

NDIS Worker Screening Check Application Guide

Introduction

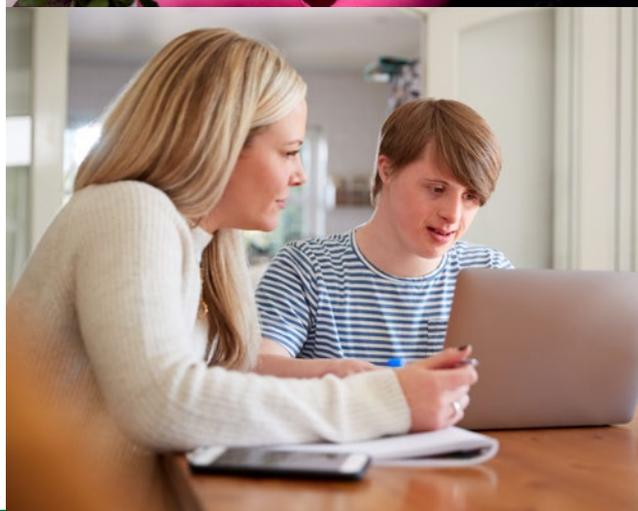
What is in this guide?

This guide provides information on the NDIS Worker Screening Check (NDIS Check) and explains important aspects of the application process. The information provided is to ensure you are informed of what you are consenting to when you lodge an application for an NDIS Check.

It is important for you to read all the information in this guide before you submit your application to ensure that you fully understand what is required of you, and what you are consenting to.

When you complete and electronically sign the online application form, you are declaring that you have read the contents of both the application form and this guide. You are also consenting for the NDIS Worker Screening Unit (Screening Unit) to conduct a nationally coordinated criminal record check for you.

If you have any questions, please contact the Screening Unit at NDISCheck@communities.wa.gov.au before signing and submitting your application.



What is an NDIS Check and do I need to apply?

NDIS Checks are conducted by the Screening Unit under the [National Disability Insurance Scheme \(Worker Screening\) Act 2020](#) (the NDIS Worker Screening Act) and the [National Disability Insurance Scheme \(Worker Screening\) Regulations 2021](#).

An NDIS Check is an assessment of people delivering supports or services under the NDIS to evaluate if they present an unacceptable risk to people with disability. In Western Australia, NDIS Worker Screening is conducted by the NDIS Worker Screening Unit within the [Department of Communities](#).

When you apply for an NDIS Check, the Screening Unit considers a range of information and factors, including your criminal history, disciplinary misconduct, and other relevant history to determine whether you present an unacceptable risk of harm to people with disability in the course of carrying out NDIS work. Certain types of offences (called Class 1 offences) may mean you are a Disqualified Person and may automatically exclude you from being granted a clearance. Detailed information, including a list of these offences, can be found on the resources page of the [NDIS Check](#) website.

Once an NDIS Check is completed, you are either granted a clearance (subject to ongoing monitoring) or refused a clearance and issued with an exclusion.

Can I dispute an outcome?

You can apply to have certain designated decisions reviewed. Information on our Disputes and Appeals process can be found on the resources page of the [NDIS Check](#) website.

Do I need to apply for an NDIS Check and complete the application form?

You will need to apply for an NDIS Check and hold a valid clearance if you work in a risk assessed role for a registered NDIS provider. You should discuss with your employer whether an NDIS Check is required for your role.

The NDIS Check is not mandatory for workers who are not in a risk assessed role, or those who are working for unregistered providers or self-managed participants. However, in some circumstances, your employer may still request that you apply for an NDIS Check and hold a valid clearance. In that instance, you will need to complete the application form to apply for an NDIS Check.

When can I start or continue NDIS work?

Most people can work in a risk assessed role for a registered NDIS provider on a valid pending application. Your application is only considered a valid application once your employer verifies that they employ you in NDIS work. The Screening Unit will notify you by email once this has occurred. Once your application is valid, you can commence work in a risk assessed role for a registered NDIS provider if the requirements set out in the [National Disability Insurance Scheme \(Practice Standards—Worker Screening\) Rules 2018](#) are met. This includes:

- your application is not withdrawn or cancelled
- you have not previously been excluded under an NDIS Check or had a clearance cancelled
- your employer has put risk management strategies in place (outlined in the NDIS Rules)
- your employer has arranged for you to be supervised by someone who has an NDIS Check clearance.

You will need to discuss with your employer if they can meet these requirements and agree to allow you to work while your application is still in process.

If you are a sole trader and cannot meet the conditions, you are unable to commence work in a risk assessed role until your application is finalised and you are granted a clearance. Employers who are linked to you in the NDIS Worker Screening Database will be notified of any change to your worker screening status and eligibility to work. No criminal history

information is provided to employers or stored in the NDIS Worker Screening Database as part of an NDIS Check.

What you need to know

What am I agreeing to?

When you complete and submit the online application form, you provide ongoing consent to the collection, use and disclosure of information about you that is relevant to whether you should be granted a clearance.

If you are less than 18 years of age, a parent or legal guardian will need to give consent. The application form will require you to provide an email address and the Screening Unit will send a request to your nominated guardian.

