



# Welcome to the NDIS Quality and Safeguards Commission

— START YOUR JOURNEY HERE





This guide will give you an overview of the NDIS Commission and the obligations that apply to NDIS providers under the new Quality and Safeguarding Framework.

It will also help you locate more detailed information within this information pack and on the NDIS Commission website.

# What is the NDIS Commission?

The NDIS Quality and Safeguards Commission (the NDIS Commission) is an independent Australian government body that provides a nationally consistent approach to quality and safeguards in the NDIS.

The NDIS Commission will:

Improve the quality and safety of NDIS services and supports

Support continuous improvement and quality in the NDIS

Register NDIS providers

Educate, guide and provide best practice information to NDIS providers

Help providers meet their obligations

Investigate and resolve problems

Provide national consistency

The NDIS Commission's role is to promote the rights of NDIS participants and work with providers to provide safe and high-quality supports and services to people with disability.

The National Disability Insurance Scheme Act 2013 sets out the functions of the NDIS Commission and quality and safeguarding obligations in the NDIS.



## NDIS Commission establishment dates

1 July 2018 NSW and SA

1 July 2019 VIC, QLD, TAS, ACT and NT

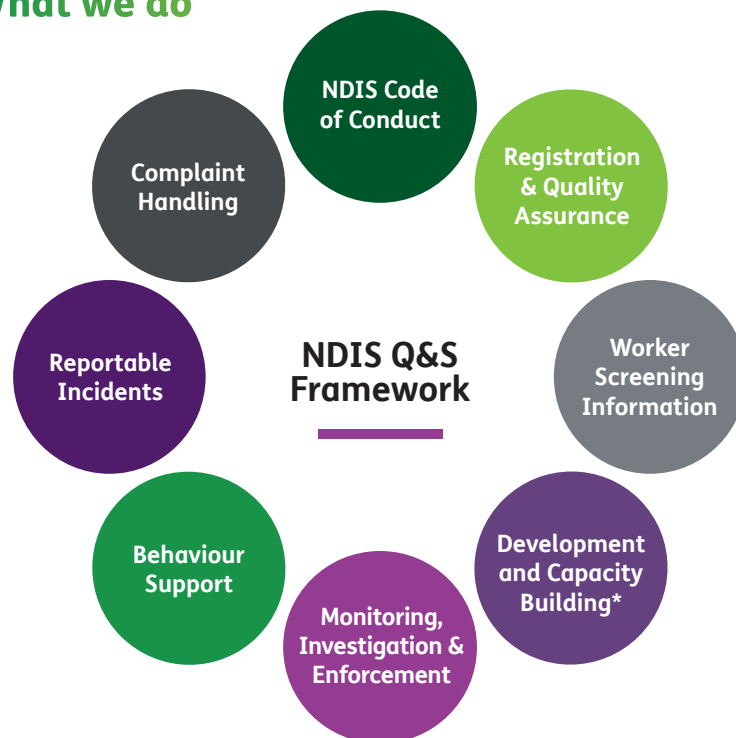
1 December 2020 WA



# What is the role of the NDIS Commission?

The NDIS Commission brings together a range of quality and safeguarding functions under a single agency for the first time, with regulatory powers that apply across Australia.

## What we do



\* This applies to both NDIS providers and people with disability.

# What compliance powers does the NDIS Commission have?

The NDIS Commission applies regulation proportionately. In most situations, we work alongside providers to offer guidance, education and assistance to resolve issues.

When NDIS providers or workers don't meet their obligations, the NDIS Commission can investigate and enforce penalties including infringement notices, civil penalties and bans.

## What about the NDIA?

The NDIS Commission is independent from the National Disability Insurance Agency (NDIA). The NDIA will continue to:

- assist participants to access the NDIS scheme
- manage planning, payments, and pricing
- detect and investigate allegations of fraud.

The NDIS Commission does not regulate the NDIA. Complaints about the NDIA and participant plans should be made directly to the NDIA.

# What does this mean for providers?

Implementing the quality and safeguarding arrangements involves a number of requirements for NDIS providers.

This section gives you an overview of your responsibilities as a provider in the NDIS.



## 01 | Code of Conduct



### The NDIS Code of Conduct

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



Respect individual rights and self-determination



Respect privacy



Act with integrity, honesty and transparency



Deliver services safely and competently



Ensure quality and safety



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

### Your responsibilities

The Code of Conduct applies to all NDIS service providers (registered or unregistered), and workers.

#### 1 Apply the NDIS Code of Conduct

In the event of a complaint against you or a serious incident occurring, the NDIS Commission will consider your compliance with the Code of Conduct. Applying the Code is an expectation of doing business in the NDIS.

#### 2 Support workers to understand the code

You must also support all workers to both understand and apply the Code of Conduct in the course of their daily work.

**i** *A more detailed version of the NDIS Code of Conduct can be found in the 'NDIS Code of Conduct' leaflet, included in this kit.*

**i** *The NDIS Commission has created a free worker orientation module to upskill your workforce in the NDIS Code of Conduct. It is available on the NDIS Commission website.*

## 02 | Provider registration

The NDIS Commission is responsible for the registration of NDIS providers. To be registered, you must demonstrate that your organisation meets NDIS Practice Standards in the services and supports you provide.

