

NDIS Worker Screening

Guide to transitional arrangements for employers

Guide to transitional arrangements for NDIS employers

Queensland's nationally consistent worker screening for the National Disability Insurance Scheme (NDIS) has been designed to protect the rights of people with disability and enable them 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 an NDIS 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 an NDIS 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 an NDIS 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 NDIS work. People with offences which are now considered serious offences will be 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 before 1 February 2021 that was pending on that date were contacted by email or post. These applicants were required to complete the NDIS 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 NDIS worker screening application within the nominated timeframe (30 days) resulted in the withdrawal of their original application.

Successful applicants will receive a five-year NDIS worker screening clearance. Any worker who had a paid yellow card application pending on 1 February 2021 was advised they could continue to work while the transitioned application was processed.

Employers will be required to confirm applicant's employment through the NDIS Worker Screening Database (NWSD).

New NDIS Worker Screening Database

The NDIS Quality and Safeguards Commission (NDIS Commission) is responsible for the operation and administration of the NWSD, which holds a register of workers who have applied for or hold an NDIS worker screening check across Australia. NDIS providers must access the NWSD to verify applications for their workers, view outcomes and delink employees that are no longer engaged by them.

Once the Worker Screening Unit (WSU) uploads an application to the NWSD, the NWSD contacts you, as the nominated employer(s), by email and requests that you verify that the applicant is, or will be, engaged by you to deliver NDIS supports or services.

The NWSD sends automatic reminders to you, 28, 21, 14 and 7 days before the verification request expires. If you do not verify an application before the verification request expires, the NWSD notifies the WSU, which may cancel the application or ask the applicant to nominate a different employer, and the 30 days will re-commence.

Employer verification is the last step in the application process. Once an employer has verified the application, it becomes a "valid application" and is assessed by the WSU.

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 to organise completion of the NDIS worker screening application. Specific instructions have been provided to these applicants on the new application process and fee waiver arrangements.

You will be required to verify their employment through the NWSD. Failure to complete the new NDIS 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 commencement due to a change in criminal history continued to be reassessed after 1 February 2021. However the reassessment occurred under the new framework. Any information, including submissions, gathered as part of the reassessment process before the transition was kept and considered.

Workers were contacted for additional information to support the reassessment process under the new framework. If this information was not provided, a reassessment decision can 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 NDIS 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 NDIS worker screening system. It remains an offence to employ them to provide NDIS disability work, and failure to comply may result in penalties.

It is an offence for an exclusion holder to apply for an NDIS 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 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 worker screening clearance.**

Aged care workers and registered health practitioners

Aged care workers and registered health practitioners providing NDIS supports or services in risk assessed roles will be subject to the new NDIS worker screening rules. Transitional arrangements have been in place for these workers. To find out more fact sheets for residential aged care providers and registered health practitioners have been developed.

New Queensland employer portal

The Yellow Card Online portal no longer exists and has been replaced with the Queensland Employer Portal (the employer portal). You can use the employer portal to link new employees that already have a valid yellow card or yellow card exemption and delink employees that are no longer engaged by you.

The employer portal cannot be used for employees with NDIS worker screening clearances and this must be done through the NWSD.

A detailed guide has been developed for employers to help them use the Queensland employer portal.

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Visit our website <https://workerscreening.dsdsatsip.qld.gov.au/>