



Our ref: DHS/19/00805
Your ref: 7224523

Office of the Chief Executive
Level 8 North
Riverside Building
North Terrace
Adelaide SA 5000

GPO Box 292
Adelaide SA 5001

DX115

Tel: 08 8413 9050
Fax: 08 8413 9002

ABN 11 525 031 744

Ms Nat Cook MP
Member for Hurtle Vale
PO Box 158
WOODCROFT SA 5162

Sent by email: shadowhumanservices@parliament.sa.gov.au

Dear Ms Cook

I refer to your application under the *Freedom of Information Act 1991* (the Act), received by the Department of Human Services (DHS) on 10 January 2019, seeking access to:

Copies of any and all documents (including but not limited to physical and electronic material) regarding DHS or Ministerial Paper 18TDHS/1000.

Unfortunately, DHS was unable to make a determination on your application within the 30 days, therefore it is considered to be a 'deemed refusal' under section 19(2)(b) of the Act. However, DHS has continued to process your application outside of this timeframe. Section 19(2)(a) of the Act provides that an agency can release documents outside of the thirty-day timeframe, and this is still taken to be a determination under the Act.

Seven documents were located that fit within the scope of your request and I have determined that five documents are to be released in full and one document is to be released in part. Please note document 4 is publicly available.

Please find enclosed a copy of the documents released, and a document schedule containing a brief description of each document and determination in summary form.

Document 1 contains information relating to the personal affairs of a third party. I consider that it would be unreasonable to disclose this information, and determine the information exempt pursuant to clause 6(1) of Schedule 1 of the Act. In accordance with section 20(4) of the Act, I consider that you would wish for access to the rest of the document after exempt information is removed and am therefore releasing this document to you in part.

If you are dissatisfied with my determination, you can seek an internal review by writing to the Chief Executive, DHS, as the Principal Officer of the agency. Your request should be sent within 30 days of your receipt of this letter.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, may/will be published on the agency's disclosure log. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>.

If you have any questions in relation to this matter, please contact Fiona Braendler, Senior FOI Officer, on telephone 8413 9094 or by email at DHSFreedomofInformation@sa.gov.au. If you disagree with publication, you will need to advise the Senior FOI Officer within two weeks of the date of this determination.

Yours sincerely



Matthew Schutz
ACCREDITED FOI OFFICER

21 / 05 / 2019

SCHEDULE OF DOCUMENTS – DHS/19/00805

Freedom of information application from Nat Cook MP seeking access to copies of any and all documents (including but not limited to physical and electronic material) regarding DHS or Ministerial Paper 18TDHS/1000.

No	Author	Date	Description of document	Determination	Reason
1.	Nyanwell Agoth, Chief Project Officer, NDIS Reform	07/08/2018	Briefing – 18TDHS/1000 - Commencement of the NDIS Quality and Safeguards Commission	Released in part	Exempt clause 6(1) – personal affairs
2.			Attachment 1 to Document 1 – NDIS Commission Overview	Released in full	No exempt material
3.			Attachment 2 to Document 1 – NDIS Commission – How to make a complaint	Released in full	No exempt material
4.			Attachment 3 to Document 1 – NDIS Provider Registration and Practice Standards Rules 2018	This document is publicly available	
5.			Attachment 4 to Document 1 – NDIS Commission – what has changed for South Australia	Released in full	No exempt material
6.			Attachment 5 to Document 1 – NDIS Commission – Code of Conduct Summary for Workers	Released in full	No exempt material
7.			Attachment 6 to Document 1 – NDIS Commission – How to register	Released in full	No exempt material

Reference Number: 18TDHS/1000




Government of South Australia
Department of Human Services

TO MINISTER FOR HUMAN SERVICES**RE: COMMENCEMENT OF THE NDIS QUALITY AND SAFEGUARDS COMMISSION**

Decision/action required by:...../...../.....

Reason:.....

