



National Disability Insurance Scheme Worker Screening Policy

1. Purpose

WA Country Health Service (WACHS) is a registered National Disability Insurance Scheme (NDIS) provider for residential aged care under the [National Disability Insurance Scheme Act 2013](#) (NDIS Act). The NDIS Worker Screening Check (NDIS WSC) forms part of the NDIS Quality and Safeguarding Framework from the NDIS Quality and Safeguards Commission which replaces the different arrangements operating across Australia, setting a national standard that all workers engaged in risk assessed roles must meet. The NDIS WSC provides a determination about whether a person is cleared or excluded from working in certain roles with people with disability.

2. Policy

This policy aims to provide greater security and protection for people with disability, by ensuring that employees, contractors and volunteers working in WACHS in risk assessed roles have undertaken the appropriate screening and do not have exclusions that would prevent them from working with people with disability. NDIS registered and unregistered service providers fulfilling service agreements with individual residents as part of their NDIS plan have their own legislated requirements and are not subject to this policy.

The NDIS WSC replaces any requirement for the Aged Care Criminal Record Screening Check (ACCRS). The NDIS WSC does not override the criminal record screening requirements in the [WA Health Criminal Record Screening Policy](#).

The [National Disability Insurance Scheme \(Worker Screening\) Act 2020](#) (WA) (NDIS WS Act) requires workers in risk assessed roles for registered NDIS providers to apply for, or have, a NDIS WSC. In Western Australia, it is an offence to work without a valid NDIS WSC clearance, or without having applied for one, and penalties will apply.

WACHS Aged Care Managers, in conjunction with the Central Office Aged Care Directorate, will identify and monitor those employees (including students, volunteers and contractors) that are in risk assessed roles as defined by the *NDIS WS Act* definitions.

All existing and new employees, contractors and volunteers that work in risk assessed roles are required to complete and maintain a satisfactory NDIS WSC. It is their responsibility to provide notice to their manager and the NDIS Screening Unit in writing of a relevant change in criminal record. Failure to do this is a criminal offence. If an NDIS Worker Screening exclusion has been received, WACHS cannot allow the employee, contractor or volunteer to work in a risk assessed role.

WACHS **shall not start or continue** the employment of new employees or engage volunteers or contractors until they provide evidence of possessing a valid NDIS WSC, or evidence of having applied for one. This is subject to the transitional arrangements that apply in Western Australia until 1 February 2023¹.

¹ Refer to [NDIS Worker Screening Check](#) for more information about transitional arrangements.

Employees, volunteers or contractors already engaged by WACHS, will not commence or continue in a risk assessed role without a satisfactory NDIS WSC. This is subject to the transitional arrangements that apply in Western Australia until 1 February 2023.

WACHS may allow a person to commence work prior to obtaining a NDIS WSC subject to the following conditions being met:

1. All of the following apply:
 - a. The person has submitted a complete application for NDIS WSC to the Department of Communities NDIS Worker Screening Unit. An application is complete when:
 - the Worker Screening Unit has issued a notice in writing to the applicant confirming that the application has been made; and
 - if the applicant is a worker, the Worker Screening Unit has confirmed the application and the notice has been seen and recorded by WACHS; and
 - WACHS has verified the worker in the NDIS Worker Screening Database
 - b. The person is appropriately supervised by a person with an NDIS WSC (a person with only an acceptable check under transitional and special arrangements does not meet this requirement).
 - c. WACHS has implemented a risk management plan developed and maintained in accordance with section 12 of the NDIS (Practice Standards – Worker Screening) Rules 2018.
2. All of the following apply:
 - a. The person in the process of obtaining NDIS WSC (as per 1(a) above) meets the relevant requirements in the transitional arrangements (that is, they have an acceptable check).
 - b. The person has not been issued with an interim bar that is in force, is not subject to an exclusion in relation to an application for an NDIS WSC, is not subject to a suspension that is in force in relation to an NDIS WSC and has not had an NDIS WSC cancelled. This can be checked by WACHS on the [NDIS Worker Screening Database](#).
3. The person is a secondary school student on a formal work experience placement with WACHS and is directly supervised by a worker with an NDIS WSC or an acceptable check under the transitional or special arrangements.

Contractors will be required to provide evidence of a NDIS WSC in accordance with contract requirements.

Where an employee/prospective employee, contractor or volunteer is found to be excluded from working in a risk assessed role they are not permitted to work in that role. Refer the matter to your local Human Resources team for guidance.

2.1 Fees for undertaking an NDIS WSC

The fee payable for undertaking the NDIS WSC may change from time to time to reflect variations in costs for the WA NDIS Worker Screening Unit.

