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# **ACTIVITY REPORT**

## **1 July 2019 to 30 June 2020**

NDIS Quality and Safeguards Commission

From 1 July 2019 until 30 June 2020, the NDIS Commission operated in all states and territories except for Western Australia. The NDIS Commission will commence operations in WA from 1 December 2020.



**NDIS Quality  
and Safeguards  
Commission**

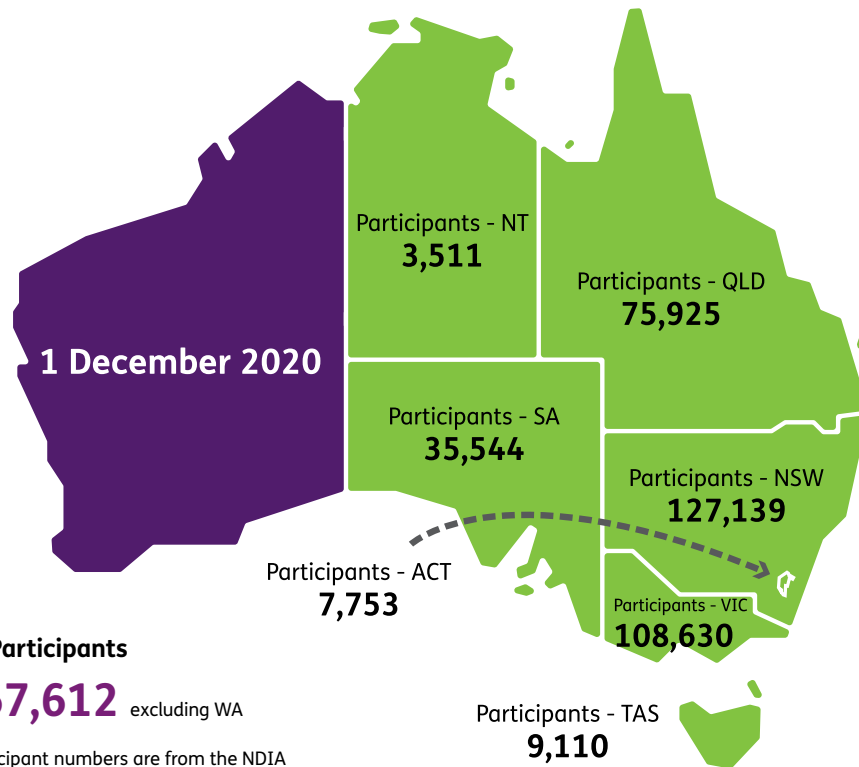
# NDIS Quality and Safeguards Commission

## Activity Report: 1 July 2019 to 30 June 2020

The NDIS Commission commenced in New South Wales and South Australia on 1 July 2018, and in Victoria, Tasmania, Queensland, Northern Territory and the Australian Capital Territory on 1 July 2019. The NDIS Commission will commence in Western Australia from 1 December 2020.

### 1) Participants across Australia

The NDIS Commission regulates NDIS supports and services to NDIS participants in all states and territories other than WA where the NDIS Commission will commence from 1 December 2020.



#### All Participants

**367,612** excluding WA

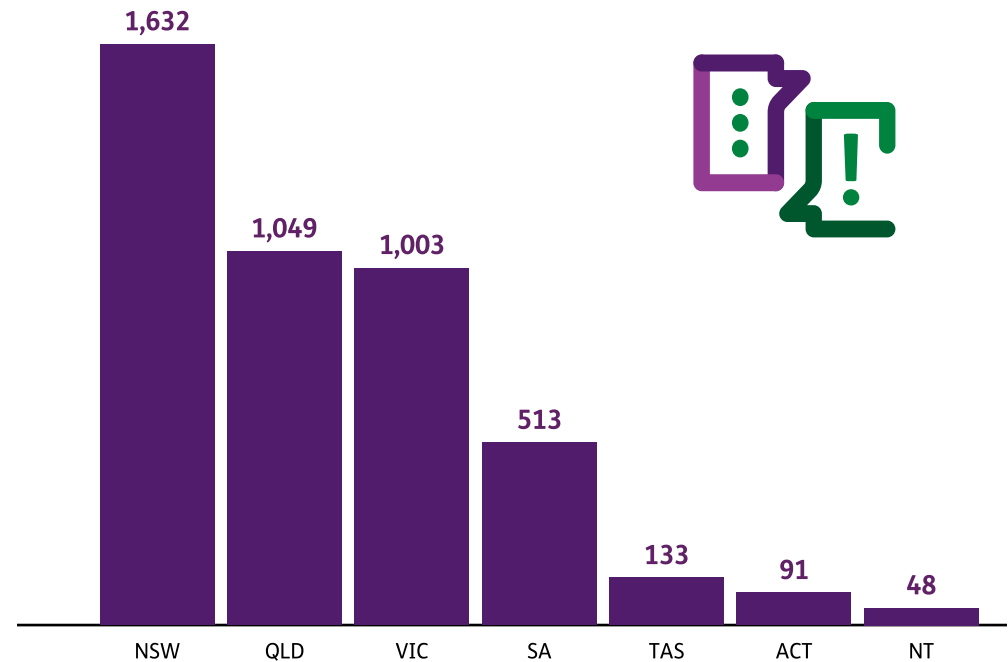
\*Participant numbers are from the NDIA Q4 report as at 30 June 2020