Recommendation	Response
1. That you note the commencement of the NDIS Quality and Safeguards Commission on 1 July 2018.	Approved / Not Approved / <u>Noted</u>

Comments:	
.....	 Hon Michelle Lensink MLC 7 / 8 / 2018

KEY POINTS

- On 4 December 2017, the Commonwealth Parliament passed the *National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017* to establish the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission ('the NDIS Commission'). The 2017-18 Commonwealth Budget included \$209 million to fund the national establishment and operations of the NDIS Commission over four years.
- The NDIS Commission commenced operating in South Australia and New South Wales on 1 July 2018, and will progressively roll out across Australia. It will take over functions currently performed by each State and Territory Government as they reach full scheme.
- The inaugural Commissioner Designate, Graeme Head, will lead the NDIS Commission, which is an independent Commonwealth entity vested with authority to oversee the delivery and quality of services and supports under the NDIS.
- The NDIS Commission's central office is located in Penrith, New South Wales, and the South Australian branch is located at 95 Grenfell Street, ADELAIDE SA 5000.
- Mr John Coram, Acting Regional Manager of the NDIS Commission Adelaide Office is pleased to offer advice and support to your Ministerial Office. Mr Coram is accessible on Mobile, Clause 6(1), and email, john.coram@ndiscommission.gov.au. In Mr Coram's absence, queries may be directed to Ms Miranda Bruyniks, NDIS Complaints Commissioner, via email, miranda.bruyniks@ndiscommission.gov.au, for consideration.

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DISCUSSION

The National Disability Insurance Agency (NDIA) Quarterly Report of 31 March 2018 indicated that the NDIS is benefiting more than 162,000 Australians and of these 151,970 received individualised Plans, while 10,253 children receive support through the Early Childhood Early Intervention (ECEI) gateway.

Unofficial data from the NDIA indicate that, as at 30 June 2018, there are 18,460 NDIS participants in South Australia with approved Plans, and a further 105 South Australian children supported through the ECEI gateway. Of note, there are 805 NDIS participants in South Australia with approved Plans who identify as Aboriginal and/or Torres Strait Islander. In total, there are 18,565 South Australians benefiting from NDIS supports and services.

The NDIA Quarterly Report of 31 March 2018 also indicated that there are 1,695 service providers registered with the NDIA to operate in South Australia until June 2018. As at 1 July 2018, the NDIS Commission appropriated responsibility of registration of NDIS providers in South Australia. It is anticipated that an updated figure of service providers registered with the NDIS Commission to operate in South Australia will become available in due course.

Overview of the NDIS Commission

An NDIS Commission office was established in Adelaide on 1 July 2018. A team of local professionals is available to attend to matters for people with disability who receive services funded by the NDIA. It will focus on education, capacity building and development for people with disability, NDIS providers and workers. It is vested with the authority to oversee:

- registration and regulation of providers;
- compliance with the new NDIS Code of Conduct and Practice Standards;
- complaints about NDIS services and supports;
- reportable incidents, including abuse, neglect or death of a participant;
- use of restrictive practices;
- collaboration with states and territories to design and implement nationally consistent NDIS worker screening; and
- information sharing with the NDIA, State and Territory Governments, and other Commonwealth regulatory bodies.

Further information about the role of the NDIS Commission is available at Attachment 1.

What has changed for providers in South Australia?

The commencement of NDIS Commission has introduced several changes for South Australian providers. These include a new NDIS Code of Conduct and NDIS Practice Standards, which set out expectations for the quality and safety of the services and supports providers deliver. There have also been changes to provider registration and the way complaints are made, incidents are reported, behaviour support plans are developed and checked, and worker screening is undertaken. Unregistered providers are also subject to new requirements including the NDIS Code of Conduct and complaints handling arrangements. A comparative table about these changes is accessible at Attachment 4.

Also enclosed for your information is the Code of Conduct Summary for Workers (Attachment 5) and information about registration with the NDIS Commission (Attachment 6).

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Complaint process

The NDIS Commission considers complaints about whether NDIS services have been provided at an appropriate standard or how an NDIS provider has responded to a complaint. Anyone, including NDIS participants, people with disability, friends, families, carers, advocates and workers can make a complaint.

All registered providers are required to have an effective complaints management system. However, if a participant is not confident to speak to the provider or not satisfied with the result, they can raise their concern(s) with the NDIS Commission.

Interested parties can call the NDIS Commission on 1800 035 544 to make a complaint. Alternatively, they can complete a Complaint Contact Form via the NDIS Commission website, www.ndiscommission.gov.au.

Further information about the complaint process is available at Attachment 2.

