

Disability Worker Exclusion Scheme

Information sheet for disability workers – 20 October 2017

About the Disability Worker Exclusion Scheme

The Disability Worker Exclusion Scheme (the Scheme) is an employment screening safety check designed to protect the safety and wellbeing of Victorians living with disability. The Scheme excludes people who pose a threat to the health, safety or welfare of people with disability from work as a disability worker in a disability service.

In response to the *Parliamentary inquiry into abuse in disability services*, the Victorian Government has expanded the scope of the Scheme to further protect people with a disability.

Services the Disability Worker Exclusion Scheme applies to

As of 1 November 2017, the Scheme applies to all disability services (as defined in the *Disability Act 2006*).

Disability service is defined as a service specifically for the support of persons with a disability which is provided by a disability service provider.

Disability service provider is defined as:

- a) the Secretary to the Department of Health and Human Services (department); or
- b) a person or body registered on the register of disability service providers.

This includes all disability service providers which provide services under the National Disability Insurance Scheme that are registered under the *Disability Act 2006*.

The Scheme applies to every disability worker (as defined under the Scheme) who is engaged in a disability service in the following ways:

- full-time, part-time or casual employees;
- contractors;
- persons engaged through labour hire agencies;
- students on placements; and
- volunteers.

Under the Scheme, the terms **Disability Worker** and **Excluded Work** are given the following meanings:

Disability Worker means a person engaged by a disability service provider who:

- provides, or supervises or manages a person who provides direct support to a person with a disability; and
- has direct contact or access to a person with a disability.

Excluded Work means work at a disability service:

- as a Disability Worker, or
- that involves regular direct contact with or access to a person with a disability.

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 as disability worker.

Criteria for placement on the List

The Disability Worker Exclusion List Criteria as outlined in the *Disability Worker Exclusion Scheme Instruction for disability service providers October 2017* are:

- (a) Where a person has been found guilty of any offence, regardless of whether they are imprisoned, which:
- Involves bodily harm;
 - Involves violence or threats of violence;
 - Is of a sexual nature;
 - Involves dishonesty; or
 - Involves neglect of a person in their care.
- (b) Where a person's engagement has previously been terminated or a person has been removed from the role of a Disability Worker for conduct which includes abusing a client, sexual misconduct with a client or otherwise placing a client at risk of serious harm (including financial 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 the scope of the criteria, but has resigned before that investigation has been concluded.
- (d) Where there are reasonable grounds to consider that the engagement of a person in a disability service as a Disability Worker would represent an unacceptable risk to the health, safety or welfare of a person with a disability.

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

Falling within one of the criteria means that a person will be considered for placement on the List but does not mean that the person will be automatically placed on the List.

Notification of placement on the List

Prior to a worker's name being placed on the List they will be advised in writing that a notification has been made to the Disability Worker Exclusion Scheme Unit. They will be provided with an opportunity to show cause why their name should not be placed on the List. If a worker's name is placed on the List after their show cause is received and considered, they will have the opportunity to appeal this decision. Persons on the List can also seek a review of their placement on the List once every three years.

Effects of being placed on the List

If your name is placed on the List, you will not be permitted to undertake Excluded Work (as defined by Scheme) at a disability service (as defined in the *Disability Act 2006*).

DWES and the National Disability Insurance Scheme

The Victorian Government has committed to continue existing Victorian quality and safeguards during transition to the National Disability Insurance Scheme. The Scheme will remain in place while the Victorian Disability Worker Accreditation and Registration Scheme and the NDIS worker screening arrangements are being developed.

More information

More information about the Scheme is available on the [DWES page of the department's website](http://providers.dhhs.vic.gov.au/disability-worker-exclusion-scheme) <<http://providers.dhhs.vic.gov.au/disability-worker-exclusion-scheme>>. Or you can contact the Disability Worker Exclusion Scheme Unit on 9096 3203 or [email the unit](mailto:dwesu@dhhs.vic.gov.au) <dwesu@dhhs.vic.gov.au>

To receive this publication in an accessible format phone 9096 3203 using the National Relay Service 13 36 77 if required, or email dwesu@dhhs.vic.gov.au

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services October 2015

Available at <http://providers.dhhs.vic.gov.au/disability-worker-exclusion-scheme>