



Roadshows 2019: Questions & Answers

Background

In March, April and June 2019, the NDIS Quality and Safeguards Commission (NDIS Commission) held introductory information sessions in the Australian Capital Territory, the Northern Territory, Queensland and Victoria. Additionally the NDIS Commission also hosted online information sessions (webinars) for NDIS providers. Each session provided an overview of the NDIS Commission's role and function, and outlined the new quality and safeguarding arrangements including the process for registering as an NDIS provider. These sessions educated providers in preparation for the 1 July 2019 transition to the new quality and safeguarding arrangements in the Australian Capital Territory, the Northern Territory, Queensland, Victoria and Tasmania.

Contents

Roadshows 2019: Questions & Answers	1
Reportable Incidents.....	2
Complaints	5
Worker Screening	6
Market Oversight	11
Registration: Audits.....	11
Registration: Multiple Jurisdictions	15
Registration: Audit Costs.....	16
Registration: NDIS Code of Conduct	18
Registration: General Questions.....	18

Reportable Incidents

Will the NDIS Commission handle reportable incident information from incidents that occurred prior to 1 July 2019? Will the NDIS Commission have access to this information?

All NDIS providers are responsible for the delivery of quality and safe NDIS supports and services. Registered NDIS providers are required to record and manage all incidents that happen in the delivery of NDIS supports and services in their internal incident management systems, and notify the NDIS Commission of reportable incidents.

For an incident to be reportable, a certain act or event needs to have happened (or alleged to have happened) **in connection with the provision of supports or services by the registered NDIS provider**. This includes:

- The death of a person with disability
- Serious injury of a person with disability
- Abuse or neglect of a person with disability
- Unlawful sexual or physical contact with, or assault of, a person with disability
- Sexual misconduct, committed against, or in the presence of, a person with disability, including grooming of the person with disability for sexual activity
- Unauthorised use of restrictive practices in relation to a person with disability.

The NDIS Commission has commenced in all states and territories except Western Australia. If you have reported an incident that occurred prior to 1 July 2019, previous state and territory quality and safeguarding arrangements apply. The NDIS Commission is developing information sharing arrangements with state and territory authorities relating to incidents that have occurred prior to 1 July 2019.

The NDIS Commission has developed useful information for NDIS providers on our website. For more information on incident management and reportable incidents, please visit: [Incident Management and Reportable Incidents \(NDIS Providers\)](#).

Am I required to notify the NDIS Commission of an incident that has happened to an NDIS participant not in connection with the provision of supports or services by a registered NDIS provider?

For an incident to be reportable, a certain act or event needs to have happened (or alleged to have happened) in connection with the provision of supports or services by a registered NDIS provider. Registered NDIS providers must notify the NDIS Commission of all reportable incidents (including allegations), even where the provider has recorded and responded within their own incident management system.

The meaning of the phrase 'in connection with' is intended to be broad. It covers incidents that:

- May have occurred during the course of supports or services being provided

- Arise out of the provision, alteration or withdrawal of supports or services
- May not have occurred during but are connected because it arose out of the provision of supports or services.

Reportable incidents could occur in a variety of settings but as long as there is a connection with the service delivery by a registered NDIS provider, then they must be notified to the NDIS Commission. The NDIS Commission has developed detailed guidance for registered NDIS providers, which include some examples of this connection. For more information, please visit: [Reportable Incidents Detailed Guidance for Registered NDIS Providers](#).

How should a provider manage a situation that falls within the reporting responsibility of another provider delivering NDIS supports to an NDIS participant?

All reportable incidents, except for the unauthorised use of a restrictive practice that has not resulted in serious injury, must be notified to the NDIS Commission within 24 hours of the registered NDIS provider becoming aware of the incident. Most unauthorised uses of restrictive practices must be notified within 5 days.

If a registered NDIS provider witnesses an incident or conduct involving another NDIS provider, this should be raised as a concern of 'provider non-reporting' to the reportable incidents team of the NDIS Commission by phone or email. A reportable incident form is not required. The NDIS Commission will then contact the NDIS provider to request a reportable incident notification if no notification had been submitted.

If a person with disability discloses an incident that occurred in the past it should be treated in the same way as any other reportable incident, noting that the immediate response may differ.

It is assumed that a registered NDIS provider has become aware of an incident once a person employed, or otherwise engaged by a registered NDIS provider has notified one of the following individuals:

- A member of the registered NDIS provider's key personnel
- A supervisor or manager of the person
- A person noted in the registered NDIS provider's incident management system as responsible for notifying the NDIS Commission of reportable incidents

Are all deaths reportable incidents or only those occurring in connection with service provision?

Registered NDIS providers must notify the NDIS Commission of all reportable incidents (including allegations), even where the provider has recorded and responded within their own incident management system. For an incident to be reportable a certain act or event needs to have happened (or alleged to have happened) in connection with the provision of supports or services by the registered NDIS provider, including death of a person with disability. Only deaths of participants that occur in connection with the delivery of NDIS supports and services are reportable to the NDIS Commission.

Reporting incidents to the NDIS Commission does not replace existing obligations in your state to report incidents to police, child protection agencies and other relevant authorities.