### 2) Complaints

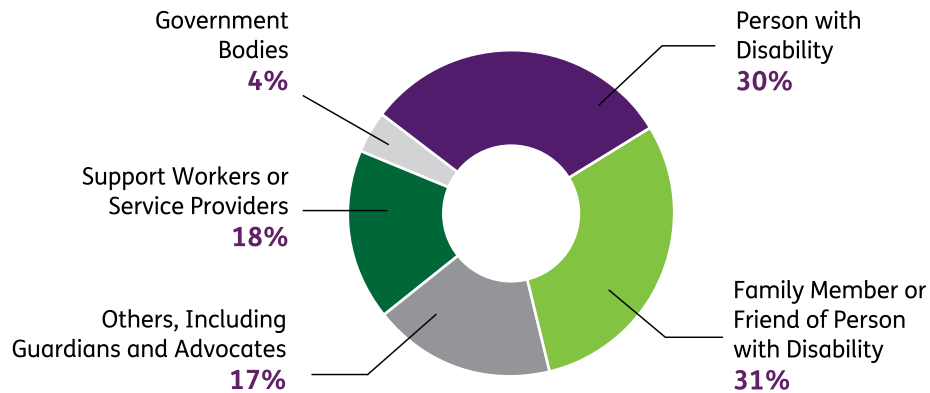
The NDIS Commission manages complaints in connection with supports and services delivered by NDIS providers and their workers. Anyone can make a complaint to the NDIS Commission about an NDIS support or service.

**We received 4,469 complaints**

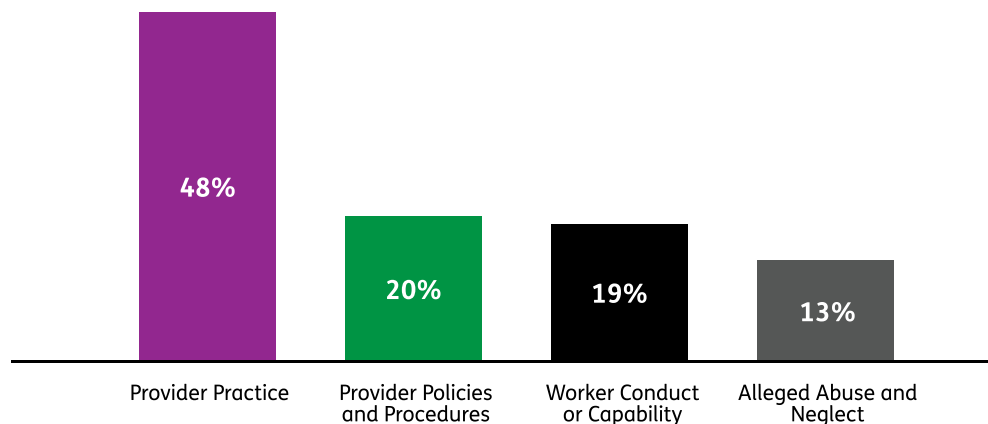
Complaints by State/Territory



Complaints in the 2019-20 reporting period were received from:



Complaints received during the period covered the following issues:



### 3) Registration

Providers must be registered to deliver NDIS supports and services to participants whose plans are managed by the NDIA. Providers must also be registered to deliver certain support types to any participant: specialist disability accommodation, behaviour support, and implementation of regulated restrictive practices.