The NDIS Practice Standards

South Australian providers with existing registration with the NDIA automatically transferred to the NDIS Commission on 1 July 2018. The NDIS Commission will contact these providers about their requirements and when they need to start registration renewal and audit.

Prospective service providers must apply for registration with the NDIS Commission, and the onus is on them to demonstrate that they meet the standards of quality and safety in the services and supports they intend to deliver.




Each component of the NDIS Practice Standards consists of a series of high level, participant-focused outcomes. Under each outcome are a number of quality indicators that auditors will use to assess providers' compliance with the NDIS Practice Standards. Further information about these standards is available at Attachment 3.

BUDGET

Are there financial implications No

Is there a budget impact No

MEDIA/SENSITIVE: No

Division	NDIS Reform		
Director	Zofia Nowak	 signature	16.07.18
Executive Director	Nick Ashley	 signature	18.7.18
Deputy Chief Executive	Lois Boswell	 signature	20.7.18

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ATTACHMENTS

1. NDIS Commission Overview
2. NDIS Commission – How to make a complaint
3. NDIS Provider Registration and Practice Standards Rules 2018
4. NDIS Commission – what has changed for South Australia
5. NDIS Commission – Code of Conduct Summary for Workers
6. NDIS Commission – How to register

Contact Officer:	Nyanwell Agoth, Chief Project Officer, 8415 4278 / nyanwell.agoth2@sa.gov.au
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When does the NDIS Commission start?

The NDIS Commission starts on:

1 July 2018 in
New South Wales
and South Australia



1 July 2019 in the
Australian Capital Territory,
Northern Territory,
Queensland, Tasmania
and Victoria

1 July 2020 in
Western Australia



Until the NDIS Commission is in place in each state or territory, NDIS participants, providers and workers are covered under their state or territory's existing quality and safeguards systems.



Contact us

Email: feedback@ndiscommission.gov.au
Call: 1800 035 544

Find out more

More information about the NDIS Commission, including resources for providers and participants, is available on the NDIS Commission website at www.ndiscommission.gov.au



Document 2
**NDIS Quality
and Safeguards
Commission**

About the NDIS Quality and Safeguards Commission



A national approach to quality and safety in the NDIS

The NDIS Quality and Safeguards Commission (the NDIS Commission) is an independent government body that works to improve the quality and safety of NDIS services and supports, investigates and resolves problems, and strengthens the skills and knowledge of providers and participants.

At full rollout, the NDIS Commission will deliver a new, nationally consistent approach to quality and safeguards in the NDIS. It will work with providers, people with disability and their carers, families and advocates to achieve this.

What is the NDIS Commission responsible for?

The NDIS Commission:

- registers and regulates NDIS providers and oversees provider quality
- monitors compliance with the NDIS Practice Standards and NDIS Code of Conduct
- responds to concerns, complaints and reportable incidents
- advises providers on in-house complaints management and supporting participants to make a complaint
- advises providers on incident management systems and how to report serious incidents to the NDIS Commission
- works with people with disability, NDIS providers and workers to improve their skills and knowledge
- monitors the use of restrictive practices and educates providers and participants about behaviour support strategies
- works with states and territories to design and implement nationally consistent NDIS worker screening
- provides market oversight by monitoring changes in the market that need attention
- shares information with other regulatory bodies.



What does the NDIS Commission do for participants?



You have the right to feel safe and receive good quality services.

Once the NDIS Commission is fully rolled out, no matter where you live, you will be able to expect quality and safe services.



We make sure providers and workers know and follow the rules for quality and safety.

The **NDIS Code of Conduct** and **NDIS Practice Standards** for providers and workers provide clear and enforceable standards for the quality and safety of services and supports in the NDIS.



We help with complaints if you feel unsafe or unhappy with your services. It's always okay to speak up.

People with disability, or any other person, can make complaints about NDIS services and supports to the NDIS Commission.

All complaints are taken seriously and assessed. The NDIS Commission works with participants, providers and workers to resolve problems and improve the quality and safety of NDIS supports. If you are not sure who to contact, the NDIS Commission will help to connect you with the right organisation.



What does the NDIS Commission do for providers and workers?



We oversee a single regulation and registration system for NDIS providers Australia-wide.

