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# **ACTIVITY REPORT**

## **1 January to 31 March 2022**

NDIS Quality and Safeguards Commission



**NDIS Quality  
and Safeguards  
Commission**

## NDIS Quality and Safeguards Commission Activity Report 1 January to 31 March 2022

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Unless otherwise stated, data provided in this report pertains to the stated reporting period and was extracted on 1 April 2022

Every effort has been made to ensure that the information in this document is accurate at the time of publication.

**NOTE:** In order to protect individuals’ privacy, identified populations less than 5 are reported as “<5”.

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NDIS Quality  
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## Key highlights

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This Activity Report is the first in our new series of quarterly reporting, having previously released our reports in six monthly intervals. The NDIS Commission remains committed to ensuring these reports are valuable for all of our stakeholders, and in particular, that NDIS participants will find these reports useful.

If you have feedback regarding the content and usefulness of this report, please email [communications@ndiscommission.gov.au](mailto:communications@ndiscommission.gov.au) so we can consider adjustments to future reports.

### NDIS Commission engagement activities

The NDIS Commissioner and Executive team have been meeting regularly with participants and providers across Australia during this quarter to develop a better understanding of their experiences with the NDIS Commission, and explore how we can work together to improve the quality and safety of NDIS services and supports. Collaboration and engagement will continue to be the key strategy for the NDIS Commission in the future.

#### Registration Roundtable

A Registration Roundtable was held on 21 March 2022 as an opportunity to kick start a discussion about how the NDIS Commissioner can evolve the use of the NDIS provider registration function, explore possible adjustments to registration arrangements, and inform future NDIS regulatory approaches. The Roundtable was co-facilitated by Tracy Mackey, NDIS Commissioner and Leah Van Poppel, Principal Member of the NDIA Independent Advisory Council.

A [Registration Discussion Starter paper](#) was developed to facilitate the conversation. The roundtable was attended by a mix of stakeholders including those representing the voice of people with disability, and others representing industry. The full day event enabled people with disability, advocates, providers and peak bodies to openly discuss and share their diverse perspectives on how the system was working, or not

working, for them. While there were some areas of consensus, there were different views on a number of issues that will require further exploration, particularly with people with disability. A summary of outcomes will be published shortly.

The NDIS Commissioner will continue to discuss registration matters with stakeholders, including with the Disability Sector and Industry Consultative Committees. In particular, further discussion on audits and auditing is required to understand the related issues in more detail. A series of papers will be developed which capture the issues raised through the Roundtable and through other reviews such as the Joint Standing Committee report on the NDIS Commission, exploring the issues in more detail through consultation with stakeholders to develop our thinking.

#### NDIS Commission Consultative Committees

The Disability Sector Consultative Committee was held on 22 March 2022 and the Industry Sector Consultative Committee was held on 23 March 2022. These were the first full Consultative Committee meetings for the NDIS Commissioner since commencing in the role.

The Committees furthered the discussion about Registration, considered current policy work on the NDIS Commission's approach to participants at risk and activities related to behaviour support and restrictive practices.

You can read about the recent meetings in this [communiqué](#) and find further information on our website about membership of the NDIS Commission consultative committees. The Committees are next scheduled to meet in July 2022.



## NDIS Commission initiatives focused on quality

### Joint Statement on the Inappropriate Use of Psychotropic Medicines to Manage the Behaviours of People with Disability and Older People

The NDIS Commission has commenced a national joint initiative with the Aged Care Quality and Safety Commission and the Australian Commission on Safety and Quality in Health Care to reduce the inappropriate use of psychotropic medicines amongst people with disability and older people.

The [Joint Statement](#) is the start of a vital collaboration to ensure psychotropic medicines for people with disability and older people are being used appropriately.

### New resources for participants, workers and providers

We have developed new resources to empower NDIS participants to exercise their right to quality and safe NDIS supports and services; and to support NDIS provider compliance with, and worker obligations under Practice Standards and NDIS Code of Conduct.

The new resources are a product of co-design and testing with NDIS participants, their families, providers and support workers, peaks, clinicians, subject matter experts and disability sector bodies. Accessible versions include: Auslan, 17 culturally and linguistically diverse languages, and Easy Read.

### Make it known, make it better

A new video series, '[Make it known, make it better](#)', features people with disability, their families, providers and support workers, and aims to empower NDIS participants, or their support networks, to raise a concern or complaint if they are not happy with the quality or safety of their NDIS supports or services.

