

# Queensland Disability Worker Screening

## Guide to transitional arrangements for employers

### Introduction of Queensland disability worker screening

From 1 February 2021, new Queensland disability worker screening reforms will be introduced to protect people in receipt of state-funded supports or services from the 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 are in place for a smooth transition from the current yellow card system to the new 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

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 will be contacted by us. People with offences which are now considered disqualifying offences will have their card cancelled and will be prohibited from delivering state-funded disability services and supports. 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 through a state-funded provider before 1 February 2021 and that is still pending at that date will be contacted by email or post. These applicants will need 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 have been lodged as part of the assessment process before 1 February 2021 will still be kept and considered.

You will be required to verify their employment through the new Queensland Employer Portal referred to below.

Specific instructions will be provided to these applicants on the new application process and fee waiver arrangements when we contact them. 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.

Successful applicants will receive a three-year Queensland disability worker screening clearance. 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.

## **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 who are employed by state-funded providers to organise completion of the new Queensland disability 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 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 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 provide state-funded disability services and supports 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 Queensland disability worker screening system. It will remain 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.



## **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. People with reviews in progress will be contacted by us for further information to support our 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 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**

From 1 February 2021, registered health practitioners providing state-funded supports or services will be subject to the new disability worker screening rules. Transitional arrangements are in place for these workers. A fact sheet has been developed to assist registered health practitioners understand the changes.

## **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. The employer portal will assist 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.

State-funded 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.

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