When it is operational in all states and territories, the NDIS Commission will provide a **single, national registration and regulatory system** for NDIS providers that will set a consistent approach to quality and safeguards across Australia.



The NDIS Quality and Safeguards Rules set requirements for quality and safety.

All NDIS providers and workers must abide by the **NDIS Code of Conduct**, which sets out expectations for behaviour, culture and service delivery.

Providers who register with the NDIS Commission must meet the **NDIS Practice Standards**, including requirements for quality and safety of the services and supports they deliver.

The NDIS Commission's quality and safeguards system also includes requirements for **complaints management, incident management, worker screening, behaviour support and use of restrictive practices**. It works with providers and provides education and training to help them understand their obligations.

Where providers or workers don't meet their requirements, the NDIS Commission can take educative, corrective or enforcement action.



We apply regulation proportionately, with the strongest actions taken against the most serious breaches.

The NDIS Quality and Safeguards Commission

The National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission (NDIS Commission) is an independent government body that works to improve the quality and safety of NDIS services and supports.



It's always okay to speak up.

What we do

You can contact us if you feel unsafe or unhappy with your NDIS supports or services.

We encourage you to talk directly to your provider first to see if you can resolve your concerns. All registered providers must have an effective complaints management system. If you are not confident to speak to the provider or you are not satisfied with the result, you can talk to us.



Our complaints service is independent and free.

Making a complaint can lead to improved services, communication and changes to the way supports are delivered.



Make a complaint

Call us

1800 035 544 (free call from landlines)

Complaint contact form

www.ndiscommission.gov.au

National Relay Service

www.relayservice.gov.au then 1800 035 544

Translating and Interpreting Service

131 450



**NDIS Quality
and Safeguards
Commission**

How to make a complaint



Who can make a complaint



Anyone can complain about NDIS funded services provided to a person with disability.

This includes NDIS participants, other people with disability, friends, families, carers, advocates, workers, or any other person who wishes to make a complaint.

What complaints we take

You can make a complaint to us about the quality or safety of supports and services provided by any NDIS provider.

We take complaints about whether NDIS services have been provided in a safe way and to an appropriate standard. You can also make a complaint to us about how an NDIS provider has responded to a complaint.

If you or someone making a complaint on your behalf is concerned about how you will be treated, you can make a confidential complaint. This may influence how the NDIS Commission can take action.



What complaints we don't take

Complaints about the NDIA, access and participant plans are managed by the NDIA. You can also complain about the NDIA, or the NDIS Commission, to the Commonwealth Ombudsman.

We handle complaints about NDIS services in places in which we're operating. This is because the NDIS Commission is being rolled out gradually.

We are available from:

- 1 July 2018 in New South Wales and South Australia
- 1 July 2019 in the Australian Capital Territory, Northern Territory, Queensland, Tasmania and Victoria
- 1 July 2020 in Western Australia.

If you are not sure who to contact, we can help to connect you with the right organisation.

Where to go with a complaint

I'm not happy with NDIS funded services → The NDIS Commission → 1800 035 544

I'm not happy with the NDIA's actions or decisions → NDIA or Commonwealth Ombudsman → 1800 800 110 www.ndis.gov.au www.ombudsman.gov.au

I'm not happy with a service provided by another agency or body → Your state or territory complaints body → Find links on the NDIS Commission website www.ndiscommission.gov.au



How we handle complaints

We will acknowledge your complaint and may ask for more information. You can let us know your preferred method of communication. In helping to resolve a complaint, we may:

- request information and documents to help clarify the issues
- help you to talk to the NDIS provider
- with your consent, speak to the NDIS provider about the issues
- talk to you about the information we receive from an NDIS provider.

Sometimes a complaint may be referred to conciliation or investigation. A conciliation meeting helps people to understand the issues and reach agreement on how a complaint can be resolved. An investigation may be conducted if the issues raised in the complaint involve serious concerns or risks to people with disability.

As part of this, we may request further documentation, contact people involved in the complaint, visit the service provider or talk to other people affected by the issues including other people with disability and staff. If a complaint raises a serious compliance issue, we have powers to take action.

You may withdraw a complaint at any time by telling us.



If you're unsure about who to contact or what to do about an issue, we can give you advice or help you find the right place to go.





