



# NDIS Quality and Safeguards Commission

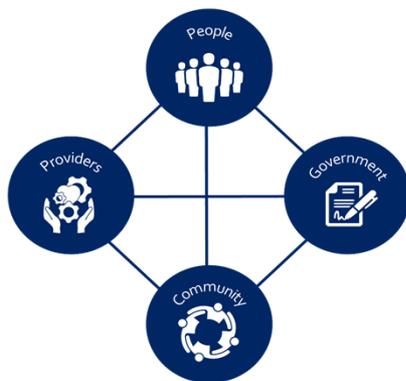
## An overview

September 2020

## The NDIS – an overview



The NDIS changes relationships – between people, providers, communities and government, to promote sustainable, long-term outcomes.



- A Scheme based on **insurance principles**, about **lifetime care and risk**, through a **market based approach**, tackling some of our most complex social issues.
- The NDIS **changes the way government operates** – as a provider, in markets, with the workforce, as a system steward.
- **Administrated** by the NDIA, governed by a board and accountable to participating governments.
- **Quality** of services and supports and **safeguarding** of participants is through a statutory, independent commission.

## Principles of the NDIS



### Insurance approach

- Supports economic and social participation
- Funding for early intervention
- Funding based on managing long-term costs across the lifetime of individuals
- Shares the cost of disability support across the community



### Choice and Control

- Participants determine how much control they want over their supports and providers
- Gives effect to obligations of the UN Convention on Rights of Persons with Disabilities



### Community and Mainstream

- People supported to access community and funded supports
- Does not duplicate or replace mainstream services
- Works with mainstream and community supports

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## How is quality and safeguarding different?



- **Nationally consistent approach** to empower NDIS participants and set expectations for NDIS providers and their staff.
- Underpinning foundations: *UN Convention on the Rights of Persons with Disabilities; National Disability Strategy 2010-2020; National Disability Insurance Scheme Act 2013.*
- Three domains:
  - **Developmental:** Building capability and support systems
  - **Preventative:** Preventing harm and promoting quality
  - **Corrective:** Responding if things go wrong.

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## About the NDIS Commission



- Improve quality and safety of NDIS supports and services
- Take over the registration of NDIS providers from the NDIA
- Provide national consistency
- Help providers to meet their obligations
- Resolve problems and identify areas for improvement
- Support continuous improvement and quality in the NDIS.



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## NDIS Commission roll-out



1 July 2018



1 July 2019



1 December 2020



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## Our key functions



**We work with providers to improve the quality and safety of NDIS supports and services**

The NDIS Commission oversees:

-  Registration and regulation of providers
-  Compliance with the Practice Standards and Code of Conduct
-  Complaints about NDIS services and supports
-  Reportable incidents, including abuse and neglect of a participant
-  Use of restrictive practices
-  Nationally consistent NDIS worker screening

## Provider registration



### Conditions of registration:

- Compliance with Commonwealth, state and territory
- Suitability to operate: entity and key personnel
- NDIS Code of Conduct
- Complaints management requirements
- NDIS Practice Standards
- Incident management and Reportable Incident requirements
- Behaviour Support requirements
- Worker screening



## Code of Conduct



Helps shape behaviour and culture of providers and workers

**Applies to all NDIS providers (registered or unregistered) and workers**



**Anyone can complain to the NDIS Commission about a breach**

The **NDIS Commission monitors compliance** and can take a range of actions in response to breaches.

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## Worker Orientation Module



**'Quality Safety and You'**

Access the module at:

[www.ndiscommission.gov.au/trainingcourse](http://www.ndiscommission.gov.au/trainingcourse)

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## Complaints



NDIS participants have the right to complain about the safety and quality of NDIS supports and services

**Every NDIS provider must have effective complaints management and resolution arrangements**



The NDIS Commission will be responsible for handling complaints about NDIS providers

- All complaints will be taken seriously and assessed
- Some complaints will be appropriate for a facilitated resolution process
- Some complaints will require investigation

**Complaints and feedback are an opportunity for providers to improve service delivery.**

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## Reportable Incidents



**Registered NDIS providers must notify, investigate and respond to reportable incidents** involving NDIS participants including:

- Death
- Serious injury
- Abuse and neglect
- Unlawful sexual or physical contact
- Sexual misconduct including grooming for sexual activity
- Unauthorised use of regulated restrictive practices.



**Reporting the incident to the NDIS Commission does not replace notifying any appropriate authorities, such as the police.**

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## Behaviour Support



### Positive Behaviour Support Capability Framework

Specialist **behaviour support providers must lodge behaviour support plans with the NDIS Commission** and notify it of the use of regulated restrictive practices

Providers using restrictive practices as part of a behaviour support plan must report monthly

**Existing state legislation on restrictive practice authorisations still apply.**



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## Investigative Powers and Enforcement Action



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## NDIS worker screening



### New national NDIS worker screening system and database from 1 February 2021

Will **replace existing state and territory arrangements** and set a single, **national standard for all NDIS workers**

When in place, **all registered NDIS providers must ensure workers have a valid clearance**

Workers will be subject to ongoing monitoring nationally.



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## How the NDIS Commission is supporting transition



Working with agencies to build a sound knowledge base to share with the residential aged care sector

Participating in activities aimed at streamlining adjacent regulatory obligations

Communicating with residential aged care providers and NDIS participants living in residential aged care facilities

Established dedicated pages on our website with relevant information

Engaged ACSA to help support you through the transition process.



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## Further Information



For more information visit:

[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)



Or contact: **1800 035 544**

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