

# Glossary of Terms

<b>Automatic clearance</b>	Where an applicant is automatically granted a clearance as they do not have a relevant criminal history record, disciplinary or misconduct record, any issues identified through self-disclosure, or any other relevant records, and have not previously been issued an NDIS Worker Screening Check (NDIS Check) exclusion.
<b>Cancellation of clearance</b>	Where a final decision has been made by the NDIS Worker Screening Unit (Screening Unit) that a previously cleared worker is to have their clearance cancelled and is to be issued with an exclusion certificate. This is due to there being an identified unacceptable risk of harm to people with disability. This final decision can only occur after there has been an earlier proposal to cancel the clearance certificate and the worker has been given the opportunity to provide a written submission for consideration as to why their clearance should not be cancelled.
<b>Class 1 offence</b>	<p>An offence listed in Schedule 1 of the <a href="#">NDIS Worker Screening Act 2020</a>, or the equivalent offence under the law of another jurisdiction.</p> <p>Class 1 offence convictions result in an automatic exclusion, where the person was an adult when the offence was committed.</p> <p>See the Classification of Offences factsheet for a full list of all Schedule 1 Class 1 offences (refer to <a href="http://www.ndiswsu.wa.gov.au">www.ndiswsu.wa.gov.au</a>).</p>
<b>Class 2 offence</b>	<p>An offence listed in Schedule 2 of the <i>NDIS Worker Screening Act 2020</i>, or the equivalent offence under the law of another jurisdiction.</p> <p>Class 2 offences are presumed disqualifying offences that result in a presumed exclusion risk assessment being undertaken to determine the suitability of the person to hold a clearance.</p> <p>See the Classification of Offences factsheet for a full list of all Schedule 2 Class 2 offences (refer to <a href="http://www.ndiswsu.wa.gov.au">www.ndiswsu.wa.gov.au</a>).</p>

<b>Clearance</b>	<p>A clearance means that an individual who has completed an NDIS Check has been cleared to work in NDIS risk assessed roles. The clearance is transferable across NDIS providers throughout Australia for five years, subject to ongoing monitoring and review.</p> <p>When a clearance is granted, the individual will receive notification of their clearance number via email. No card or physical certificate is issued.</p>
<b>Contact</b>	<p>Contact includes physical contact, face-to-face contact, oral communication, written communication and electronic communication.</p>
<b>Conviction</b>	<p>Refers to a court;</p> <ul style="list-style-type: none"> <li>• making a formal finding of guilt in relation to an offence</li> <li>• convicting the person of the offence, if there has been no formal finding of guilt before conviction</li> <li>• accepting a plea of guilty from the person in relation to the offence</li> <li>• acquitting the person following a finding under the Criminal Code section 27 that the person is not guilty of the offence on account of unsoundness of mind or an acquittal following an equivalent finding under a law of another jurisdiction.</li> </ul> <p>Spent convictions are also regarded as convictions under the <i>NDIS Worker Screening Act 2020</i>.</p>
<b>Disqualified person</b>	<p>A person who has a conviction for a Class 1 offence committed as an adult (aged 18 or over)</p>
<b>Exceptional circumstances</b>	<p>Exceptional circumstances are those that the Screening Unit considers are unusual, uncommon or special.</p> <p>Where a risk assessment is conducted in relation to a presumptively disqualified person, the person must be issued with an exclusion certificate unless the circumstances of the case are exceptional.</p> <p>Where exceptional circumstances are identified, the Screening Unit must also be satisfied that; based on all available information, the person does not pose an unacceptable risk of harm to people with disability.</p>
<b>Exclusion</b>	<p>An exclusion means that an individual who has completed an NDIS Check is refused a clearance and is prohibited from working in NDIS risk assessed roles for registered NDIS providers (where a clearance is mandatory) across Australia.</p> <p>An exclusion is given when a person's past behaviour indicates that they could pose an unacceptable risk of harm to people with disability in the course of carrying out NDIS work.</p> <p>An exclusion can also be known as a 'refusal to grant a clearance'.</p>
<b>Exclusion certificate</b>	<p>An individual subject to an exclusion is issued an exclusion certificate.</p>
<b>Automatic exclusion</b>	<p>An applicant who has a conviction for a Class 1 offence committed as an adult will be issued an automatic exclusion, with no right of appeal (except on grounds of mistaken identity or incorrect criminal record). This can also be known as an 'exclusion due to disqualifying offences'.</p>
<b>Harm</b>	<p>Harm includes, but is not limited to, any detrimental effect on a person's physical, sexual, psychological, emotional or financial wellbeing.</p>

