

# Corporate Plan

2018 - 2019

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NDIS Quality  
and Safeguards  
Commission

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*...uphold the rights and promote the health, safety and wellbeing of NDIS participants.*



### **Message from the Commissioner, Graeme Head**

The NDIS Quality and Safeguards Commission (NDIS Commission) upholds the rights of people with disability participating in the NDIS. It works with people with disability, their families, carers and advocates to empower them to speak up against abuse, neglect and harm. It also works with providers to improve their ability to provide safe and high quality supports and services to people with disability. For the first time, the NDIS Commission brings together quality and safeguards functions into a single national body to apply to all people with disability across Australia participating in the NDIS.

The NDIS Commission was established as an independent Commonwealth statutory body under the *National Disability Insurance Scheme Act 2013* (the NDIS Act). It commenced operation in New South Wales and South Australia from 1 July 2018. It will commence in Victoria, Queensland, Tasmania, the Northern Territory and the Australian Capital Territory from 1 July 2019, and Western Australia from 1 July 2020.

As the inaugural Commissioner, I am pleased to present the Corporate Plan for 2018–19 that covers the period 2018–19 to 2021–22, prepared in accordance with section 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (the PGPA Act).

The purpose of this Corporate Plan is to set out how the NDIS Commission will uphold the rights and promote the health, safety and wellbeing of NDIS participants. It reflects the core and specific functions of the NDIS Commission namely to improve the quality and safety of NDIS supports and

services, assist NDIS participants in resolving complaints about their supports and services, investigate and resolve problems, and strengthen the skills and knowledge of providers, workers and the community about the rights of NDIS participants across Australia.

This inaugural Corporate Plan will guide the NDIS Commission as it progresses to full implementation by 2020. The Corporate Plan outlines the NDIS Commission's vision, purpose, future activities and performance measures, and also details its environmental, risk oversight, management and capability functions.

I welcome your feedback on the Corporate Plan and encourage your comments and suggestions at [engagement@ndiscommission.gov.au](mailto:engagement@ndiscommission.gov.au)

I look forward to building on our experience to date and meeting the challenges and opportunities that lie ahead for us all to achieve the vision of the NDIS and the benefits of the scheme for people with disability, their families and the broader community.

A handwritten signature in black ink, consisting of a stylized initial 'G' followed by the name 'Graeme Head' in a cursive script. Below the signature is a simple horizontal line with an arrowhead pointing to the right.

**Graeme Head**

Commissioner, NDIS Quality and Safeguards Commission

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## Statement of preparation

I, Graeme Head, as the accountable authority of the NDIS Quality and Safeguards Commission, present the 2018–19 Corporate Plan, which covers the next four annual reporting periods from 2018–19 through 2021–22, as required under section 35(1)(b) of the Public Governance, Performance and Accountability Act 2013.

A handwritten signature in black ink that reads "Graeme Head". The signature is written in a cursive style with a large, stylized initial 'G'.

**Graeme Head**

Commissioner, NDIS Quality and Safeguards Commission

Dated: 31 October 2018



# 1. Background

There have been numerous inquiries, reports and other commentary over many years on the failure to adequately safeguard the rights, safety, health and wellbeing of people with disability. Australia has a responsibility to uphold the rights of people with disability to dignity and respect, and to live free from abuse, neglect, violence and exploitation, as outlined in the [UN Convention on the Rights of Persons with Disabilities](#).

In February 2017, the Council of Australian Governments Disability Reform Council released the NDIS Quality and Safeguarding Framework<sup>1</sup> (the Framework). The Framework was developed in consultation with people with disability, carers, providers and peak bodies over a three-year period.

The establishment of the NDIS Commission is an important step towards implementing the Framework and giving effect to the Commonwealth Government's responsibilities under the Framework.

The Framework includes measures targeted at people with disability, the workforce and providers to strengthen their capacity to prevent harm and ensure quality services, and to resolve problems, enable improvements and provide oversight. It outlines the

ongoing commitment of all jurisdictions to ensure quality and safeguards for people with disability receiving supports and services under the NDIS.

The NDIS Commission is an independent statutory body that regulates NDIS providers and supports the resolution of complaints about the quality and safety of NDIS supports and services. It will progressively replace the quality and safeguards arrangements that operate in the states and territories. The NDIS Commission works with people with disability, their carers, families and advocates, and providers to develop a nationally consistent approach for improving the quality and safety of supports and services. The NDIS Commission is responsible for:

- registration and regulation of NDIS providers, including through new NDIS Practice Standards and NDIS Code of Conduct<sup>2</sup>
- compliance monitoring, investigation and enforcement action
- responding to concerns, complaints and reportable incidents, including abuse and neglect of a person with disability, national oversight of behaviour support, including monitoring the use of restrictive practices within the NDIS with the aim of reducing and eliminating such practices

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1. NDIS Quality and Safeguarding Framework 2016 - available at: [www.dss.gov.au/sites/default/files/documents/04\\_2017/ndis\\_quality\\_and\\_safeguarding\\_framework\\_final.pdf](http://www.dss.gov.au/sites/default/files/documents/04_2017/ndis_quality_and_safeguarding_framework_final.pdf)

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2 NDIS Code of Conduct 2018 - available at: [www.ndiscommission.gov.au/sites/default/files/documents/2018-06/code\\_of\\_conduct\\_providers.pdf](http://www.ndiscommission.gov.au/sites/default/files/documents/2018-06/code_of_conduct_providers.pdf)

- leading collaboration with states and territories to design and implement nationally consistent NDIS screening for disability support and services workers, and
- facilitating information sharing arrangements with the National Disability Insurance Agency (NDIA), states and territories and other Commonwealth regulatory bodies.

The NDIS Commission will focus on capacity and capability building and support the development and expansion of the NDIS market. It will:

- advance the protection of the rights of people with disability in Australia, consistent with Australia's commitment to the United Nations Convention on the Rights of Persons with Disabilities<sup>3</sup>
- build the capacity of people with disability, their families and carers to make informed decisions about NDIS providers and empower them to make complaints
- support a strong and viable market for NDIS supports and services that offers people with disability genuine choice and control, and
- identify areas for improvement across the NDIS market.

