

NDIS Worker Screening

Guide to transitional arrangements for employers

Introduction of NDIS worker screening in Queensland

From 1 February 2021, Queensland will introduce nationally consistent worker screening for the National Disability Insurance Scheme (NDIS). The changes are part of national reforms designed to uphold the rights of people with disability and enable them to live their lives free from abuse, violence, neglect or exploitation.

Arrangements are in place for a smooth transition from the current yellow card system to NDIS worker screening.

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

On 1 February 2021 a new risk-assessment framework will be 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 under the new framework will be contacted by the Worker Screening Unit. People with offences which are now considered disqualifying offences will have their card cancelled and will be prohibited from delivering NDIS work. People with offences which are now considered serious offences will be assessed under the new framework and a decision on their eligibility will be made.

Yellow card applications in progress

Any applicants who have lodged a yellow card application before 1 February 2021 that is still pending at that date will be contacted by email or post. These applicants will need to complete the new NDIS worker screening application in order to provide additional information required under the new worker screening provisions in the *Disability Services Act 2006*. Any information or submissions that have been lodged as part of the assessment process before 1 February 2021 will still be kept and considered.

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

Specific instructions will be provided to applicants on the new application process and fee waiver arrangements when we contact them. Failure to complete the new NDIS worker screening application within the nominated timeframe (30 days) will result in the withdrawal of their original application.

Successful applicants will receive a five-year NDIS worker screening clearance for the same price as the three-year yellow card. Any worker who has a paid yellow card application that is pending on 1 February 2021 can continue to work while we process the transitioned application.

New NDIS Worker Screening Database

The NDIS Quality and Safeguards Commission (NDIS Commission) is responsible for the operation and administration of the NWSD, which will hold 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 will contact you, as the nominated employer(s), by email and request that you verify that the applicant is, or will be, engaged by you to deliver NDIS supports or services.

The NWSD will send 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 will notify 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 will be assessed by the WSU.

The NWSD will be operational from 1 February 2021. In the lead up to commencement, the NDIS Commission will release further information for service providers about the access and use of the NWSD.

Blue card application and request for yellow card exemption in progress

From 1 February 2021 yellow card exemptions will no longer be issued. Any blue card application and request for yellow card exemption received before this date will continue 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 new NDIS worker screening application. Specific instructions will be provided to these applicants on the new application process and fee waiver arrangements.

You will be required to confirm 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 application that is 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 are being reassessed due to a change in criminal history will continue to be reassessed after 1 February 2021. However the reassessment will occur under the new framework. Any information, including submissions, gathered as part of the reassessment process before the transition will still be 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 will continue after 1 February 2021. We will contact 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 will remain an offence for you to employ a suspended person to undertake NDIS work and failure to comply may result in penalties.

Negative notice and negative exemption notices

Any person who holds a negative notice or negative exemption notice that is still in effect on 1 February 2021 will be considered an exclusion holder for the purpose of the NDIS worker screening system. It will remain an offence to employ them to undertake NDIS 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 any subsequent decision on application to cancel it.

QCAT reviews

From 1 February 2021, any QCAT reviews in progress relating to the issue of negative notices or negative exemption notices must be dismissed by QCAT and the matter returned to the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships (Disability Services) for internal review. People with QCAT reviews in progress will be contacted by us for further information to support our new decision.

People working with children with disability

From 1 February 2021, people delivering services or supports to children with disability will need both a disability worker screening clearance and a blue card. However, transitional arrangements are in place for these workers. If a worker has a valid blue card, or has applied for a blue card before 1 February 2021, they do not have to apply for NDIS 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 an NDIS worker screening clearance.

Aged care workers and registered health practitioners

From 1 February 2021, 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 are 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

From 1 February 2021, the Yellow Card Online portal will no longer exist and the new Queensland Employer Portal (the employer portal) will commence operation. 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.

NDIS providers who already have access to the Yellow Card Online portal will be contacted to confirm instructions for transition to the new employer portal. If you do not have an existing login you will need to register for the portal via the [Worker Screening website](#).

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

Keep up to date with the latest news and announcements

Visit our website workerscreening.communities.qld.gov.au/

