



**NDIS Quality  
and Safeguards  
Commission**

# **NDIS Quality and Safeguards Commission**

**Your Responsibilities – June roadshow**

**Samantha Taylor PSM**

# How do we work with providers?



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



The NDIS Commission oversees:



Registration and regulation of providers



Compliance with the Practice Standards and Code of Conduct



Complaints about NDIS services and supports



Reportable incidents, including abuse and neglect of a participant



Use of restrictive practices



Nationally consistent NDIS worker screening

# Code of conduct



## NDIS Code of Conduct

The NDIS Code of Conduct sets expectations for appropriate and ethical conduct in delivery of supports and services.



Providers are expected to support workers to understand and apply the Code of Conduct in their organisation.



Respect  
Individual  
rights



Respect  
self-  
determination



Respect  
privacy



Act with  
Integrity,  
honesty and  
transparency



Deliver  
services  
competently



Ensure  
quality  
and safety



Prevent and  
respond to  
violence,  
neglect, abuse,  
and exploitation

All providers must follow the NDIS Code of Conduct which is available at [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)

# Code: Worker Orientation Module



## Worker Orientation Module 'Quality Safety and You'



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

# Who needs to be registered?



Providers must be registered with the NDIS Commission if you deliver one or more of the following:

- Services and supports to NDIS participants who have their plan managed by the NDIA
- Specialist activities: SDA and Behaviour Support
- Implement restrictive practices as part of the supports and services to participants
- Providers delivering supports to people under the Commonwealth Continuity of Support program

**There are benefits to providers in being registered**

# What does registration involve?



There are three components to registration:

- assesses the **provider and its key personnel** for **suitability** to participate in the NDIS market, and
- Independent assessment (audit) of against relevant **NDIS Practice Standards**, then
- sets **conditions** of registration depending on what services and supports you are registering to provide

# Provider registration



## Conditions of registration:

- Compliance with Commonwealth, state and territory laws
- NDIS Practice Standards
- NDIS Code of Conduct
- Complaints management and resolution requirements
- Incident management and Reportable Incident requirements
- Behaviour Support requirements (if applicable)
- Worker screening.





# What are the Practice Standards?

Requirements that **set the standard of service you must deliver** to be a registered NDIS provider

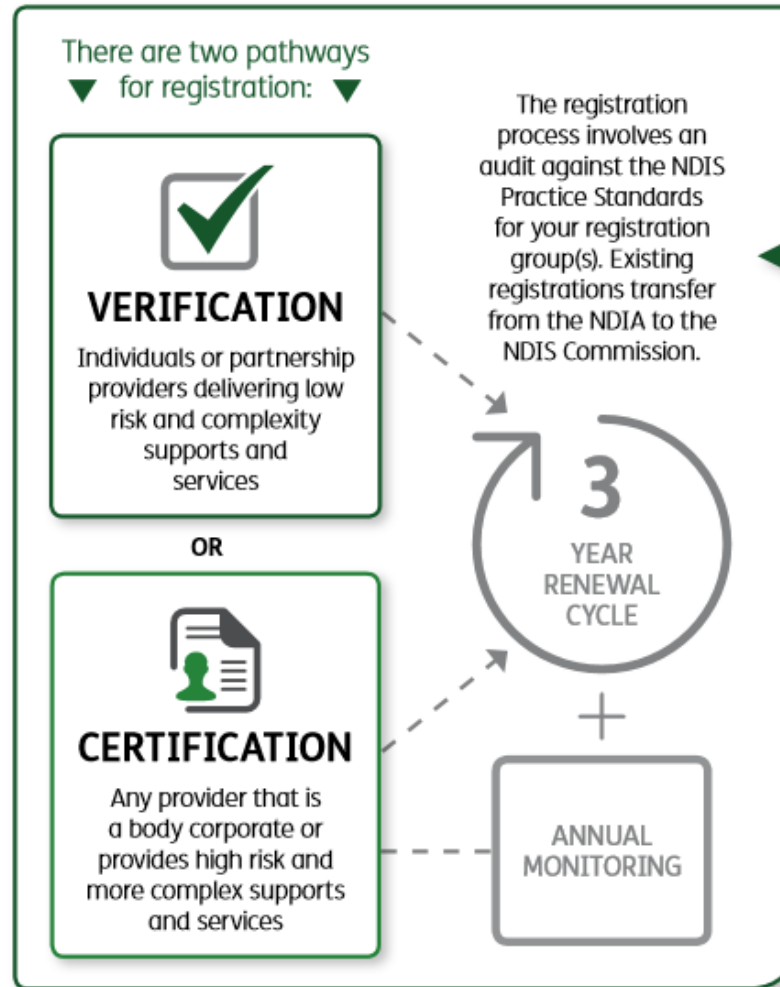
Benchmark for providers to **assess performance and demonstrate high quality and safe supports** for participants