For providers, the NDIS Commission's single registration and regulatory system will reduce duplication and inconsistency. The NDIS Commission takes a responsive and proportionate approach to regulation within the NDIS and progressively delivers a more integrated, efficient and effective approach to quality and safeguards.

The focus in 2018–19 is the staged rollout of the NDIS Commission in each state and territory, in line with the phased rollout for the NDIS. It will then begin as each state and territory reaches full scheme as follows

- 1 July 2018: NSW and SA
- 1 July 2019: Vic, Qld, Tas, ACT, NT
- 1 July 2020: WA.

As the NDIS Commission rolls out, it takes responsibility for managing and resolving complaints about the quality and safety of NDIS providers, supports and services. The NDIS Commission does not manage complaints relating to the NDIA or an NDIS plan – these will continue to be managed by the NDIA. The Administrative Appeals Tribunal will continue to conduct reviews and appeals of decisions made under the NDIS Act, and the Commonwealth Ombudsman will continue to have the responsibility to manage complaints from people or organisations that believe they have been treated unfairly or unreasonably by the NDIA or the NDIS Commission.

Until the NDIS Commission is established in each state and territory, people with disability receiving NDIS supports and services continue to be protected by existing state and territory quality and safeguards systems. Providers registered with the NDIA will be migrated to the NDIS Commission register and will be notified in advance when they should begin their registration renewal with the NDIS Commission.

<sup>3</sup> United Nations Convention on the Rights of Persons with Disabilities (UN-CRPD) – available at: [www.humanrights.gov.au/our-work/disability-rights/international/united-nations-convention-rights-persons-disabilities](http://www.humanrights.gov.au/our-work/disability-rights/international/united-nations-convention-rights-persons-disabilities)





## 2. Achieving our purpose

### **Purpose**

The NDIS Commission's purpose is to work with people with disability, providers and the community to deliver nationally consistent, responsive and effective regulation of NDIS providers. It will promote the

delivery of safe and quality supports and services to people with disability under the NDIS. It will approach its responsibilities in a consultative and inclusive way. It will be guided by the underpinning principles outlined in the NDIS Act.

## Vision

The NDIS Commission's vision is for people with disability to receive quality and safe supports and services under the NDIS.

## Our values

The NDIS Commission's values reflect those of the broader Australian Public Service and are central to the way it works with stakeholders. This includes:

- **Impartiality** - the NDIS Commission is apolitical and provides the Government with advice that is frank, honest and timely and which is supported by the best available evidence
- **Commitment to service** - the NDIS Commission is professional, objective, innovative and efficient, and will work collaboratively to achieve the best results for the Australian community and the Government
- **Accountability** - the NDIS Commission is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility and will act fairly in its dealings
- **Respect** - the NDIS Commission respects the diversity of all people, including their rights and heritage, and are mindful of and courteous to cultural and individual differences, and
- **Ethical** - the NDIS Commission will be trustworthy, act with integrity and be fair and transparent.

As employees of the Australian Public Service (APS), NDIS Commission staff are required to adhere to the APS Values, the APS Employment Principles and the APS Code of Conduct. In addition, the NDIS Commission has applied the NDIS Code of Conduct to

its staff through a policy issued by the Commissioner under the *Public Service Act 1999*.

## Our commitment

The NDIS Commission will:

- consult and co-operate with stakeholders on the performance of its functions
- give every opportunity for people with disability to participate in discussions that relate to them and take into consideration the wishes and views of people with disability in relation to those matters
- conduct compliance and enforcement activities in a risk responsive and proportionate manner, and
- promote the development of a diverse, high quality and sustainable NDIS market.

## Advocacy

For the NDIS Commission, formal individual advocacy has an important role in supporting people with disability to identify and speak up about their concerns when something is not right, and to protect people from discrimination, abuse and neglect. The NDIS Commission will acknowledge, recognise and respect the role of advocates (including independent advocates) in representing the interests of people with disability. Formal systemic advocacy also plays an important role in identifying and addressing system-level issues.

## Our approach

The NDIS Commission is responsible for implementing a regulatory environment that promotes the rights of people with disability and strengthens the NDIS market.

The establishment of the NDIS Commission has been guided by the following key design principles:

Principle	Description
<b>Principle 1</b>	The NDIS Commission will support people with disability to access nationally consistent high quality supports and services as informed consumers.
<b>Principle 2</b>	The NDIS Commission will be accessible to people with disability, providers and the community through communications channels that meet their needs.
<b>Principle 3</b>	The NDIS Commission will be an agile and responsive regulator with an informed view of sector risk and quality.
<b>Principle 4</b>	The NDIS Commission will work collaboratively with stakeholders in the regulatory environment to establish clear roles, responsibilities and accountabilities.
<b>Principle 5</b>	The NDIS Commission will draw on its intelligence gathering capabilities to educate and engage with the sector to promote continuous improvement that will enable higher standard supports and will promote innovative practices.
<b>Principle 6</b>	The NDIS Commission will promote a diverse and sustainable NDIS market by working with a wide range of stakeholders to share relevant information about the market, and monitor changes which may indicate emerging risk.
<b>Principle 7</b>	The NDIS Commission will adopt a proportionate approach to regulation, and manage non-compliance by assessing the available information and responding in a way that is reasonable and appropriate for each circumstance.
<b>Principle 8</b>	The NDIS Commission will operate with integrity and independence, and the systems and processes it deploys will enable it to act consistently with the NDIS Act and ensure that decisions are appropriately and accurately communicated and documented.
<b>Principle 9</b>	The NDIS Commission will ensure its operations and resources are managed efficiently and effectively, achieve value for money, and will drive organisational improvement into the future.
<b>Principle 10</b>	The NDIS Commission will create and maintain a productive, accessible, inclusive and diverse workplace, where every staff member can and should contribute to achieving the organisational goals.

## What we do

The NDIS Commission is an independent statutory body that works with people with disability, providers and the community to deliver nationally consistent, responsive and effective regulation of NDIS providers. The NDIS Commission is a non-corporate entity and was subject to the PGPA Act from 1 July 2018.