<b>Interim bar</b>	<p>An interim bar is a tool used to prevent applicants from working in risk assessed roles for registered NDIS providers, until a final decision is made as to whether an exclusion will be issued, or a clearance is granted.</p> <p>If information received indicates an individual applying for an NDIS Check may pose an unacceptable risk of harm to people with disability in the course of carrying out NDIS work, then an interim bar may be issued.</p>
<b>More than incidental contact</b>	<p>Without limiting what may constitute more than incidental contact, the normal duties of a role are likely to require more than incidental contact with a person with disability if those duties include:</p> <ul style="list-style-type: none"> <li>• physically touching a person with disability, or</li> <li>• building a rapport with a person with disability as an integral and ordinary part of the performance of those duties, or</li> <li>• having contact with multiple people with disability: <ul style="list-style-type: none"> <li>• as part of the direct delivery of a specialist disability support or service, or</li> <li>• in a specialist disability accommodation setting.</li> </ul> </li> </ul>
<b>NDIS Quality and Safeguards Commission</b>	<p>The NDIS Quality and Safeguards Commission (NDIS Commission) regulates the NDIS market, provides national consistency, promotes safety and quality services, resolves problems and identifies areas for improvement.</p>
<b>NDIS Worker Screening Database</b>	<p>The NDIS Worker Screening Database is hosted by the NDIS Commission and:</p> <ul style="list-style-type: none"> <li>• facilitates the exchange of relevant information about individuals applying to work in the NDIS, and ensures that a decision to issue an exclusion, interim bar or suspension is available to all jurisdictions</li> <li>• enables national ongoing monitoring of cleared applicants' criminal history records during the validity period of their clearance to ensure worker screening units can assess and respond in a timely manner to risk posed to participants</li> <li>• enables employer verification of applicants.</li> </ul>
<b>NDIS work</b>	<p>NDIS work is defined as:</p> <ul style="list-style-type: none"> <li>• work comprising, or connected with, the provision of supports or services to people with disability under the NDIS</li> <li>• work that, under the <i>NDIS Worker Screening Act 2020</i>, requires a clearance in order to be allowed to engage in that work by a registered NDIS provider.</li> </ul> <p>It is mandatory for an individual to complete an NDIS Check and hold a valid clearance if they are engaged to work for a registered NDIS provider in NDIS work that involves a risk assessed role.</p>
<b>Non-conviction</b>	<p>Where a charge of an offence that has been disposed of by a court otherwise than by way of a conviction. Examples of a non-conviction charge include:</p> <ul style="list-style-type: none"> <li>• where a person is found not guilty of a charge for an offence</li> <li>• where a charge against a person is withdrawn or a prosecution is discontinued</li> <li>• where a conviction is overturned or set aside on appeal.</li> </ul>
<b>No presumption</b>	<p>A no presumption risk assessment is conducted where there are no disqualifying offences or presumed disqualifying offences, but there are other relevant criminal offences (Class 3), disciplinary or misconduct information, or any other information considered relevant by the Screening Unit.</p>

<b>Ongoing monitoring</b>	Individuals who are applying for an NDIS Check, or who hold a current clearance, are subject to continuous checking known as ongoing monitoring. This includes, but is not limited to, monitoring relevant information from law enforcement agencies, such as charges and court outcomes related to relevant offences, and information from the NDIS Commission.
<b>Pending charge</b>	A current charge for a criminal offence that has not yet been finalised or dealt with by the court, whether the person is an adult or a child.
<b>Presumptively disqualified person</b>	A person who has offences where there is a conviction for a Class 2 offence, or certain Class 3 offences, or pending charge for a Class 1 or Class 2 offence as an adult (aged 18 or over).
<b>Presumptively disqualified person risk assessment</b>	In a risk assessment of presumptively disqualified person, the Screening Unit's position is to issue an applicant with an exclusion, unless there are exceptional circumstances identified that warrant the individual being granted a clearance.
<b>Proposal to cancel a clearance certificate and invitation to make a submission</b>	<p>Where the Screening Unit receives new and relevant adverse information about a previously cleared worker, a re-assessment is undertaken to determine the worker's suitability to continue to hold a clearance.</p> <p>The worker may be sent a letter stating there is a proposal to cancel their clearance which will outline the reasons for the proposal. No final decision has been made at this stage.</p> <p>The proposal letter is accompanied by an invitation for the worker to make a written submission, including any evidence or information they feel is relevant to their suitability to hold a clearance. This submission is considered before any final decision is made.</p> <p>See the Written Submission factsheets for information on how to make a submission (refer to <a href="http://www.ndiswsu.wa.gov.au">www.ndiswsu.wa.gov.au</a>).</p>
<b>Proposal to issue an exclusion and invitation to make a submission</b>	<p>Where there is adverse information identified about an applicant during an NDIS Check, the applicant may be sent a 'proposal to issue an exclusion' letter which will state the reasons for the proposal. No final decision has been made at this stage.</p> <p>The proposal letter is accompanied by an invitation for the applicant to make a written submission, including any information or evidence they feel is relevant to their suitability to hold a clearance. This submission is considered before any final decision is made.</p> <p>See the Written Submission factsheets for information on how to make a submission (refer to <a href="http://www.ndiswsu.wa.gov.au">www.ndiswsu.wa.gov.au</a>).</p>
<b>Relevant change in criminal record</b>	<p>A relevant change in criminal record is where the applicant has been charged with, or convicted of, a Class 1 or 2 offence. An applicant must inform the Screening Unit of a relevant change in criminal record.</p> <p>See the Classification of Offences factsheet for a full list of all Class 1 and Class 2 offences (refer to <a href="http://www.ndiswsu.wa.gov.au">www.ndiswsu.wa.gov.au</a>).</p>
<b>Registered provider</b>	A registered provider is a provider who has met the requirements of registration in accordance with the <i>National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018</i> . Providers must be registered to deliver certain kinds of NDIS supports – for example, accommodation services.