NDIS Quality
and Safeguards
Commission

The NDIS Quality and Safeguards Commission

A new system of quality and safeguards in the NDIS

The NDIS Quality and Safeguards Commission (NDIS Commission) is an independent government body that works to improve the quality and safety of NDIS services and supports, investigates and resolves problems, and strengthens the skills and knowledge of providers and participants.

The NDIS Commission started in South Australia on 1 July 2018 and will progressively roll out across Australia.

1 July 2018



1 July 2019



1 July 2020



When it is operational in all states and territories, the NDIS Commission will provide a single, national registration and regulatory system for providers that will set a consistent approach to quality and safety across Australia.



What has changed for providers in South Australia?

The NDIS Commission introduced several changes for South Australian providers.

These include a new NDIS Code of Conduct and NDIS Practice Standards, which set out expectations for the quality and safety of the services and supports providers deliver. There have also been changes to provider registration and the way complaints are made, incidents are reported, behaviour support plans are developed and checked, and worker screening is undertaken.

Unregistered providers are also subject to new requirements including the NDIS Code of Conduct and complaints handling arrangements.



The NDIS Commission provides information and guidance to support providers to understand and meet their quality and safeguards requirements.

Then and now in quality and safeguards

Function	Prior to the NDIS Commission	Under the NDIS Commission
Provider registration	<p>The NDIA registered providers.</p> <p>Registered providers were required to meet the NDIA Terms of Business and the Quality and Safeguards working arrangements for transition to the NDIS in South Australia.</p> <p>NDIS providers of specialist disability supports were also required to be on the Department for Human Services (DHS) Disability Service Provider Panel (DSPP).</p>	<p>The NDIS Commission registers providers.</p> <p>Registered providers are required to comply with the NDIS Practice Standards, the NDIS Code of Conduct and requirements for incidents management, complaints management, worker screening and behaviour support (where applicable).</p>
Standards of quality and safety	<p>Registered NDIS providers on the DSPP were required to meet the National Standards for Disability Services, follow DHS's safeguarding policies, and engage in a formal quality management improvement program.</p>	<p>Registered providers must meet and be audited against the relevant NDIS Practice Standards.</p>
Code of Conduct	<p>Registered NDIS providers had to have their own Code of Conduct, Code of Ethics or Service Charter.</p>	<p>All providers and workers in the NDIS must meet the NDIS Code of Conduct.</p>
Worker screening	<p>Providers in South Australia and their workers had to undergo an occasional screening assessment through DHS, including a criminal history check.</p>	<p>All states and territories transition to a nationally consistent Worker Screening Check for employees of registered providers who have more than incidental contact with people with disability.</p>
Complaints management	<p>Complaints about providers on the DSPP were made to DHS.</p> <p>The Health and Community Services Complaints Commissioner handled and investigated complaints about disability services.</p> <p>Complaints about the NDIA or participant plans were made to the NDIA or the Commonwealth Ombudsman.</p> <p>Registered providers were required to have a clear and accessible complaints handling and dispute resolution processes in place.</p>	<p>Complaints about the quality or safety of NDIS supports and services can be made to the NDIS Commission.</p> <p>Complaints about the NDIA or participant plans continue to be made to the NDIA or to the Commonwealth Ombudsman.</p> <p>Registered providers are required to have effective and proportionate complaint management and resolution arrangements in place.</p> <p>Registered providers must afford procedural fairness to people when managing complaints.</p>
Behaviour support	<p>Providers were required to follow DHS's behaviour support and restrictive practices policies, including the Safeguarding People with Disability — Restrictive Practices Policy.</p> <p>The Restrictive Practices Reference Guide for the South Australian Disability Service Sector set out the restrictive practice requirements of service providers.</p> <p>Providers were required to follow state legislation in relation to restrictive practices authorisations.</p>	<p>Providers who use or are likely to use restrictive practices, or who develop behaviour support plans must be registered with the NDIS Commission and meet supplementary requirements of the NDIS Practice Standards. The NDIS Commission approves behaviour support practitioners using a competency framework.</p> <p>Providers must lodge behaviour support plans with the NDIS Commission and notify it of the use of restrictive practices.</p> <p>Providers are still required to comply with existing state legislation in relation to restrictive practices authorisations.</p>
Incident management	<p>Providers would need to report any critical client incidents and serious care concerns to DHS for consideration and resolution, which could include investigation.</p>	<p>Registered providers must report reportable incidents to the NDIS Commission.</p> <p>Registered providers are required to have effective incident management systems in place.</p>

Where transition arrangements apply after 1 July 2018, the NDIS Commission will work with existing state based agencies and regulatory bodies to handle complaints and manage reportable incidents, in line with the appropriate jurisdiction.