From 1 July 2018 in NSW and South Australia, the NDIS Commission commenced responsibility for the following functions:

- Registering providers that are delivering services and supports to people with disability in the NDIS
- Setting and applying quality standards to NDIS providers
- Registering complaints about issues relating to the quality and safety of NDIS service and supports, and supporting the resolution of complaints
- Monitoring the occurrence and management of reportable incidents involving people with disability
- Providing leadership to reduce and eliminate restrictive practices
- Working with states and territories to design and implement nationally consistent worker screening
- Educating and building the capacity of providers and workers about areas of quality and safety, and
- Overseeing the NDIS market including monitoring changes, which may indicate emerging risk monitoring and mitigating the risks of unplanned service withdrawals.

The NDIS Commission is undertaking its work with the aim of ensuring that people with disability and the community have access to and receive safe and high quality services and supports under the NDIS.

## Initial priorities

During 2018–19, and as the establishment of the NDIS Commission commences across Australia, the focus will be:

- Completion of the regulatory architecture through policy development
- Implementation of the core functions of the NDIS Commission including complaints handling, reportable incidents, provider registration and behavioural support
- Engaging with stakeholders to inform the design of education and capacity building activities to promote quality and safe services within the NDIS, and
- Contributing to NDIS bilateral negotiations with the remaining states and territories to facilitate their transition by 1 July 2019.

## Who benefits

The NDIS Commission has a strong focus on building the capacity of NDIS participants and providers to improve the quality of services delivered under the NDIS, and build appropriate safeguards into providers' operations.

This approach will benefit the whole sector, including people with disability, providers and workers.

## People with disability

Some of the benefits for people with disability include:

- promoting the rights of people with disability accessing NDIS supports and services to be free from violence, abuse and neglect
  - promoting the NDIS principle of choice and control by empowering people with disability to make choices as informed, protected consumers
  - supporting people with disability to resolve complaints about the quality and safety of NDIS funded services, and the conduct of NDIS providers and workers
  - delivering information and education resources to build the confidence of people with disability to raise concerns and make complaints about NDIS supports and services
  - supporting the development of the NDIS provider market improving access to quality services, and choice and control for participants
  - a nationally consistent worker screening check, so that workers in the NDIS do not present an unreasonable risk to participants, and
  - promoting best practice in the use of positive behaviour support strategies to reduce and ultimately eliminate the use of restrictive practices.
- reducing the burden on NDIS providers wishing to operate in multiple jurisdictions
  - clear and consistent practice standards to promote quality and safeguards for NDIS participants
  - an NDIS Code of Conduct that sets the expectations, shapes the behaviours and culture of NDIS providers when working with people with disability
  - access to information and education resources to support compliance with the new arrangements and registration obligations, and
  - NDIS workers undergoing one nationally consistent worker screening check, so that providers can ensure staff are suitable to provide supports and services to NDIS participants.

## Providers

Some of the benefits to providers include:

- a single, national registration arrangement for providers that wish to participate in the NDIS market

## Workers

Some of the benefits to Workers include:

- a clear Code of Conduct that sets the expectations, shapes the behaviour and culture of people employed or otherwise engaged by NDIS providers and NDIS participants who are self-managing their plans, when working with people with disability
- a nationally consistent, portable, worker screening arrangement for people working in the NDIS
- a capability development focus, building the capacity of the NDIS workforce to deliver quality and safe services and support, starting with a Positive Behaviour Support Capability Framework.



## Purpose

Our role is to work with people with disability, providers and the community to deliver consistent, responsive and effective regulation for NDIS supports and services, making markets work for consumers, now and in the future.

## Outcome

Promote the delivery of quality supports and services to people with disability under the NDIS and other prescribed supports and services, including through nationally consistent and responsive regulation, policy development, advice and education.

<b>NDIS participants have a strong voice and are able to act</b>	<b>Well regulated providers</b>	<b>Effective relationships with system players that support core functions</b>	<b>A regulatory model that improves system performance</b>	<b>Build the Commission</b>
NDIS participants confident to complain	Providers understand obligations and adhere	Collaboration supports the development of solutions that achieve broad system improvement	System performance is monitored and evaluated	Mature, effective and sustainable organisation
Develop complaints and investigation processes that are accessible and responsive to people	Support providers and workers to understand registration and conduct requirements, including behaviour support	Work with key stakeholders to promote the rights of people accessing NDIS services and supports across the nation	Collect, monitor, analyse and commentate on system performance	Establish the NDIS Commission across Australia
Deliver capacity building and education activities to promote the rights of NDIS participants, and the role and function of the NDIS Commission	Education and guidance is available to support the developing market	Develop and maintain sustainable engagement mechanisms with participants, providers and wider stakeholder groups	Effective regulatory and educative tools available and used to support system change	Develop effective governance business process deliver an efficient operation and supports core functions
	Effective quality assurance and compliance monitoring in operation	Establish coordinated information flows that support general communication and evaluation	Create evaluation mechanisms to support decisions to continually refine the regulatory model to the benefit of participants	Workforce and broader capability assessment framework developed and implemented
	Behaviour support frameworks in place to support best practice	Create mechanism that supports the provision of an informed view on the experience of NDIS participants to assist key stakeholders in undertaking their important roles		Implement financial management systems and process



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## 3. Environment

### **A new way to support people with disability**

The NDIS is one of the largest social policy reforms in Australian history. The NDIS supports Australians who are born with, or acquire, a permanent and significant disability before the age of 65 to lead a more independent and inclusive life.

The NDIS represents a fundamental change to how services for people with disability are funded and delivered across Australia: a dramatic shift from services delivered under block-funded contractual relationships between providers and governments, to one where people with disability are the purchasers and consumers of services from a diverse market under the NDIS.

At full scheme, around 460,000 people with disability will receive supports and services from thousands of NDIS providers. To achieve the objectives of the NDIS, the provider market and workforce need to expand significantly to provide genuine choice and control for people with disability.

The NDIS Quality and Safeguards Framework was the first of four stages of policy development that led to the establishment of the NDIS Commission. The Framework was developed over a three-year period following intensive consultation and collaboration between governments, people with disability, carers, providers, peak bodies and other stakeholders.

It sets out the new nationally consistent approach to regulation for the NDIS to ensure that capability is developed in the new market-based system and that the rights of people with disability are upheld and the benefits of the NDIS are realised.

### **National Disability Insurance Scheme Act 2013**

The second stage of policy development was the development of legislation to establish the Commission, the *National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Act 2017*, which received Royal Assent on 13 December 2017. That Act amended the NDIS Act.