Will NDIS providers be able to submit reportable incidents online?

Registered NDIS providers are required to notify the NDIS Commission of Reportable Incidents through the NDIS Commission Provider Portal.

The NDIS Commission has developed guidance for reporting incidents using the NDIS Commission Portal. They are:

- [Quick Reference Guide: Getting Access to the NDIS Commission Portal](#)
- [Quick Reference Guide: Create an Immediate Notification](#)
- [Quick Reference Guide: Complete the 5 Day Notification Form](#)
- [Quick Reference Guide: Managing my Reportable Incidents](#)

Please visit [Incident Management and Reportable Incidents \(NDIS Providers\)](#) for information on what a provider should do to notify the NDIS Commission of issues accessing the NDIS Commission Portal.

Does the NDIS Commission's reportable incidents mean increased reporting requirements for registered NDIS providers?

Prior to the NDIS Commission, states and territories had varying incident reporting requirements. The NDIS Commission's Reportable Incidents will provide national consistency for reporting incidents.

The NDIS Commission takes a responsive and proportionate approach to regulation, providing guidance to build the capacity of NDIS providers to prevent and respond to incidents where possible. The NDIS Commission will work with NDIS providers to help them comply with the new quality and safeguards requirements, including through education and training about their obligations.

Do reportable incidents need to be lodged through the portal for participants under 18 years?

Yes. If the reportable incident occurs in connection with the provision of supports and services by a registered NDIS provider, the incident needs to be reported to the Commission regardless of the age of the participant.

Registered NDIS providers must notify the NDIS Commission of all reportable incidents (including allegations), even where the provider has recorded and responded within their own incident management system.

For an incident to be reportable, a certain act or event needs to have happened (or alleged to have happened) in connection with the provision of supports or services by a registered NDIS provider.

How will the cost of the new reporting obligations be covered?

It is a condition of registration that a registered NDIS provider has an incident management system and notifies the NDIS Commission if a reportable incident occurs. An incident management system should be proportionate to the size and scale of the provider and the types of supports being delivered. It is the responsibility of the registered NDIS provider to ensure compliance with these conditions of registration, including bearing any cost associated with implementing a proportionate incident management system.

After 1 July, will I still need to report incidents to state-based regulatory bodies under previous reporting arrangements?

As at 1 July 2019, registered NDIS providers in all states except Western Australia will need to notify the NDIS Commission of reportable incidents. There may be instances where registered NDIS providers are required to report incidents to other state or federal regulatory agencies (for example, state child protection agencies). Notifying a reportable incident to the NDIS Commission does not replace providers' obligations to report suspected crimes to the police and other relevant authorities.

Do the reportable incident requirements extend to people with disability receiving services and supports under a 'continuity of supports' arrangement post 30 June 2019?

The requirement for registered NDIS providers to notify the NDIS Commission of reportable incidents applies to people with disability receiving services and supports under the Continuity of Supports arrangement in all jurisdictions except Western Australia.

What should a provider do if they are not sure whether an incident needs to be reported to the NDIS Commission?

All registered NDIS providers are encouraged to read the [reportable incidents guidance](#) available [on the NDIS Commission's website](#).

If a provider is still unsure whether a report to the NDIS Commission is required, they should [contact the NDIS Commission](#).

Complaints

What strategies are in place to support NDIS participants to make a complaint, including those who may not have capacity to communicate an issue directly to the NDIS Commission?

People with disability have the right to complain about the services they receive. Participants are encouraged to raise concerns or complaints with their provider first, as this is often the best way to have issues resolved quickly. All registered NDIS providers must have a complaints management and resolution system in place. People can seek support from family, friend or an independent advocate to support them to make a complaint. People with disability can use the [Disability Advocacy Finder](#) to find a disability advocate.

In states and territories that the NDIS Commission is operating, a complaint can be made to the NDIS Commission by:

- Phoning: 1800 035 544 (free call from landlines) or TTY 133 677. Interpreters can be arranged.
- [National Relay Service](#) and ask for 1800 035 544
- Completing a [Complaint Contact Form](#).

You can find more information about the [complaints process](#) on the NDIS Commission's website.

Can workers make complaints confidentially or anonymously?

If workers have a concern of complaint about the quality or safety of services provided to an NDIS participant in all states and territories except Western Australia, they can make a complaint on behalf of a person with disability to the NDIS Commission.

The NDIS Commission understands that anonymity is an important element of privacy and some members of the public may wish to be anonymous when interacting with the NDIS Commission. The NDIS Commission also understands some members of the public may wish to use a pseudonym. Generally, members of the public will have the right to remain anonymous or adopt a pseudonym when dealing with the NDIS Commission. However, it is not always possible to remain anonymous or adopt a pseudonym and the NDIS Commission will inform you when this is the case.

What happens after I make a complaint? How soon will the NDIS Commission act after a complaint is made?

The NDIS Commission aims to help you resolve a complaint quickly and simply. To do this, we will review the information provided to us by the complainant and the NDIS provider, and talk to everyone involved about the complaint.

