

Questions and Answers about - Mandatory Notifications

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How does the NDIS Quality and Safeguards Commission differ from the Commission?

The VDWC regulates the conduct of individual disability workers. The VDWC take notifications and complaints about disability workers and can investigate and potentially prohibit workers from practising. The VDWC regulates all disability workers in Victoria, irrespective of the funding source. The VDWC does not regulate service providers.

The NDIS Quality and Safeguards Commission registers and regulates NDIS providers.

Because of the VDWC's different and specific role in Victoria, it's important to tell the VDWC when there is notifiable conduct.

Service providers may have other mandatory reporting obligations to other regulators, like the NDIS Quality and Safeguards Commission or other bodies. A service provider needs to determine what other steps they need to take, as well as making mandatory notifications to the VDWC.

If I have let the NDIS QSC and SSR know about a notifiable conduct, do I still have to let the VDWC know?

Yes, you must still notify the VDWC about notifiable conduct of disability workers.

Our role is to consider the conduct of disability workers in Victoria. We work with our other regulators and will share information where we are lawfully able to, to decide appropriate outcomes for disability workers.

It's all about a connected sector, and all of us working to deliver a stronger, safer sector.

What if a notification is made about me? What are my rights?

If we receive a notification about you, we will write to you to let you know the nature of the notification and explain what will happen next and what you can expect. In rare cases we may not contact you if doing so would prejudice an investigation of the notification or place at risk a person's health or safety or place a person at risk of intimidation or harassment.

You are able to ask for assistance to respond to the notification. This could be from your legal adviser, union, professional association or insurer.

We also ask for your response to the allegations that are raised and consider your response in deciding the right outcome.

Will you tell my employer if a notification is made about me?

In some circumstances, we may contact an organisation or service provider to request information, such as your personal contact details, to assist the Commission to present the notification to you. If we require further information, we may request this from a third party to assist us to assess the notification.

When the assessment is completed, we will advise the notifier that we have concluded our process. The outcomes in response to a notification are varied and are generally between the Commission and the disability worker.

If a worker is prohibited from working in Victoria this information is publicly available on our website, you can also sign up to receive updates at vdwc.vic.gov.au/prohibition-order-updates

Do you only regulate registered workers in Victoria? What's the difference between registered workers and unregistered workers in regard to regulation?

We regulate disability workers in Victoria, regardless of whether they are registered or not registered with the VDWC, and regardless of their funding source.

In Victoria, the Commission works with the Disability Worker Registration Board of Victoria to register disability workers. Registered disability workers show they have the skills and experience to deliver quality services, providing confidence to people with disability and their families.

Registration is open to any person working in Victoria who provides a disability service to a person with disability. To be eligible for registration, you must demonstrate that you have the necessary knowledge, skills, experience, and that you are a suitable person to be a registered disability worker. Registration with the Disability Worker Registration Board of Victoria is voluntary.

You can find more information here - <https://www.vdwc.vic.gov.au/disability-worker-registration>

If a disability worker is not registered with the VDWC or the NDIS, are you still able to make prohibition orders?

Yes, the Victorian Disability Worker Commissioner has the power to issue prohibition orders regarding unregistered disability workers. A prohibition order stops a person from being able to lawfully practise as a disability worker or requires that they can only work if certain conditions are met.

The Commissioner can make a prohibition order if they are satisfied that it is necessary to avoid a serious risk to the life, health, safety or welfare of a person or the health, safety or welfare of the public.

Orders may be permanent or for a limited period of up to 12 weeks (this is called an interim prohibition order). Prohibition orders may be revoked or amended or include conditions.

How will an organisation know if a disability worker has been prohibited from providing disability services in Victoria?

The register of prohibited workers is on our website - <https://www.vdwc.vic.gov.au/prohibition-orders> and you can sign up to receive alerts when a new prohibition order is made. The register includes the name of the person, the type of order and any conditions associated with the order, any revocations, and any dates associated with that.

If I notify VDWC about worker conduct, do you notify other regulators?

We can share information with other entities and regulators where appropriate. We are required to advise the NDIS Quality and Safeguards Commission if the notification matter involves a registered NDIS provider.

What evidence will the Commission use to assess notifications?

We will request the documentation you have about the conduct of concern, and how you've decided that the disability worker engaged in the notifiable conduct. This may include case notes, incident reports, video footage or support plans. This information can be directly uploaded into the [notification form](#) on our website.

What if a worker is from interstate but the service was provided in Victoria?

You can make a notification because the service was provided in Victoria. The Commission regulates the conduct of disability workers in Victoria.

Can the Commission provide a disability worker with legal advice?

The Commission can't provide you with legal advice. We can support you to understand the steps in the notification process and how we can assist you. You can contact us to discuss your options.

How do I report on the four types of notifiable conduct?

You can submit a notification via the web portal on our website - <https://portal.vdwc.vic.gov.au/public/home>. This also allows you to attach any relevant documents to support your notifications. You are also welcome to call us on 1800 497 132 and press option 1 to discuss a situation or to make a notification.

If you are submitting a notification via the web portal, we will review the information and give you a call to discuss the matter, especially if we require further information. Or you can email our complaints inbox - complaints@vdwc.vic.gov.au

What types of information are you likely to require when I make a notification?

We require the disability worker's name and their contact details – their phone number, email address and home address. We also need the person with disability's details – their name, their circumstances, and the impact on them.

We may ask for case notes that helped you to form reasonable belief. We may also request an incident report or an investigation report. Depending on the case, there could be other documentation about the conduct of concern. For example, if the concern is that manual handling wasn't done correctly, we may ask for the manual handling plan.

Is a conflict of interest a notifiable conduct?

It depends on the nature of the conflict of interest, the impact on the person with a disability and if there is a risk of harm. To be notifiable conduct, we consider whether the disability worker has created a risk of harm and has practised in a manner that constitutes a significant departure from accepted professional standards. We encourage you to give us a call about concerns about a disability worker's professional conduct and we can talk through the details.

If the reported conduct is not notifiable conduct but is of concern, we can explain how you can make a complaint.

When does an impairment result in notifiable conduct?

Disability workers and employers must notify the Commission if a disability worker placed, or may place the public at risk of harm, because the disability worker has an impairment that detrimentally affects (or is likely to detrimentally affect) the disability worker's capacity to practise.

An example of notifiable conduct is the following scenario: when a disability worker comes to work with an injured arm. The worker does not tell their manager that they are not able to fulfill their regular duties safely due to the injury. Part of the worker's role may be to undertake manual handling tasks like using a sling to safely move a

client. Due to the impairment of having an injured arm, the person with disability is at risk of being harmed. This is notifiable conduct and a mandatory notification must be made.

You do not need to notify us if the disability worker has an impairment (temporary or permanent), and they have effective controls in place to manage the impairment.

For service providers, there might be a duplication to report conduct that is notifiable. How does the VDWC support service providers to notify appropriately?

We understand that service providers have different notification requirements depending on their registration requirements, source of funding or the type of service they are providing.

To ensure that we make our notifications requirements as easy and straightforward as possible, we encourage service providers to call us so we can assist with the process.

Under the *Disability Service Safeguards Act 2018*, notifications are mandatory. This is to ensure that risks of harm arising from disability worker conduct in Victoria are considered by the Commission. Notifying us contributes to a safer and stronger sector, by helping ensuring we address conduct of workers who are delivering unsafe or poor quality services.