Find out more

You can find more information and resources, including the NDIS Practice Standards and NDIS Code of Conduct, on the NDIS Quality and Safeguards Commission website at www.ndiscommission.gov.au. You can contact the NDIS Commission at feedback@ndiscommission.gov.au or on 1800 035 544.



**NDIS Quality
and Safeguards
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7

Take all reasonable steps to prevent and respond to sexual misconduct.

People with disability have a right to sexual expression and to develop and maintain sexual relationships. However, they are at an increased risk of all forms of sexual violence and sexual misconduct.

You are expected to adhere to the highest standards of behaviour, by having professional boundaries with people with disability. This includes preventing and responding to any inappropriate behaviour by anyone to a person with disability.

Your NDIS provider should have a guidance policy that distinguishes between inappropriate and appropriate touching and between sexual misconduct and appropriate conversations about sexual support and family planning needs.

You should report any sexual misconduct, unlawful sexual or physical conduct or inappropriate relationships to your NDIS provider, the NDIS Commission and other authorities. You should support people with disability so they feel safe to make a complaint without fear of retribution or loss of services.



More information

A full copy of the **NDIS Code of Conduct Guidance for Workers** is available from the NDIS Quality and Safeguards Commission at www.ndiscommission.gov.au

You can contact the NDIS Commission on 1800 035 544.

The NDIS Code of Conduct Summary for workers



A new NDIS Code of Conduct has been introduced for workers under the National Disability Insurance Scheme to ensure the safety and wellbeing of people with disability.

The Code of Conduct applies to all workers and service providers delivering NDIS supports or services, including employees, contractors and volunteers.

This guide will help you, as a person who works with people with disability, to become familiar with the appropriate and ethical conduct expected under the Code of Conduct.

If you're unsure about any service delivery issue, you should consult your supervisor, your organisation, or talk directly with your client.

Remember, if you see something you think is a breach of protocol or the Code of Conduct, you should tell your supervisor or someone else in the organisation, or, let the NDIS Quality and Safeguards Commission know if you can't raise it internally. There are penalties for providers who take any adverse action against workers or other people who report a possible breach of the Code of Conduct.



The seven elements of the NDIS Code of Conduct

1

Act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions

All people with disability have full and equal human rights to make their own decisions, live how they choose and receive the support they need.

Not all adults with disability need or want support in decision-making so you should consult them about who, if anyone, they want to involve in decisions about their service and support. You should involve young people and children in decisions that affect them in ways appropriate to their age, development and communication skills.

People with a disability have a right to question, seek extra information about or refuse any part of their service delivery. The onus is on you to communicate in a way that ensures they understand the information and make their own preferences and concerns known to you.

The Code of Conduct requires you to consider their values and beliefs relating to culture, faith, ethnicity, gender, gender identity, sexuality, age, and disability.

2

Respect the privacy of people with disability

People with disability have the right not to have their personal information disclosed to others without their informed consent — unless mandatory reporting is required.

You should explain to people with disability why and what information is kept about them, who has access to it, and what to do if they believe their privacy is breached.

Privacy goes beyond handling personal information to delivering services in a way that maintains personal dignity. This includes both asking permission to perform and explaining procedures that involve physical touch or invading personal space.

3

Provide supports and services in a safe and competent manner, with care and skill

All workers under the NDIS are expected to have adequate expertise and competence necessary for safe and skilful service delivery. You must have and maintain the required qualifications and skills.

You should decline directions — from an NDIS provider, person with disability or their family or carer — to undertake duties that you are not qualified or trained to deliver. You can make a report to the NDIS Commission if such a direction is made.

You should also comply with your own professional code of conduct and relevant work, health and safety requirements. You should ensure that accurate and timely records are kept about an NDIS participant's service history, medication and support needs. You must never work under the influence of drugs or alcohol.