<b>Risk assessed role</b>	<p>Under the NDIS, a 'risk assessed role' includes:</p> <ul style="list-style-type: none"> <li>• key personnel (such as management and operational positions)</li> <li>• a role for which the normal duties include the direct delivery of specified supports or specified services to a person with disability</li> <li>• a role for which the normal duties are likely to require 'more than incidental contact' with people with disability. This includes: <ul style="list-style-type: none"> <li>• physically touching a person with disability; or</li> <li>• building a rapport with a person with disability as an integral and ordinary part of the performance of those duties; or</li> <li>• having contact with multiple people with disability, either as part of the direct delivery of a specialist disability support, or in a specialist disability accommodation setting.</li> </ul> </li> </ul>
<b>Risk assessment</b>	<p>An evaluation of whether a person poses an unacceptable risk of harm to people with disability based on their criminal history and/or other relevant information.</p> <p>See the Risk Assessment factsheet for more information regarding risk assessment (refer to <a href="http://www.ndiswsu.wa.gov.au">www.ndiswsu.wa.gov.au</a>).</p>
<b>Specified supports and specified services</b>	<p>NDIS funded supports and services are identified as requiring an NDIS Check clearance.</p> <p>The list of specified supports and services to a person with disability is an instrument that helps NDIS providers to identify when a worker is performing a risk assessed role that requires a clearance.</p> <p>A worker must have a clearance when they are engaged by a registered NDIS provider in a role for which the normal duties include the direct delivery of specified supports or specified services (as defined in the list) to a person with disability.</p> <p>See the <a href="#">list of specified services and supports   NDIS Quality and Safeguards Commission</a>.</p>
<b>Submission</b>	<p>Where an applicant/cleared worker is given the opportunity to provide a written submission containing any evidence or information they feel is relevant to their suitability to hold a clearance.</p> <p>When there is either a proposal to make an adverse decision to exclude an applicant (for reasons other than a disqualifying offence) or a proposal to cancel a worker's clearance, the individual is invited to make a submission. If the applicant is a disqualified person, the only submission that the applicant may make is that the applicant's criminal record does not include a conviction for a Class 1 offence committed by the person as an adult.</p> <p>The submission is given due consideration before any final decision is made as to whether to grant a clearance or issue an exclusion.</p> <p>See the Written Submission factsheets for information on how to make a submission (refer to <a href="http://www.ndiswsu.wa.gov.au">www.ndiswsu.wa.gov.au</a>).</p>
<b>Submitted application</b>	<p>An application is considered submitted when the application form has been lodged, the applicant's identity has been verified, and the prescribed fee has been paid. At this stage, the employer has not verified the application and so the applicant is not yet able to work on application.</p>

<b>Suspension</b>	<p>A suspension prevents individuals from working in risk assessed roles for registered NDIS providers, until a final decision is made as to whether an exclusion will be issued, or a clearance will be granted. Workers holding a clearance are subject to ongoing monitoring.</p> <p>Where information is received by a Screening Unit that indicates a cleared worker may pose an unacceptable risk of harm to people with disability in the course of carrying out NDIS work, a suspension may be issued whilst a risk assessment is undertaken.</p>
<b>Unacceptable risk of harm</b>	<p>Where the Screening Unit has identified, through a risk assessment, that information about the individual's past behaviour indicates they present an unacceptable level of risk when working in risk assessed roles for people with disability.</p> <p>Harm includes, but is not limited to, any detrimental effect on a person's physical, sexual, psychological, emotional or financial wellbeing.</p>
<b>Valid application</b>	<p>Where there is a submitted application and the employer has verified employment/proposed employment of the applicant.</p> <p>Once there is a valid application, the applicant can commence work, under specified work on application conditions.</p>
<b>Vulnerable person</b>	<p>An adult who is, or may be, unable to care for themselves, or unable to protect themselves from harm or exploitation, due to age, illness or disability.</p>
<b>Work on application</b>	<p>Where an applicant can work whilst their application is being processed, under specified conditions including:</p> <ul style="list-style-type: none"> <li>• having a valid application</li> <li>• the application has not been withdrawn or cancelled</li> <li>• there is no previous exclusion, and no interim bar or suspension in place</li> <li>• the employer has agreed to the person working whilst the application is being processed, has put risk management strategies in place, and arranged for the person to be supervised by someone who has an NDIS Check clearance.</li> </ul>