Each Practice Standard is build from a **high-level participant outcome**, supported by **quality indicators**.





# Practice Standards Audit



**Practice Standards describe good practice for providing supports and services**

The core module applies to all providers, and supplementary modules apply to providers of specialised supports.

# Practice Standards Audit - Verification



## Baseline quality expectations of less complex supports and services for NDIS participants

### Verification module includes:

- Complaints management
- Incident management
- Risk management
- Human resource management.

### Plus:

- General requirements including qualifications and experience



## Baseline quality expectations of more complex supports and services for NDIS participants

### Core module includes:

- Rights and Responsibilities
- Governance and Operational Management
- Provision of Supports, and
- Support Provision Environment.

### Supplementary modules (for more complex supports):

- High intensity daily personal activities
- Specialist behaviour support
- Implementing behaviour support plans
- Early childhood supports
- Specialised support coordination
- Specialised disability accommodation.



# Core: Rights and responsibilities

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## Person centred supports



Individual values and beliefs respected



Privacy and dignity upheld



Independence and informed choice



[Free from] violence, abuse, neglect, exploitation and discrimination.



## Person centred supports



**Outcome:** Each participant accesses supports that promote, uphold and respect their legal and human rights and is enabled to exercise informed choice and control. The provision of supports promotes, upholds and respects individual rights to freedom of expression, self-determination and decision-making.

To achieve this outcome, the following quality indicators should be demonstrated:

- ✓ Each participant's legal and human rights are understood and incorporated into everyday practice.
- ✓ Communication with each participant about the provision of supports is responsive to their needs and is provided in the language, mode of communication and terms that the participant is most likely to understand.
- ✓ Each participant is supported to engage with their family, friends and chosen community as directed by the participant.

# Worker screening



New national worker screening system and database coming

It will **replace existing arrangements** and set a single, **national standard for all workers**

