

## NEW YELLOW CARD SYSTEM WEBINAR FOR NDIS SELF AND PLAN MANAGED PARTICIPANTS AND THEIR FAMILIES



### Questions from the Zoom chat 18 February 2021

The below questions were collated from the chat function of the *'Worker screening webinar for self and plan managed participants'* on Zoom. Answers below were provided by the NDIS Quality and Safeguards Commission and the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships.

**What clearances are required for workers working with non NDIS participants such as NIISQ or privately funded?**

All workers in a risk assessed role providing disability supports or services through an NDIS registered provider require an NDIS worker screening clearance.

Unregistered providers and self-managed NDIS participants may also request that workers providing NDIS supports or services be screened.

Workers providing state funded services only to non-NDIS participants require a Queensland Disability Worker Screening clearance.

There are no legislative screening requirements for NIISQ or privately funded workers. However, if they also deliver NDIS or state funded services, they would need to be screened for that.

**Can the NDIS clearance be used for both these governing bodies and replace the QLD clearance, as a company we have staff working across multiple funding bodies and it gets expensive for the worker and difficult to manage for the provider.**

Yes if you deliver both state funded and NDIS supports and service you only need an NDIS worker screening card to cover both.

If you only have a QLD Disability Worker Screening Card, you cannot use this for delivering NDIS supports and services.

**Can a support co-ordinator manage the process for someone that is self-managing?**

This would not usually be done by a support coordinator. It would usually be done by the participant or their decision-maker/supporters if they decided it was necessary. It is important to remember that for self-managing participants, worker screening is optional – meaning it is something they decide to require of their workers.

What company ID information is required to be given to the worker when they apply?

Is it the ABN or the NDIS Commission registration Number for the company?

For the purpose of worker screening, the NDIS Commission registration number should be provided as the worker can use this number to select you as their employer during the application process.

We have received an example from a worker of a “QLD clearance”, but the worker is not assigned to our company and we cannot find them in the NDIS Commission data base – Is a this a true clearance and b) who would be go about linking the worker to use if we decide to engage them?

A worker with a Queensland worker screening clearance will not be found in the NDIS Worker Screening Database as it’s a state based only clearance.

Yes, it’s a genuine clearance but only for the purpose of delivering state funded disability supports and services in Queensland and not for NDIS supports and service. If you are engaging this person for the purpose of delivering NDIS supports or services then you should request they obtain an NDIS worker screening clearance. Once they have an NDIS worker screening clearance you will be able to find them on the NDIS Worker Screening Database.

What clearance is required for non NDIS participants?

If they are receiving state funded supports and services then workers need to obtain a Queensland Disability Worker Screening Clearance. Workers do not need to know what type of clearance they need prior to applying. This is determined based on the employer selected during the application process.

What is the timeframe of applications being approved?

The online processes will make screening easier, quicker and more efficient. As part of the screening check, we rely on other departments to provide us with relevant information so processing times can fluctuate.

If an applicant has no assessable information (i.e. criminal or disciplinary information) to review, the application will be processed quickly (sometimes in a matter of hours). It will take longer if assessable information is received because that information needs to be carefully reviewed before a decision is made about whether the person is eligible to hold a clearance.

An applicant can login to the worker portal to obtain updates on the status of their worker screening application.

I am a person with acquired neurological birth defect and Intellectual. I am new to this NDIS in the past 2 months. I have used a disability organisation in the past when I do have a support worker. As I have different people coming to my home I asked the manager of the disability organisation if those support workers either had a blue or yellow card. The manager did not want me to worry about it but I don't think any of them even had a Blue or yellow card.

From 1 February 2021, workers of registered NDIS Providers performing risk assessed roles MUST hold an NDIS worker screening clearance.

Workers of unregistered providers don't have to have one. However, if you have a plan manager or self-manage your NDIS plan, you or your plan manager can ask any of your workers if they have a worker screening clearance or to get one if they don't.

You may not be able to find out if all your past workers had a blue or yellow card. But moving forward, if you have requested access to the NDIS Worker Screening database, you can look up any of your current workers to see if they have a clearance and the status of their clearance.

I am very interested in how banning orders will be placed onto the screening system.

If the NDIS Commission places a Banning Order on someone, the Worker Screening Unit is automatically sent an electronic notification to our QLD database as our ICT systems talk to each other.

I have been asked by a colleague how abuse in the elder abuse area transfers to staff screened for the disability sector where it is intelligence only i.e. no conviction in an aged care setting.

Workers in aged care who are in risk assessed roles with respect to NDIS participants will be required to obtain an NDIS clearance. This means they'll be subject to the ongoing self-disclosure requirement under the Disability Services Act 2006 (s 104), which includes the requirement to disclose that they've been the subject of certain workplace investigations.

If the person was subject to any criminal charge or conviction, the WSU would become aware via Police information obtained during the checks.

Is the NDIS screening process mandatory for all SWs?

Can we please clarify what SW stands for? Social Workers?

You are probably referring to support workers as SWs. Only support workers working for registered NDIS providers are required to have mandatory NDIS worker screening clearance. If you have a plan manager or self-manage your NDIS plan, you or your plan manager can ask any of your workers if they have a worker screening clearance or to get one if they don't. Remember, it is optional if your plan is self-managed or plan managed.

How does the screening system prevent people with banning orders from entering a self-managed arrangement if screening is optional is there a way by which such matters can be reported for instance where there is a shared arrangement? Such as a where there are a mixture of providers.

Once a support worker is banned and they do continue to work as a support worker, they are subject to infringement notices for breaching the conditions of their banning order.