WACHS will reimburse:

- the NDIS WSC for existing employees and the subsequent renewals
- the NDIS WSC for new employees, if they do not already have one
- the NDIS WSC for volunteers (new and renewals).

Employees and volunteers must submit all the information for the application within a fixed period (28 days) from the date of payment for the application. Failure to complete the application within time will result in the application fee being forfeited to the WA NDIS Workers Screening Unit. Employees that do not complete the application process will not be eligible for reimbursement and will be required to pay for subsequent NDIS worker screening requests.

The NDIS WSC is valid for 5 years and is recognised throughout Australia.

2.2 Students

Tertiary and TAFE students who require an NDIS WSC as part of their placement in a risk assessed role are to have the verification of their application undertaken by the university or Registered Training Organisation they are studying through, rather than WACHS.

It is the responsibility of WACHS to ensure students attending placements in risk assessed roles have a clearance before starting.

WACHS must link to the student through the NDIS Worker Screening Database at the start of the placement and at the end of the placement, ensure that the information is removed from the Database.

3. Roles and Responsibilities

Employees are responsible for:

- applying for a NDIS WSC when requested by WACHS
- providing evidence, when requested, of a valid NDIS WSC or completing the required documentation within 28 days to obtain an NDIS WSC
- maintaining a current NDIS WSC
- notifying the NDIS Worker Screening Unit in writing of a relevant change in particular (name, residential address, contact details, change in employer) as soon as practicable. It is a criminal offence if this does not occur
- providing notice to their manager and the NDIS Screening Unit in writing of a relevant change in criminal record.

Managers are responsible for:

- ensuring that when recruiting an employee to a position that requires an NDIS WSC all prospective applicants are aware that the screening is required prior to appointment and is an ongoing requirement of employment
- ensuring the compliance with this policy by workers engaging with NDIS participants
- removing workers from the WACHS NDIS WSC Database when they cease employment in a risk assessed role
- recording and storage of NDIS WSC information and contracts with labour hire agencies and other service providers for contractors
- processing, recording, storage and rescreening of NDIS WSC for volunteers
- referring a notification from an employee of a criminal record to their HR team.

Contractors who are engaged to provide services to WACHS for NDIS participants, must have a valid NDIS WSC prior to the commencement of services. In addition, they must:

- maintain a current NDIS WSC
- provide notice to WACHS and the NDIS Screening Unit of a relevant change in criminal record.

Aged Care Directorate are responsible for:

- managing the requirements associated with the NDIS Worker Screening Database
- monitoring compliance with the policy.

WACHS Human Resources are responsible for:

- ensuring that all Job Description Forms for positions requiring an NDIS WSC identify the requirement for this screening (appointment conditions)
- provision of advice and support in relation to this policy requirement.

Regional Directors are responsible for:

- ensuring this policy is followed within their region.

Volunteers are responsible for:

- providing evidence to the volunteer coordinator or manager of a valid NDIS WSC or completing the required documentation within 28 days to obtain an NDIS WSC
- maintaining a current NDIS WSC
- providing notice to WACHS and the NDIS Screening Unit of a relevant change in criminal record.

Students are responsible for:

- applying for their NDIS WSC through their University or Registered Training Provider
- maintaining a current NDIS WSC when on placement with WACHS
- providing notice to WACHS and the NDIS Screening Unit of a relevant change in criminal record.

The **Chief Executive Officer** is responsible for ensuring that WACHS:

- complies as a Registered Provider under the Act to ensure employees, volunteers and contractors working with NDIS participants have a NDIS WSC
- does not engage persons, with the specified criminal convictions, to provide services and supports for the purposes of the NDIS scheme.

The role of **Health Support Services** is to:

- record all NDIS WSC information in the Human Resource Information Management System
- provide compliance reports.

All Staff are required to work within policies and guidelines to make sure that WACHS is a safe, equitable and positive place to be.

4. Monitoring and Evaluation

4.1 Monitoring

Compliance monitoring will be conducted through regular reporting of non-compliant staff to WACHS Executive.

4.2 Evaluation

Evaluation of this policy is to be carried out by the Director Human Resources in conjunction with the Director of Aged Care.

5. Compliance

This policy is a mandatory requirement under the [National Disability Insurance Scheme \(Worker Screening\) Act 2020](#).

Failure to comply with this policy may constitute a breach of the WA Health Code of Conduct (Code). The Code is part of the [Integrity Policy Framework](#) issued pursuant to Section 26 of the [Health Services Act 2016](#) and is binding on all WACHS staff which for this purpose includes trainees, students, volunteers, researchers, contractors for service (including all visiting health professionals and agency staff) and persons delivering training or education within WACHS.

WACHS staff are reminded that compliance with all policies and procedures is mandatory.

