

# Worker screening

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## Introduction

Worker screening helps to reduce unnecessary risks to participants and ensure a high standard of services. Worker screening ensures employees are properly qualified and have no criminal history.

This policy is mandatory and applies to all employees (including casual, temporary or permanent employees), volunteers, self-employed people, contractors, subcontractors or consultants, and students undertaking training as part of an educational or vocational course or program (other than school students on work experience).

The NDIS worker screening check is now in effect across Australia. The worker screening check establishes a nationally consistent approach to screening for workers by using a centralised database and a worker screening unit operating in each state and territory. All registered providers are required to maintain a list of risk-assessed roles which require a valid NDIS worker screening clearance (or equivalent state or territory screening check during the transition period).

## Applicability

### When

- applies to supports and services provided to all participants.

### Who

- applies to all workers involved in interviewing and screening new employees.

## Documents relevant to this policy



Risk assessed roles register

## Regulations relevant to this policy



NDIS (Practice Standards–Worker Screening) Rules 2018 (Cth)



National Disability Insurance Scheme (NDIS Worker Screening Law) Determination 2020 (Cth)



NDIS (Practice Standards–Worker Screening) Amendment Rules 2020 (Cth)



National Disability Insurance Scheme (Worker Checks) Act 2018 (NSW)



Working with Children (Risk Management and Screening) Regulation 2011 (Qld)



Working with Children (Risk Management and Screening) Act 2000 (Qld)

## Processes relevant to this policy



Screen new worker

## State requirements for NDIS worker screening checks

Each state and territory has specific NDIS worker screening arrangements and legislation. When registering for an NDIS worker screening check, ensure that you comply with the specific arrangements of the state or territory in which you are operating. More information about obtaining an NDIS worker screening in each state and territory is outlined below:

State	NDIS worker screening	Relevant legislation
NSW	<a href="#">ServiceNSW</a>	<ul style="list-style-type: none"> <li>• <a href="#">National Disability Insurance Scheme (Worker Checks) Regulation 2020 (NSW)</a></li> <li>• <a href="#">National Disability Insurance Scheme (Worker Checks) Act 2018 (NSW)</a></li> </ul>
Vic	<a href="#">Service Victoria</a>	<ul style="list-style-type: none"> <li>• <a href="#">Worker Screening Act 2020 (Vic)</a></li> <li>• <a href="#">Worker Screening Regulations 2021 (Vic)</a></li> </ul>
QLD	<a href="#">Queensland Government</a>	<ul style="list-style-type: none"> <li>• <a href="#">Disability Services and Other Legislation (Worker Screening) Amendment Act 2020 (QLD)</a></li> </ul>
SA	<a href="#">SA Department of Human Services</a>	<ul style="list-style-type: none"> <li>• <a href="#">Disability Inclusion (NDIS Worker Check) Regulations 2020 (SA)</a></li> </ul>
WA	<a href="#">WA Government</a>	<ul style="list-style-type: none"> <li>• <a href="#">National Disability Insurance Scheme (Worker Screening) Regulations 2021 (WA)</a></li> <li>• <a href="#">National Disability Insurance Scheme (Worker Screening) Act 2020 Commencement Proclamation 2021 (WA)</a></li> <li>• <a href="#">National Disability Insurance Scheme (Worker Screening) Act 2020 (WA)</a></li> </ul>

NT	<a href="#">NT Police, Fire &amp; Emergency Services</a>	<ul style="list-style-type: none"> <li>• <a href="#">National Disability Insurance Scheme (Worker Clearance) Regulations 2021 (NT)</a>.</li> <li>• <a href="#">National Disability Insurance Scheme (Worker Clearance) Act 2020 (NT)</a>.</li> </ul>
ACT	<a href="#">Access Canberra</a>	<ul style="list-style-type: none"> <li>• <a href="#">National Disability Insurance Scheme (Practice Standards– Worker Screening) Rules 2018 (Cth)</a>.</li> <li>• <a href="#">National Disability Insurance Scheme (NDIS Worker Screening Law) Determination 2020 (Cth)</a>.</li> </ul>
Tas	<a href="#">Tasmanian Government</a>	<ul style="list-style-type: none"> <li>• <a href="#">Registration to Work with Vulnerable People (Risk Assessment for NDIS Endorsed Activities) Order 2020 (Tas)</a>.</li> <li>• <a href="#">Registration to Work with Vulnerable People (NDIS Disqualifying Offences) Order 2020 (Tas)</a>.</li> </ul>

Note that all states and territories must be compliant with the [NDIS worker screening rules](#).

