

Suspension

Presumptively Disqualified Person

A suspension is a temporary decision. It prevents you from continuing work in risk assessed roles for a registered NDIS provider, until a final decision on your clearance is made.

What is a suspension for?

A suspension is a temporary measure that is put in place to protect people with disability while a risk assessment is conducted and a decision about whether you can continue to hold a clearance is made.

The *National Disability Insurance Scheme (Worker Screening) Act 2020* (the Act) views the safety and wellbeing of people with disability as the primary concern. People with disability have a right to live free from abuse, violence, neglect, and exploitation.

This comes ahead of any potential benefit that may come from your work with people with disability.

Why was my clearance suspended?

A review of your criminal history record indicates that since the clearance was granted you have recorded at least one of the following:

- A conviction or a pending charge for a Class 2 offence.
- A pending charge for a Class 1 offence.

- A conviction for a specific Class 3 offence.

AND

- That offence was committed by you as an adult.

This means you are a presumptively disqualified person. The Act says your clearance **MUST** be suspended while a re-assessment of your records takes place.

You will have received a letter that advises you of the decision to suspend your clearance, the reason for this decision and information on what happens next.

How is a suspension decided?

The Act requires us to automatically suspend the clearance of people with convictions for certain offences including but not limited to:

- Serious physical or sexual assault
- Fraud offences involving a child or vulnerable person.
- Cruelty to animals
- Certain drug offences

- Serious driving offences
- Pending charges for Class 1 offences

Your criminal history record includes at least one of these offences.

More detailed information about these types of offences can be found in the [Classification of Offences Factsheet](#) and in Schedule 2 of the Act.

What is a conviction?

Convictions under the Act include spent convictions. They also include formal findings of guilt, acceptance of a plea of guilty and acquittals based on unsoundness of mind.

My employer has agreed to supervise me, can I still work?

No, you cannot undertake any work that is a risk assessed role for a registered NDIS provider while a suspension is in place.

NDIS Check decisions apply to many different types of roles and covers NDIS work all around Australia. This means that the NDIS Worker Screening Unit (Screening Unit) cannot factor in any individual arrangements you may have put in place to address particular risks.

How long will my clearance be suspended for?

The suspension remains in place until a final decision is made to either retain your clearance or to cancel your clearance and issue you with an exclusion.

As every case is different, the time it takes to reach a final decision varies. The Screening Unit must take the time necessary to obtain and properly consider relevant information. Decisions will take longer when additional information is needed. You may contact the Screening Unit to enquire about the status of your application or check online by logging into your DoTDirect account.

What do I need to do?

Comply with the suspension.

The suspension prevents you from working in risk assessed roles for registered NDIS providers until a final decision on whether you can continue to hold a clearance is made. You will hear from us prior to the final decision.

You may wish to consider seeking other forms of employment until the re-assessment of your records is finalised. You may also wish to seek independent legal advice.

For general information regarding this factsheet contact the Screening Unit on 1800 225 558.

How can I have this decision reviewed?