6. References

Australian Government Department of Social Services [Internet] [NDIS Quality and Safeguarding Framework](#). Canberra ACT; 9 December 2016 [Accessed 3 November 2021]
West Australian Department of Communities [Internet] [NDIS Worker Screening Unit](#)

7. Definitions

Term	Definition
Clearance	An individual who has completed an NDIS Check has been cleared to work in NDIS risk assessed roles. The clearance is transferrable across NDIS providers throughout Australia for five years, subject to ongoing monitoring and review. Notification of clearance is received via email. No card or physical certificate is issued.
Contractor	A person engaged under a contract for services on the terms and conditions (including remuneration) that WACHS determines in accordance with section 143 of the <i>Health Services Act 2016</i> (WA) (HS Act)
Employee	Any person engaged by WACHS in accordance with section 6 of the <i>Health Services Act 2016</i> means a person employed in WACHS and includes: a) the chief executive of WACHS b) a health executive employed by WACHS c) a person employed in WACHS under section 140 a person seconded to WACHS under section 136 or 142.

Excluded/Exclusion	<p>An excluded individual is someone who has completed an NDIS Check, is refused a clearance and is prohibited from working in NDIS risk assessed roles for registered NDIS providers across Australia.</p> <p>An exclusion is given where 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>Can also be known as 'refusal to grant a clearance'.</p>
NDIS Quality and Safeguards Commission	An independent agency established to regulate the NDIS market, provide national consistency, promote safety and quality services, resolve problems and identify areas for improvement.
NDIS Worker Screening Database	<p>The database facilitates:</p> <ul style="list-style-type: none"> the exchange of information about individuals applying to work in the NDIS, ensuring all jurisdictions can see the decision the ongoing monitoring of cleared applicant's criminal history records during the period of their clearance to ensure screening units can assess and respond in a timely manner to the risks posed to NDIS participants <p>employer verification of applicants.</p>
Registered Provider	A registered provider is a provider who has met the requirements of registration in accordance with the <i>NDIS (Provider Registration and Practice Standards) Rules 2018</i> .
Risk assessed role	<p>A risk assessed role is a role that:</p> <ul style="list-style-type: none"> involves the direct delivery of specified services and supports to people with disability; or involves more than incidental contact with people with disability as a normal part of duties. This includes physical contact; face-to-face contact; oral; written and electronic communication with people with disability in various circumstances; or <p>is a key personnel role e.g. executive, senior management or decision-making position of a registered NDIS provider including that of the board member. The full definition of key personnel is in section 11A of the NDIS Act</p>
Staff member	<p>Is defined by the Health Services Act 2016:</p> <p>a) An employee in the Health Service Provider.</p> <p>A person engaged under a contract for services by the Health Service Provider.</p>
Unregistered Provider	A provider not registered with the NDIS Commission.
Volunteer	An individual who chooses of their own free will to engage in unpaid activities.

Worker	Under the NDIS Commission, a worker is anyone who is employed or otherwise engaged to provide NDIS supports and services to people with disability. Workers can be paid or unpaid, and can be people who are self-employed, employees, contractors, consultants and volunteers.
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8. Document Summary

Coverage	WACHS
Audience	All Staff
Records Management	Non Clinical: Records Management Policy
Related Legislation	National Disability Insurance Scheme Act 2013 (Cth) NDIS (Practice Standards – Worker Screening) Rules 2018 (Cth) National Disability Insurance Scheme (Worker Screening) Act 2020 (WA) National Disability Insurance Scheme (Worker Screening) Regulations 2021 (WA) Records Principles 2014 (Cth) Health Services Act 2016 (WA) Privacy Act 1988 (Cth) Statutory Declarations Act 1959 (Cth)
Related Mandatory Policies / Frameworks	Integrity Policy Framework Code of Conduct Policy - MP 0124/19 Criminal Record Screening Policy and Guidelines Discipline Policy - MP 0127/20 Notifiable and Reportable Conduct Policy - MP 0125/19
Related WACHS Policy Documents	Aged Care Criminal Record Screening Policy Volunteer Policy
Other Related Documents	Nil
Related Forms	Nil
Related Training Packages	Nil
Aboriginal Health Impact Statement Declaration (ISD)	ISD Record ID: 1751
National Safety and Quality Health Service (NSQHS) Standards	1.23, 1.24
Aged Care Quality Standards	7
National Standards for Mental Health Services	Nil

9. Document Control

Version	Published date	Current from	Summary of changes
1.00	7 March 2023	7 March 2023	New policy document

10. Approval

Policy Owner	Executive Director People and Culture
Co-approver	Chief Operating Officer
Contact	Director Human Resources
Business Unit	Human Resources
EDRMS #	ED-CO-22-367124

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