



Industry Consultative Committee Communique – 10 March 2021

The first meeting of the NDIS Quality and Safeguards Commission (NDIS Commission) Industry Consultative Committee (Committee) for 2021 was held on 10 March by video conference.

Commissioner's update

A number of significant milestones have been reached 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 now coming 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 with queries they may have on changed requirements 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 focuses on 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. The contrast between jurisdictions in the growth and focus of complaints and between compliance and enforcement outcomes from July 2019 is also notable.

Members requested a further breakdown of activity report data to enable peak bodies to help educate the sector and address the issues and challenges identified.

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 to advise on other types of guidance that providers may benefit from.

Members were also thanked for their help in disseminating provider guidance material through their networks. The NDIS Commissioner raised a concern about a large number of providers who remain unsubscribed to NDIS Commission communications. Members agreed to advise their networks to subscribe in order to receive important regulatory information from the NDIS Commission. Anyone can subscribe to NDIS Commission communications via the provider newsletter [webpage](#).

Provider registration

The Registrar provided members with an overview of the registration assessment process and where major non-conformities arise for providers undergoing either verification or certification audits. The Registrar also discussed the project in train to deal with the volumes of registration applications in a timely way.

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](#) (Scoping Review). In particular, they noted 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 the 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 a [Self-Assessment Resources Guide](#) to assist behaviour support practitioners to complete their assessment against the NDIS Commission's [Positive Behaviour Support Capability Framework](#).

Members discussed the challenges for people with disability who have been prescribed chemical restraints for a significant length of time and that implementing a suitable BSP will reduce the need to use restraints.

The Committee agreed to reinforce with their networks why work on reducing and eliminating the use of restrictive practices is a priority for the NDIS Commission. Members also agreed to circulate to their networks the [series of provider alerts](#) developed in response to the Scoping Review on polypharmacy, medication use and swallowing difficulties, dysphagia and mealtime management and epilepsy.

Final Note

The NDIS Commissioner expressed his appreciation for the insights and input provided by Committee members to inform the important work of the NDIS Commission.

The Committee will next meet in July 2021.