



Disability Services Commission

# Disability Services Commission information sheet

## Subcontracting clarifications

### Background

There have been changes relating to subcontracting arrangements since the Commission last published an information sheet in January 2015.

To align with national reforms, the Commission will consent to subcontracting under the following circumstances within the Support Clusters and Price Framework:

- For 'clusters 1-7' service providers can only subcontract with another service provider on the Commission's Panel contract if it is a short term arrangement.
- For 'Cluster 8' service providers can only subcontract with allied health practitioners with current qualifications (membership and/or registration with professional bodies or associations necessary to practice the profession).

It is important to note that the service provider holds the service agreement with the Commission. Therefore, they remain responsible and accountable for all services provided under that agreement, including any subcontracted services.

Listed below is a series of subcontracting case examples based on issues raised by service providers and the Commission's position.

Issue raised	Commission position
<b>Engaging other organisations</b>	
<b>A request to subcontract is not required for the following examples</b>	
<b>1 Use of employment agencies to engage relief staff</b>	Employment of relief staff from an employment or labour hire company is acceptable. As for any employee, relief staff are required to adhere to the policies and procedures of the service provider, thereby reducing risk.
<b>2 Employing mainstream agencies such as lawn mowing and house cleaning to support individuals in their home.</b>	Employing lawn mowing/house cleaning services is acceptable. This is not a direct client service identified in service agreements. However, it is a position of



<p><b>3 Engaging a mainstream agency such as a driving school to provide a direct service to an individual, i.e. driving skills.</b></p>	<p>trust which may raise risk issues, which the service providers need to manage.</p> <p>This is acceptable if the support person from the service provider is present. The service provider is engaging specialist skills to assist in delivering the strategy under the service agreement. The service provider should ensure the driving school is accredited and compliant with relevant state legislation.</p>
<p><b>4 A service provider engages a child care agency to establish a crèche to care for children with disability so parents can attend a training course as identified in the Service Agreement.</b></p>	<p>Acceptable. The service provider is engaging specialist skills to support the delivery of strategies under the service agreement. The service provider should ensure it abides by the state legislation in relation to crèche services (eg parents are adjacent).</p>

**Engaging other service providers**

<p><b>1 The service provider engages another organisation not on the panel contract to deliver strategies, for example accommodation services under the Service Agreement.</b></p>	<p>Not acceptable. The direct service strategy/strategies for the individual are to be totally delivered by the third party.</p>
<p><b>2 Service provider pays another service provider on the panel contract to deliver a strategy which it finds in the short term it cannot deliver.</b></p>	<p>Acceptable in the short term, but must submit Request to subcontract form. Both service providers are on the panel contract working cooperatively to resolve a short term capacity problem. If the working arrangement goes beyond three months a new order form i.e. Individual Commission Funding and Service Section is required so individualised funds can be sent to the correct entity.</p>
<p><b>3 Engaging sole business traders: Example 1: Where a client has requested from a service provider a particular staff member. The staff member wants to operate as a sole trader. The service provider undertakes all the insurances and police clearances and provides supervision.</b></p>	<p>Not acceptable. The service provider is engaging a third party to directly deliver services identified in the Service Agreement.</p>
<p><b>Example 2: Where the service provider seeks additional consultancy</b></p>	<p>Acceptable but must submit Request to subcontract form. The service provider is</p>



**expertise in order to provide a holistic service to the individual.**

engaging specialist skills in order to deliver a strategy under the service agreement. The sole trader should be a member of professional organisation such as the Australian Health Practitioner Regulation Agency or another similarly accredited organisation.

## **Disability Professional Service providers**

**Service providers have subcontracting arrangements, partnership and consortium arrangements in order to provide holistic services to individuals.**

Acceptable, but must submit Request to subcontract form. The Commission is supportive of these professional arrangements and has forwarded its position under separate advice to service providers who operate under the panel contract for therapy services.

In all other cases and where indicated above, a formal request must be submitted to the Commission before a service provider can subcontract any aspect of direct service delivery to another organisation or person. Please complete the Request to subcontract form template below and provide a signed copy to your Service Contract and Development Officer. You will be advised in writing if consent is given or not given to subcontract and any conditions associated.

Should you have further enquiries about subcontracting, please email [funding@dsc.wa.gov.au](mailto:funding@dsc.wa.gov.au)

Thank you

Maynard Rye  
Manager, Strategic Support, Sector Engagement and Development Directorate  
Disability Services Commission  
10 November 2016

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## Request to subcontract

<b>Requesting Panel Provider</b>		
<b>Service agreement title and number (DSC.....) if applicable</b>		
<b>Contact details of person responsible for service agreement at organisation</b>	Name: Phone: Email:	
<b>Commencement date of service Agreement</b>	dd / mm / yy	
<b>Term of service agreement including all options to extend</b>		
<b>Proposed subcontractor - state if the subcontractor has a Panel contract with the Disability Services Commission (the Commission)</b>		
<b>Support cluster and strategy proposed for subcontracting including reasons:</b>		
<b>Other comments:</b>		
<b>Authorised person for requesting organisation</b>	<b>Name (print)</b>	
	<b>Position</b>	
	<b>Signature</b>	
	<b>Date</b>	
<b>Principal's response: Consent given <input type="checkbox"/> Consent not given <input type="checkbox"/></b>		
<b>Authorised person for principal (the Commission)</b>	<b>Name (print)</b>	
	<b>Position</b>	
	<b>Signature</b>	



	<b>Date</b>	
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**Note:** The Panel provider with consent to subcontract above services must:

- I. Abide by any conditions as outlined in the Principal’s response of this form;
- II. Annexe this document with their grant or service agreement;
- III. Be responsible and accountable for the actions of the subcontractor (including relevant professional qualifications, quality of services and managing risk); and
- IV. Be responsible for payment and acquittal of all services provided by the subcontractor.