If you make a complaint with the NDIS Commission, your complaint will be acknowledged and a NDIS Commission complaints resolution officer will arrange a time to talk to you to understand the concerns you are raising. We might ask you:

- for enough information so we can understand the issues involved and any immediate concerns
- if you are making a complaint on behalf of an NDIS participant, whether we can speak to them to seek their input and understand their concerns
- for your permission to speak to the NDIS provider about your complaint, and to seek further information and documents from them

The NDIS Commission will send you written confirmation of the issues raised in your complaint, and the outcomes you are seeking. Your consent is required to start the resolution process.

You can find more information about the [complaint resolution process](#) on the NDIS Commission's website.

Worker Screening

Do people with disability who are working in NDIS supports and services need to be screened and comply with the NDIS Code of Conduct?

The NDIS Code of Conduct applies to all registered and unregistered providers, including workers who deliver supports and services to NDIS participants.

Registered NDIS providers must ensure that particular workers have an appropriate check as a mandatory requirement of NDIS provider registration. This guarantees that key personnel and workers in roles delivering specified NDIS supports or specified NDIS services, or with more than incidental contact with people with disability, do not pose an unacceptable risk to the safety and wellbeing of NDIS participants.

Should a person with disability be employed by a registered NDIS provider to deliver NDIS supports and services to people with disability, and they have more than incidental contact with people with disability, an NDIS Worker Screening Check is required.

Worker screening is only one of a range of strategies registered NDIS providers need to put in place to identify and minimise risk of harm to people with disability. Registered NDIS providers must also actively promote a culture that does not tolerate abuse, neglect or exploitation, and focuses on continuous upskilling, education and training for workers.

You can find [more information on Worker Screening](#), including identifying which roles and jobs need a check on the NDIS Commission's website.

What will be the worker screening requirements for workers delivering supports for both NDIS participants and people who are not NDIS participants?

Registered NDIS providers must ensure that particular workers have an appropriate check as a mandatory requirement of NDIS provider registration. This guarantees that key personnel and workers in roles delivering specified NDIS supports or specified NDIS services, or with more than incidental contact with people with disability, do not pose an unacceptable risk to the safety and wellbeing of NDIS participants.

Engaging workers that do not have an appropriate check in risk assessed roles could be a breach of the registration conditions of registered NDIS providers. It may also be an offence under state and territory legislation for workers to work without a check if their role requires one.

If you are a worker in any state or territory except for Western Australia, and you work for a registered NDIS provider, from 1 July 2019 you will need a check if you are:

- key personnel (for example, a CEO, a Board Member) (as defined in s11A of the National Disability Insurance Scheme Act 2013)
- in a role for which the normal duties include the direct delivery of [specified supports or specified services](#) to a person with disability
- in a role for which the normal duties are likely to require more than incidental contact with people with disability (as defined in s6 of the NDIS Rules (Practice Standards – Worker Screening) Rules 2018)

Does the NDIS Worker Screening Check replace both police checks and exclusion scheme checks?

The NDIS Worker Screening Check will replace the different arrangements operating in each state or territory, and set a single national standard for all workers. Some states and territories may still have additional requirements in some circumstances, e.g. people working with children may need to undertake additional screening. The NDIS Commission is currently operating in all states and territories except Western Australia. Until the [NDIS Worker Screening Check](#) starts in your state or territory, registered NDIS providers providing supports and services to NDIS participants must ensure their workers in risk-assessed positions meet the acceptable check requirements in the state or territory in which the worker is operating. These interim checks are not portable. This means that workers of registered NDIS providers delivering NDIS services and supports to people with disability must have an acceptable check in each state and/or territory in which they work.

Until the NDIS National Worker Screening Check is launched, registered NDIS providers in all states and territories must be familiar with arrangements for worker screening or police checks in the relevant state or territory in which they operate. This means if registered NDIS providers have new workers in risk-assessed positions who have no check, or workers whose check has expired, they must have them screened in accordance with the [interim screening arrangements](#) in the state or territory until further notice.

Are providers required to report allegations of misconduct to the NDIS Commission?

The NDIS Commission must be notified of all allegations that are reportable incidents that may arise from misconduct or allegations of misconduct. Registered NDIS providers are required to record and manage all incidents that happen in the delivery of NDIS supports and services in their internal incident management systems, and notify the NDIS Commission of reportable incidents. Registered NDIS providers must notify the NDIS Commission of all reportable incidents (including allegations), even where the provider has recorded and responded within their own incident management system.

For an incident to be reportable a certain act or event needs to have happened (or alleged to have happened) in connection with the provision of supports or services by the registered NDIS provider.

Registered NDIS providers in all states and territories (except for Western Australia) have responsibilities and obligations in relation to screening their workers under the NDIS Commission.

Registered NDIS providers are required to maintain a written list of all workers who engage in risk assessed roles. The list needs to include:

- the name, date of birth and address of the worker
- the risk assessed role in which the worker engages
- whether or not the worker is eligible for an exemption, the start and end date of the exemption and the name of the worker's supervisor during this period
- the worker's application number or check number and outcome expiry date
- records relating to an interim bar, suspension, exclusion or any action taken by the registered NDIS provider in relation to those decisions
- allegations of misconduct against a worker with a check and the action taken by the registered NDIS provider in response to that allegation.

