

# Introduction to the NDIS Worker Screening Check

NDIS Commission information session

NDIS Commission Registration and Market Oversight Branch

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### What will be covered in this session



- What is the NDIS Worker Screening Check?
- What does it mean for me?
- Who needs an NDIS Worker Screening Check?
- What is a risk assessed role?
- What records do I need to keep?
- How are clearance or exclusion decisions made for the NDIS Worker Screening Check?
- What do I do about worker screening after 1 February 2021?
- What is the NDIS Worker Screening Database?
- What if I have questions?

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### Key Points – Worker Screening for RAC from 1 December 2020



- From 1 December 2020, as a registered NDIS provider, you will have particular requirements that relate to ensuring workers you employ have the right worker screening requirements to work with NDIS participants.
- All registered NDIS providers are required to meet these requirements.
- These requirements include:
  - From 1 December to 31 January 2021, you must ensure your workers, volunteers, and contractors in risk assessed roles have an acceptable check in place (for registered RAC providers, an acceptable check is an aged care check in accordance with Part 6 of the Accountability Principles 2014, including the requirement that the worker has been issued with a police certificate within the last three years)

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**Key Points - Continued**



- You must keep appropriate records to demonstrate that risk assessed roles have been identified, you know who is in those roles, and the details of the workers in those roles.
- From 1 February 2021, you must make sure all new staff and other new personnel in risk assessed roles have either:
  - An acceptable aged care check issued before 1 February 2021 that includes a police certificate issued in the last three years; OR
  - A NDIS Worker Screening Check clearance issued after 1 February 2021.
- From 1 February 2021, you do not have to get NDIS Worker Screening Checks for staff in risk-assessed roles that already have an acceptable aged care check in place until three years after the date that acceptable aged care check was issued. On that date it expires.

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**Key Points - Continued**



- However you must, from 1 February 2021, ensure that workers in risk-assessed roles gets a NDIS Worker Screening Check clearance when their acceptable aged care check expires.
- This session will tell you how the NDIS Worker Screening Check process will work, as well as talking through the administrative and associated responsibilities for registered NDIS providers.
- More information about the NDIS Worker Screening Check is available on the NDIS Commission's [website](#). Updates occur regularly.

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**Why screen workers?**



- Duty of care
- 'Best predictor of future behaviour is past behaviour'
- Deterrence
- Evidence demonstrates the comparatively high levels of abuse and neglect people with disability experience when compared to the general population
- Operates best when nested among a range of other safeguarding strategies and is not relied on as the sole protection
- Concerns about checks – static nature of checks, may not be combined with other safeguards, not required in all industries, impact on employment for workers with criminal records

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**What is the NDIS Worker Screening Check?**



**NDIS Worker Screening Check will start nationally from 1 February 2021.**  
It will replace existing arrangements and set a single, national standard for all NDIS workers

- When in place, all registered NDIS providers must ensure workers in risk assessed roles have a valid clearance
- The responsibility sits with the registered provider, and not with the worker, to ensure there is an NDIS Worker Screening Check clearance in place.
- Workers will be subject to ongoing monitoring nationally.
- Registered providers, self-managed participants, and unregistered providers (known as 'employers' for the purpose of NDIS Worker Screening) are able to request workers providing NDIS services and supports have an NDIS Check.

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**Who does what?**



From 1 February 2021:

- All states and territories will have an NDIS Worker Screening Unit which will accept, process, and decide applications for the NDIS Worker Screening Checks
- Clearance and exclusion outcomes for applicants will be held on the NDIS Worker Screening Database
- NDIS workers will need to apply for an NDIS Worker Screening Check
- NDIS registered providers will need to ensure new workers, and workers with expiring clearances, have an NDIS Worker Screening Check clearance in place to continue to work in risk-assessed roles
- NDIS registered providers are able to access the NDIS Worker Screening Database to check the clearance status of their workers.