The 15 short videos are based on the NDIS Code of Conduct and there are versions for First Nations peoples and LGBTQIA+ communities.

### New Practice Alert resources

Animations have been developed for 12 [Practice Alerts](#)– research summaries developed in response to the [Scoping Review](#). The new resources offer alternative and engaging formats of this important information that promotes best-practice support of NDIS participants most at risk of preventable harm and death.

Quick Reference Guides and Easy Reads of these Practice Alerts will be released in the near future.

### New e-learning module – ‘Supporting Safe and enjoyable Meals’

[‘Supporting safe and enjoyable meals’](#), is a new addition to the Worker Orientation Module online training series, and is designed to help NDIS providers meet their obligations under the recently introduced [Mealtime Management NDIS Practice Standards](#), and in response to recommendations in the Scoping review. The new module educates NDIS providers and workers on how to provide safe and enjoyable meals to people with disability.

## Working with providers through COVID

The NDIS Commission seeks to respond to changing circumstances within the sector. Over the current reporting period, a major area of response has continued to centre on working with providers and other areas of government in relation to the changing circumstances of the COVID-19 pandemic, with a strong focus on the oversight of risks impacting the quality and safety of supports to NDIS participants.



The NDIS Commission has continued to perform its functions under the National Disability Insurance Scheme Act 2013 (NDIS Act) through COVID-19 by maintaining quality and safeguarding mechanisms that have supported the continuity of critical supports and wellbeing for NDIS participants. This includes:

- continued guidance for providers on their obligations under the NDIS Act during the pandemic and communicating health advice in a manner that takes account of the regulation of NDIS supports and services
- monitoring provider compliance with their obligations under the NDIS Code of Conduct, and for registered providers, the NDIS Practice Standards
- including provider obligations under state and territory public health orders requiring vaccination of certain disability workers and obligations for assisting participants to access vaccination where they choose to be vaccinated
- adjusting our engagement approach regarding compliance and investigation activities during periods of high rates of community transmission to focus on minimising risk to the health and wellbeing of NDIS participants, and
- coordinating with other agencies, particularly the NDIA, to ensure continuity of critical supports and the wellbeing of participants who are more likely to be at risk during COVID-19.



## 1) Participants across Australia

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The NDIS Quality and Safeguards Commission is an independent agency established to improve the quality and safety of NDIS supports and services for people with disability.

We are working with NDIS participants, service providers, workers and the community to introduce a new nationally consistent approach so participants can access services and supports that promote choice, control and dignity.

The NDIS Commission:

- responds to concerns, complaints and reportable incidents, including abuse and neglect of NDIS participants
- promotes the NDIS principles of choice and control, and works to empower participants to exercise their rights to access quality services as informed, protected consumers
- requires NDIS providers to uphold participants' rights to be free from harm
- registers and regulates NDIS providers and oversees the new NDIS Code of Conduct and NDIS Practice Standards
- provides guidance and best practice information to NDIS providers on how to comply with their registration responsibilities
- monitors compliance against the NDIS Code of Conduct and NDIS Practice Standards, including undertaking investigations and taking enforcement action
- monitors the use of restrictive practices within the NDIS with the aim of reducing and eliminating such practices
- is working in collaboration with states and territories to implement nationally consistent NDIS worker screening

- focuses on education, capacity building and development for people with disability, NDIS providers and workers
- facilitates information sharing with the National Disability Insurance Agency (NDIA), state and territory authorities and other Commonwealth regulatory bodies.

The National Disability Insurance Scheme (NDIS) is administered by the NDIA. The NDIS Commission regulates NDIS supports and services to NDIS participants in all states and territories. The NDIS Commission manages complaints and reportable incidents in connection with supports and services delivered by NDIS providers and their workers. Behaviour Support Plans including the use of restrictive practices must also be lodged with the NDIS Commission.

Since its inception in 2018, the NDIS Commission has received a complaint, reportable incident or Behaviour Support Plan relating to more than 54,000 NDIS participants, accounting for 8.3% of the total active participant cohort.



The NDIS Commission seeks to ensure that participants understand their rights to make a complaint about the NDIS-funded services they receive, and are empowered to know how to complain to their providers or to the NDIS Commission if they have concerns about the quality or safety of their NDIS provided supports and services. We do this by undertaking a range of engagement activities, such as presenting at events, undertaking outreach activities and developing accessible resources.