It is important these lists are kept up to date. Records must be kept for seven years from the date the record was made, and should be kept in an organised, accessible and legible manner. Registered NDIS provider must keep records in a way that would allow the NDIS Commission or a quality auditor to know which workers were engaged in a risk assessed role on any given day in the past seven years.

How will the NDIS Commission monitor worker screening and compliance with the NDIS Code of Conduct outside the audit process?

Worker screening is a way to check that the people who are working, or wish to work, with NDIS participants do not present an unacceptable risk to people with disability. It provides registered NDIS providers with an important tool for their recruitment, selection and screening processes, and assists in the ongoing review of the suitability of their workers.

The NDIS Worker Screening Check includes ongoing monitoring. This means that workers with clearance will be checked regularly against lists of new criminal charges and convictions, as well as information from other authorities that may be required to be considered in relation to a worker's clearance status. This includes any adverse findings by the NDIS Commission about a worker's conduct. Should a new charge, conviction, or finding arise, the Worker Screening Unit in the state or territory in which that worker applied for clearance, will undertake a new risk assessment to determine if the new information means the worker poses an unreasonable risk to people with disability. This means that even though a worker may receive an NDIS Worker Screening Check clearance initially, the clearance may be suspended or revoked should the re-assessment result in a different determination.

The NDIS Code of Conduct promotes safe and ethical service delivery by setting out expectations for the conduct of both NDIS providers and workers. The NDIS Code of Conduct applies to registered NDIS providers, unregistered NDIS providers, all workers and employees, providers delivering information linkages and capacity building (ILC) activities, and providers delivering Commonwealth Continuity of Support Programme services for people over the age of 65.

The NDIS Commission monitors NDIS Code of Conduct issues and risks in the NDIS from complaints and reportable incidents received, as well as through information sharing arrangements with other regulatory bodies and authorities.

Will workers receive a certificate once the worker orientation module has been completed?

The Worker Orientation Module 'Quality, Safety and You' is an interactive online course that explains the obligations of workers under the NDIS Code of Conduct – from the perspective of NDIS participants. It was developed in consultation with the sector, including NDIS providers and people with a disability. All registered NDIS providers under the NDIS Commission should include the module in their induction process for workers, and encourage existing workers to undertake the module over time, as part of their ongoing learning and to support compliance with the [NDIS Code of Conduct](#).

Once completed, workers will receive a Certificate of Completion.

Will the NDIS Commission be paying workers to complete the orientation modules? What is the length of the module?

The Worker Orientation Module is a free resource available to all NDIS providers and their employees to support a consistent understanding of the expectations of working in the NDIS.

It takes approximately 90 minutes to complete the four modules that can be completed in parts.

Are there transitional arrangements in place to give providers time to adjust to the new NDIS Worker Screening Check?

Registered NDIS providers must ensure that particular workers have an appropriate check as a mandatory requirement of NDIS provider registration. This guarantees that key personnel and workers in roles delivering specified NDIS supports or specified NDIS services, or with more than incidental contact with people with disability, do not pose an unacceptable risk to the safety and wellbeing of NDIS participants.

Until the [NDIS Worker Screening Check](#) starts in your state or territory, registered NDIS providers providing supports and services to NDIS participants must ensure their workers in risk-assessed positions meet the acceptable check requirements in the state or territory in which the worker is

operating. These interim checks are not portable. This means that workers of registered NDIS providers delivering NDIS services and supports to people with disability must have an acceptable check in each state and/or territory in which they work. If registered NDIS providers have new workers in risk-assessed positions who have no check, or workers whose check has expired, they must have them screened in accordance with the [interim screening arrangements](#) in the state or territory until further notice. When the NDIS Worker Screening arrangements commence in each state and territory, workers will be required to seek a new NDIS worker clearance, when their existing check expires.

What personal details are made available on the worker screening database?

NDIS employers authorised to access the database will have a limited view of personal information about a worker. There will be enough information to identify a worker, but personal information access has been minimised.

Will people that self-manage participant's plans including parents of children who are self-managing have access to, or be notified of, the screening process?

People who manage their own NDIS arrangements, and those with parental responsibility for a child participant and who are managing the child's plan, will be able to obtain access to the database through the NDIS. This can start to be arranged when the new screening arrangements commence in each state and territory, which is expected to occur from July 2020. More information about the arrangements to support self-managed participants in screening people who work with them will be provided closer to the time that the NDIS Worker Screening Check commences.

What is the cost of worker screening, and will the cost be covered by the NDIS Commission or the provider?

There will be no cost to registered providers when they seek to access information about clearances on the National Worker Screening Database. The cost of obtaining an appropriate check or clearance is the responsibility of the worker. State and territory governments set the cost for screening checks.

Will providers receive a notification if a worker's clearance has changed or been revoked?

Yes. The NDIS Worker Screening Database will generate an email to an NDIS provider who has an employment relationship with a worker to advise that the NDIS worker's screening status has changed. The new status will appear in the email.

Do all workers need to have undergone workers screening as at 1 July, or can it be rolled out progressively? Particularly in Victoria where the Disability Worker Exclusion Scheme does not have an expiry date.