Does the screening check show substantiated claims against a worker where a banning order has not been implemented? IE it is confirmed that a worker has done something which infringes on a PWD's rights but does not meet the threshold under the legislation for a banning order?

If allegations are substantiated and meet the threshold for a banning order, a banning order will be pursued by the NDIS Commission.

How are you going to know if a worker is a risk, they can tell you anything?

What a worker discloses is only one part of a disability worker screening check. To check if a person is eligible to work with people with disability a number of checks are conducted. It looks at:

- a charge or conviction for any criminal offence in Australia, even if no conviction was recorded (this includes spent convictions, pending and non-conviction charges)
- child protection prohibition orders (both respondents and subjects to the application)
- domestic violence orders
- disqualification orders
- reporting obligations under the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 or Dangerous Prisoners (Sexual Offenders) Act 2003
- disciplinary information from certain organisations (this includes information about teachers, child care licensees and foster carers and information from the NDIS Quality and Safeguard Commission including the issuing of banning orders)
- police investigative information relating to allegations of serious child-related sexual offences, even if no charges were laid.

For NDIS Worker Screening clearances, we also get daily national updates that let us know if there's been a changes to a workers criminal history anywhere in Australia. This means we can take immediate action to protect people with disability from harm.

Does this screening cost? How much if so?

Yes. Fee information is available in the Fact Sheets via the worker screening website.

How much does the application cost?

The following application costs will apply:

- NDIS worker screening application for paid workers: \$117
- Combined NDIS worker screening application and blue card application for paid workers: \$127
- Volunteer applications: Free

- Successful applicants will receive a card valid for five years.

As a self-manager of an NDIS plan... and someone who employs supports directly... Will the supports have easy access to apply for the screening? In the past you needed to work for an organisation.

Yes your support workers can apply easily via the online application on the worker screening website here.

As an SMP you are essentially the “organisation”. As an SMP, if you wish to have your workers screening, you need to request access to the NDIS Worker Screening Database.

You can do that here -

<https://www.ndiscommission.gov.au/request-access-ndis-worker-screening-database>

Once you have been given access, your workers can select you as an employer during the application process and you can verify them.

There is a dedicated Fact Sheet for SMP’s available on the Disability Worker Screening Website that you can access for further information.

Can workers do this process without having an 'employer' verifying them?

No. An employer must verify a worker as a part of the application process. As mentioned above, as an SMP you are considered the employer and you can verify your workers once you have access to the NDIS Worker Screening Database.

What offences does the NDIS screening process check for?

As mentioned above, the screening process checks for all criminal offences as well as a range of other checks including:

- a charge or conviction for any criminal offence in Australia, even if no conviction was recorded (this includes spent convictions, pending and non-conviction charges)
- child protection prohibition orders (both respondents and subjects to the application)
- domestic violence orders
- disqualification orders
- reporting obligations under the Child Protection (Offender Reporting and Offender Prohibition Order) Act 2004 or Dangerous Prisoners (Sexual Offenders) Act 2003
- disciplinary information from certain organisations (this includes information about teachers, child care licensees and foster carers and information from the NDIS Quality and Safeguard Commission including the issuing of banning orders)
- police investigative information relating to allegations of serious child-related sexual offences, even if no charges were laid.

For NDIS Worker Screening clearances, we also get daily national updates that let us know if there’s been a changes to a workers criminal history anywhere in Australia.

Is this as good as a police check?

It checks for a much greater range of information than a standard criminal history check.

If my staff have a Blue & Yellow Card already do they need to apply for this new worker screening process? I for one would like to see all staff on this new screening portal for transparency

No, as a part of the transitional arrangements, a person with a current valid Yellow Card can continue working until their card is due for renewal at which time they will apply for the new clearance. However, from 1 February 2021 the new framework applies to all transitioned yellow card holders. This means that if there is any change to their assessable information, they will be assessed under the new framework.

Is the system going to identify matters pre the legislation changes to banning orders i.e. where the worker left prior to the changes in being able to ban a person after they left an organisation as in SA.

The NDIS Commission can only take action for matters that occur once it has jurisdiction. That means things that occurred after 1 July 2019. If a worker has done something before 1 July 2019 and subsequently is found to be acting outside of the Code of Conduct after this date, their previous conduct could be considered when assessing their suitability.

What happens when the banning order expires? Will you be able to see that they have been previously banned?

All banning orders are published on the NDIS Commission's website.

If a worker has already been through (and passed) the worker screening test for one client, do they have to go through the screening process for all clients?

No. A worker only needs to be screened once. They can then work for anyone who chooses to engage them and they can also use their clearance anywhere in Australia.

Or how can we see and verify that they have previously passed the screening?

You can see them by requesting access to the NDIS Worker Screening database run by the NDIS Quality and Safeguard Commission. Once you are registered, you can look up any worker you engage or are intending to engage to check the status of their clearance.

One thing that I don't remember being mentioned, was the requirement for self-managed participants to sign up for a PRODA account.

If a self-managed participant wishes to have their workers screened then they need to request access to the NDIS Worker Screening Database.

You can do that here -

<https://www.ndiscommission.gov.au/request-access-ndis-worker-screening-database>

Once you have been given access, your workers can select you as an employer during the application process and you can verify them.

There is a dedicated Fact Sheet for SMP's available on the Disability Worker Screening Website that you can access for further information.

Or further information available on the NDIS Commission Quality and Safeguard website:

For assistance requesting access please refer to the - Quick reference guide – Request access to the NDIS Worker Screening Database (self-managed participant).