Providers previously registered with the NDIA transferred to the NDIS Commission when the NDIS Commission started in each state and territory.

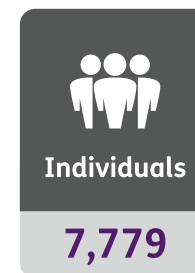
#### Registered Providers



There were **8,302** providers registered at 30 June 2019.

**12,616** new, transitioned or reinstated NDIS Commission registrations have taken place since 1 July 2019.

**3,662** registrations expired since 1 July 2019, of which 97% were not active.



#### Organisations and Individuals

Registered service providers include all sizes of organisations and businesses, from sole traders to large companies and not-for-profits.



## Auditors and Audit Activity

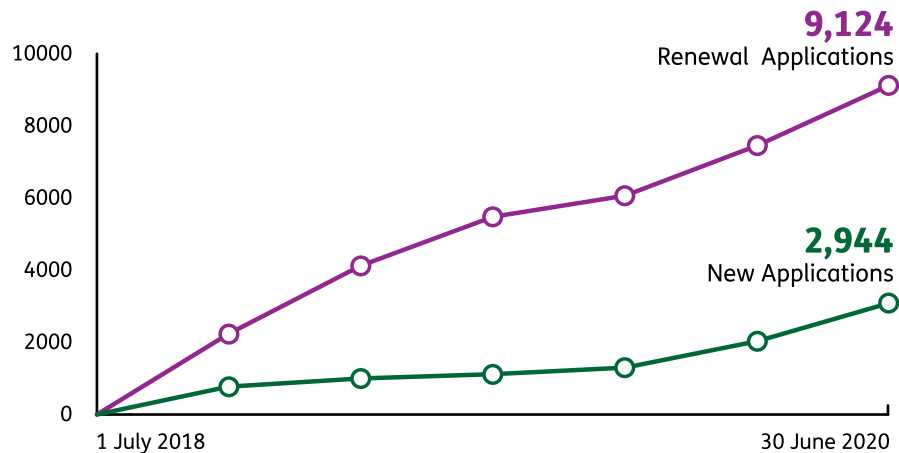
To apply for or renew registration with the NDIS Commission, all providers undergo an audit against the NDIS Practice Standards. The Commissioner approves audit bodies to undertake audits under the NDIS Approved Quality Auditors Scheme. The NDIS Commission trains individual auditors.



## New and Renewal Applications Progressed

Providers must reapply to maintain their registration. Providers can also choose to let their registration lapse - for example, if they have not actively been supporting NDIS participants.

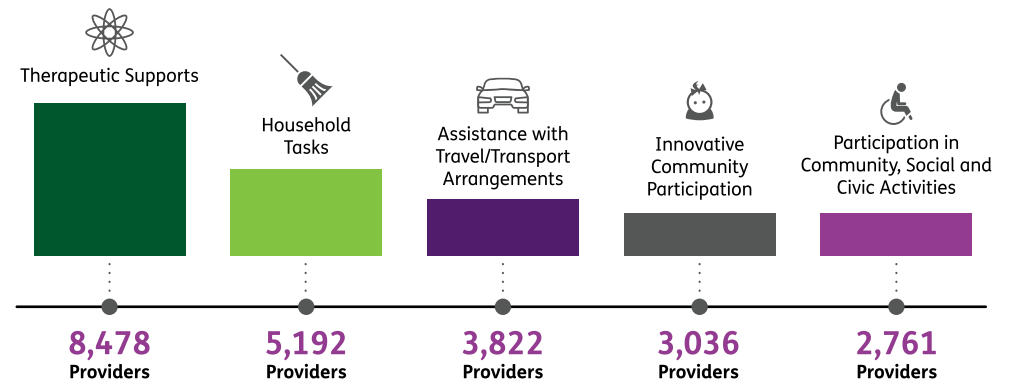
New providers are regularly entering the NDIS market through the new NDIS Commission arrangements.



