



**NDIS Quality
and Safeguards
Commission**

The NDIS Quality and Safeguards Commission

A new system of quality and safeguards in the NDIS

The NDIS Quality and Safeguards Commission (NDIS Commission) is a government body that works to improve the quality and safety of NDIS services and supports, investigates and resolves problems, and strengthens the skills and knowledge of providers and participants.

The NDIS Commission will commence in Western Australia on 1 December 2020.

1 July 2018



1 July 2019



1 December 2020



When operational in all states and territories, the NDIS Commission will provide a single, national registration and regulatory system for NDIS providers that will set a consistent approach to quality and safety across Australia.



What has changed for providers in Western Australia?

The NDIS Commission introduced several changes for Western Australian NDIS providers.

The NDIS Code of Conduct will apply to all NDIS providers, even those that are unregistered. The NDIS Commission will also receive and handle complaints made with respect to all NDIS providers.

Specific to registered NDIS providers are the NDIS Practice Standards, which set out expectations for the quality and safety of the services and supports these providers deliver. There will also be changes to provider registration processes, the way complaints are managed, incidents are reported, behaviour support plans are developed and checked, and worker screening is undertaken.



The NDIS Commission provides information and guidance to support providers to understand and meet their quality and safeguards requirements.

Then and now in quality and safeguards

Function	Prior to the NDIS Commission	Under the NDIS Commission
Provider registration	<p>Registration as a provider of disability supports and services in WA required potential providers to meet:</p> <ul style="list-style-type: none"> the NDIA Terms of Business terms and conditions; and requirements of the Disability Services Provider Panel (DSPP) process which included the WA Quality System Framework. 	<p>The NDIS Commissioner registers providers. Registered NDIS providers are required to comply with the NDIS Practice Standards, the NDIS Code of Conduct and requirements for incident management, complaints management, worker screening and behaviour support (where applicable).</p>
Standards of quality and safety	<p>Registered WA service providers were required to meet the National Standards for Disability Services and were evaluated against the Indicators of Practice for these Standards.</p>	<p>Registered NDIS providers must meet and be audited against the relevant NDIS Practice Standards. Transitional arrangements apply in relation to the NDIS Practice Standards to providers who transition to become registered NDIS providers on 1 December 2020.</p>
Code of Conduct	<p>Registered WA service providers were required to have their own Code of Conduct that aligned with the National Standards for Disability Services.</p>	<p>All NDIS providers and workers in the NDIS must comply with the requirements of the NDIS Code of Conduct.</p>
Worker screening	<p>Registered WA service providers ensured all staff, volunteers, management and Board members had a current Police Clearance and those who engaged in child-related work had a Working With Children Check.</p>	<p>All states and territories will progressively transition to a nationally consistent Worker Screening Check for workers or other personnel of registered NDIS providers who are in what the NDIS rules define as a risk assessed role, which includes those supports or services specified by the Commissioner, and those persons that have more than incidental contact with people with disability.</p>
Complaints management	<p>Registered WA service providers were required to have a robust and transparent feedback and complaints management system for individuals (including NDIS participants) receiving disability supports and services.</p> <p>Matters not resolved with registered service providers were able to be referred by individuals to the Health and Disability Services Complaints Office (HaDSCO). The WA Ombudsman jurisdiction extends to the oversight of the Department of Communities and HaDSCO's handling of a complaint.</p>	<p>Complaints about the quality or safety of NDIS supports and services can be made to the NDIS Commission.</p> <p>Registered NDIS providers are required to have effective and proportionate internal complaint management and resolution arrangements in place. Registered NDIS providers must afford procedural fairness to people when managing complaints.</p> <p>Post transition, the Health and Disability Services Complaints Office will still be able to receive complaints about incidents that occurred up to two years prior (i.e. incidents between 1 December 2018 to 30 November 2020).</p> <p>Complaints about the NDIA or participant plans continue to be made to the NDIA or to the Commonwealth Ombudsman.</p> <p>Complaints about the NDIS Commission can be made directly to the NDIS Commission or to the Commonwealth Ombudsman.</p>
Behaviour support	<p>Guidance on the use of Restrictive Practices by registered providers is detailed in the Code of Practice: A Guide for the Elimination of Restrictive Practices.</p> <p>The application of behaviour support plans in the use of Restrictive Practices is informed by the Code. The <i>WA Disability Services Act 1993</i> does not regulate restrictive practices.</p>	<p>NDIS providers who use or are likely to use restrictive practices, or who develop behaviour support plans, must be registered with the NDIS Commission and meet additional requirements of the NDIS Practice Standards.</p> <p>The NDIS Commissioner approves behaviour support practitioners using the Positive Behaviour Support Capability Framework. Registered NDIS providers must lodge behaviour support plans with the NDIS Commission and notify it of the use of restrictive practices. There will be a new WA interim policy including a restrictive practices authorisation mechanism, with which providers will need to comply.</p>
Incident management	<p>Registered WA service providers reported serious and notifiable incidents to the Department of Communities with serious incidents submitted using the online Serious Incident reporting system.</p>	<p>Registered NDIS providers must have effective incident management systems in place. Registered NDIS providers must notify the NDIS Commission about reportable incidents. These include the death or serious injury of a person with disability, allegations of abuse and neglect of a person with disability, unlawful sexual or physical contact with a person with disability, sexual misconduct committed against a person with disability and unauthorised use of restrictive practice.</p>

Where transition arrangements apply after 1 December 2020, the NDIS Commission will work with existing state based agencies and regulatory bodies to handle complaints and manage reportable incidents, in line with the appropriate jurisdiction.

Find out more

You can find more information and resources, including the NDIS Practice Standards and NDIS Code of Conduct, on the NDIS Commission website at www.ndiscommission.gov.au. You can contact the NDIS Commission at contactcentre@ndiscommission.gov.au or on **1800 035 544**.