Between 1 January and 31 March 2022, the NDIS Commission presented at 311 events (this included booths and presentations at two Expos). Due to COVID-19, the vast majority of events have been teleconferences and/or virtual meetings.

Approximately 5,631 stakeholders attended events at which the NDIS Commission presented (note: the NDIS Commission does not always receive confirmed attendee numbers from event organisers).

The NDIS Commission has established two consultative committees to provide ongoing advice and feedback to the NDIS Commission at a national level – the Disability Sector Consultative Committee and the Industry Consultative Committee. These committees help increase awareness of the NDIS Commission, its purpose and functions.

The Disability Sector Consultative Committee brings together key stakeholders from the disability sector to represent the interests and different perspectives of NDIS participants and their support networks, where they exist. The committee met three times in 2020 and three times in 2021.

Our National Engagement team also focuses on engaging with NDIS participants, their supporters and representatives, Aboriginal and Torres Strait Islander communities and disability leaders and advocates. Our engagement activities seek to consolidate awareness and information about the NDIS Commission and its functions, including registration and reportable incidents, complaints, restrictive practice, and behaviour support.

To ensure a strategic approach to engagement activities, the Commission is developing a National Engagement Plan 2022 that will incorporate an Aboriginal and Torres Strait Islander Engagement section setting out our approaches, priorities and messages to a broad range of participants and their representatives.

The NDIS Commission regularly updates resources for participants to support our direct engagement activities. These include our Participant Information Pack that is also available to download from the NDIS Commission website. It gives NDIS participants information about their rights, the role of the NDIS Commission, how to choose quality and safe supports, and how to make a complaint.

The pack is available in Braille, Easy Read, First Nations and Auslan versions. 2,254 Participant Packs and 729 Provider Packs were distributed between 1 January and 31 March 2022.

The NDIS Commission has published specifically designed versions of the Participant Information Pack and the NDIS Code of Conduct postcards for Aboriginal and Torres Strait Islander people. An Easy Read version of the Participant Information Pack for Aboriginal and Torres Strait Islander people was previously published in January 2021.

The NDIS Commission website is the central communication channel where NDIS Commission resources and information can be accessed by people with disability, NDIS providers, advocates and the general public. The resources and information on the website build awareness of the NDIS Commission's role, purpose and function.

The NDIS Commissioner has been actively engaging with participants, providers and other stakeholders. From 10 January 2022 to 31 March, Commissioner Tracy Mackey, has participated in 96 meetings with over 504 people to seek feedback and suggestions.