2,944 is a number associated with an auditor

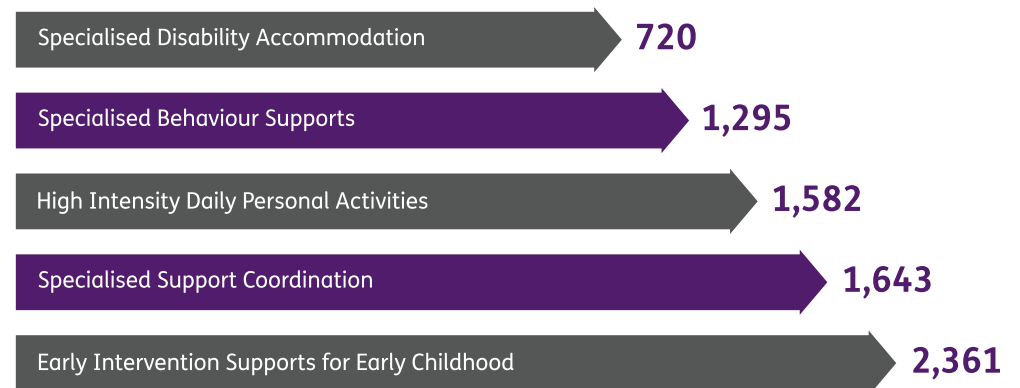
## Five most Popular Registration Groups

The NDIS Commission registers providers against classes of support (registration groups). Providers can register for multiple registration groups.



## Five Specialised Service Groups

Specialised registration groups have additional practice standards against which providers must be assessed. There are 7,601 registrations across the five specialised service groups.



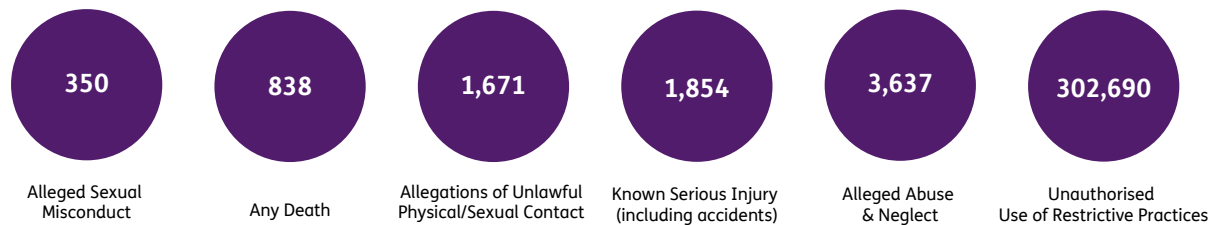
## 4) Reportable Incidents

### Reportable incidents: NDIS providers notified the NDIS Commission of **311,040** reportable incidents

Registered providers are required to report certain incidents or allegations to the NDIS Commission that occur in connection with the provision of NDIS supports and services. The NDIS Commission monitors the management of reportable incidents by providers to determine whether they are meeting their obligations to keep participants safe.

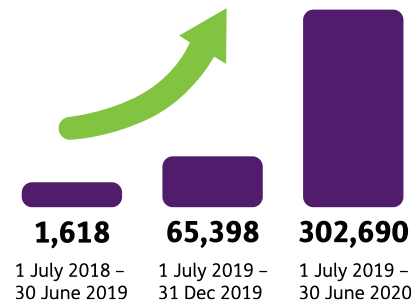
The number of reports received does not correlate to the number of actual instances of harm to a person with disability. Reports include multiple notifications of the same matter, allegations of incidents, and situations where incidents occurred, but harm to the person was avoided.

#### Reportable Incidents by Category



A significant number of incidents that are reported to the NDIS Commission involve the use of restrictive practices on people with disability which have not been authorised by state and territory authorities, or where plans to promote positive behaviour supports are not in place for that person.

#### Reports of Unauthorised use of Restrictive Practices



The increase in reports since the NDIS Commission's first year relates to:

- Coverage across 5 new jurisdictions from 1 July 2019
- Increasing reporting compliance by NDIS registered providers
- The requirement to report each instance of an unauthorised restrictive practice in jurisdictions where no authorisation mechanism exists