From 1 July 2019 registered NDIS providers whose workers:

- Are key personnel; and/or
- Are in risk assessed roles; and/or
- Have more than incidental contact with people with disability,

are required to adhere with the following transition screening requirements:

- All registered NDIS providers delivering NDIS services and supports in Victoria must have reference to Safety Screening Policy for registered NDIS providers operating in Victoria (Safety Screening Policy).

- Workers employed or otherwise engaged by a registered NDIS provider in specified roles at 30 June 2019, and who have a valid check under Victoria’s state-based worker screening policies, are considered cleared to work under the interim worker screening policy.
- Registered NDIS providers operating in Victoria are required to conduct the following checks for new workers:
 - Proof of identity check
 - National police check
 - [Disability Worker Exclusion List](#) check
 - [Working with Children Check](#) (where applicable to the role).

When the transition period ends, workers delivering NDIS supports and services, whose registered NDIS provider employer was compliant with the screening requirements set out in the Safety Screening Policy during the transition period, have six months following the transition period to obtain a clearance, or to commence the process for obtaining a clearance.

A worker delivering NDIS supports and services may also continue to work in a risk assessed role when the transition period ends. This can occur if they have a current Working With Children Check that was issued before the end of the transition period, they are currently compliant with the Safety Screening Policy, and their registered NDIS provider employer was compliant with the Safety Screening Policy during the transition period.

Market Oversight

How will the NDIS Commission manage thin markets and will the NDIS Commission release annual reports?

The NDIS Commission will provide market oversight by collecting, analysing and advising on a range of unique data to identify trends and changes in the NDIS market. The NDIS Commission is considering what its market oversight function will look like, how it will report, and how often. The NDIS Commission’s market oversight function may include observations of movements in the marketplace, and observing the types of issues affecting providers and participants as part of broader view.

After the transition of a further five states and territories on 1 July 2019, the NDIS Commission will have a more comprehensive idea of what the market will look like and greater national oversight of the data including the types of complaints and Reportable Incidents received.

Registration: Audits

What is the NDIS Commission doing to support, recognise and address issues faced by NDIS providers delivering supports in remote and small communities?

The NDIS Commission recognises that every state and territory is different, and the unique circumstances for providers wishing to deliver NDIS supports and services in remote and smaller communities. The NDIS Commission will have offices in all states and territories under the NDIS

Commission's jurisdiction. Currently the NDIS Commission is operating in all states and territories except Western Australia, where it will commence operations on 1 July 2020.

State and territory offices provide a local presence for the NDIS Commission to support participants and providers to resolve concerns. State and territory offices can provide this support with an understanding of the local context, as well as monitor local issues facing providers and participants.

The Australian Government is also establishing a program to support NDIS providers in meeting their quality and safeguarding responsibilities. The new Support for NDIS Providers Program will fund the development of tools and resources to benefit all providers, existing and new to the NDIS. These large-scale projects will be focused on supporting providers to meet their responsibilities to deliver safe and quality services to NDIS participants.

For providers renewing their registration, what is the date we should be ready by and fully compliant with the new framework?

Providers who were previously registered with the National Disability Insurance Agency have had their details transferred to the NDIS Commission and have been provided with a Certification of Registration which details the period for which their registration will continue to be in force.

You must start the renewal of your registration before the period of registration expires. If the renewal process is not commenced by that date, your registration will lapse.

You will be able to submit a renewal application in the final six months prior to the end of the period of time your registration is in force (as described on your NDIS Commission certificate of registration) of your registration using the NDIS Commission's portal. See the Commission's website for more information regarding the [renewal process](#).

What should I do if my registration application is unsuccessful?

Providers must complete an online application with the NDIS Commission, select an approved auditor, undergo an audit, and be assessed by the NDIS Commission as suitable, in order to be registered with the NDIS Commission.

If your application for registration is unsuccessful, you will be given the reasons for this decision. You may [contact the NDIS Commission](#) to request a review within three months of the decision. If your application is still unsuccessful following the review, you may seek a further review by the [Administrative Appeals Tribunal](#).

If you are an existing provider and your application for registration is unsuccessful on a date after the original renewal date stated on your certificate of registration, your existing registration will expire, and you will be unable to make payment claims via the NDIA myplace portal.

If you are a provider making an application to register for the first time and your application for registration is unsuccessful, you will not be granted access to the NDIA myplace portal.

See the Commissions website for more information about the [registration process](#).

Will there be local auditing bodies in each of the states/territories?

The NDIS Commission is expanding the number of approved auditors to ensure auditors are available across all states and territories. To assist providers in finding auditors available in their area, the NDIS

Commission has made available a list of [NDIS approved auditors](#) and where they have a presence in Australia.

Why should my organisation go through the verification/certification process?

The NDIS Practice Standards and Registration requirements are a baseline for the quality of services delivered in the marketplace. Over time, this will set expectations for participants in the scheme for quality and safety of supports irrespective of the type of supports being provided. Engaging with the registration process of the NDIS Commission allows providers to establish themselves as a quality provider of NDIS supports.

How will potential auditors demonstrate that they have undergone the required training?

Each auditor who has completed the intensive 2-3 day training receives a certificate from the NDIS Commission. The NDIS Commission will also inform the auditing body that they have completed and passed the training.