The NDIS Commission regulates NDIS providers, being:

- providers of NDIS supports and services to NDIS participants under Chapter 3 of the NDIS Act

- organisations that receive funding under Chapter 2 of the NDIS Act including, Information, Linkages and Capacity Building providers, Local Area Coordinators and Early Childhood Early Intervention providers, and
- providers of supports and services to people with disability, funded by the Department of Health under the Commonwealth Continuity of Support Programme relating to Specialist Disability Services for Older People (these people were not eligible for the NDIS when it was established because of their age).

### **National Disability Insurance Scheme Quality and Safeguards Commission Rules**

The NDIS Quality and Safeguards Commission Rules<sup>4</sup> represented the third stage of policy development to operationalise the core functions of the NDIS Commission and establish the standards which underpin quality within the NDIS. There was extensive engagement with states and territories, key stakeholders representing people with disability, providers and workers in the development of the rules.

The NDIS Commission rules are both preventative and corrective in nature but are only part of the regulatory tools to give effect to the Framework. States and territories are responsible for establishing national worker screening arrangements and remain responsible for the authorisation of any restrictive practices (restraints) applied to NDIS participants.

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<sup>4</sup> NDIS Quality and Safeguards Commission Rules – available at the following link: [www.ndiscommission.gov.au/about/legislation-rules-policies](http://www.ndiscommission.gov.au/about/legislation-rules-policies)





### **Consultation and final stages of policy development**

The final stage of policy development is the preparation of guidance and education materials for participants and providers including operational guidance about how the NDIS Commission will implement its functions for example, how the NDIS Code of Conduct will apply to providers and workers. The NDIS Commission will continue to consult with stakeholders about the development of these materials consistent with its consultation obligations under the NDIS Act.

### **NDIS Quality and Safeguards Commission national establishment and transition**

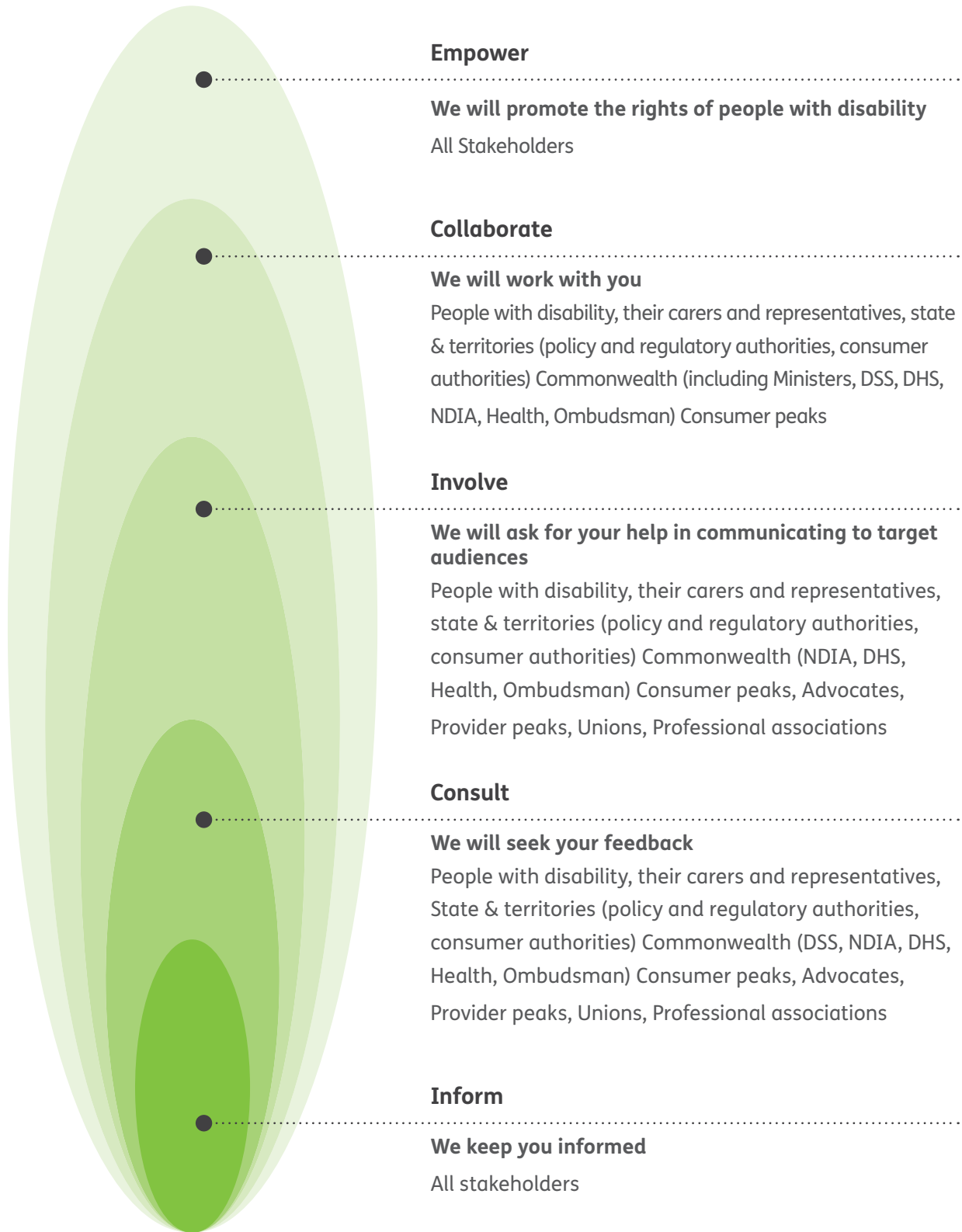
The NDIS Commission will progressively replace existing quality and safeguards requirements in states and territories. From 1 July 2019, with agreement from state or territory ministers with responsibility for quality and safeguarding arrangements, NDIS providers that deliver NDIS supports to participants in the Australian Capital Territory, Northern Territory, Queensland, Tasmania and Victoria will transition to the NDIS Commission. Western Australia will transfer to the NDIS Commission requirements on 1 July 2020. The Department of Social Services and the NDIS Commission will continue to engage in bilateral discussions to inform transitional and administrative arrangements. Existing registered NDIS providers and approved registration groups will be migrated from the NDIA to the NDIS Commission's registration arrangements.

