

Disqualified Person Written Submission

As part of the assessment for an NDIS Worker Screening Check (NDIS Check), you may be invited to make a written submission before the NDIS Worker Screening Unit (the Screening Unit) makes a final decision.

When are applicants asked to make a submission?

Where the Screening Unit identifies adverse information, you may be sent a 'proposal to issue an exclusion' letter and an invitation to provide a submission.

When are workers holding a clearance asked to make a submission?

All applicants and cleared workers are subject to ongoing monitoring. If the Screening Unit receives any adverse information that is considered to impact your suitability to hold a clearance, a re-assessment will be conducted. You may be sent a 'proposal to cancel a clearance' letter and an invitation to make a submission.

What is contained in your records will determine which section of the NDIS Worker Screening Act is applicable in assessing your application

Your criminal record has identified that you have a conviction for a Class 1 offence committed as an adult. Section 12 of the *National Disability Insurance Scheme (Worker Screening) Act 2020*

requires an NDIS Check exclusion be issued prohibiting you from NDIS work.

For more information, please refer to the Classification of Offences factsheet on the resources page of www.ndiswsu.wa.gov.au.

Why is it important that I make a submission?

The Screening Unit strongly recommends that you make a submission. If you believe that the information received by the Screening Unit is incorrect and your criminal record does not include a Class 1 conviction, committed as an adult, it is important that you make a submission explaining this. The information you provide may have an impact on the final decision.

What happens if I do not provide a submission?

If you do not make a submission, the Screening Unit will not be able to consider any additional information which you might think is relevant to your suitability to hold a clearance. The Screening Unit will proceed to a final decision based on the information available to consider.

What do I include in my submission to the Screening Unit?

Where you have received a 'proposal to issue an exclusion' or 'proposal to cancel a clearance' letter, it will include the relevant information and the reasons why the adverse decision is proposed. Given it has been identified that you are a disqualified person, the only submission you may make is that your criminal record does not include a conviction for a Class 1 offence, committed by you as an adult. If you choose to make a submission, this should include any evidence to support your claim.

What format is acceptable for my submission?

Your submission should be in writing (handwritten or typed) and can be in a format of your choice, such as dot points or paragraphs. You are entitled to seek support in preparing your submission. If you have difficulty providing a written submission, please contact the Screening Unit on 1800 225 558.

How long do I have to make a submission?

Your 'proposal to issue an exclusion' or 'proposal to cancel a clearance' letter will advise you of the submission due date, which will be no less than 28 days from the date of issue. The assessment will not proceed to a final decision prior to this date expiring, unless you request so in writing. This timeframe allows you sufficient opportunity to provide additional information, should you choose to.

If you are unable or have difficulties in making a written submission within the designated timeframe, please contact the Screening Unit. Consideration may be given to extending the due date depending on the circumstances and will be subject to an approvals process.

What happens after the submission due date?

The Screening Unit will consider any information you have provided. In some

circumstances where a written submission that has been provided is deemed insufficient or unclear, the Screening Unit may contact you to clarify further information.

Once a final decision is made, you will be advised of one of the following outcomes:

- **clearance:** you will receive a letter confirming the approval of your NDIS Check. The letter will also provide you with your clearance number and clearance expiry date.
- **exclusion:** you will receive a letter setting out the reasons for the decision and you will be issued an exclusion certificate. The letter will also provide you with information about how to apply for a review.

The Screening Unit will notify the NDIS Commission of the outcome of your NDIS Check and it will be registered on the NDIS Worker Screening Database. This will also be accessible by your linked employer(s).

What options do I have if I no longer wish to continue with my application for an NDIS Check?

Once a 'proposal to issue an exclusion' is received, you cannot withdraw your application.

How long will it take to make a decision?

The most important factor when making the final decision is to protect and prevent people with disability from experiencing harm arising from poor quality or unsafe supports or services under the NDIS.

The Screening Unit must take the time necessary to obtain and properly consider relevant information. The time taken to reach a final decision may vary. 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.

Disclaimer – This factsheet is a summary which has been made available to assist you to make a submission 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. Further information about the *National Disability Insurance Scheme (Worker Screening) Act 2020* is available on the website at www.ndiswsu.wa.gov.au.

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Disqualified Person Submission Process

