



NDIS Quality and Safeguards Commission factsheet

The NDIS Quality and Safeguards Commission (known informally simply as the NDIS Commission) is a new system for quality and safeguards in the NDIS. This factsheet pulls together the key information about the Commission and points you to where you can learn more.

The information in this factsheet is applicable to registered NDIS providers; however, may be useful as a best practice guide for unregistered providers.

What is the NDIS Commission and what does it do?

The NDIS Commission is an independent agency established to improve the quality and safety of NDIS supports. The NDIS Commission regulates NDIS providers, provides national consistency, promotes service safety and quality, resolves problems and identifies areas for improvement.

Specifically, the NDIS Commission oversees:

- provider regulation and registration
- compliance with the NDIS practice standards and Code of Conduct
- complaints about NDIS services and supports
- reportable incidents, including abuse and neglect of a participant
- behaviour support and the use of restrictive practices
- nationally consistent NDIS worker screening.

The NDIS Commission is separate to, and does not regulate, the National Disability Insurance Agency (NDIA). The NDIA manages plans, payments and pricing, investigates allegations of fraud, and handles complaints about the NDIA itself e.g. concerns about a participant's plan, the call centre.

The NDIS Commission will handle complaints about NDIS providers when the person is unable to resolve issues directly with their provider or when the person does not want to make a direct complaint to the provider. Visit the [NDIS Commission website](#) for more information and guidance on complaints management.

The NDIS Commission is now operating in all Australian states and territories except WA. The NDIA will manage registrations in WA until 1 December 2020 after which the NDIS Commission will take over. To help understand the changes in each state and territory, the NDIS Commission has developed a range of ['then and now' factsheets for providers](#).



Navigating the legislation, rules and policies

The majority of this factsheet explains the key functions of the NDIS Commission and what this means for providers and workers. But first, let's put some context to where the requirements come from - the NDIS legislation, rules and policies.

The NDIS Quality and Safeguarding Framework

The [NDIS Quality and Safeguarding Framework](#) was developed to establish a nationally consistent approach to quality and safeguards. It describes the guiding principles of the NDIS Commission and was designed to promote choice and control, high quality supports and safe environments for all NDIS participants.

The NDIS Act 2013, rules and guidelines

The [NDIS Act 2013](#) is the legislation underpinning the NDIS. It also establishes the NDIS Commission and sets out its functions. The [NDIS rules and guidelines](#) provide further details, including provider and worker responsibilities.

The NDIS Commission's key functions and what this means for providers and workers

The NDIS Code of Conduct

The [NDIS Code of Conduct Rules 2018](#) set out clear expectations to promote safe and ethical supports. The NDIS Code of Conduct applies to:

- registered and unregistered NDIS providers and their workers delivering NDIS supports, including employees, contractors and volunteers
- providers delivering information, linkages and capacity building (ILC) activities
- providers of Commonwealth continuity of support services for people over 65 years old.

There is some guidance on the [NDIS Commission website](#) to help providers and workers comply with the NDIS Code of Conduct, including some great examples. There is also an [online worker orientation module](#), which all registered providers should include in their staff induction and development programs.

Provider registration and NDIS Practice Standards

Providers need to register with the NDIS Commission if they deliver supports to participants with NDIA managed funding and/or deliver specialist disability accommodation, develop behaviour support plans, or use restrictive practices. There are two pathways for registration:

- **Certification** – this is for providers offering higher risk and more complex supports and services
- **Verification** – this is a less rigorous assessment than the full certification for providers offering lower risk and lower complexity supports and services.

The [NDIS \(Provider Registration and Practice Standards\) Rules 2018](#) set out the benchmark requirements that providers must adhere to in order to become and remain registered NDIS providers. The [NDIS Practice Standards and Quality Indicators application pack](#) is a user friendly document to help providers understand their obligations.



The NDIS Practice Standards consist of core and supplementary modules. Core modules are applicable to everyone, whilst the supplementary modules apply to providers of specialised supports.

Each practice standard has a series of participant-focused outcomes and quality indicators, which will be used to assess compliance in quality audits.

The NDIS Commission will inform providers of the NDIS Practice Standards that apply to them, and the type of audit they require, during the registration or renewal process.