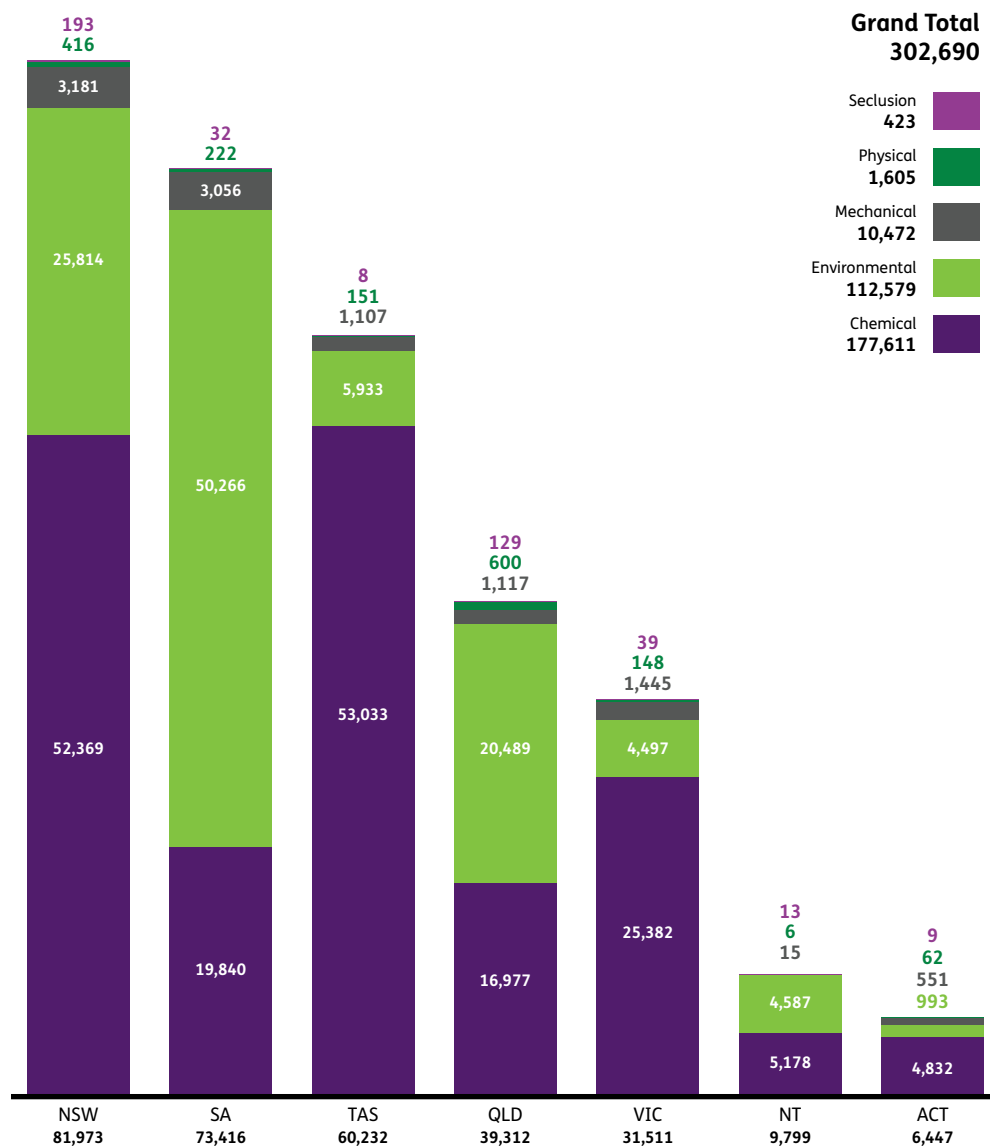
Providers indicated that Police were informed in relation to **2,179** incidents.

#### Repeat Reports

Providers are required to report every instance of a restrictive practice, including each individual use until a behaviour support plan is lodged.



## Numbers of URPs by State/Territory and Type



In total, **4,327** participants were subject to URPs

A total of **492** providers of NDIS supports and services implemented URPs from 1 July 2019 to 30 June 2020.

### Unauthorised Restrictive Practices

Reporting of unauthorised use of restrictive practices (URP) represents 97% of all reportable incidents reported to the NDIS Commission. NDIS providers are required to report every use of a restrictive practice, until that practice is authorised by a state or territory, and a behaviour support plan (BSP) is put in place for the participant. For example, if a participant was given a prescribed medication as a chemical restraint three times per day, it would count as 1,098 reportable incidents for 2019-20, or three reportable incidents per day until the use of the restrictive practice was authorised (if required) and a behaviour support plan was lodged.

The NDIS Commission observed a significant increase in the numbers of URPs with 78% of URPs reported for 2019-20 being reported in the six months from 1 January to 30 June 2020. This is because of:

- the lapse of the transitional period during which providers did not have to report these practices;
- increased provider compliance with the new arrangements;
- the introduction of a streamlined reporting mechanism from October 2019.