## Stakeholder Engagement

The NDIS Commission stakeholder engagement approach is being developed and is supported by the overarching NDIS Commission Quality and Safeguards Communications and Engagement Framework (Engagement Framework). The goal of the Engagement Framework is to: Build trust and confidence in the Commission through transparent, timely, clear and appropriate communications and engagement. The NDIS Commission's stakeholder engagement approach will be phased, taking into account when a given jurisdiction joins the new national arrangements.



## How we will engage with our Stakeholders





## Stakeholder environment

The NDIS Commission will be required to collaborate with a number of external stakeholders and interest groups that will assist the Commission to achieve its outcome. The voice of people with disability is of particular importance to the NDIS Commission.

The NDIS Commission will rely on a number of key stakeholders to provide input and conduct actions that will contribute to its day-to-day operations.

Specifically:

- **People with disability:** Seeking, valuing and acting upon the input of people with disability, carers and advocates at all stages of the Commission's operation
- **Providers:** In addition to the obligations on registered NDIS providers to engage with the NDIS Commission in the process of registration and mandatory notification of reportable incidents, the NDIS Commission will engage with NDIS providers through a variety of channels to promote active engagement and collaboration towards improving the quality and safety of supports and services

- **States and Territories:** State and Territory governments are important partners in the NDIS. They have led quality and safeguarding during the transition to the NDIS, and in the years leading up to this major reform. They are well placed to provide information to the NDIS Commission on trends and issues within their jurisdiction, and
- **National Disability Insurance Agency (NDIA):** The NDIS Commission will work with the NDIA to support individual participants where they need a joint approach. The NDIS Commission and the NDIA will share data and local intelligence to proactively identify new and emerging risks in the market, assess provider risks, help to resolve complaints, and implement developmental and preventative measures to support NDIS participants.

The NDIS Commission will build relationships with a range of key stakeholders including individuals and groups (such as people with disability, peak bodies, advocates and other regulators) to meet its responsibilities.





## 4. Performance

The NDIS Commission is committed to achieving its strategic outcome — promote the delivery of quality supports and services to people with disability under the NDIS and other prescribed supports and services, including through nationally consistent and responsive regulation, policy development, advice and education.

The performance measures in this section convey how the NDIS Commission will measure its success in the first year of operation and in the subsequent three years (2018–19 to 2020–2021). The NDIS Commission is committed to establishing and meeting its performance expectations by delivering on its purpose and vision.

The NDIS Commission’s strategic direction and resourcing is set out within the NDIS Commission 2018–2019 Portfolio Budget Statements (PBS). The PBS performance criteria are aligned with the performance measures in this section, enabling a clear performance story to be articulated in annual performance statements, see Performance Framework table.

As the new national regulator of NDIS providers, the NDIS Commission has a unique place in the Australian regulatory landscape. It will strive to meet the government’s expectations of regulator performance, aligned with the Government’s Regulator Performance Framework (RPF). The RPF has outcomes-based key performance indicators and measures of good regulatory performance; this is in addition to the NDIS Commission’s PGPA reporting requirements.

The Australian Government’s RPF requires regulators to assess performance against six Key Performance Indicators (KPIs) relating to the administration of regulation, specifically:

**KPI 1:** Regulators do not unnecessarily impede the efficient operation of regulated entities

**KPI 2:** Communication with regulated entities is clear, targeted and effective

**KPI 3:** Actions undertaken by regulators are proportionate to the regulatory risk being managed

**KPI 4:** Compliance and monitoring approaches are streamlined and coordinated

**KPI 5:** Regulators are open and transparent in their dealings with regulated entities, and

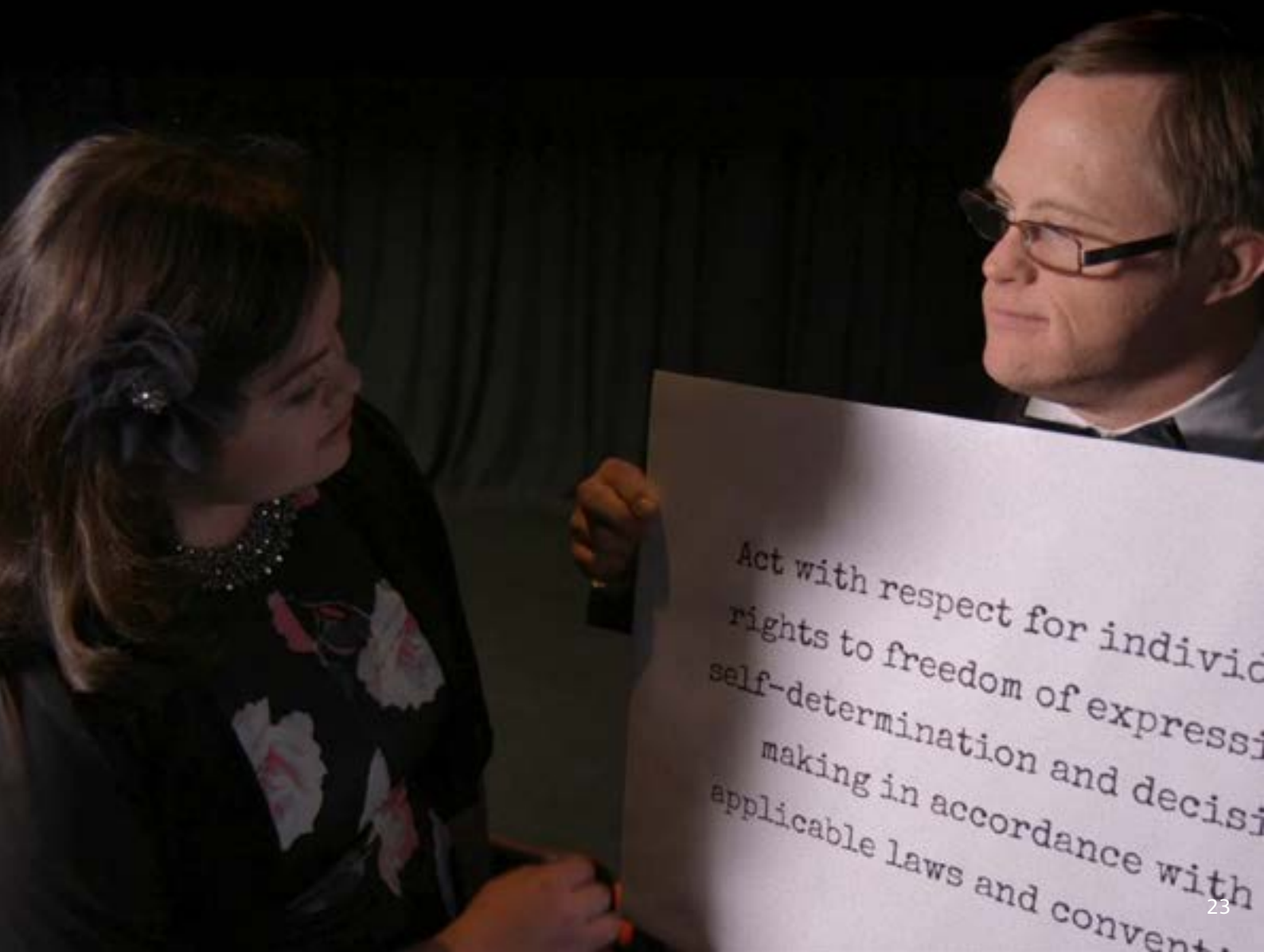
**KPI 6:** Regulators actively contribute to the continuous improvement of regulatory frameworks.