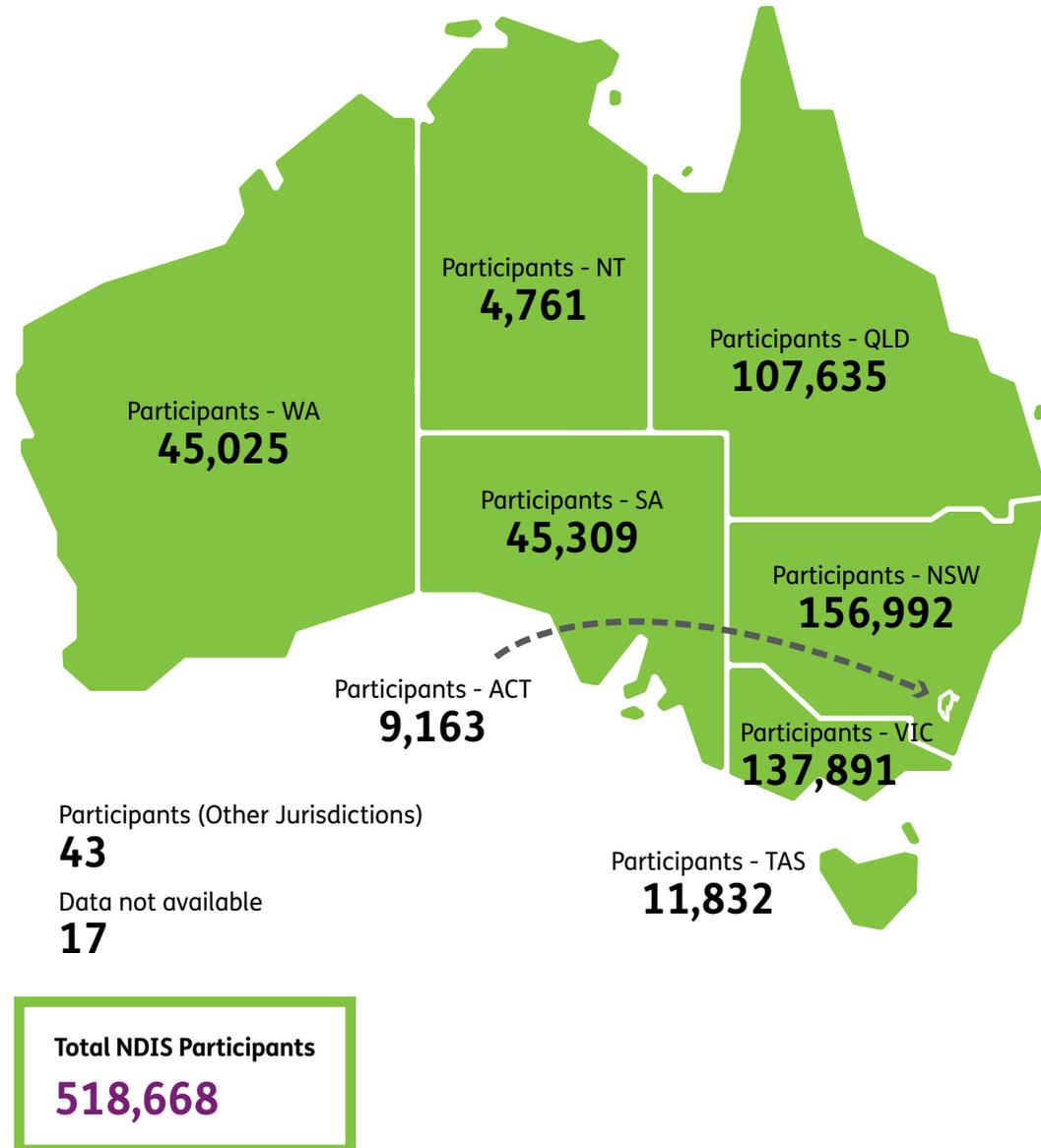


The NDIS Commission strives to ensure that all information it develops is accessible to users and available in an appropriate format that meets their needs – including people with disability, people with lower levels of literacy, or those from culturally and linguistically diverse (CALD) backgrounds.

The NDIS Commission has resources available on its website in Auslan, as well as Easy Read, and CALD languages.

Since the NDIS Commission commenced on 1 July 2018, there have been 7,595,043 visits to its website. The NDIS Commission is currently redeveloping this website, to ensure it better meets the needs and expectations of internal and external stakeholders. We expect to launch the new website in mid-2022.