Providers are required to obtain authorisation for restrictive practices through state and territory arrangements. They are also required to support the participant to develop a behaviour support plan to develop strategies to reduce the use of restrictive practices over time.

External factors influencing the ability of providers to comply with their obligations include:

- the timeliness of authorisation
- the availability of behaviour support funding in a participant's plan, and
- the availability of a behaviour support practitioner.

As a result of increased reporting of URPs, the NDIS Commission has initiated compliance activity with **231** providers in NSW and SA. That activity will expand to other states and territories in October 2020.

The compliance activity requires providers to provide information about all the URPs notified in 2019-20 and demonstrate compliance with regulatory requirements in relation to a number of those URPs. The initial findings of that activity in NSW and SA are:

**The preliminary results for the first part of the compliance activity for around 120,000 URPs show the following results for those URPs as at 30 June 2020:**



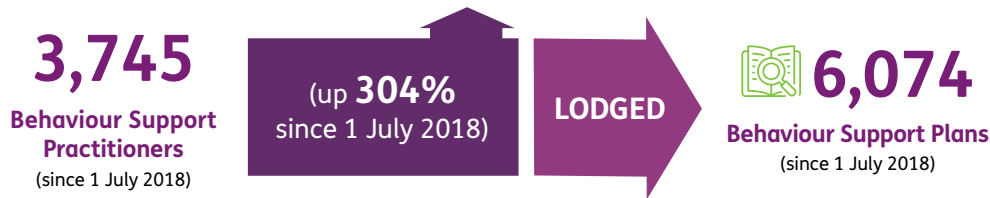
The second part of the compliance activity requires providers to demonstrate compliance with key regulatory requirements for the 53% of URPs that should have authorisation and a behaviour support plan. Providers are required to demonstrate compliance by 30 September 2020. The NDIS Commission will analyse providers' responses and determine if further compliance action is warranted in particular cases.



## 5) Behaviour Support

The NDIS Commission oversees behaviour support practitioners and providers who use behaviour support strategies and restrictive practices involving NDIS participants. The NDIS Commission also provides best practice advice to practitioners, providers and participants on positive behaviour support strategies.

To inform that work, the NDIS Commission reviews provider reports on the use of restrictive practices.



Behaviour support plan  
consultation, advice and review

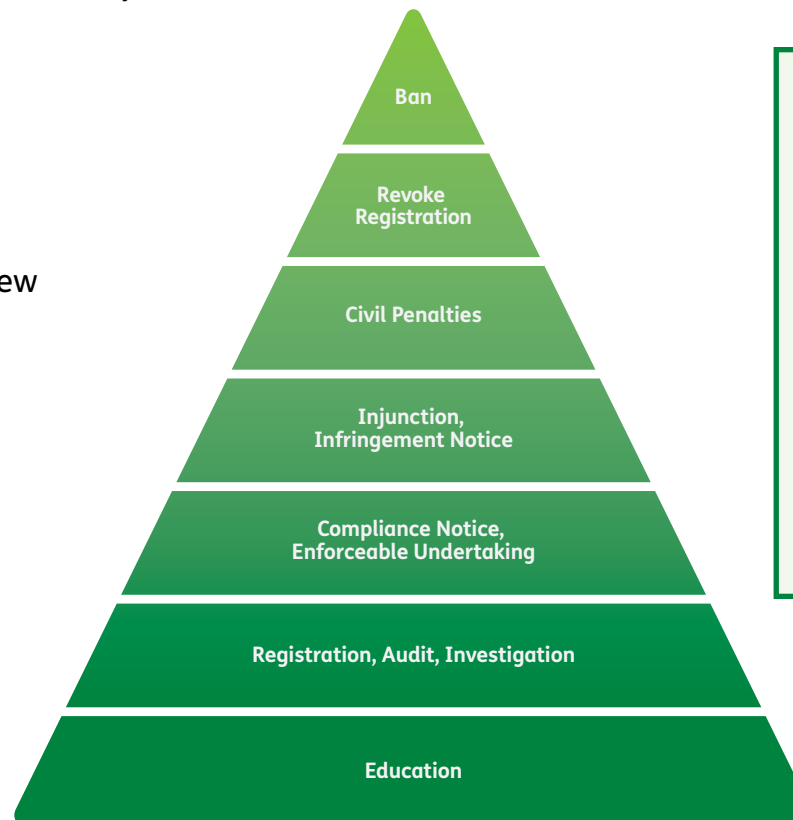
**4,978**

## 6) Compliance Activity

We undertake compliance and enforcement activities. This involves:

- applying proportionate and appropriate regulatory responses to non-compliance
- investigating matters, and taking corrective compliance action
- deploying compliance programs that address areas of identified risk of non-compliance
- working with other regulators
- taking enforcement action in serious cases of persistent and high-risk non-compliance.