Learn more about registered provider requirements on the [NDIS Commission website](#).

Provider complaint management

NDIS participants have the right to express their opinion about their NDIS services. [The NDIS \(Complaints Management and Resolution\) Rules 2018](#) require providers to:

- have an effective, accessible, and efficient complaints management and resolution system
- promote a culture that encourages and empowers people to speak up
- provide NDIS participants with information on how to complain or give feedback, including external avenues such as the NDIS Commission.

Incident management

This NDIS Commission will manage serious incidents (also known as reportable incidents) nationally, to protect the rights and safety of participants, regardless of where they live. [The NDIS \(Incident Management and Reportable Incident\) Rules 2018](#) require providers to:

- have internal incident management systems to prevent, report and manage all incidents and near misses appropriately
- report all serious incidents (also referred to as reportable incidents) to the NDIS Commission, who will determine the best course of action.

For more information and guidance on incident management and reporting, including what is defined as a reportable incident, visit [the NDIS Commission website](#).

Behaviour support

The NDIS Commission takes a person-centred approach to behaviour support, with the aim of reducing and eliminating the use of restrictive practices as much as possible.

There are two types of behaviour support providers in the NDIS, both of whom must register with the NDIS Commission and meet the requirements in [the NDIS \(Restrictive Practice and Behaviour Support\) Rules 2018](#):

- **Behaviour support practitioners** – providers who develop positive behaviour support plans
- **Implementing providers** – providers who use regulated restrictive practices.



The NDIS behaviour support and restrictive practice requirements are complex but necessary to improve outcomes for people with disability and offer increased choice and control over their daily lives. Importantly, they will provide national oversight on the prevalence of restrictive practice. This will allow the NDIS Commission to implement positive behaviour support strategies and build sector capability, to reduce the reliance and use of restrictive practices in the future.

There is a specialist behaviour support team within the NDIS Commission, along with information and resources to help providers understand behaviour support requirements. Learn more on [the NDIS Commission website](#).

Consistent worker screening

Providers have responsibilities to adequately screen their workers. Specific obligations are detailed in [the NDIS \(Practice Standards – Worker Screening\) Rules 2018](#). The NDIS Commission is currently working with state and territory governments to implement a national NDIS worker screening check. In the meantime, there are interim screening arrangements for each state and territory detailed on the [NDIS Commission website](#).

Once the NDIS worker screening check is fully operational, all workers will be required to gain an NDIS worker screening check. The NDIS Commission will have national oversight through the NDIS worker screening database.

Not all roles within an organisation will require a check. Registered providers will be responsible for identifying the roles that do and for ensuring these workers gain an appropriate check. Providers are also responsible for having the suitable systems in place to prevent abuse, neglect or exploitation and promote a no tolerance culture to these things.

For more information on worker screening requirements, visit [the NDIS Commission website](#).

What happens if providers don't meet their obligations?

There are penalties for non-compliance including fines and loss of registration. NDIS providers can [contact](#) the NDIS Commission for advice and help to meet obligations.

The Australian Government has also invested in a new 'NDIS Support for NDIS Providers Program'. For more information on funded projects visit [the NDIS Commission website](#).

Where to start?

A great place to start is to do a gap analysis against the practice standards relevant to your organisation. We have developed a tool you can use to map out what you already have, don't have, and may need to change or update. There are two templates, [one for verification](#) and [one for certification](#) (remember, only complete the modules relevant to you). Once you have identified the gaps, create an action plan to help achieve your objectives.



Summary and where to go for more information

Throughout this document, we have provided you with an overview of the NDIS Commission, its functions and what this means for providers and workers. We have also provided links so you can further your understanding. Here is a summary of those links and resources:

- [The NDIS Commission website:](#)
 - [NDIS legislation, rules and policies](#)
 - ['Then and now' factsheets for providers](#)
 - [NDIS worker orientation module](#)
 - [NDIS Code of Conduct](#)
 - [NDIS Practice Standards](#)
 - [Behaviour support](#)
 - [Incident management and reportable incidents](#)
 - [Complaints management](#)
 - [Worker screening](#)
 - [Contact the NDIS Commission](#)
 - [Support for NDIS providers](#)
- [The NDIS website](#)
- [Transition Support Project website training and resources.](#)

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