### Your responsibilities

New providers can complete the registration application form (available on the NDIS Commission's website). Renewal is through the NDIS Commission's online portal.

Once your application is submitted, you will need to make arrangements for a quality audit of your organisation. This must be performed by an NDIS Commission approved quality auditor.

**i** *More detailed information about registration requirements can be found in the 'Your Introduction to Provider Registration' booklet, included in this kit.*

## 03 | Complaint handling

The NDIS Commission is responsible for handling complaints about NDIS providers when the person:

- is unable to resolve issues with their provider or
- does not feel empowered to make a direct complaint.

Where possible, we will work with both parties to facilitate a resolution. If an issue is serious or unable to be resolved through conciliation, the NDIS Commission has the power to investigate and take compliance action.

### Your responsibilities

- 1 Act on complaints raised**  
All NDIS providers must promptly take steps to act on complaints they receive that may impact upon quality and safety.

#### For registered providers

You are required to implement and maintain a system to manage and resolve complaints.

#### For unregistered providers

Your complaints handling processes must meet the standards covered by the NDIS Code of Conduct.

### 2 Empower people to speak up

A culture that encourages, values and learns from complaints will help you continuously improve your practice.

**i** *More detailed information about registration requirements can be found in the 'Your Guide to Complaint Management' booklet, included in this kit.*

## 04 | Reportable incidents

Registered providers must report any of the following incidents (including allegations) to the NDIS Commission:

- Death
- Serious injury
- Abuse or neglect
- Sexual or physical assault
- Sexual misconduct, and
- Unauthorised use of restrictive practices.

When notified of a reportable incident, the NDIS Commission will determine the action required. This may include requiring you to carry out an investigation or take specified action to protect participants.

### Your responsibilities

- 1 Notify the NDIS Commission of all reportable incidents**  
All registered providers are required to report any of the incidents listed above to the NDIS Commission. This is in addition to notifying any appropriate authorities, such as the police.
- 2 Implement and maintain an incident management system**  
Registered providers must have a comprehensive incident management system, proportionate to the size of the organisation and the complexity of the supports you deliver.

**i** *More detailed information on reportable incidents (including timeframes) can be found in the 'Your Guide to Incident Management' booklet, included in this kit.*

## 05 | Behaviour support arrangements

The NDIS Commission will take a leadership role in reducing and eliminating the use of restrictive practices.

Under the NDIS Act and Rules, restrictive practices can only be used as part of a behaviour support plan that has been developed by a registered specialist behaviour support provider.

### Your responsibilities

There are comprehensive requirements for providers around behaviour support and restrictive practices.

**i** Detailed information can be found in the 'Your Introduction to Behaviour Support' booklet, included in this kit.

## 06 | Worker screening

Worker screening is a way to check that the people who are working or wish to work with the NDIS don't present an unacceptable risk to people with disability.

It is only one of a range of strategies that you need to put in place to minimise harm to NDIS participants, including promoting a positive workplace culture that does not tolerate abuse, neglect or exploitation.

### Your responsibilities

#### 1 Make sure all workers are screened

You must screen all paid and volunteer workers who have more than incidental contact with participants.

#### 2 Identify and record the roles and jobs that need a check

You must assess which roles in your organisation require a clearance and maintain records of all workers who engage in these roles.

**i** Detailed information about worker screening arrangements can be found in the 'Your Introduction to Worker Screening' booklet, included in this kit.

# What are the benefits for providers?

For providers, the establishment of the NDIS Quality and Safeguards Commission offers:

- Improved consistency in registration across all states and territories to reduce the duplication of requirements for providers
- Compliance and enforcement powers to encourage best practice among NDIS providers and to manage risk to NDIS participants
- A focus on capacity building and education (for example, the worker orientation module, 'Quality, Safety and You'), and encourages and rewards continuous improvement in the quality and safety of NDIS services and supports
- Worker screening arrangements and database ensures a national portable check for all NDIS workers.
- The NDIS Code of Conduct, which sets out clear expectations for all NDIS providers – registered and unregistered – and all people employed or otherwise engaged by NDIS providers









Most importantly, the transparency offered by the Quality and Safeguarding Framework process empowers participants to select safe, high-quality NDIS providers to help them achieve their goals.



# What are my organisation's obligations?

Your obligations under the NDIS Commission will vary depending on the size of your organisation, the scope of the services you provide

and the risks involved. The diagram below provides a quick reference summary of provider obligations.

	<b>Unregistered providers</b>	<b>Registered providers</b> (lower risk services)	<b>Registered providers</b> (higher risk services)
	NDIS Code of Conduct		
	Complaints process		
	Optional worker screening	Mandatory worker screening	
		Reportable incident requirements	
		Restrictive practice reporting (if applicable)	
		Practice Standards verification	Practice Standards certification



## We are here to help

The NDIS Commission can provide information, resources and support to help you understand your obligations. For help, contact our specialist provider team on **1800 035 544**.





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