4

Act with integrity, honesty and transparency

Integrity and honesty are crucial to developing trust between you and people with disability so you must be transparent about your qualifications and any limits on your competencies. You must disclose to your NDIS provider if you have failed a worker screening clearance or been subject to a professional misconduct finding.

People with disability have a right to get information about the comparative cost and effectiveness of treatments and the risks and benefits of service options.

You should declare and avoid any real or perceived conflict of interest in your work.

You should avoid giving, asking for or accepting inducements or gifts that may influence decision-making or service delivery under the NDIS. This includes to and from people with disability, their family or carers, or other service providers. You must avoid unethical practices such as over-servicing and high-pressure sales.

5

Promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people with disability

If the safety or the quality of support for people with disability is at risk you should take immediate action to address the reasons why. Ensure the person is safe and consult with them about how they would like to resolve the issue and take action.

It could be as simple as changing the timing of meals or moving a piece of furniture so it's easier to manoeuvre a wheelchair. Or the issue impacting quality or safety could be more complex and may require raising at an organisational level.

It is your responsibility to be familiar with your NDIS provider's systems for complaints and incident management and to follow established procedures. This includes supporting your provider to meet its reportable incidents obligations.

6

Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people with disability

People with disability are at a far greater risk of and are more likely to experience violence, abuse, neglect and exploitation than those without a disability.

You can play an important role in helping to prevent, intervene early and respond to violence, abuse, neglect and exploitation.

If an incident or criminal act does occur, after ensuring the safety of the person affected, you must report it to your supervisor and/or other authorities, including the police where appropriate.

You should work with your NDIS provider to reduce and eliminate restrictive practices. This includes behaviour involving seclusion, chemical, mechanical, physical or environmental restraint.



**NDIS Quality
and Safeguards
Commission**

Providers wishing to register under the National Disability Insurance Scheme (NDIS) need to apply for registration with the NDIS Quality and Safeguards Commission (NDIS Commission).

To be registered, providers must demonstrate they meet standards of quality and safety in the services and supports they deliver.

Who needs to register

Providers must be registered to deliver services and supports to NDIS participants who have their plan managed by the NDIA.

NDIS providers that deliver specialist disability accommodation, use restrictive practices, or develop behaviour support plans must also be registered.

Where to register

Until the NDIS Commission is operational in your state or territory, you will register as an NDIS provider with the NDIA and meet your state or territory's current quality and safeguards requirements.

The NDIS Commission starts on:

- 1 July 2018 in New South Wales and South Australia
- 1 July 2019 in the Australian Capital Territory, Northern Territory, Queensland, Tasmania and Victoria
- 1 July 2020 in Western Australia.

1 July 2018

1 July 2019

1 July 2020



From these dates, new providers will register with the NDIS Commission.

Providers with existing registrations with the NDIA prior to these dates will have their registration automatically transferred to the NDIS Commission. The NDIS Commission will contact these providers about their requirements and when they need to start registration renewal and audit.

The NDIS Practice Standards

The NDIS Practice Standards set out the standard of service delivery you must deliver to become and remain, registered as an NDIS provider.

Some parts of the NDIS Practice Standards apply to all registered NDIS providers. Other parts only apply to providers delivering more complex supports. More complex supports include behaviour support, early childhood supports, specialist support coordination, and specialist disability accommodation.

Each component of the NDIS Practice Standards consists of a series of high level, participant-focused outcomes. Under each outcome are a number of quality indicators that auditors will use to assess your compliance with the NDIS Practice Standards.

Find the NDIS Practice Standards and guidelines at www.ndiscommission.gov.au.

Proportionate requirements

Registration requirements under the NDIS Commission and the NDIS Practice Standards are designed to be proportionate. What this means is that a smaller provider with fewer workers and participants is not expected to present the same evidence as a national provider with a large workforce and many participants. Auditors will ensure that the way an NDIS provider demonstrates they meet each standard is appropriate to their size, scale, and supports they deliver.