We use a range of compliance and enforcement powers, tools, and methods. In the most serious matters we can remove people and organisations from the NDIS market.





## 7) Engagement

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The NDIS Commission has a contact centre and education function to support people to make a complaint, receive information, or to access education.



Calls to our 1800 number

**94,000+**



Emails

**32,000+**



Worker Orientation Module

**243,582**



Worker Orientation Module  
(Auslan Version)

**2,213**



## Addendum: COVID-19 Activity to 31 August 2020

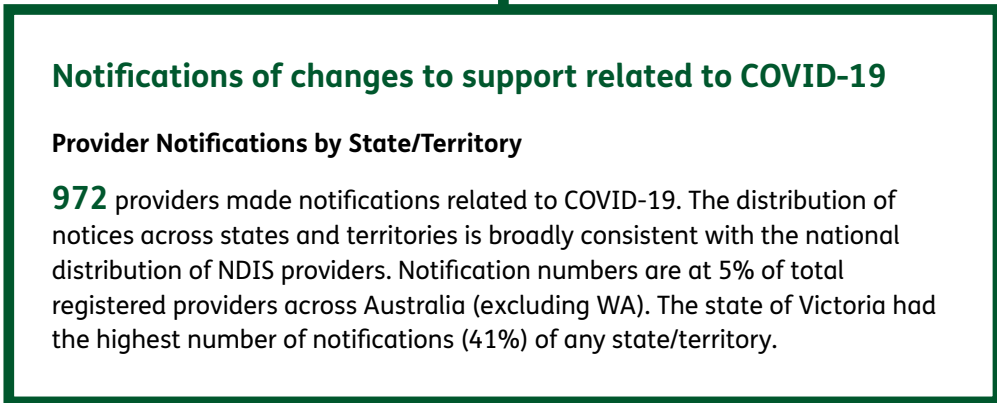
Source: NDIS Quality & Safeguards Commission



The NDIS Commission supported participants and providers in response to the COVID-19 pandemic. We reinforced the obligations of providers to maintain supports critical to the health, well-being and safety of NDIS participants, to plan for adjustments to services, to communicate and consult changes with participants, and to have plans to prevent and respond to infections.

We managed complaints from participants about how NDIS providers and workers supported them when restrictions were in place.

We used registered NDIS provider conditions of registration to monitor changes and risks in the NDIS market.



### Notifications of Supports and Services Affected

Provider notifications submitted to the NDIS Commission indicated the main supports and services affected were:



NB: A single notification may relate to more than one type of support.



## Infections

The NDIS Commission was notified of **98** participants and **176** workers who returned positive tests for COVID-19. Sadly, 8 participants and 1 worker are deceased.

### Impacted Person by State

#### Victoria

Participant infections **87**

Deaths **6**

Worker infections **159**

Deaths **1**

(employee of the Victorian state government, not an NDIS worker)



#### New South Wales

Participant infections **10**

Deaths **2**

Worker infections **12**

Deaths **0**

#### Queensland, South Australia, Tasmania

Participant infections **1** Worker infections **10**

Deaths **0** Deaths **0**

Due to low numbers in these states total numbers have been reported.

As at 31 August there were **32** active participant cases.

### Compliance activities related to COVID-19

**32** compliance matters and investigations re COVID-19:

**20** are under assessment and/or ongoing. Of these 20, the following compliance action has been taken:

**1** compliance notice issued

**12** are closed. Of these 12:

**7** no further action

**1** remedial action

**4** education

The NDIS Commission has continually provided information to service providers about their obligations to safely and competently provide supports and services to people with disability during the pandemic. We have issued:

#### Provider Information

**31** provider alerts

**5** factsheets

**1** information pack for NDIS providers and workers

#### Participant Information

**3** factsheets

**1** information pack for NDIS participants

**1** joint NDIS Commission and NDIA open letter to all Victorian participants and their families and carers