### **Performance reporting**

The NDIS Commission is committed to being transparent and accountable in how its functions are undertaken. To achieve this, the NDIS Commission will establish and communicate its regulatory priorities and will publish regular trend and market performance information across all its functions. The NDIS Commission will implement and use a number of different avenues to report on its performance, and observations about trends and issues in the NDIS market, including trends in health, wellbeing, and quality of supports and services provided to NDIS participants. The NDIS Commission will report in its annual performance statement and annual report against the measures in the Corporate Plan and against other policies. The NDIS Commission will make information, reports and educational resources available on its website, published in accordance with Web Content Accessibility Guidelines (WCAG).

## Strategic priorities and activities

Within each of the NDIS Commission's strategic priorities there are a number of activities. These activities include specific programs and projects that contribute to the NDIS Commission achieving its purpose.





## Performance Framework

The following table demonstrates the links between the NDIS Commission's Portfolio Budget Statements 2018–2019 and the NDIS Commission Corporate Plan 2018–2022. This provides the basis for the NDIS Commission's performance information.

No.	Performance Measure	PBS component	2018	2019	2020	2021
<b>Engagement and Communication</b>						
<b>1.0</b>	<b>Establish an engagement model for communications</b>	<b>1.1 and 1.2</b>	✓	✓		
<b>Engagement model for communications to include:</b>						
1.1	Information available and shared with people with disability and advocacy groups on the role of NDIS Commission and the complaints process		✓	✓	✓	✓
1.2	Promote the role of the NDIS Commission to providers, the NDIA and other relevant groups		✓	✓	✓	✓
1.3	Information available to Workers on their obligations under the NDIS Code of Conduct including successful completion of worker screening module		✓	✓	✓	✓
1.4	Information available to providers on the registration process and for transition in each jurisdiction		✓	✓	✓	✓



No.	Performance Measure	PBS component	2018	2019	2020	2021
<b>Complaints and Reportable Incidents</b>						
2.0	<b>Establish a report on complaints and reportable incidents</b>	1.2	✓	✓		
<b>Report to include:</b>						
2.1	Establish a benchmark for complaints resolution timeframes including responsiveness and timeliness of decision making in relation to complaints resolution		✓	✓	✓	✓
2.2	Information on complaints and reportable incidents activity – including the type of incident or resolution process and the identification of issues and trends related to the delivery of NDIS services to people with disability		✓	✓	✓	✓
<b>Provider Registration and Compliance</b>						
3.0	<b>Establish reporting mechanisms regarding NDIS provider quality and compliance within a risk framework</b>	1.1 and 1.2	✓	✓		
<b>Status report to include:</b>						
3.1	Proportion of ‘Active’ Providers and the number of Registered Providers delivering services		✓	✓	✓	✓
3.2	Average processing time and number of Provider applications for registration and renewal and variation		✓	✓	✓	✓
3.3	Percentage of Providers who have met various service standards to an acceptable level		✓	✓	✓	✓
3.4	Summary of Provider audit activity including providers identified by audit or reporting that may require improvement training		✓	✓	✓	✓
3.5	Information provided on transition to incoming jurisdictions		✓	✓	✓	✓

No.	Performance Measure	PBS component	2018	2019	2020	2021
<b>Behaviour Support</b>						
4.0	<b>Establish and implement the Positive Behaviour Support Capability Framework</b>	1.1	✓	✓		
<b>Annual Status report outlining:</b>						
4.1	Behaviour support practitioners deemed suitable to practice against the above framework		✓	✓	✓	✓
4.2	Behaviour support plans submitted to the NDIS Commission		✓	✓	✓	✓
4.3	Types of restrictive practices submitted to the NDIS Commission		✓	✓	✓	✓
<b>Corporate</b>						
5.0	<b>Establish the NDIS Commission</b>	1.2	✓	✓		
<b>Set framework for performance in line with each of the functions of the NDIS Commission including:</b>						
5.1	Establish the office locations in jurisdictions across Australia		✓	✓		
5.2	Establish internal capacity to deliver outcomes through a workforce strategy that includes: people plan, diversity strategy, workplace consultative arrangements; and data collection to support evaluation		✓	✓		
5.3	Refine performance targets as the NDIS Commission is established		✓	✓		



## 5. Capability

In order to implement its functions nationally, the NDIS Commission is focussed on six strategic capabilities to effectively build and deliver its regulatory responsibilities and lift the performance of NDIS providers.

### **Governance**

The NDIS Commission's internal corporate governance framework will assist the organisation to achieve its strategic goals while complying with legislation and policies, maintaining performance standards and making the most cost-effective use of resources.

The NDIS Commission is linked into national governance frameworks for the NDIS. The NDIS Commission will comply with the performance standards put in place by the Australian Government through the PGPA Act, the NDIS Act, and the Australian Government Regulator Performance Framework.



## Strategic capability

The NDIS Commission has determined six initial strategic capabilities to enable it to establish and move quickly towards a mature operating model. These strategic capabilities align with the NDIS Commission's strategic direction and are in areas that the NDIS Commission should excel in to ensure effective and consistent operations. They will shape and drive the NDIS Commission as it matures towards and beyond 2020.