Contact us

Email: feedback@ndiscommission.gov.au
Call: 1800 035 544

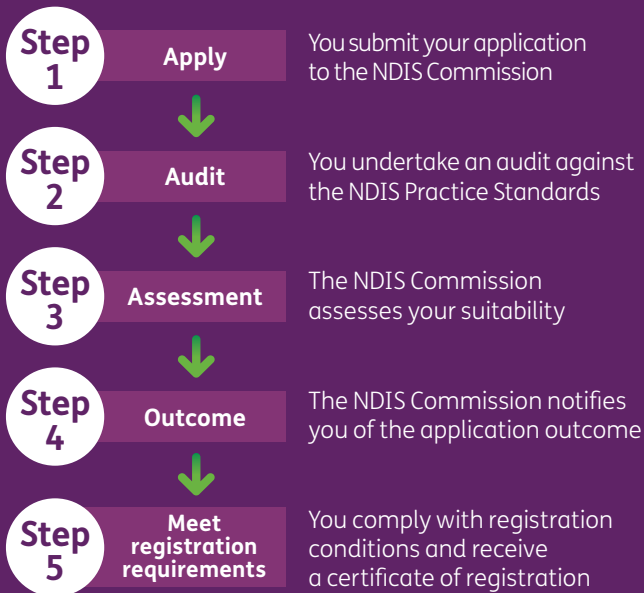
Find out more

More information and resources, including the NDIS Practice Standards and guidelines for the registration process, are available on the NDIS Commission website at www.ndiscommission.gov.au.

How to register as an NDIS provider



How to register with the NDIS Commission



The length and specific requirements of the registration process will depend on the size and scale of your organisation, as well as the complexity and range of supports and services you deliver.

Step 1 Apply

New providers register with the NDIS Commission using the application form on the NDIS Commission website.

The application asks for information about:

- your organisation's contact details
- key personnel
- corporate structure
- service profile
- service coverage areas
- registration groups you wish to apply for
- supports and services your organisation delivers.

These questions help determine which components of the NDIS Practice Standards apply to your organisation.

You will be asked to self-assess against the relevant components of the NDIS Practice Standards and upload the required documents. Once this section is complete, you can submit your application.

You can save the application form at any point. You have up to 60 days to complete the form.

You will receive confirmation of your submission in an email, along with a document called the 'initial scope of audit'. This document will help you to engage an auditor.

Step 2 Audit

An independent auditor will assess your organisation against the relevant components of the NDIS Practice Standards. This will either be a 'verification' or 'certification' quality audit.

Verification audits are a lighter touch desktop audit, while certification audits are a more detailed process. Both types of audit will be proportionate to the size and scale of your organisation and the supports you deliver.

The NDIS Commission will tell you which type of audit applies to you. This is based on the registration group or groups you are registered for, and what legal type of organisation you are (e.g. registered company).

Full details about what is a less complex support requiring verification and what is a more complex support requiring certification, are available in the Registration Rules on the NDIS Commission website at www.ndiscommission.gov.au/providers

The audit must be undertaken by an NDIS Commission approved quality auditor.

Step 3 Assessment

The NDIS Commission will assess your application and make a registration decision.

Step 4 Outcome

Successful application

If your application is successful, you will receive a certificate of registration. This includes the classes of supports or services you are registered to provide, the period of registration and any conditions on your registration.

You must comply with all conditions of registration, including the NDIS Practice Standards and NDIS Code of Conduct.

NDIS providers will be published on the NDIS Commission's provider register. This register will include details about your registration as well as any relevant compliance action taken in relation to your organisation.

Unsuccessful application

If your application is unsuccessful, the NDIS Commission will tell you why. You may request a review within three months of the decision. If following review your application is determined to be unsuccessful, you may seek review by applying to the Administrative Appeals Tribunal.

Step 5 Meet registration requirements

Under the NDIS Commission, registered NDIS providers are required to:

- comply with the NDIS Practice Standards and any conditions of registration
- comply with the NDIS Code of Conduct and support their workers to meet its requirements
- have an in-house complaints management and resolution system, and support participants to make a complaint
- have an in-house incident management system and notify the NDIS Commission of reportable incidents
- ensure all workers are screened through a new national worker screening process
- meet new behaviour support requirements (if applicable), including reporting restrictive practices to the NDIS Commission.

The NDIS Commission monitors registered NDIS providers for compliance with the conditions of registration, and has the power to suspend, vary or revoke registration.