## Count of NDIS participants

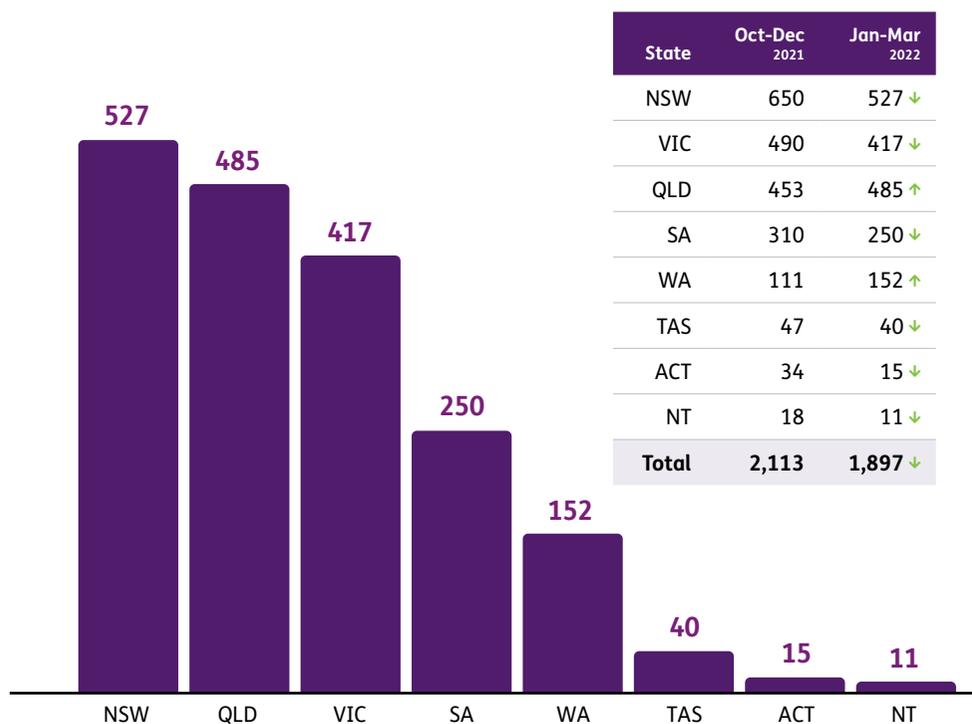


## 2) Complaints

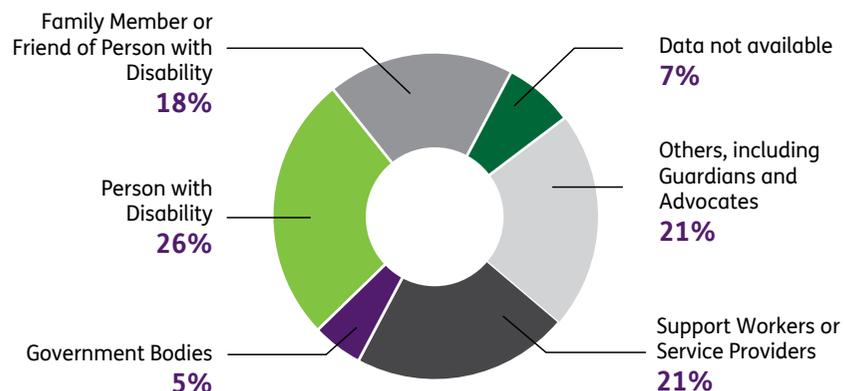
The NDIS Commission manages complaints in connection with supports and services delivered by NDIS providers and their workers. Anyone can make a complaint to the NDIS Commission about an NDIS support or service.

**We received 1,897 complaints during the reporting period.**

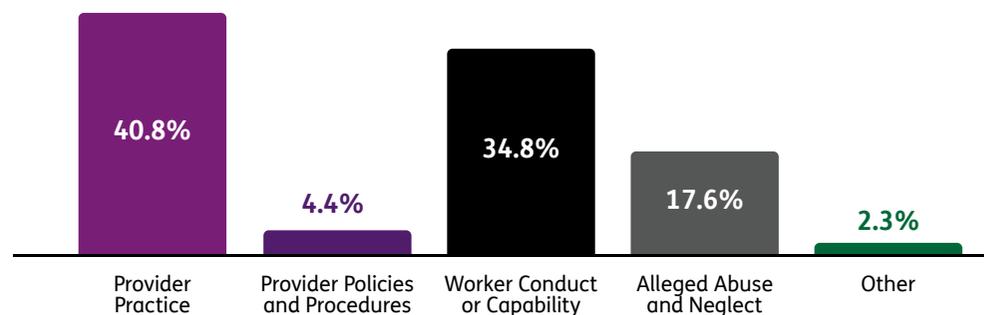
Number of complaints received by state/territory



Percent of complaints received by primary complainant



Issues raised by complaints received in the period can be grouped as follows:



### 3) Registrations

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The NDIS Commission is committed to supporting and maintaining a diverse and sustainable NDIS market. The NDIS market comprises a wide range of providers – both registered and unregistered organisations and individuals, commercial businesses and not-for-profit providers.

The registration of NDIS providers aims to ensure the provision of safe and quality services, by having providers meet quality and competency standards proportionate to the risk attaching to the type of service delivery and the scale of the provider.

Not all NDIS providers must be registered. Participants whose NDIS support plan is managed by the NDIA can only access funded supports and services from a registered provider. Plan managers must be registered to manage the funding of supports included in a participant's plan. Providers must also be registered to deliver certain types of support that are higher risk, such as specialist disability accommodation, development of Behaviour Support Plans, and for the use of regulated restrictive practices.

A transitioned provider is a provider who was previously registered with the NDIA and transferred to the NDIS Commission when the NDIS Commission started in each state and territory.

