



NDIS Quality
and Safeguards
Commission

Disability Sector Consultative Committee Communique – 9 March 2021

The first meeting for 2021 of the NDIS Quality and Safeguards Commission (NDIS Commission) Disability Sector Consultative Committee (Committee) was held on 9 March by video conference.

Commissioner's update

A number of significant milestones have occurred since the Committee last met including the successful transition of Western Australia's quality and safeguarding arrangements, which completes the national rollout, as well as Residential Aged Care (RAC) providers supporting NDIS participants in their facilities to operate under the NDIS regulatory framework from 1 December 2020.

Members discussed responses by RAC providers to this regulatory change with RAC providers encouraged to contact the NDIS Commission directly to answer any queries they may have on changes such as reporting obligations, registration requirements and renewals.

The NDIS Commission and all states and territories also successfully implemented the NDIS Worker Screening Check on 1 February 2021 (except for the NT, which will implement the NDIS Worker Screening Check no later than 1 July 2021). Early activity data indicates an encouraging number of self-managing participants accessing the NDIS Commission's database which was an important aspiration for self-managing participants using unregistered providers.

With the completion of transition activities, the NDIS Commission is focussed on driving a national work program over the coming year that delivers impact. The NDIS Commission's priorities for the year ahead were discussed including enhancing the use of powers within each function and building NDIS Commission internal capability.

The half year [Activity Report](#) for the July to December 2020 period was also tabled at the meeting alongside a granular analysis of complaints data and compliance activity, the purpose and intersection of the complaints and compliance streams and of other regulatory activities of the NDIS Commission.

There has been a significant increase in the number of complaints, notably in smaller jurisdictions, since the last Activity Report which implies confidence to report underpinned by the range and reach of the NDIS Commission's activities. As the complaints function plays a critical role in responding directly to NDIS participants, their families, advocates and any person with a complaint about the quality and safety of NDIS service provision, it will remain a key topic of discussion at future 2021 Committee meetings. Members of the Committee will continue to contribute their valuable insights to this topic based on their knowledge of what is happening on the ground.

COVID-19

An analysis of data relating to COVID-19 is available in the Addendum to the [Activity Report](#). The NDIS Commission continues to respond to the pandemic and embed lessons learnt into the ongoing management of COVID-19 matters from operational, strategic and policy perspectives. To support this, an incident closure report is currently underway that will inform incident management approaches for potential future emergencies and disasters.

Members were also asked to comment on the engagement and reach of COVID-19 communications to date, suggestions for improvement and other types of guidance that providers may benefit from.

Members discussed the use of a wide range of mechanisms to facilitate two-way communication between participants and the NDIS Commission in real-time alongside promoting the obligation on providers to provide information to participants in a format that meets their needs.

Provider registration

Members discussed concerns relating to the quality and safety of supports available to people with disability accessing Supported Independent Living (SIL). The Committee discussed the potential scope of the problem, and how the regulatory tools of the NDIS Commission and the housing policy work of the NDIA can improve the practices of SIL providers. This topic will be explored in more detail at the meeting in July.

Members were updated on the implementation of actions by the NDIS Commission in response to the findings and recommendations of Professor Julian Trollor and Dr Carmela Salomon's 2019 [*Scoping review of causes and contributors to deaths of people with disability in Australia*](#). In particular, they were advised of amendments to the NDIS (Provider Registration and Practice Standards) Rules 2018 and NDIS (Quality Indicators) Guidelines 2018 to improve provider practice in relation to safe and high quality mealtime management to people with disability by registered NDIS providers.

These amendments will be made in tandem with proposed adjustments to strengthen the NDIS Practice Standards and Quality Indicators in relation to the COVID-19 response. Planning is underway for the communication of these changes to the sector, once the amendments have been through formal consultation with state and territory officials and consideration by the NDIS Quality and Safeguards Commissioner.

Behaviour Support

Members were briefed on NDIS Commission projects which relate to the behaviour support function including a focus this year to uplift quality through the evaluation and auditing of behaviour support plans (BSP); support of practitioners through consultation and advice; compliance activities to support the reduction and elimination of the use of restrictive practices; and activities to progress national consistency in the authorisation of restrictive practices.

There has been a notable increase in activity by states and territories to achieve national consistency since their agreement to the Principles for Nationally Consistent Authorisation of Restrictive Practices, with states and territories submitting action plans to the NDIS Commission for review.

A series of practice guides have also been issued including the [*Regulated Restrictive Practices Guide*](#) which outlines provider obligations when implementing regulated restrictive practice and [*Self-Assessment Resources Guide*](#) to assist behaviour support practitioners to complete the [*Positive Behaviour Support Capability Framework*](#)'s capabilities.

The Committee discussed the use of restrictive practices in mainstream service settings such as health and education and the influencing role of the NDIS Commission's work in these settings which are outside its jurisdiction.

Final note

The NDIS Commissioner noted, that since the inaugural meeting in November 2019, the insights and goodwill brought by members to Committee discussions has been appreciated and continues to inform the important work of the NDIS Commission.

The Committee will next meet in July 2021.