Are there any mechanisms to prevent people from auditor shopping? For example, if they do not like an outcome provided by one auditor and decide to go to another auditor for a second opinion?

Yes. Once an NDIS provider has engaged an approved quality auditor, this information is updated in the NDIS Commission system, and the auditor reports the outcome of the audit to the NDIS Commission to be finalised. The approved quality auditor will clearly document any disagreement between the approved quality auditor and the NDIS provider.

Is auditor training accessible and delivered online, or available across Australia?

The NDIS Commission holds auditor training at our National office in Penrith, New South Wales. The NDIS Commission is exploring methods of training auditors through an auditor training strategy to meet demand and accessibility requirements if required.

How is the NDIS Commission assuring the quality of auditors?

Approved quality auditors are subject to Australian consumer law and accredited by JAS-ANZ (Joint Accreditation Scheme for Australia and New Zealand), an internationally recognised accreditation agency that accredits auditing firms. Auditor behaviour is regulated through JAS-ANZ, and through the Auditor Guidelines, including a Code of Conduct for auditors. The NDIS Commission meets regularly with JAS-ANZ and with approved auditor bodies to discuss audit expectations, experiences and any feedback we get from providers.

What options are available for providers if there are extended wait times for auditors in regional areas?

The NDIS Commission is expanding the number of auditors across states and territories to ensure auditors are available and accessible. To assist providers in finding auditors available in their area, the NDIS Commission has made available a list of [NDIS approved auditors](#) and where they have a presence in Australia.

The NDIS Commission is also monitoring auditor availability. If you have difficulty securing an auditor, you should contact the NDIS Commission on 1800 035 544.

Does a provider's business structure impact on the costs of a registration audit?

Yes, the provider's business structure will determine the form of audit the provider undergoes. If an organisation is a body corporate and wishes to register with the NDIS Commission, it must be assessed through a certification audit, regardless of what types of supports and services it provides.

Many small providers are required to undergo a certification audit. These providers are finding it difficult to decide whether to register because of the need to go through certification process, cost of audit and time for preparation. How is the NDIS Commission addressing this issue?

The NDIS Commission has Guidelines for Auditors on how to scope and conduct an audit. The Guidelines require the audit process to be appropriate and proportionate to the size and scale of the organisation, as well as to the risk and complexity of the supports and services delivered to NDIS participants.

The NDIS Commission has listened to feedback from NDIS providers about the new registration process, including audit costs. The NDIS Commission has recently updated the Guidelines to assist auditors in applying a proportionate approach to the cost of audits.

The updates target audits for individuals and small businesses delivering low-risk services and supports for NDIS participants.

The updates will:

- Give flexibility on the number of auditors who attend site inspections and interviews as part of a Certification Audit
- Give flexibility on the minimum time required to undertake a Certification Audit for small businesses
- Allow for off-site auditing for some Certification Audits (for example businesses offering products to NDIS participants)
- Remove the requirement to have annual follow-up audits during the three year registration period (known as Surveillance Audits), if the provider is a body corporate but providing supports that would usually require a Verification Audit.

Auditors must incorporate the updated guidelines into their auditing activities where they apply.

Has the NDIS Commission consulted with industry groups around the registration process?

The development of the NDIS Practice Standards was overseen by a Technical Reference Group. This group included representatives from each of the states and territories, the Commonwealth Department of Health, the National Disability Insurance Agency (NDIA), Disabled People's Organisations Australia, National Disability Services and Children and Young People with Disability Australia.

In addition, states and territories, the NDIA and peak bodies, particularly representing providers and workers including relevant unions and the Disability Advocacy Network Australia, were also consulted over a two year period during the development of the NDIS Practice Standards.

During a compliance audit, do providers have to use a NDIS Commission approved auditor?

NDIS Providers must use an NDIS Commission approved auditor when registering with the NDIS Commission. To assist providers in finding auditors available in their area, the NDIS Commission has made available a list of [NDIS approved auditors](#) and where they have a presence in Australia.

How much does provider registration and an audit cost?

There is no application fee associated with an application to register with the NDIS Commission. However, there is a cost associated with undertaking an audit against the NDIS Practice standards, which must be met by the provider. Certification audit cost will vary based on the size and scale of an organisation, and similarly will vary depending on the number of locations and types of supports and services for which the provider is seeking to register.

This information is captured on the scope of audit document, which is used to provide the auditors the information they need to supply a quote. The NDIS Commission does not set prices for audit services.

How will small NDIS providers be audited in comparison to larger NDIS providers?

Registration requirements and the NDIS Practice Standards apply in proportion to the size, scale and type of supports and services your organisation delivers. This means, for example, that a provider with only a few workers and a small number of participants needs to present a different level of evidence to meet requirements, compared to a national provider with a large workforce and many participants.

Sole traders and partnerships that deliver relatively lower risk supports and services will undertake a verification audit. Many providers requiring a verification audit are already subject to professional regulation as a requirement of doing business, e.g. through the Australian Health Practitioner Regulation Agency (AHPRA) and other professional bodies.

Professional regulation means a practitioner must already meet set standards and is subject to ongoing monitoring of their competency to practice, including through continuing professional development.