A new registered provider is an applicant who has completed the full registration process for the first time. These applicants may already have been delivering NDIS supports or services in an unregistered capacity or may be new entrants to the NDIS market or may be re-entering the registered provider market.

To apply for or renew a registration with the NDIS Commission, all applicants complete an online application, complete a self-assessment, receive a scope of audit, and undergo an independent audit against the NDIS Practice Standards by an Approved Quality Auditor. The NDIS Practice Standards are modular and applicants are assessed against standards in the modules that apply for the types of supports and services they deliver.

Applicants undergo either a full certification audit comprising a review of their policies, procedures and systems and direct engagement with participants and workers; or a verification audit comprising a review of their policies, procedures and systems and verification of relevant professional qualifications. The type of audit an applicant undergoes depends on the types of supports and services they deliver.

The audit recommendation is submitted to the NDIS Commission by the Approved Quality Auditor and the NDIS Commission undertakes a suitability assessment of the applicant and any key personnel as part of the registration process. Once these steps are completed a decision on the application is made and conveyed to the applicant.

Where a registered provider makes an application to renew their registration before the end of the period for which the registration is in force, the current registration continues until the Commissioner makes a decision on the application.

Where a registered provider elects not to make an application to renew their registration before the end of the period for which the registration is in force, their registration lapses and the provider is no longer registered.



## Provider arrangements

Existing registered NDIS providers progressively transitioned to the NDIS Commission. Providers in New South Wales and South Australia transitioned to the NDIS Commission on 1 July 2018, followed by the Northern Territory, Queensland, the Australian Capital Territory, Victoria and Tasmania on 1 July 2019. The transition was completed on 1 December 2020 when providers in Western Australia and Residential Aged Care providers supporting NDIS participants transitioned to the jurisdiction of the NDIS Commission. All transitioned providers were assigned a date by which they needed to commence a renewal application if they intended to maintain their status as a registered NDIS provider. This period is now coming to a close with final renewal dates for transitioned providers occurring in mid-2022. The NDIS Commission reminds providers of their renewal requirements in the lead-up to their renewal date through a sequence of email reminders. The NDIS Commission also attempts to speak with providers who have active NDIS service bookings if their renewal date is approaching and they have not yet commenced a renewal application.

The NDIS Commission works closely with the National Disability Insurance Agency to mitigate risks to participants where providers choose to cease their registration. A small number of providers, 242 in this reporting period, chose to allow their registration to lapse for a range of reasons. For example, a provider who delivers supports in another sector may have registered as an NDIS provider and subsequently does not actually deliver NDIS services to participants during the transition period. Their renewal date approaches, and with further knowledge about the scheme they decide that their organisation no longer intends to provide NDIS services, and so decides not to maintain their registration.



## Registered Providers



18,336 at end of 31 December 2021

## Providers who have claimed an NDIS payment within last 3 months



Number of providers that did not seek to maintain registration during reporting period

