



Disability Sector Consultative Committee

Communique – 4 November 2020

The final meeting of the NDIS Quality and Safeguards Commission (NDIS Commission) Disability Sector Consultative Committee (the Committee) for 2020 was held by videoconference on 4 November. The meeting marks a year since the Committee was established to assist the NDIS Quality and Safeguards Commissioner (the Commissioner) in delivering core functions under section 181 of the *National Disability Insurance Scheme (NDIS) Act 2013*.

NDIS Commission update

The [Activity Report](#), which was released in September, informed an update to members on the activities of the NDIS Commission since the Committee last sat. The Activity Report, provides an overview of key activities of the NDIS Commission for all states and territories, except for Western Australia (WA), for the full year period from June 2019 to July 2020.

In addition to the Activity Report, members were provided with a deeper analysis of the data, trends and interactions of the complaints and behaviour support streams and national compliance activities underway such as the work around unauthorised restrictive practices in NSW and SA. The NDIS Commission is committed to continuous quality improvement and over the next six months, there are a number of lines of enquiry the NDIS Commission will be following, from the analysis.

Members were supportive of the continued emphasis on complaint resolution activities focussed on continuous improvement and sector education, while also supporting key strategic compliance activities such as undertaken regarding the use of Unapproved Restrictive Practices in NSW and SA.

COVID-19

Members were updated on the activities and priorities of the NDIS Commission in its continued response to the COVID-19 pandemic. An analysis of data relating to COVID-19 is available in the Addendum to the [Activity Report](#).

In August, the NDIS Commission also participated in a hearing held by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability on the experiences of people with disability during the COVID-19 pandemic. Details on this hearing are available on the Royal Commission website at www.disability.royalcommission.gov.au. Additionally the NDIS Commission gave evidence to the Australian Parliament's Senate Select Committee on COVID-19, which is inquiring into the Australian Government's response to the pandemic. Further information can be found at www.aph.gov.au.

The NDIS Commission has established good working relationships with Commonwealth and state and territory agencies to respond to risks to participants, and to plan and prepare for potential COVID-19 outbreaks.

Members provided advice on both the generally positive feedback they have received about the NDIS Commission's proactive support throughout the pandemic and some specific areas that have proved most challenging. All committed to continuing to work together to maximise health outcomes and to minimise disruption for participants.

Transition activities

1 December 2020 is an important milestone for the NDIS Commission when it commences operation in WA. This will mean that for the first time, there will be a unified approach to regulating the quality and safety of NDIS supports and services across Australia.

In addition, Residential Aged Care (RAC) providers will also fully transition to the NDIS Commission on 1 December 2020 and from 1 February 2021, all states and territories, except the Northern Territory, will commence roll-out of the NDIS Worker Screening Check.

The NDIS Commission is well prepared for these significant events, and is working closely with providers, participants, advocates and government in the lead up to transition to ensure sector and participant readiness.

Principles for Nationally Consistent Authorisation of Restrictive Practices

The NDIS Commission is leading cross-jurisdictional work to achieve national consistency in restrictive practices regulation through Disability Ministers. As part of this work, the NDIS Commission has developed a set of Principles for Nationally Consistent Authorisation of Restrictive Practices (the Principles) which build on the commitment of all governments to national consistency in restrictive practices regulation.

The principles are outcomes focussed and allow for flexibility in implementation while setting a high bar for restrictive practice regulation at a national level. All states and territories have undertaken a self-assessment of their current regulatory frameworks for the authorisation of restrictive practices and are now developing action plans, which set out how alignment with the national principles will be achieved, for consideration by Disability Ministers by the end of 2020.

Workforce Capability Framework

At the March 2020 meeting, members were provided with an overview of the NDIS Commission's activities related to workforce, including discussion of the NDIS Workforce Capability Framework. The project, originally to be completed in June 2020, was extended through to 30 September 2020, in part due to COVID-19 and the need to reshape the later phases of consultation.

The Workforce Capability Framework has now been developed based on extensive investigations, research and broad ranging consultation. Overall, the feedback on the presented Workforce Capability Framework has been extremely positive.

The NDIS Commission and DSS are now moving to the implementation phase of the project, which is expected to occur over the next 18 months. There will again be extensive engagements across the sector and a continued focus on the participant's perspective. Committee members provided their insights on issues to consider when planning implementation activities.

This subject will be a focus of discussion at the second meeting of the Committee in 2021.

The regulatory environment and the next 12 months

From 1 December 2020, when WA and Residential Aged Care providers come within the NDIS Commission jurisdiction, the NDIS Commission will shift its efforts from transition to refining its operations as the national regulator of NDIS supports and services.

To inform this shift in focus, members were asked to share their experience and collective knowledge and reflect on the quality and safeguarding ecosystem for people with disability. Members discussed the other key players in safeguarding and ensuring good outcomes for people with disability and how the NDIS Commission can leverage its partnerships to have the greatest impact. The observations and perspectives provided by members will form the basis of a further in-depth discussion at the next Committee meeting in March 2021.