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**How does the NDIS Worker Screening Check work?**



- Workers are responsible for submitting an application with the Worker Screening Unit. Most jurisdictions have online application forms. There is a fee that will be paid when submitting applications.
- Workers must prove their identity for their application to proceed
- Workers will nominate their NDIS employer when applying. The employer must then go on to a NDIS Worker Screening Database (NWSD) and verify the worker is employed by them for the purposes of delivering NDIS services and supports
- The Worker Screening Unit will then undertake a risk assessment of the worker and will issue a clearance or an exclusion

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### How does the NDIS Worker Screening Check work?



- The clearance or exclusion outcome is uploaded by the Worker Screening Unit to the NWSD.
- The employer gets an email notification that the worker's status has changed.
- The employer can then log on and view the worker's clearance or exclusion status.

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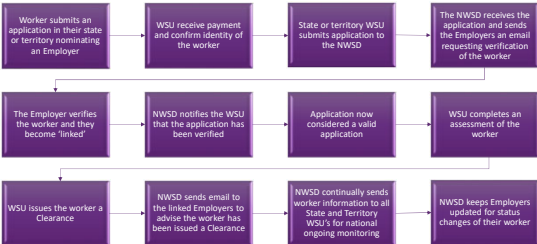
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### How does an application move through the NWSD?

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    graph TD
      A[Worker submits an application in their state or territory nominating an Employer] --> B[WSU receive payment and confirm identity of the worker]
      B --> C[State or territory WSU submits application to the NWSD]
      C --> D[The NWSD receives the application and sends the Employers an email requesting verification of the worker]
      D --> E[The Employer verifies the worker and they become 'linked']
      E --> F[NWSD notifies the WSU that the application has been verified]
      F --> G[Application now considered a valid application]
      G --> H[WSU completes an assessment of the worker]
      H --> I[WSU issues the worker a Clearance]
      I --> J[NWSD sends email to the linked Employers to advise the worker has been issued a Clearance]
      J --> K[NWSD continually sends worker information to all State and Territory WSU's for national ongoing monitoring]
      K --> L[NWSD keeps Employers updated for status changes of their worker]
  
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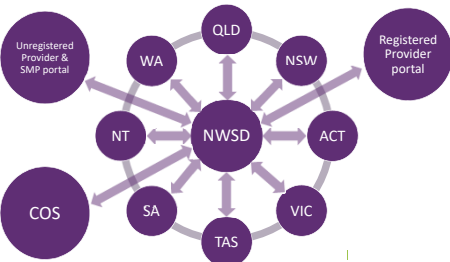
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### What does the NWSD do?

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    graph TD
      NWSD((NWSD))
      QLD((QLD))
      NSW((NSW))
      ACT((ACT))
      VIC((VIC))
      TAS((TAS))
      SA((SA))
      NT((NT))
      WA((WA))
      COS((COS))
      Unreg[Unregistered Provider & SMP portal]
      Reg[Registered Provider portal]

      NWSD <--> QLD
      NWSD <--> NSW
      NWSD <--> ACT
      NWSD <--> VIC
      NWSD <--> TAS
      NWSD <--> SA
      NWSD <--> NT
      NWSD <--> WA
      NWSD <--> COS
      NWSD <--> Unreg
      NWSD <--> Reg
  
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### What will an Employer see

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### Who needs a Check?

**Registered providers are required, as part of their registration requirements, to ensure all their workers in risk assessed roles have an acceptable Check in place.**

- A risk assessed role is:
  - key personnel roles ('key personnel' is defined under s11A of the *NDIS Act 2013*)
  - roles for which the normal duties include the direct delivery of [specified supports or specified services](#) to an NDIS participant\*
  - roles for which the normal duties are likely to require more than incidental contact with people with disability. Contact includes physical contact, face-to-face contact, oral communication, written communication, and electronic communication.
  - Includes contractors and volunteers

\* e.g. specialist behaviour support, therapeutic supports, high intensity daily personal activities

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### Who works out which workers are in risk assessed roles?