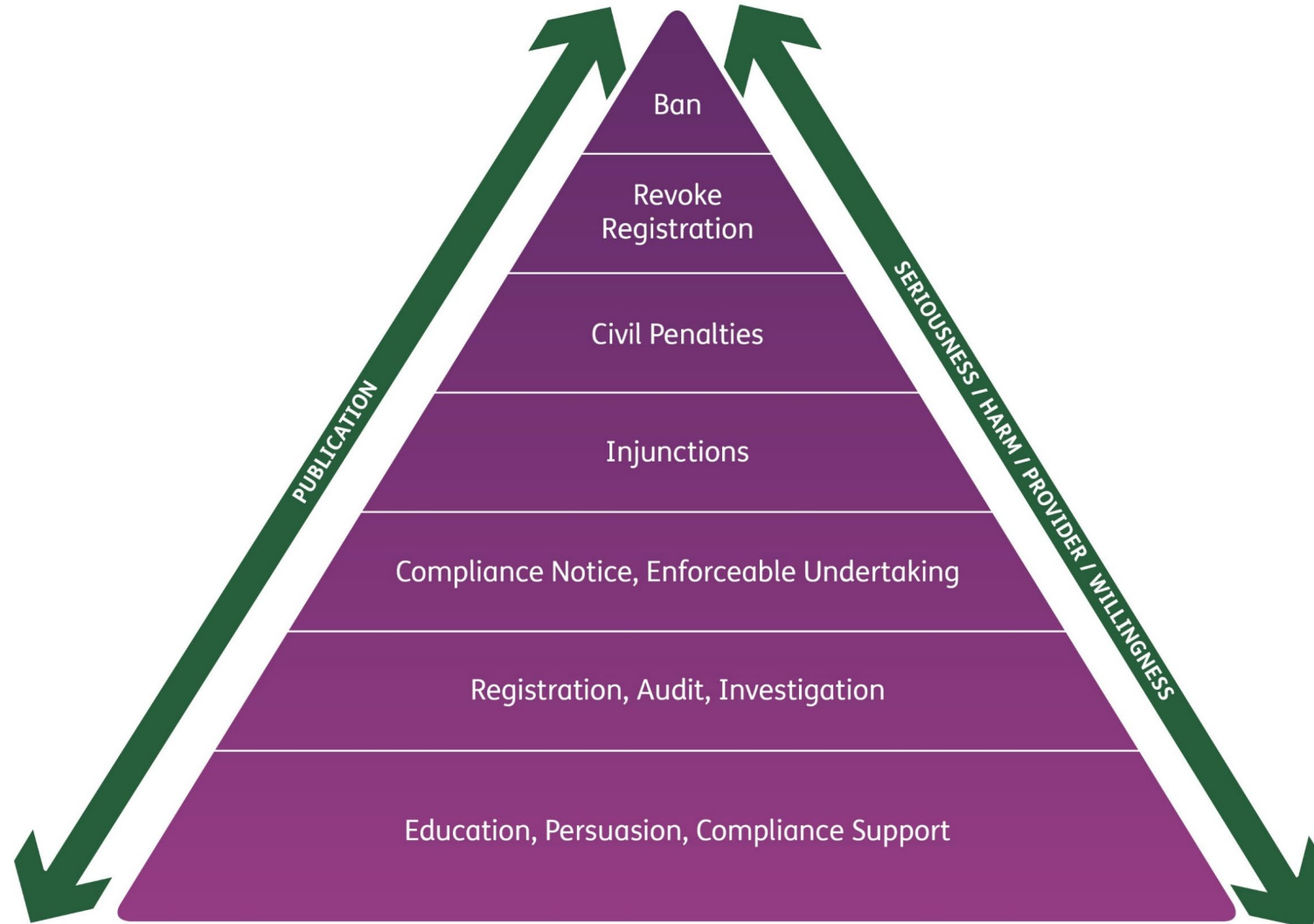
When in place, **all registered NDIS providers must ensure workers have a valid clearance**

Until in place, **existing arrangements continue to apply**

Workers will be subject to ongoing monitoring nationally.



# What happens when things don't go well



# How the NDIS Commission will support you



We are working with states and territories to build local relationships, and with the NDIA

Providers have received information from the NDIA on transition arrangements

We've sent you a series of resources/information

Visit our updated website

Contact us if you can't find what you need.





# Further Information



For more information visit:

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



Or contact: **1800 035 544**

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# Questions?



**NDIS Quality  
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# **NDIS Quality and Safeguards Commission**

**Behaviour Support – June roadshow**



# Behaviour Support



# Regulated Restrictive Practices



**Restrictive practice: Any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability (NDIS Act 2013 s9)**

**Regulated restrictive practices** *[NDIS (Restrictive Practices and Behaviour Support) Rules 2018]:*

- Seclusion
- Chemical restraint
- Mechanical restraint
- Physical restraint
- Environmental restraint.



# Regulated Restrictive Practices



## Regulated restrictive practices can only be used in the context of:

- Reducing the risk of harm to the self or others
- Clearly being identified in a Behaviour Support Plan
- Authorisation (however described) by the State/Territory where required
- Only being used as a last resort
- Being the least restrictive response available
- Being proportionate to the potential harm to self or others
- Being used for the shortest possible time
- The NDIS participant being given opportunities to develop new skills that have the potential to avoid the need for a restrictive practice.

# Behaviour Support – Our Role



- Safeguarding the dignity of the person and improving their quality of life
- Contemporary evidence-based practice
- Constructively reducing behaviours that may lead to harm of self or others
- Work towards the reduction and elimination of restrictive practices
- Consider behaviour support practitioners suitable to deliver specialist behaviour support.



# How we will reduce/eliminate restrictive practices



- ✓ Building the capacity of Behaviour Support Practitioners
- ✓ Developing policy and guidance materials
- ✓ Education, training and advice to providers
- ✓ Monitoring/analysing use of restrictive practices
- ✓ Assisting states and territories in developing nationally consistent restrictive practice definitions and principles for authorisation.



