

Disability Worker Exclusion Scheme - Information for workers of disability residential services

This document is intended for workers of disability residential services and provides information about the Victorian Government's Disability Worker Exclusion Scheme.

Who does the Disability Worker Exclusion Scheme apply to?

The Disability Worker Exclusion Scheme applies to all people who work in direct support roles at disability residential services that are provided, funded or registered by the Department of Human Services (the department).

What is the Disability Worker Exclusion List?

The Disability Worker Exclusion List (the list) is a list of people who have been assessed by the department as being unsuitable to work in a direct support role at a disability residential service that is provided, funded or registered by the department.

How would it affect me if my name is placed on the list?

If your name is placed on the list, you are not permitted to work in a direct support role at a disability residential service that is provided, funded or registered by the department.

Who can be placed on the list?

You can be placed on the list if you meet certain specified criteria and you:

- apply for a job with a disability residential service that is directly provided, funded or registered by the department; or
- if your employment in a direct support role with a provider of disability residential services terminates (regardless of whether this is at your initiative or the initiative of your employer) in circumstances which involve or include matters which satisfy the criteria.

What are the criteria?

The Disability Worker Exclusion List Criteria (criteria) are set out in the *Disability Worker Exclusion Scheme management instruction 2014* (instruction). They are:

- (a) where a person has been found guilty of any offence, regardless of whether they are imprisoned, which:
 - (i) involves bodily harm,

- (ii) involves violence or threats of violence,
 - (iii) is of a sexual nature,
 - (iv) involves dishonesty, or
 - (v) involves neglect of a person in their care
- (b) where a person's employment has previously been terminated for conduct which includes abusing a client, sexual misconduct with a client or otherwise placing a client at risk of serious harm, including where such conduct occurred in an area outside disability services, for example in a school or a nursing home, regardless of whether there was a criminal prosecution.
- (c) where a person has been the subject of a workplace investigation because of an allegation relating to conduct falling within paragraphs (a) or (b) above, but has resigned before that investigation has been concluded.
- (d) where there are reasonable grounds to consider that the engagement of the person in a direct support role would represent a risk to the health, safety or welfare of a client, which may include circumstances such as where a person has been found guilty of an offence which does not fall within paragraph (a).

A person only needs to fall within one of the above criteria to be considered for placement on the list.

If I have previously been found guilty of a criminal offence, does this automatically mean that my name would be placed on the list?

No. Not all people who satisfy the criteria will have their name placed on the list. In order to have your name placed on the list, it must be determined that your engagement in a direct support role would pose an unacceptable risk for clients.

If my name is placed on the list, will I be told and what can I do about it?

You will be notified before your name is placed on the list and you will be provided with an opportunity to object to your name being placed on the list. If, after your objection is received and considered, you are advised that your name will be placed on the list anyway, you may then ask for a review of this decision. Workers can also apply to have their name removed from the List once every three years.

Further information about the placement and review processes is contained in the instruction which can be accessed at www.dhs.vic.gov.au/disability-worker-exclusion-scheme.

Where can I get further information?

Further information is available at the Department of Human Services website at:

www.dhs.vic.gov.au/disability-worker-exclusion-scheme.

The Disability Worker Exclusion Scheme unit can be contacted at:

Email: DWESU@dhs.vic.gov.au

Phone: (03) 9096 3203

If you would like to receive this publication in another format, please phone (03) 9096 3203, using the National Relay Service 13 36 77 if required, or email DWESU@dhs.vic.gov.au

This document is also available on the Internet at www.dhs.vic.gov.au/disability-worker-exclusion-scheme.

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