- Registered providers must identify which jobs need a check, and they must ensure all workers in risk-assessed roles have an appropriate check
- They must document:
  - Why it is a risk assessed role
  - The date the role was assessed and the name and title of the person who assessed it.
- Workers who do not have more than incidental contact with people with disability as a normal part of their jobs will not be required by the NDIS Commission to have a check, but the employer may choose to have those workers screened

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**Record Keeping – Risk Assessed Roles**



**Registered NDIS providers are required to maintain a written list of all workers who engage in risk assessed roles.**

The list must include:

- name, dob, address of the worker
- the risk assessed role in which they are engaged
- The worker’s application number, check number, and outcome expiry date
- Allegations of misconduct against a worker who has a Check clearance and action taken by the registered NDIS provider in response to that allegation
- Records must be kept for seven years and made available to quality auditors or the NDIS Commission on request

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**Other responsibilities of registered providers**



**It’s critical to remember that registered NDIS providers undertake other strategies to identify and minimise the risk of harm to people with disability**

- Registered providers must ensure that they actively promote a culture that does not tolerate abuse, neglect, or exploitation, and that focuses on continual upskilling, education, and training for their workers.
- Some states and territories allow applicants to, ‘work on application.’ Registered providers must have a risk management plan in place for protecting NDIS participants while a worker is in the process of obtaining a clearance
- Secondary students on a formal work experience placement are exempt but must be supervised by someone with an acceptable check or clearance

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**What will Worker Screening Units consider for an NDIS Worker Screening Check?**



**WSUs will review a range of information for all applicants. It may include:**

- National criminal history information
- Disciplinary and misconduct information supplied by the NDIS Commission
- The outcomes of previous NDIS Worker Screening Checks
- Additional circumstances information
- Any other information relevant to determining an applicant’s eligibility for a clearance – for example, civil penalties, international criminal history, state based reportable or notifiable conduct schemes

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**Exclusions** 

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**An applicant who has been convicted of the following offences/categories of offence will be issued an exclusion by the Worker Screening Unit with no right of appeal (provided they were 18 at the time of the offence)**

- Murder and attempted murder
- Serious assault against a child or vulnerable person
- Sexual assault of a child or vulnerable person including incest
- Child pornography related offences
- Abduction or kidnapping offences against a child or vulnerable person involving a sexual or abusive element
- Serious offences against animals

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**What is the NDIS Commission's role?** 

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**The NDIS Commission has a number of roles relating to the Check.**

- The first is the establishment and maintenance of the NWSU. The *NDIS Act 2013* allows the NDIS Commissioner to hold the NWSU for the purposes of worker screening.
- It must be noted that the NWSU holds no criminal history information at all. It simply holds limited personal details of a worker and their clearance or exclusion status. The NDIS Commission has no role in assessing suitability for Checks.
- Engage, educate, and monitor provider compliance with NDIS Worker Screening
- Disclose to, and receive information from, with Worker Screening Units to inform risk assessments of workers
- Build the evidence base for worker screening

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**Benefits of the NDIS Worker Screening Check** 

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**There are a number of advantages to the NDIS Worker Screening Check**

- For the first time, employers can have a close to real time view of a worker's clearance status.
- Workers can work across Australia with an NDIS Worker Screening Check. The Check will replace existing state and territory screening arrangements for working with NDIS participants (it should be noted it does not replace Working with Children Checks)
- Consistent risk assessment processes are in place, meaning a worker will get the same clearance outcome no matter where they apply
- Employers are able to view in one place the clearance status of their workers as the database provides a list of workers and their clearance status
- Clearance lasts for five years

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**Benefits of the NDIS Worker Screening Check**



- Ongoing monitoring: the Check is not a static Check. States and territories will take ongoing monitoring against cleared workers using police, court records, and other available information to determine their ongoing suitability for a clearance.

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**What will registered NDIS providers do after 1 February 2021?**



- You must continue to identify which of your workers are in risk-assessed roles
- If you have new workers, contractors, or volunteers, who will work in risk-assessed roles, you must make sure they have either:
  - An acceptable aged care check in place issued before 1 February 2021 that includes a police certificate issued in the last three years; OR
  - An NDIS Worker Screening Check clearance.
- You must keep records in accordance with the requirements – both of risk assessed roles, the workers who are employed in risk assessed roles, their clearance status and its expiry.
- You must have a risk management plan and have workers in risk assessed roles supervised by someone with a clearance if that worker is employed in a state that allows people who have applied for a clearance to work before a clearance is given.

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**Questions?**

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