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# Processes of mandatory notifications:

## How long does it generally take to investigate a notifiable conduct?

*The Disability Service Safeguards Act 2018* (the Act) provides the Commissioner and the Disability Worker Registration Board of Victoria 60 days to assess a mandatory notification.

Following an assessment of the matter, an investigation may or may not be required.

The time taken to conduct an investigation can vary depending on the nature of the conduct, court proceedings and other entity/ jurisdictions involved. In an investigation, the Victorian Disability Worker Commission must act as expeditiously and with as little formality as is reasonably possible.

## What if the participant with a disability does not consent to incident reports and case notes about them being submitted as part of the notification?

Under the rules governing mandatory notifications, the VDWC will request information from the notifier who is not required to obtain consent from the person with disability. However, the VDWC will ask the notifier to inform the person with disability involved in the matter before making a notification.

The VDWC handles any sensitive information according to its obligations under the Disability Service Safeguards Act and the Privacy and Data Protection Act.

## If a worker is accused of sexual misconduct, who investigates this? The Police or the VDWC?

A matter can be investigated potentially by both Victoria Police and the VDWC. The VDWC and Victoria Police have distinct but complementary roles in responding to allegations of sexual misconduct.

Under the *Disability Service Safeguards Act 2018*, the VDWC is responsible for responding to complaints and notifications about disability workers' conduct. However, sexual misconduct may also constitute a criminal offence, in which case the matter falls under the jurisdiction of Victoria Police.

The VDWC has powers to investigate matters where a disability worker may pose a risk of harm to people with disability, including serious breaches of the Disability Worker Code of Conduct.

The VDWC will always encourage or support a person to report criminal matters to Victoria Police, and may also make a mandatory report itself if the conduct appears to involve a criminal offence, particularly if it involves:

- sexual assault or abuse
- physical harm
- exploitation or grooming.

If a person does not wish to go to the police, the VDWC will still assess whether the conduct meets the threshold for a mandatory notification under the Act. If it does, the VDWC can:

- initiate its own investigation
- issue Interim Prohibition Orders (IPOs)
- notify relevant regulators such as the NDIS Quality and Safeguards Commission (NDIS QSC).

## Are the VDWC notification requirements and processes the same for clients who do not live in Victoria, but who are funded by a Victorian government entity or previously lived in Victoria?

The VDWC notification requirements apply to disability supports and services that are delivered in Victoria.

## 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.

## 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.

## 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](mailto: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.

## 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.

## Consequences of mandatory notifications:

If an incident occurs and the organisation is completing an investigation, will you contact the worker? Would the organisation need to give you an outcome?

The VDWC works collaboratively with the disability provider/organisation to inform the VDWC's decision to either contact the disability worker while a disability provider/organisation is completing an investigation or to wait until their investigation is completed.

Yes, the disability provider/organisation will be asked to provide a copy of a completed investigation report to inform the VDWC's assessment of the mandatory notification.

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](https://www.vdwc.vic.gov.au/prohibition-order-updates)

## Working with other regulators:

If a worker is NDIS registered – will NDIS providers be notified of a VDWC worker prohibition?

If the NDIS provider is the employer of the prohibited disability worker, they will be notified of a VDWC investigation, and if a Prohibition Order is made.

All disability providers should check the VDWC's publicly available Prohibition Order list prior to employing new disability workers - <https://www.vdwc.vic.gov.au/prohibition-orders>. You can sign up to receive alerts when a new order is made.

## The TAC wanted us to report an incident to VDWC even though it didn't meet VDWC reporting requirements. The VDWC website doesn't suggest we need to do this. Is this true?

The VDWC works closely with the TAC. If the TAC has recommended that you make a mandatory notification to the VDWC, it indicates they have a concern about the information they have received. For these matters, please call us on 1800 497 132 to discuss.

## Do service providers have to notify the VDWC of any expected or unexpected death of a disability participant at an SRS facility?

It is recommended the service provider contact the VDWC initially to discuss the incident if it was an unexpected death and the disability workers practices impacted the outcome. We can assist the service provider to consider the circumstance to determine if the incident meets the requirements of a mandatory notification. A consideration might include whether the disability worker practised in a manner that constituted a significant departure from acceptable standards that led to the death. If the death was expected, such as due to ageing or a medical condition, the VDWC does not need to be made aware. Service providers should comply with their obligations to notify other regulators such as the NDIS Quality and Safeguards Commission and the Social Services Regulator.

## 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.

## 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.

## 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 service.

## Prohibition of workers:

### How can we verify a prohibited worker's identity? Some workers may have common names.

In situations where a disability worker has the same name as another disability worker who has an Interim Prohibition Order or Prohibition Order, you will find a suburb listed under the worker's name. Where a common name is used, we will provide additional information to assist the public to understand the correct disability worker affected. This can include providing information, such as the suburb where a worker practices.

You can also contact the VDWC on 1800 497 132 or email [complaints@vdwc.vic.gov.au](mailto:complaints@vdwc.vic.gov.au) with the disability worker's name, address and date of birth if you need to check whether a disability worker is prohibited.