### Strategic Capability 1: Maintain Linkages

Identify, establish and maintain key operational relationships with stakeholders across the NDIS system, while maintaining the NDIS Commission's independence. It will:

- Develop trustworthy, reliable, connected and transparent relationships with key external stakeholders
  - Be clear about its purpose, and expectations for how it interacts with stakeholders, and
  - Establish formal information sharing arrangements with other bodies, and regulators to remain informed and connected across the system.
- 

### Strategic Capability 2: Triaging

Evidence and risk based prioritisation and decision making so that urgent and high risk issues are identified and acted upon quickly. It will:

- Have decision making tools that enable evidence and risk based decision making, as well as sound administrative decision making against the provisions in the NDIS Act, and associated Rules
  - Put in place systems that maintain the integrity of information at all points of triaging, aiming to have access to the right information at the right time, and
  - Establish relationships with the NDIA, advocacy and other bodies to connect people with disability to the right place to get the support they need at critical times.
-



### Strategic Capability 3: Data Analytics and Insights

Draw insights and intelligence by analysing data from across the NDIS Commission's functions, other sources such as the NDIA, other regulators and open sources. It will:

- Collect and connect information across all NDIS Commission functions, and link that data with information from other relevant sources to build intelligence about the quality of services, areas of risk for participants and market changes
  - Create a culture that encourages the intelligent and consistent use of information to improve outcomes for people with disability in the NDIS, and
  - Creatively use information from a range of sources to inform activities, including contemporary research, inquiries, and traditional and social media.
- 

### Strategic Capability 4: Anticipating emerging risks

Identify patterns of behaviour and predict risks before they materialise, managing and mitigating those risks. It will:

- Develop an overarching view of the NDIS market, and sub-markets to understand how risk can be identified and mitigated at a system level
  - Understand the points at which risks could occur and work with providers and other bodies to initiate interventions to reduce the likelihood of the risk occurring, and
  - Build the capability of its workforce to identify patterns and trends that might indicate risk, and respond accordingly.
- 



## Strategic Capability 5: Managing perceptions and expectations

Set and manage expectations of the NDIS Commission's role and performance, with the community and key stakeholders. It will:

- Communicate and establish expectations with participants, providers, key stakeholders (i.e. the NDIA), and Government
  - Communicate the NDIS Commission's performance measures
  - Build open and transparent performance policies, processes and procedures, and communications
  - Tailor training for staff to understand the role and limitations of the NDIS Commission
  - Manage the NDIS Commission's integrity and independent posture, and
  - Develop best practice education for providers so they can provide high quality supports and services.
- 

## Strategic Capability 6: Organisational learning, renewal and innovation

Apply innovation and measured risk taking with the aim of improving NDIS Commission's operations over time. It will:

- Build a culture of continuous learning, self-renewal, innovation and an environment that encourages measured risk taking and innovative behaviours
  - Build corporate learning and corporate memory retention
  - Define and deploy a consistent method to facilitate process improvement
  - Establish processes to capture and exploit innovation opportunities
  - Involve staff at all levels in performance improvement activities, and
  - Learning from others including other regulators.
- 



## Enabling functions

The NDIS Commission will revise and refine these capabilities as it builds intelligence and experience.

Underpinning these strategic capabilities are the NDIS Commission's enabling functions. These include:

- **Corporate governance:** manage and provide support to the NDIS Commission's governance processes of a committee, specific governance body or regulatory function
- **Ministerial and Parliamentary services:** liaise with and support the portfolio, Minister, Assistant Minister and Executive on Cabinet, ministerial and parliamentary matters
- **General Counsel:** prosecution for civil penalty, Administrative Appeals Tribunal appeals, advise on all legislative, regulatory and contractual issues that affect the NDIS Commission's activities
- **Information technology platforms and support:** develop, implement, manage information technology services and solutions to support the NDIS Commission's staff, stakeholders and communication channels, and provide technical and general administrative support such as business management, data entry, and translating and interpreting service
- **Human resources:** manage and provide support to the NDIS Commission's personnel, including activities such as recruitment, training and development and management of payroll, work health and safety
- **Finance:** monitor accounts, undertake documentation, calculate and investigate the cost of wages, materials, overheads and other operating costs, provide support for travel and accommodation arrangements, and manage internal and external budget, costs, funding and related processes
- **Communications and Engagement:** internal communications and distribution of information to NDIS Commission personnel and the coordination and delivery of external communications, marketing and education activities, and
- **Other corporate functions:** property management, records and knowledge management, procurement and contracting, management and planning.

The NDIS Commission will undertake some of these functions internally and others will be outsourced to the Department of Social Services.



The NDIS Commission must excel in six distinctive capabilities in order to effectively deliver its regulatory responsibilities and oversee quality and safeguards.

These strategic capabilities are intended to complement the NDIS Commission’s business capabilities, such as:

- Leadership and Governance
- Practices and Performance
- Process
- People and Organisation

- Systems
- Integration

This is not to diminish the importance of capabilities set out above – but rather to highlight some specific capabilities that the NDIS Commission must ‘get right’ if it is to meet its regulatory obligations.

Whilst these capabilities are not necessarily needed for Day 1 operations, we expect them to be in place as the NDIS Commission matures.