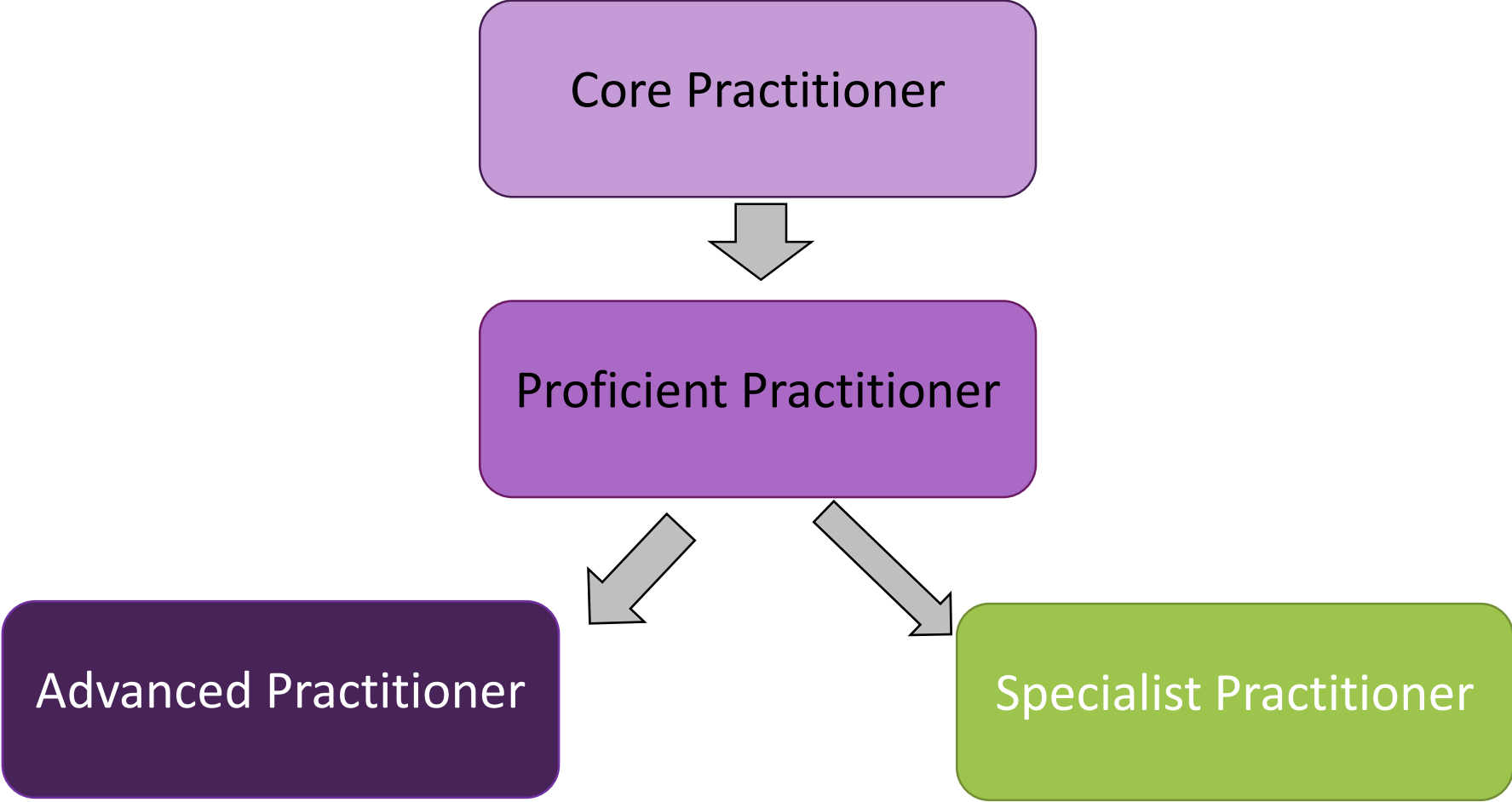
# Behaviour Support Provider Requirements

