

How to use this document



This document has been written by the NSW Government Department of Family and Community Services.

In this document, the word 'we' means the government.



This information is written in an easy to read way.

We use pictures to explain some ideas.



Some words are written in **green**. We explain what these words mean. There is a list of these words on page 12.



This Easy Read document is a summary of another document.



You can find the other document on our website at www.facs.nsw.gov.au/dia



You can ask for help to read this document. A friend, family member or support person may be able to help you.

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What is the *Disability Inclusion Act 2014*?



The *Disability Inclusion Act 2014* is a new law for people with disability in NSW.



Inclusion is about making sure that people with disability can take part in our community.

This means that you can:



- do the things you want to do



- get into buildings and get around



- get a job or study if that's right for you



- use services



- get the information you need



- feel safe



- feel included.



In NSW, we used to have a law called the *Disability Services Act 1993*.

The old law has now been replaced by the new law.



The new *Disability Inclusion Act 2014* started on 3 December 2014.

This fact sheet explains the rules for employing staff

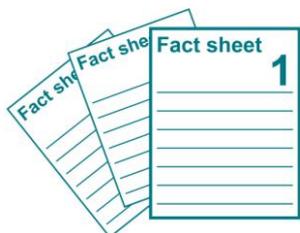


In this fact sheet, we explain the part of the new law that is about employing staff.



In the new law, there are rules about this.

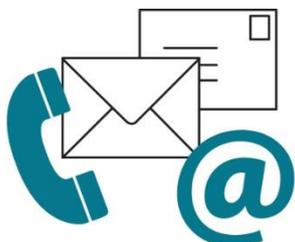
The rules will help to make sure that people with disability are treated well when they are getting support.



If you would like more information about the new law, take a look at fact sheet 1 overview.



You'll find all of the fact sheets on our website.



Or, you can ask us for the fact sheets. Our contact details are on page 13.

There are new rules for checking employees



It's important that people who work with people with disability are good at what they do.



The new law says that the Department of Family and Community Services (FACS) and **disability service providers** must do some checks before they give someone a job.



Disability service providers are organisations that receive funding from the NSW government to provide services or support to people with disability.



They must check the person has the right skills for the job.

They must also check at least 1 reference from a previous employer.



And they must check with the police to see if a person has committed any crimes.

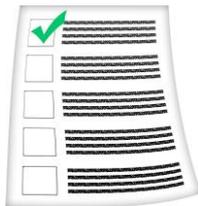
This is called a criminal record check.



The criminal record check has to happen:

- before someone is offered a job
- every 4 years.

Who needs to be checked?



FACS and disability service providers need to check everyone who works face to face with people with disability.

They need to check:



- staff and workers – people who are paid to work with people with disability



- **volunteers** – people who work without getting paid because they want to help



- students from college or university who are doing on-the-job training – but not school students who are doing work experience



- contractors – people who run a business providing support



- **board members** – the senior people of the disability service provider who are making big decisions.

Criminal record checks

When FACS or a disability service provider does these checks with the police, they need to see if a person has done a serious crime like:



- murder
- a sexual assault – where a person has done something in a sexual way that hurts another person, such as rape
- serious physical assault – where a person hurts someone so badly, for example by punching, hitting, biting or kicking, that the judge says they have to go to jail for 2 years or more.



If a person has done any of these crimes, FACS or a disability service provider cannot give them a job working face-to-face with people with disability.



But there are some times when people who have committed a crime may be allowed to work for a disability service provider.



This can happen if the person committed the crime more than 10 years ago, and if it was not a sexual crime.



In this case, the boss needs to decide if the person has changed, and is now a safe person to work with people with disability.



Also, a person who has committed a crime can be given a job if it is not working face-to-face with people with disability.

What if someone says no to a criminal record check?



If someone refuses to have a criminal record check, they won't be allowed to work with FACS or disability service providers.

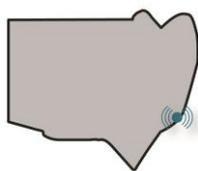
What about the National Disability Insurance Scheme?

ndis

Things will be different when the National Disability Insurance Scheme (NDIS) starts.



The NDIS is a new way of offering support to people with disability in Australia.



The NDIS has started in some parts of the state already.



It will start all around NSW in 2018.



When the NDIS takes over disability services, the rules in this fact sheet about checking staff won't apply.



Instead, there will be rules managed by the NDIS.

These rules are still being worked out at the moment.

Word list



Board members

Senior people in the organisation who are making big decisions.



Disability service provider

Organisations that receive funding from the NSW government to provide services or support to people with disability.



Inclusion

Making sure that everyone is included in our community, such as being able to get around and do the things you want to do.



Volunteers

People who work without getting paid because they want to help.

Where to get more information



1800 446 470



disabilityinclusionact@facsnsw.gov.au



Locked Bag 4028 Ashfield NSW 2131



www.facsnsw.gov.au/dia



[/familyandcommunityservicesnsw](https://www.facebook.com/familyandcommunityservicesnsw)



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