	Capabilities	Examples
1	<p><b>Maintain Linkages</b></p> <p>Identify, establish and maintain key operational relationships with stakeholders across the NDIS system, whilst maintaining the NDIS Commission’s independence</p>	<p>The NDIS Commission establishes a formal MOU with the NDIA to share information and define respective roles and responsibilities regarding thin markets and prudential oversight.</p>
2	<p><b>Triaging</b></p> <p>Evidence and risk based prioritisation and decision making against set criteria, that may occur at any stage of the NDIS Commission’s functional processes</p>	<p>The Complaints Commissioner adopts a risk-based triage approach for the initial assessment stage so that urgent and high risk issues are identified and acted upon quickly.</p>
3	<p><b>Data Analytics and Insights</b></p> <p>Draw insights and intelligence by analysing data from multiple sources, such as NDIS Commission, NDIA, third party and open data (i.e. social media) sources</p>	<p>The Registrar gathers relevant data from various sources to inform a view of provider conduct in this and other relevant markets.</p>
4	<p><b>Anticipating Emerging Risk (Intelligence)</b></p> <p>Identify patterns of behaviour and predict risks before they materialise, and then manage or mitigate those risks</p>	<p>The Senior Practitioner uses monthly reporting data and other intelligence held with the NDIS Commission, in conjunction with predictive analytics, to identify providers using excessive restrictive practices and those that would benefit from targeted training.</p>
5	<p><b>Managing Perceptions and Expectations</b></p> <p>Set and manage expectations of the NDIS Commission’s role and performance with the community and key stakeholders</p>	<p>Investigators explain the rights and obligations to all parties involved to help establish the NDIS Commission as an impartial statutory body.</p>
6	<p><b>Organisational Learning, Renewal and Innovation</b></p> <p>Apply innovation and measured risk taking with the aim of improving NDIS Commission operations over time</p>	<p>The Compliance and Enforcement team regularly assess the efficacy of difference compliance tools and refine the use of those tools to improve overall compliance and enforcement outcomes.</p>

## Focus on our people

Attracting the right workforce is essential to enliven the NDIS Commission’s capabilities. The NDIS Commission is committed to attracting, developing, supporting and retaining people with the right capabilities and experience to meet its responsibilities.

The NDIS Commission’s aim is for a professional, high performing workforce driven by strong leadership and shared values and culture.

Aim	Planned Development 2018 - 2019
<p><b>Professional and capable workforce</b></p>	<ul style="list-style-type: none"> <li>Systematic approach to workforce planning</li> <li>Structured learning and development</li> <li>Succession planning</li> </ul>
<p><b>Shared values and culture</b></p>	<ul style="list-style-type: none"> <li>Culture statement</li> <li>Managers are key influencers of culture</li> <li>Rewards and recognition</li> <li>Workplace diversity and inclusion</li> </ul>
<p><b>Strong leadership</b></p>	<ul style="list-style-type: none"> <li>Leadership framework</li> <li>Improving the capability of managers to manage people</li> </ul>

These planned strategic capability activities are designed to deal with the challenges of being a modestly sized, newly formed Commonwealth agency, combining a range of functions that each require specific capabilities and expertise.





## 6. Risk oversight and management

### Risk governance

The NDIS Commission commenced operations on 1 July 2018 with the phased rollout of services across all jurisdictions to occur by 1 July 2020. The functions of the NDIS Commission are new. The first months and years of operation will provide vital intelligence

to inform the refinement of the NDIS Commission's operating model. In this context, the NDIS Commission's ability to identify and respond to risks in the short to medium-term will be critical to achieving its goals and outcomes.

The NDIS Commission will apply a risk management approach across all activities. As the organisation matures, its risk framework, capabilities, culture and understanding of risk will be developed and contribute towards future improvements.

The NDIS Commission will need to respond to a variety of potential risks in this complex NDIS environment. Identification, analysis, treatment and review of risks are required as the NDIS Commission beds down its operations as each jurisdiction is established. The implementation of a risk management framework will be integral to the effective and efficient achievement of the NDIS Commission's purpose.

## **Approach to risk management**

The NDIS Commission will utilise a risk management approach to guide the development of management systems, processes and structures to support regulatory administration, the monitoring and management of regulatory compliance, as well as the deployment of available resources. The NDIS Commission's approach will be consistent with the Australian National Audit Office's Administering Regulation – Achieving the right balance better practice guide.

The NDIS Commission will establish a risk management framework across all aspects of the organisation's operations. This will be further supported by the NDIS Commission's internal audit program that will provide assurance on business processes and performance as well as compliance with relevant statutory requirements, including those under the PGPA Act.

The NDIS Commission will consider the following when applying its risk management approach:

- Promoting a risk management culture that supports an integrated approach to the identification and management of risk, while recognising that a level of residual risk will remain as the cost associated with eliminating risk would in most cases be prohibitive
- Integrating risk management into strategy, planning, decision-making and other processes
- Assigning responsibility for managing significant business risk to the most relevant senior manager to reinforce the regulator's risk management culture and emphasis on action
- Regularly monitoring and reviewing risks—this information can be shared across the regulator and used to adapt or tailor risk management processes and effort according to the likelihood, consequences and nature of risks identified, and
- Educating officers about a regulator's risk management policies and procedures and ensure officers are trained in their application.



# Glossary

**NDIS Act** means the *National Disability Insurance Scheme Act 2013* (Cth).

**Commissioner** means the Commissioner of the NDIS Quality and Safeguards Commission.

**NDIA** means the National Disability Insurance Agency.

**NDIS** means the National Disability Insurance Scheme.

**NDIS Commission** means the NDIS Quality and Safeguards Commission.

**NDIS Provider** means a person or entity who is an NDIS provider as defined in section 9 of the NDIS Act.

**Participant** means a person who is a participant in the NDIS (see sections 28, 29 and 30 of the NDIS Act).

**Person with Disability/People with Disability** means a Participant, and also a person with disability who is not eligible to be a Participant, but who receives funded supports (for example, children under age 6 who are receiving early intervention support) and people who are eligible for support under the Commonwealth Continuity of Support Programme relating to Specialist Disability Services for Older people prescribed by the National Disability Insurance Scheme (NDIS Provider Definition) Rules 2018.

**Worker** means a person employed or otherwise engaged (including volunteers) by an NDIS provider.

**Restrictive practice** is anything that restricts the rights or freedom of movement of a person with disability. The NDIS Commission regulates and monitors the following restrictive practices described in the *National Disability Insurance Scheme (Restrictive Practices and Behaviour Support) Rules 2018*: seclusion, chemical restraint, mechanical restraint, physical restraint and environmental restraint.



# References

1. *Public Governance, Performance and Accountability Act (Cth) 2013*
2. *National Disability Insurance Scheme Act (Cth) 2013*
3. NDIS Quality and Safeguards Commission Rules - [www.ndiscommission.gov.au/about/legislation-rules-policies](http://www.ndiscommission.gov.au/about/legislation-rules-policies)
4. United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
5. National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework 2016
6. *Public Service Act (Cth) 1999*
7. Australian Government Regulator Performance Framework – January 2015





**NDIS Quality  
and Safeguards  
Commission**