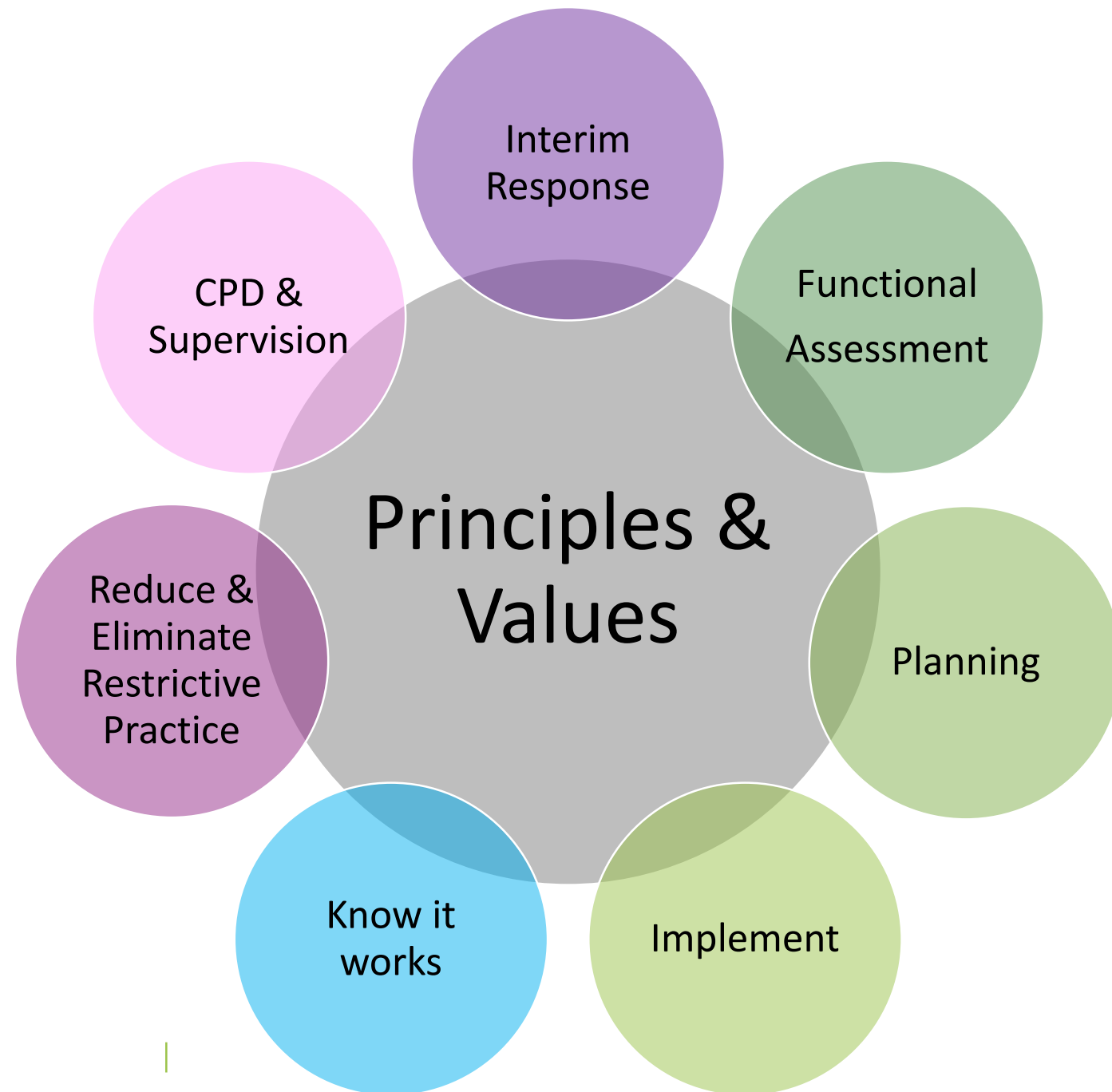


- Providers must be registered for specialist behaviour support (or be a registered sole trader)
- Specialist Behaviour Support Providers must engage an NDIS behaviour support practitioner to deliver services
- Practitioners must be considered suitable as an NDIS behaviour support practitioner to undertake assessments and develop behaviour support plans
  - Positive Behaviour Support Capability Framework
  - “provisional suitability”.



