

Disability Worker Screening

Review and Appeal Information

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What decisions can be reviewed?

To ensure accountability of Department of Child Safety, Seniors and Disability Services (Disability Services) decision making, most applicants or workers who have received a worker screening decision they don't agree with have the right to apply for a review or appeal under Queensland's new worker screening legislation.

Certain decisions made by Disability Services are considered reviewable decisions. These include:

- a decision to issue an exclusion (unless the exclusion is based on a disqualifying offence)
- a decision not to end an interim bar imposed on a person
- a decision not to end the suspension of a person's clearance, and
- a decision to refuse an application to cancel a person's exclusion.

Who can apply for a review?

If a reviewable decision is made in relation to you and you're dissatisfied with the decision, you can apply to have the decision reviewed. The review process includes:

1. An internal review undertaken by an independent, more senior officer from Disability Services.
2. Where you remain dissatisfied with the outcome of the internal review, external review by the [Queensland Civil and Administrative Tribunal](#) (QCAT).

An internal review must take place before QCAT will consider the matter.

If you are a disqualified person

As a disqualified person, you cannot apply to have your decision reviewed. The only exception to this is in the case of mistaken identity.

If you become a disqualified person during the internal or external review process, your application for review must be dismissed.

Disqualifying offences

For a full list of disqualifying offences, please refer to the [Disability Services Act 2006](#) and the [Disability Services Regulation 2017](#). Where a person has been convicted of any of these offences (subject to the qualifications listed) they are a disqualified person.

How to apply for an Internal Review

You can apply for an internal review through the [Queensland Worker Screening portal](#). If you do not have online access, please contact the Worker Screening Unit to request a manual application form.

You will have 28 days to lodge a request for review from the date you receive an information notice about the decision.

If you have not received an information notice about the decision you want to appeal, you will have 28 days to lodge a review from the day after you became aware of the decision. You should also ask

Disability Services/ the chief executive for a copy of the information notice, which will include the reasons for the decision.

If you require an extension, it is up to the discretion of the Chief Executive responsible for Queensland Disability Worker Screening to extend this timeframe.

You will need to have the details of the information notice about the decision you are appealing and the reasons for the decision. You will also be required to provide any additional information supporting your reasons to request a review.

To lodge a review request, you must use the online form provided by the Worker Screening Unit. If you do not request a review using this form your request will not be considered. This is because the form sets out clearly the information required from you and forms part of the assessable process.

Please call the Worker Screening Unit on 1800 183 690 if you are unable to access information online.

Importantly, you must understand that, while a review is occurring, the original decision remains in force and you are not to engage in delivering services or supports to a person with disability. Substantial penalties may apply if you deliver services or supports without a clearance, even if the decision not to issue you a clearance is later overturned on review.

The Internal Review process

You will be notified within 28 days of submitting your application the outcome of your review.

The review will be undertaken by a more senior officer who is independent of the original decision maker.

In some circumstances the review period may take longer. If your review is expected to take longer than 28 days, you will receive a notice extending the period of review for up to a further 28 days.

External Review

If you remain dissatisfied with the decision following the internal review, you may apply to QCAT for an external review of the decision. This can only be done once the internal review is completed.

To lodge a request for review with QCAT, you must complete and lodge the appropriate application form. The application form and information about the application process is available on the [QCAT Website](#). You must include a copy of the Worker Screening Unit's decision with your application. Administrative fees apply for lodging an application, which can be found on the [QCAT website](#) along with details of how to apply.

QCAT may make the following decisions in relation to your external review:

- confirm or amend the exclusion
- set aside the decision and make a substitute decision, or
- set aside the decision and return the matter to the department for reconsideration.

It is important that you understand that, if QCAT makes a decision to set aside the internal review decision, both the department and you have the right to appeal the QCAT decision.

You are encouraged to visit the [QCAT website](#) for more information.