Because of the existing obligations of these providers to their relevant professional bodies, and the less complex support types delivered, the provider will engage an approved quality auditor to complete a desktop review of the required documentary evidence outlined for each profession in these guidelines.

Will I be audited for registration groups that I am not currently providing services under?

No, providers will only be audited against the scope of supports and services that they are currently providing to participants. This scope of supports will be detailed in the 'initial scope of audit' document produced by the NDIS Commission on submission of your application.

As part of the application for registration or renewal, it is the provider's responsibility to engage an approved quality auditor to assess your organisation's compliance with the NDIS Practice Standards. Registration groups that you intend on providing should form a part of the audit however, should you wish to remove a registration group that you no longer intend on supplying, you can remove this registration group from your application before it is submitted. Once submitted, this can be removed by your auditor.

Registration: Audit Cost

What is the likely cost for the certification process?

Certification audit costs are dependent on the size of the organisation and the complexity of the range of services being provided to participants. For example, a large provider's audit will include a longer on-site audit period to cover a sample of all services provided.

It is critical for providers to complete the audit scope document to ensure an accurate quote, as this allows providers to characterise the supports provided, the settings in which they are being provided, and allows for the auditors to form a view on what is reasonable, based on the auditor guidelines.

How can an NDIS Provider reduce the cost of an audit?

The NDIS Commission is monitoring information about audit costs carefully. The NDIS Commission has guidelines in place that tell auditors how to scope an audit so that it reflects the right scale for each provider.

The NDIS Commission requires auditors to apply proportionality in how they work with providers - if you do not think that is happening, please seek a revision to the quote, or advise the NDIS Commission. Providers have plenty of time after they have commenced their application, and received their scope of audit, to find the right auditor.

Here are some tips to help your organisation get the most appropriate quote for your audit:

- Make sure you have an NDIS Commission portal generated scope before you contact an auditor
- Take time to do the self-assessment - it will help your auditor, and speed-up the process, if you have information from your last audit, your qualifications and other information about how you meet the standards
- Count only the participants you are currently delivering supports and services to
- If you have been registered for services and supports you have not yet provided, consider removing these from your registration
- Be accurate about the full-time equivalent numbers of staff you employ
- Ask auditors to schedule your audit together with others they might be doing in your area
- Consider talking with other providers in your area about using the same audit firm and sharing any costs for accommodation for instance
- If you are an individual trader, consider registration as a person rather than a business
- The audit firms approved by the NDIS Commission have locations all around NSW and South Australia, some of them are national and located in other places. We are working to grow the number of auditors so there is more choice for providers
- The NDIS Commission does not regulate or set prices for audits, so providers should shop around to get the best quote available.

Just as providers are subject to price guidelines, can't auditors be subject to price guidelines that could be accessible by the whole sector, so providers would know if they are being over-quoted?

Auditors are subject to Australian consumer law and selected by JAS-ANZ (Joint Accreditation Scheme for Australia and New Zealand), an internationally recognised accreditation agency that accredits auditing firms. Auditor behaviour is regulated through JAS-ANZ, and through the Auditor Guidelines, including a Code of Conduct for auditors. The NDIS Commission meets regularly with JAS-ANZ and with approved auditor bodies to discuss audit expectations, experiences and any feedback we get from providers.

What financial assistance is available to NDIS providers to supplement the cost of audits?

In the 2018-2019 Budget, the Australian Government invested \$17.6 million over four years in a new NDIS [Support for NDIS Providers Program](#). The Program will fund the development and delivery of tools and resources that will be available to all NDIS providers. These large-scale projects will focus on supporting providers to meet their responsibilities to provide safe and quality services to NDIS participants.

Taking into account the expected 20,000 providers migrating to the NDIS Commission's jurisdiction over the life of the Program, financial assistance to individual providers for direct costs of transition will not be included in the Program.

The grant program for 2018/2019 is now closed with effect from 29 April 2019. The purpose of this grant opportunity is to provide support to all registered providers to be better prepared for audit processes and thereby reduce costs associated with the registration process. The Grant money cannot be used for an individual entity's direct NDIS registration costs.

Grants have been provided to eligible organisations to undertake activities that will support all registered providers in the NDIS market to meet their responsibilities associated with registration. This means that products, findings, and outcomes from completed projects funded through this grant opportunity will be shared across the NDIS Market.

I have seen people trying to reduce their costs by sharing their policies. Is this necessary?

The auditing process assesses your capability to meet the relevant parts of the NDIS Practice Standards, which outline expectations relating to quality of support delivery, participant rights, management of organisational and operational risk, continuous improvement of services, legal obligations and workforce competencies.

While operational policies and procedures are important for an NDIS provider to have, a provider seeking registration or re-registration with the NDIS Commission is required to demonstrate how their practice reflects the NDIS Commission Practice Standards. This means the audit process is assessing how providers put their policies and procedures into practice to improve outcomes for NDIS participants, not the policy or procedure itself. The participant experience will also be examined to assess the effectiveness of those policies and procedures in practice.

Is the Commission monitoring auditors' behaviour and pricing?