**242**



Organisations

**11,727**



Individuals

**7,288**

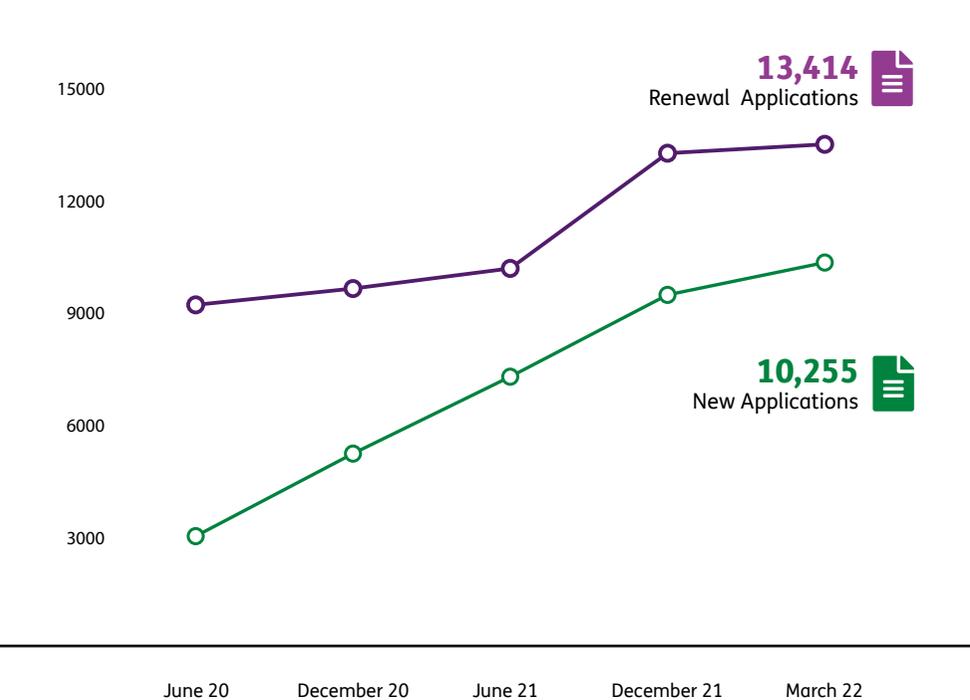


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## Auditors and Audit Activity



## New and Renewal Applications

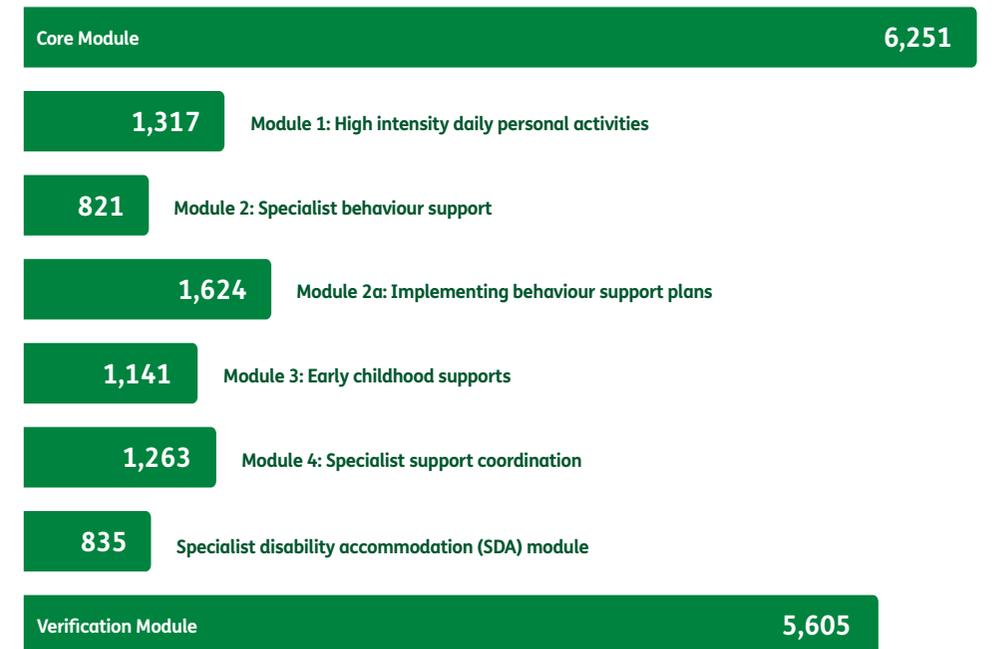


## Applications By Audit, and modules completed

By Audit completed as part of the application process (Verification Audit, Certification Audit, Audit in progress/yet to commence)



Of those audits completed, by module completed



#### 4) Reportable Incidents (excl. Unauthorised Restrictive Practices (URPs))

Registered providers are required to notify the NDIS Commission of certain serious incidents, including allegations that occur in connection with the provision of NDIS supports and services. The NDIS Commission oversees the response and management of reportable

incidents by registered NDIS providers to determine whether they are meeting their obligations to uphold the rights and promote the health, safety and wellbeing of people with disability. The number of reports received does not correlate to the number of actual instances of

harm to a person with disability. Reports may include multiple notifications of the same matter, allegations of incidents, and situations where incidents occurred, but harm to the person was avoided.

### Number of RIs received (excl. URP) during reporting period 4,188



**Providers indicated that Police were informed in relation to 713 incidents.**



## 5) Unauthorised Restrictive Practices (URPs)

In this reporting period 3,750 participants were subjected to a total of 329,328 unauthorised uses of restrictive practices.

These figures suggest a slight downward trend in the numbers of unauthorised uses of restrictive practices reported to the NDIS Commission.

There continues to be high numbers of notifications to the NDIS Commission of the use of unauthorised restrictive practices by implementing behaviour support providers.