# Positive Behaviour Support Capability Framework





## Assessment Resource Toolkit for the PBS Capability Framework

### STEP 1

- Practitioner self-assessment
- Supervisor or provider validation

### STEP 2

Practitioner and supervisor evidence

### STEP 3

NDIS Commission

- Verifies evidence
- Determines suitability

# Developing a Behaviour Support Plan



For plans written after 1 July 2019 that include regulated restrictive practices, the NDIS behaviour support practitioner must develop:

- An interim Behaviour Support Plan within 1 month
- A comprehensive Behaviour Support Plan within 6 months, including a functional behaviour assessment



- Authorisation must be obtained using existing state or territory legislation
- Interim and comprehensive behaviour support plans must be lodged with the NDIS Commission.



# Implementing Provider Requirements



## Providers must:

- Keep records on the use of restrictive practices
- Report monthly to the NDIS Commission on the use of regulated restrictive practices
- Obtain authorisation using existing state or territory legislation
- Comply with reportable incident requirements if using unauthorised restrictive practices
- Engage an NDIS behaviour support practitioner to develop behaviour support plans
- Work with a NDIS Behaviour Support practitioner to implement positive behaviour support strategies and monitor outcomes for the person with disability
- Support staff to receive appropriate training.

# Further Information



For more information visit:  
[www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)



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# NDIS Quality and Safeguards Commission

**Complaints and Reportable Incidents – June Roadshow**



# Complaints



# Complaints



**NDIS participants have the right to complain** or provide feedback about the safety and quality of NDIS supports and services

**NDIS providers must have effective complaints management and resolution arrangements** in place

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



# Code of Conduct

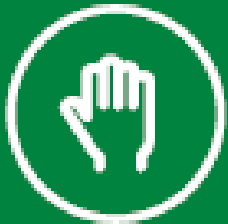


## NDIS Code of Conduct

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**Respect individual rights**



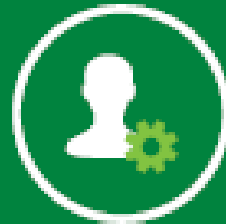
**Respect self-determination**



**Respect privacy**



**Act with integrity, honesty and transparency**



**Deliver services competently**



**Ensure quality and safety**



**Prevent and respond to violence, neglect, abuse, and exploitation**

All providers must follow the NDIS Code of Conduct which is available at [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)

# Who can make a complaint



**Anyone can raise a complaint** about the provision of supports and services by an NDIS provider, including:

- a person with disability who is receiving, or is eligible to receive, supports or services from an NDIS provider
- a worker employed or otherwise engaged by an NDIS provider (including volunteers)
- friends or family of a person with disability.

# Complaints process



**We aim to help resolve a complaint quickly where possible**

The process may include:

- **Requests for documents**
- **Actions for providers**
- **Facilitated meetings**





# Reportable Incidents

# Reportable Incidents



All registered providers must have an incident management system in place to records and manage incidents

Providers are required to **notify us of reportable incidents** that occur in connection with the delivery of NDIS supports and services

This does not replace **existing obligations to report suspected crimes to the police** and other relevant authorities.

[www.ndiscommission.gov.au/providers/reportable-incidents](http://www.ndiscommission.gov.au/providers/reportable-incidents)



# What is a Reportable Incident?



**A serious incident or allegation which results in harm to an NDIS participant and occurs in connection with NDIS supports and services, including:**

- the death of a person with a disability
- serious injury of a person with a disability
- abuse or neglect of a person with a disability
- unlawful sexual or physical contact with, or assault of, a person with a disability
- sexual misconduct committed against, or in the presence of, a person with a disability, including grooming of a person with a disability for sexual activity
- the unauthorised use of a restrictive practice in relation to a person with a disability

# Timeframe to report incidents



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Most Reportable Incidents **must be notified to us within 24 hours** of a provider's key personnel being made aware of it.

A **more detailed report** about the incident and actions taken in response to it must be provided **within 5 business days**.

The **unauthorised use of restrictive practice must be notified to us within 5 business days** of a provider's key personnel being made aware of it.

If there is **harm to a participant**, it **must be reported within 24 hours**.



# Action we can take



**If a Reportable Incident raises a serious compliance issue, we have powers to take action, which may include:**

- requiring the provider to undertake specified remedial action
- carrying out an internal investigation about the incident
- engaging an independent expert to investigate and report on the incident
- give information to police or refer to another body e.g. child protection authorities.

# How to report an incident

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To report an incident:

[www.ndiscommission.gov.au/providers/reportable-incidents](http://www.ndiscommission.gov.au/providers/reportable-incidents)

# Further Information



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