The NDIS Commission is surveying providers who have been through the audit process to see what costs were involved. JAS-ANZ (the Joint Accreditation Scheme for Australia and New Zealand) also collects data about audit volumes, capacity, and demand that the NDIS Commission monitors.

Registration: Multiple Jurisdictions

I am a provider who is registered in multiple states including states that have not yet transitioned - do we need to go through the registration process in the transitioning states now, or will the application for the current state be covered nationally?

Providers holding the same provider registration details across registrations with the NDIA and NDIS Commission will come together under a single, national registration. Providers requiring tailored advice on multiple jurisdictions should contact the NDIS Commission Registration Team on registration@ndiscommission.gov.au or 1800 035 544.

Registration: NDIS Code of Conduct

Are their resources about the NDIS Code of Conduct for supported employees with intellectual disabilities who are working for NDIS Providers?

The [NDIS Code of Conduct](#) applies to workers who are delivering NDIS supports and services to NDIS participants where there is more than incidental contact with participants.

The NDIS Commission is working with advocacy groups to develop resources for people with intellectual disability to communicate the NDIS Code of Conduct and NDIS Practice Standards they can expect from providers who support them.

Is the NDIS Code of Conduct a document that must be signed and agreed to by every worker or is it something that the provider signs (e.g. the CEO) as a commitment to abiding by the Code?

The NDIS Code of Conduct is an obligation for all NDIS providers and workers. It is not a requirement that the NDIS Code of Conduct be signed in order for it to apply.

Registration: General Questions

Are there various levels of registration? For example, meeting or exceeding, or simply just 'met'?

A provider who is registered with the NDIS Commission has successfully demonstrated that they have met the NDIS Commission's suitability requirements. Being registered provides assurance to NDIS participants that certain standards have been met.

Who are key personnel?

Key Personnel are individuals who hold key executive, management or operational positions in an organisation, such as directors, senior managers, board members, chief executive officer or chairperson.

You must disclose the requested information for all key personnel, and all key personnel should undergo worker screening checks.

Regarding adverse findings, would you look in to a provider who is registering if they had high negative media coverage or had been cleared of adverse findings?

The NDIS Commission takes into account whether an application has been the subject of adverse findings or enforcement action by a Department of, or an authority or other body established for a public purpose by, the Commonwealth, a State or Territory. This includes those bodies with responsibilities relating to the quality or regulation of services provided to people with disability, older people or children.

Providers can access further information regarding provider suitability in the [Guide to Suitability](#).

Is there a self-assessment tool we can access prior to registration and audit?

The NDIS Quality Indicators give providers guidance about the types of information that would show how their practice meets the NDIS Practice Standards. Providers can also look at the NDIS Commission [Provider Information Pack](#) for more information.

The NDIS Practice Standards are framed as outcomes for participants. Providers should demonstrate how the practice in their service delivers outcomes to people.

Are the NDIS Code of Conduct, Practice Standards and Quality Indicators the key documents needed for verification?

Yes, those documents are the key documents providers need to consider when preparing for their registration. These key documents can be found on the NDIS Commission's [website](#). Providers seeking verification should also engage with the [Verification Guidelines](#).

How long does it take to become registered with the NDIS Commission?

The registration process for registered providers and new applicants registering to be an NDIS provider, will depend on how quickly providers engage an auditor following submission of an online application and completion of the audit. The audit is an important component of the registration process. Once the audit report is submitted to the NDIS Commission, the application will be assessed in accordance with legislative requirements and a decision made in a timely manner.

How long does it take to change registration details with the NDIS Commission?

Providers can amend contact details of key personnel, physical and postal addresses, email and web addresses, outlets information by logging in to the NDIS Commission portal. For more complex changes, it is advisable to contact the Provider Registration team at the NDIS Commission on 1800 035 544.

How can providers add or remove registration groups?

If you have registered for registration groups that your organisation no longer wishes to offer, you can remove them by emailing providerregistrations@ndis.gov.au. If you wish to add a new registration group, then you will be requested to add those groups at the time you submit your application to re-register.

Does an application for registration with the NDIS Commission have a time limit?

Once you begin your new application, if you do not update or submit it within 60 days, the application will lapse. You can apply for registration with the NDIS Commission [here](#).

How will the NDIS Commission ensure unregistered providers comply with the NDIS Code of Conduct, restrictive practice requirements, etc.?

The [NDIS Code of Conduct](#) applies to all NDIS providers, including unregistered providers, and to all people employed or otherwise engaged by NDIS providers. The NDIS Commission has a range of regulatory responses mechanisms that can be applied to unregistered providers, including requiring them to become registered, or banning them from providing services in the NDIS market.

The NDIS Commission is also engaging with participants who choose to self-manage, to ensure that they know how to make a complaint about unregistered providers. The NDIS Commission also monitors compliance with the NDIS Code of Conduct through information received from the NDIS Commission's other functions such as complaints and reportable incidents.

What if my application with the NDIA is not approved or is pending?

Only completed registration applications that were approved by the NDIA before 1 July 2019 will be transferred and recognised by the NDIS Commission. If your application was not approved prior to 1 July 2019, you will need to begin a new registration application with the NDIS Commission.

You can [apply for registration](#) with the NDIS Commission on our website.