Ongoing consent means that you agree from the time of your initial criminal history check, and during the time you hold a valid clearance, the Screening Unit will undertake ongoing monitoring of:

- Any relevant criminal history information (including pending charges) from criminal records agencies, such as charges, court outcomes and information about the circumstances related to relevant offences
- Information from the NDIS Commission and the NDIS Worker Screening Database, such as disciplinary and misconduct records and other relevant information
- Notifications and information from interstate screening agencies.

What information is collected during an NDIS Check?

The information obtained as part of an NDIS Check includes:

- Criminal history information from criminal records agencies throughout Australia, including a Nationally Coordinated Criminal History Check which discloses information held by police services across Australia, including where a court has:
 - Made a formal finding of guilt in relation to an offence
 - Convicted you of an offence

- Accepted a plea of guilty from you
- Acquitted you of an offence because of unsoundness of mind.
- Criminal record check information about you from any jurisdiction including:
 - Convictions (including spent and juvenile convictions)
 - Pending charges
 - Charges that have resulted in an outcome other than a conviction.
- Any answers to the self-disclosure questions you provide, including:
 - Refusal of a previous screening check (NDIS, Working with Children or Working with Vulnerable People)
 - International criminal history
 - Child protection orders
 - Any relevant workplace misconduct findings.
- Any information provided by the NDIS Commission, including:
 - Disciplinary and misconduct information, adverse actions taken by the Commission
 - Disclosure of protected Commission information.
- Any other information that is deemed relevant to your suitability to hold a clearance.

Can I withdraw my consent from ongoing monitoring?

Once you have a valid clearance you can only withdraw your consent to ongoing monitoring by:

- stopping any NDIS work in a risk assessed role, and
- contacting the Screening Unit to make a request in writing, to have your application withdrawn or for your NDIS clearance to be cancelled. There are certain circumstances where a person can not withdraw a pending application, including if the Screening Unit has proposed to refuse to grant a clearance.

Your privacy

What happens with my personal information?

Information obtained about you by the Screening Unit is treated confidentially. It is used only as required or permitted by law. The retention and destruction of information obtained by the Screening Unit is subject to the *State Records Act 2000*.

Information will be provided to authorised persons, criminal records agencies, including the Australian Criminal Intelligence Commission and other appropriate persons and bodies for the purpose of obtaining records and details for the checking process.

- Information provided to the Screening Unit may be disclosed to government agencies or non-government screening agencies for an NDIS purpose.
- Your employer (NDIS provider, self-managed participant) will be notified of any interim or final decisions made by the Screening Unit.
- If it is required by law or is in the public interest to do so, certain public authorities may be advised of your application and the decision made.
- Personal information may be used for general law enforcement purposes, including those purposes set out in the *Australian Crime Commission Act 2002*.
- There may be limited disclosure of relevant information where required for the purpose of investigating offences or conducting legal proceedings under the NDIS Worker Screening Act.

What does the Department of Transport do with my information?

The Department of Transport accepts NDIS Check applications on behalf of the Department of Communities. This is because the Department of Transport has existing infrastructure to accept online applications and verify proof of identity. Once you have lodged

your application, your information is passed on to the Screening Unit. The Department of Transport does not retain a copy of your application.

How does the Screening Unit protect my privacy?

The Screening Unit is committed to ensuring the privacy of your personal information and complies with all relevant State and Commonwealth legislation.

Our Privacy Policy, and details of who to contact if you have a complaint about the way your information has been handled, can be found on the resources page of the [NDIS Check](#) website.

Proof of Identity documents

What documents do I need to provide?

You must provide certain documents to prove your identity when lodging your NDIS Check application. It is important that your identity is established so that the correct criminal record information is obtained. Information regarding Identity Documents can be found on the resources page of the [NDIS Check](#) website.

The NDIS Check Application Form contains a list of the documents you can use. Your original hard copy documents will need to be verified and your application cannot be accepted if the documents provided do not match the information input on your application. Please note that you can save the application and return to it later if necessary.

What if I don't have enough of the required documents?

Information on obtaining certificates can be found by visiting [Births, Deaths and Marriages Registry Offices](#).

If none of your identity documents contain your photograph, you can obtain a Government Issued [WA Photo Card](#).

If you cannot complete the application process because you do not have enough identity

documents or you cannot visit a Department of Transport Driver and Vehicle Service Centre, you may be eligible for the alternate lodgement process. Commence the online application form as usual, when you get to the 'identity section' of the form select the 'request alternate lodgement' box. After you submit a request for alternate lodgement, the Screening Unit will provide you with further instruction.

What is a trusted referee report?

A trusted referee report may be provided as a secondary use in the community document. A trusted referee report should be on the organisation's letterhead, confirm your relationship with the referee, and be completed by a professional listed under Schedule 2 of the *Oaths, Affidavits and Statutory Declarations Act 2005*. Other accepted referees include:

- The Chairperson, Secretary or CEO of an incorporated Indigenous organisation
- A person recognised by member of the community to be a Community Elder
- A Community Development Program Provider
- An Aboriginal Medical Services Manager.

Demographic questions

Why am I asked demographic (statistical) questions?

Answering the demographic questions in the application is voluntary and any answers you provide will not be used in considering your application for an NDIS Check. If you do choose to answer the questions, the information will be included in the NDIS Worker Screening Database, where it may be accessed by the NDIS Commission.

The NDIS Commission may use demographic information to support policy development and research about NDIS workers and the NDIS, including to help better understand the needs of NDIS workers and reporting statistical information about the NDIS workforce.