### Why are some workers on the prohibitions list repeated numerous times and their banning orders are short?

Interim Prohibition Orders may be issued for a maximum of 12 weeks at a time. An Interim Prohibition Order can be issued if the Commissioner reasonably believes that an unregistered disability worker has:

- contravened the Code of Conduct
- been found guilty of a prescribed offence
- had a clearance suspended or revoked under the Worker Screening Act
- been banned by another regulatory body
- the Commissioner is satisfied that it is necessary to make the order to avoid a serious risk to the life, health, safety or welfare of a person or the health, safety or welfare of the public.

However, complex investigations (especially those matters involving police, court cases, or other regulators) can take longer than 12 weeks. A Prohibition Order can only be issued when an investigation has concluded. As a result, the Commissioner may issue further Interim Prohibition Orders to maintain public protection during the investigative process.



A worker may appear multiple times on the public prohibition list, each reflecting a new 12-week Interim Prohibition Order. The Commission regularly reviews the risk associated with each worker and updates the orders accordingly.

## If someone is prohibited, am I correct to assume they wouldn't be able to clear the NDIS worker screening check or that it would be cancelled?

Yes, from the 29 July 2025, the Worker Screening Regulations 2021 were amended to require the VDWC to refer any Prohibition Order or an Interim Prohibition Order to the NDIS Worker Screening Unit (Department of Justice and Community Safety, Victoria).

The NDIS Worker Screening Unit may take this into account when deciding whether a person passes the NDIS Worker Screening Check, or whether to suspend or revoke an existing clearance under the Worker Screening Act 2020 (Vic). While the VDWC doesn't directly issue or cancel NDIS clearances, its regulatory decisions often inform and trigger related action by screening agencies.

Under the Disability Service Safeguards Act 2018, the VDWC has powers to share and receive information relevant to worker safety. This can be shared with:

- the NDIS Quality and Safeguards Commission
- other state and federal regulatory bodies

The threshold for excluding a disability worker is that it needs to be necessary to make the order to avoid a serious risk to the life, health, safety, or welfare of a person or the health, safety, or welfare of the public and one or more specified grounds exist. For example:

- reasonable belief that the unregistered worker has contravened an approved code of conduct
- the unregistered disability worker has been convicted or found guilty of a prescribed offence
- the unregistered disability worker has been given an NDIS clearance exclusion or has had a clearance suspended or revoked
- the unregistered disability worker is the subject of a banning order issued under section 73ZN of the NDIS Act.

In assessing whether there is a serious risk to the life, health, safety or welfare of a person or the health, safety or welfare of the public, it is appropriate to consider:

- the nature of the risk
- the likelihood of it eventuating
- the seriousness of the consequences if the risk eventuates.

Another consideration is whether an IPO or PO 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 and consider if it's the least restrictive means necessary to achieve the desired outcome.

## Do you notify employers if a worker is prohibited?

Yes, the VDWC will notify known employers if the Commissioner decides to make either an Interim Prohibition Order or Prohibition Order against a disability worker who is an employee.

You can view the VDWC's publicly available Prohibition Order list on our website - <https://www.vdwc.vic.gov.au/prohibition-orders>.



## 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.

## Registered workers:

### 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>

## Interstate workers:

### 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.

## Which reporting body are we required to report to for disability support workers in other states?

In other states and territories, you may have to report to the NDIS Quality and Safeguards Commission. The Victorian Disability Worker Commission is the first of its kind in Australia, established to regulate the conduct of all disability workers in Victoria, aiming to improve safety and quality within the disability sector. This includes responding to complaints and maintaining a register of disability workers.

## Other questions:

### Is mental health/anxiety classified as an impairment for which a notification needs to be made?

If a disability worker's impairment (which can be health/anxiety) affects their ability to provide services safely, this is notifiable conduct. Please refer to the Glossary section on the Victorian Disability Worker Commission's website - <https://www.vdwc.vic.gov.au/about/glossary>

You do not need to notify the Victorian Disability Worker Commission (VDWC) if the disability worker has effective controls to manage their impairment and reduce the risk and severity of harm to people with disability and the public, such as:

- treatment
- taking a break from practice, such as sick leave
- modified scope of practice
- strategies used to manage impacts of impairment
- compliance with monitoring and supervision.

### Are disability advocates required to make mandatory notifications?

An advocate who provides advocacy services to an individual with disability (for example, who advocates for the individual's specific support needs) is required to make a notification.

An advocate who provides service to advocate for systemic change is not considered a disability worker and is not required to make a mandatory notification.

All advocates can make a complaint to the VDWC.

### Are public health services required to meet the VDWC mandatory reporting requirements?

Yes, if the public health service is an employer of disability workers under the Disability Service Safeguards Act, the service is required to notify the VDWC of notifiable conduct of their disability workers

### What is the most common reportable scenario presented to the Commission?

Some of the most common scenarios that are presented to the VDWC are:

- disability workers not implementing support plans, manual handling plans or behavioural supports that have resulted in serious injury, harm or neglect to a person with disability

- disability workers engaging in sexual misconduct
- sole trader disability workers not maintaining professional boundaries, and conflict of interests.

## What if we don't know the personal details of the worker or person with disability? We could witness something in the community but not have the person's details.

The VDWC will gather details of what you witnessed and consider all avenues available to the VDWC to consider the matter. It's important to provide as much information as possible.

For example: A disability worker is using a car or piece of equipment with a disability provider's logo. The description of what you saw, the logo, day and time of the incident can be enough for the VDWC to contact the disability provider to obtain information about the disability worker.

## 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.

## 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.