

Guide to transitional arrangements for employers

Queensland disability worker screening protects people who receive state-funded supports or services from unacceptable risk of harm. The paramount consideration is the right of people with disability to live their lives free from abuse, violence, neglect or exploitation.

Arrangements have been in place for a smooth transition from the previous yellow card system to the Queensland disability worker screening system.

Existing yellow card or yellow card exemption holders

If your workers already have a valid yellow card or yellow card exemption, they don't need to get a Queensland disability worker screening check straight away. The existing card will remain valid until it expires or is cancelled.

Workers with a valid yellow card or yellow card exemption can apply for a Queensland disability worker screening check up to three months before their card expires. To keep working while the application is processed, it needs to be submitted by the worker and verified by you before the card expires. Failure to do so may result in your worker being subject to 'no card, no start' which will require them to stop working until a clearance is issued.

New offence framework

A new risk-assessment framework has been introduced, including new serious and disqualifying offences.

Current yellow card or yellow card exemption holders with pre-existing offences which are now considered serious or disqualifying offences will have been contacted by us. People with offences which are now considered disqualifying offences will have had their card cancelled and are prohibited from delivering state-funded disability services and supports. People with offences which are now considered serious offences will have been assessed under the new framework and a decision made on their eligibility.

Yellow card applications in progress

Any applicants who lodged a yellow card application through a state-funded provider before 1 February 2021 that was pending on that date were contacted by email or post. These applicants were required to complete the new Queensland disability worker screening application in order to provide additional information required under the new provisions in the *Disability Services Act 2006*. Any information or submissions that were lodged as part of the assessment process before 1 February 2021 were kept and considered.

Specific instructions were provided to these applicants on the new application process and fee waiver arrangements when we contacted them. They were advised that failure to complete the new Queensland disability worker screening application within the nominated timeframe (30 days) resulted in the withdrawal of their original application.

Successful applicants will receive a three-year Queensland disability worker screening clearance. Any worker who had a paid yellow card application pending on 1 February 2021 can continue to work while we process the transitioned application.

Blue card application and request for yellow card exemption in progress

Yellow card exemptions are no longer issued. Any blue card application and request for yellow card exemption received before commencement continued to be processed by Blue Card Services, which will notify us of the outcome of the blue card component. We will then contact applicants who are employed by state-funded providers to organise completion of the new Queensland disability worker screening application. Specific instructions have been provided to these applicants on the new application process and fee waiver arrangements.

If these applicant then apply for a Queensland disability worker screening application, you will be required to verify their employment through the new Queensland Employer Portal referred to below. Failure to complete the new Queensland disability worker screening application within the nominated timeframe (30 days) will result in the withdrawal of their original application.

Any worker who has a paid yellow card exemption that was pending on 1 February 2021 can continue to work while we process the transitioned application.

Existing reassessments

Any yellow card or yellow card exemptions that were being reassessed on 1 February 2021 due to a change in criminal history will continue to be reassessed after that date. However, the reassessment will occur under the new framework. Any information, including submissions, gathered as part of the reassessment process before the transition were kept and considered.

Workers may be contacted for additional information to support the reassessment process under the new framework. If this information is not provided, a reassessment decision will be made based on the information already held.

Existing suspensions

Any existing suspensions of yellow card or yellow card exemptions continued after 1 February 2021. We contacted suspension holders to ask for additional details to inform the reassessment process under the new framework. If this information is not provided, a reassessment decision will be made based on the information already held.

It remains an offence for you to employ a suspended person to provide state-funded disability services and supports and failure to comply may result in penalties.

Negative notice and negative exemption notices

Any person who held a negative notice or negative exemption notice that was still in effect on 1 February 2021 was considered an exclusion holder for the purpose of the Queensland disability worker screening system. It remains an offence to employ them to provide state-funded disability services and supports, and failure to comply may result in penalties.

It is an offence for an exclusion holder to apply for a Queensland disability worker screening check. An exclusion holder may apply to have their exclusion cancelled five years from the date it was originally issued or subsequent decision on application to cancel it.

People working with children with disability

People delivering services or supports to children with disability will need both a disability worker screening clearance and a blue card. However, transitional arrangements have been in place for these workers. If a worker has a valid blue card, or applied for a blue card before 1 February 2021, they do not have to apply for disability worker screening straight away. They can work with children with disability until their blue card expires, is suspended or is cancelled.

These transitional arrangements only apply to people working, or seeking to work, with children with disability. **If your workers also work with adults with disability, they will need a disability worker screening clearance.**

Registered health practitioners

Registered health practitioners providing state-funded supports or services are subject to the new disability worker screening rules. Transitional arrangements have been in place for these workers. A fact sheet has been developed to assist registered health practitioners understand the changes.

Queensland employer portal

The Yellow Card Online portal no longer exists and has been replaced with the Queensland Employer Portal (the employer portal). The employer portal assists you to verify new workers you have engaged or intend to engage to provide state-funded disability services or supports. You can also use the employer portal to link new employees who already have a valid yellow card or yellow card exemption and remove employees who are no longer engaged by you. The employer portal cannot be used to verify workers applying for an NDIS worker screening check, which must be done through the NDIS Worker Screening Database.

A detailed guide has been developed for employers to help them use the Queensland Employer Portal.

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