## Identifying personnel that require a worker screening check

Our organisation will assess all roles and identify all risk assessed roles. All risk assessed roles require worker screening checks. According to the [NDIS Commission](#), risk assessed roles include:

- key management personnel roles
- roles that include the provision of direct supports or services for a person with a disability as part of normal duties
- roles that require more than incidental contact with a person with a disability, this includes:
  - physical touch
  - building rapport
  - working with multiple people with a disability as part of a service or in a disability accommodation setting.

Other roles that are generally not risk assessed (e.g. administrative staff) do not require a worker screening check. However, we may request workers that are not risk assessed to also complete worker screening checks.

## Pre-employment checks

When hiring new employee, our organisation requires:

- at least one referee check (two are recommended)
- an NDIS worker screening clearance (or equivalent screening check during the transitional period)
- a check that authorises the person to work with children (if services are provided to participants under 18 years of age).

All employees must ensure that their references and checks are both current and valid.

## NDIS worker screening clearance

When an applicant applies for an NDIS worker screening clearance, the worker screening unit considers a range of factors including the applicant's criminal history, disciplinary misconduct, and other relevant history to determine whether they present an unacceptable risk of harm to people with disability in the course their work.

When a check is finalised, the applicant is granted:

- a clearance—they are permitted to work with people with disability in a risk assessed role for a registered NDIS provider, or
- issued with an exclusion—they are prohibited to work with people with disability in a risk assessed role for a registered NDIS provider.

## Objections to an NDIS worker screening check

If a prospective employee refuses an NDIS worker screening check (or equivalent check during the transition period), this person *cannot* be employed in a risk assessed role.

## Working with children checks

All states and territories require working with children checks if working with anyone under 18 years old. This check is a check of a person's criminal history, specifically relating to crimes involving children. Each worker is responsible for arranging and providing a check for working with children. Please note that this check is not a substitute for an NDIS worker screening clearance.

The following table shows working with children checks for all Australian states and territories.

	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Check for working with children (and/or vulnerable people)	<a href="#">Working with vulnerable people (WWVP)</a>	<a href="#">Working with children check</a>	<a href="#">Working with children clearance (Ochre card)</a>	<a href="#">Blue card</a>	<a href="#">Working with children check</a>	<a href="#">Registration to work with vulnerable people</a>	<a href="#">Working with children check</a>	<a href="#">Working with children check</a>

## Worker screening exemptions

A worker may be allowed to undertake risk-assessed roles before obtaining their worker screening checks if:

- they are in the process of obtaining a clearance
- they are supervised by a worker that has received all necessary checks, and
- there is a relevant and thorough risk management plan in place.

High school students on formally organised work placements do not need worker screening checks. At all times, students on work placement must be directly supervised by a worker that has received all necessary checks.

## Hiring contract workers

We will identify all contract workers that intend to engage in risk-assessed roles and ensure that only workers with appropriate checks (or legitimate exemptions) are allowed to work with participants. We will arrange a formal contract with the company responsible for the contract worker. This contract will include sections about:

- all relevant worker screening requirements
- the requirement to disclose reasons (if there are any) for the contract worker not being able to work in risk-assessed roles (e.g. exclusion or suspension)
- the requirement for a contractor to comply with our requests to assist with investigating incidents and complaints involving their worker
- responding to requests for information about how the company is complying with their contractual obligations
- extending all obligations to all workers that are engaged by the contractor to provide services for our organisation.

## Managing worker screening records

We will maintain an up-to-date list of workers that engage in risk-assessed roles and record this in a risk assessed roles register. This register will include the following information:

- the worker's name, date of birth and address
- the risk-assessed role that is undertaken by the worker
- details of their exemptions (if the worker has one), including:
  - exemption start and end date
  - name of the worker's supervisor
- if the worker is applying for a check, their application number and the due date of the outcome
- if the worker has their clearance, the reference number and expiry date
- any information about any suspensions or exclusions and actions taken in response
- information by any allegations against a worker with a clearance, including
  - details of the allegations
  - actions we have taken in response to the allegations.