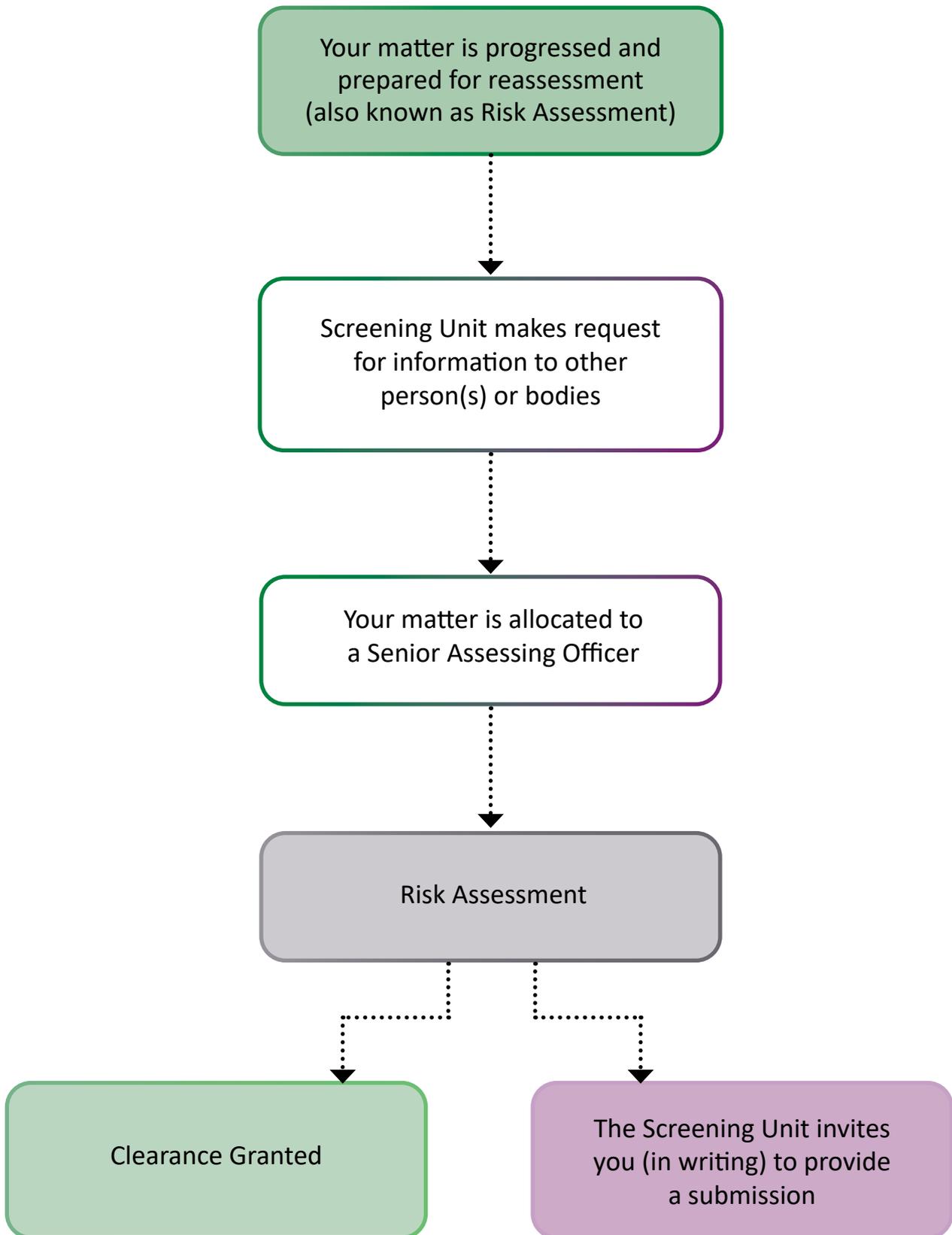
The NDIS Act permits you to apply for a review of the suspension no sooner than 6 months after you were given written notice of the decision.

A prescribed fee is payable when you apply for a review of the suspension decision. You are also able to make a written submission for consideration.

Given you are a presumptively disqualified person the Screening Unit has no option and must suspend your clearance. There are limits around what can be considered if you apply for a review. The ONLY thing you can argue at the time of your review is that your record does not include a pending charge for a Class 1 offence, a pending charge or a conviction for a Class 2 offence or a conviction for a specific Class 3 offence; committed by you as an adult.

What Happens Next?

Your matter has been opened for re-assessment and will continue to be processed. We will contact you if we need more information. This may include us asking you to make a submission before a final decision is made.



Disclaimer – This factsheet is a summary which has been made available to assist you to understand a decision that has been made on your application pursuant to the *National Disability Insurance Scheme (Worker Screening) Act 2020* in Western Australia and is not designed to offer specific legal or other advice of any kind. Please access the [National Disability Insurance Scheme \(Worker Screening\) Act 2020](#) for the full detail of this legislation. It is recommended that you obtain appropriate professional/legal advice that considers your particular set of circumstances if you require further assistance.

The Screening Unit is committed to providing clear information to help you understand

your rights and meet your obligations. Every reasonable effort has been made to ensure information is accurate and up to date. However, errors can occur and changes after the time of publication may impact on the accuracy of the information in a factsheet/information sheet.

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