explains the service he or she is to receive

GUIDELINE

ACIA recommends the following guidelines be used by service providers when negotiating the terms and conditions under which a support worker may drive a Client, carer or funder owned motor vehicle.

Where a Client, carer or funder owned motor vehicle is driven by a support worker in the course of delivering a service, it is the responsibility of the owner of the vehicle to maintain an appropriate level of insurance coverage for the motor vehicle.

In addition, it is the responsibility of the owner of the vehicle to ensure roadworthiness of their motor vehicle.

Reasonable wear and tear should be expected, and it is the responsibility of the owner to meet such costs.

It is always the responsibility of the driver of the motor vehicle to comply with all road laws in their respective state or territory.

Service providers and individual support workers will not be liable for any insurance excess or other associated costs as a result of accidental damage caused to a Client, carer or funder owned motor vehicle in the course of delivering services.

In instances where damage is caused to a Client, carer or funder owned vehicle due to negligence/recklessness on the part of the support worker driver or due to failure to adhere to road and traffic laws, the support worker will be liable for any insurance excess or other associated costs.

When the support worker is liable, the service provider, vehicle owner and support worker will negotiate the immediate management of the damage and the method and timeframe of payment.

If a support worker cannot afford the full payment at once, the service provider may elect to make the payment and set up a repayment arrangement with the support worker. Any such negotiations are at the discretion of the service provider.

Service providers are responsible for ensuring that support workers who are required to drive a Client, carer or funder owned motor vehicle are duly licensed and above the age of 25.

Service providers should also ensure support workers possess the skills to drive a modified vehicle. This includes the provision of training and assessment for the support workers in the operation of this vehicle.

In instances where a funding body owns the vehicle for the purposes of Client/s transportation e.g. in a shared support house, the funder sets the terms and conditions of use of the vehicle by support workers, including training/competency requirements. This is laid out in an agreement with the service provider, who then implements the policy and procedure.

The service provider should ensure that:

- A request for a support worker to drive the Client, carer or funder owned motor vehicle shall be negotiated between the Client or owner of the vehicle and the service provider.
- The owner of the vehicle is required to maintain an appropriate level of insurance on the motor vehicle. The service provider should sight evidence of such insurance.
- The agreed terms and conditions under which a support worker may drive a Client, carer or funder owned motor vehicle should be detailed in the service agreement or plan.

Where such an agreement is not reached and documented in the service agreement or plan a support worker should not drive the motor vehicle.

Agreement needs to be reached between the service provider and the funder regarding the training required for support workers to drive a modified vehicle.

RESOURCE DOCUMENTS

- Australian Community Industry Standard (ACIS)
- Road Rules 2008 (NSW)
- Road Rules 2014 (NSW Legislation)
- Road Transport Act 2013 (NSW)
- Road Transport (Driver Licensing) Act 1999 (ACT)
- Road Transport (Third-Party Insurance) Act 2008 (ACT)
- Traffic Act 1987 (NT)
- Transport Operations (Road Use Management) Act 1995 (QLD)
- Road Traffic Act 1961 (SA)
- Road Safety (Alcohol and Drugs) Act 1970 (TAS)
- Traffic Act 1926 (TAS)
- Road Safety Act 1986 (Vic)
- Road Traffic (Authorisation to Drive) Act 2008 (WA)
- Road Traffic (Vehicles) Act 2012 (WA)