The NDIS Commission is undertaking a range of activities with both implementing providers and behaviour support practitioners to address the unacceptable rate of URPs in the sector. Those activities are set out in the URP report released in January 2022, which can be accessed on the NDIS Commission's website along with previous Activity Reports.

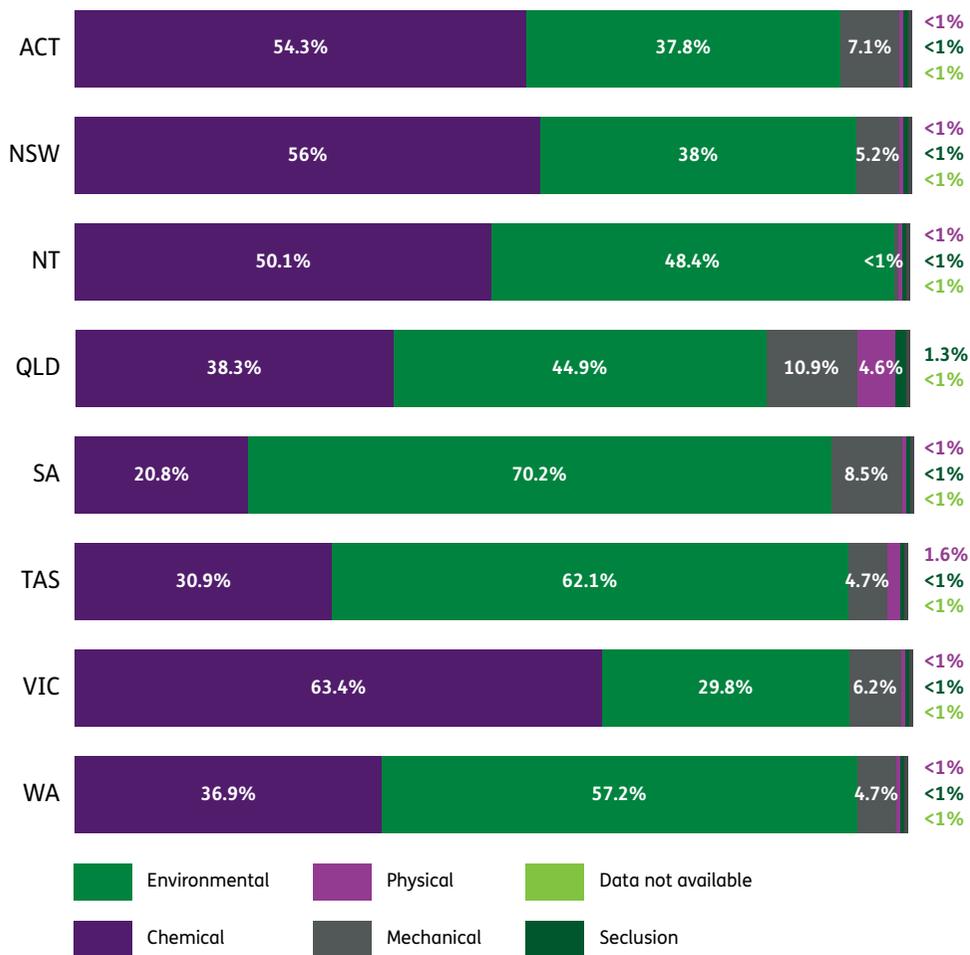
Those activities include:

- Continuing to target current compliance activity based on participant outcomes
- Increasing focus on compliance as soon as notifications of URPs are received
- Continuing engagement with States and Territories on authorisation processes
- Increasing the number and competence of behaviour support practitioners
- Reviewing the interaction of the regulatory requirements in relation to behaviour support and reportable incidents
- Building the capability of the workforce implementing restrictive practices



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### URPs by State/Territory and Restrictive Practice Type



### Total persons subject to URP



A restrictive practice means any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability.<sup>1</sup>

The use of restrictive practices for people with disability can present serious human rights breaches. The decision to use a restrictive practice needs careful clinical and ethical consideration, taking into account a person’s human rights and the right to self-determination.

In this Activity Report, we have provided data on the total number of URPs notified to the NDIS Commission in a given period. We will, in future, be looking at changing the way we report this data as the substantial numbers contained in past reports can often divert focus and discussion away from the individual participants subjected to these practices, their particular circumstances and the requirements of providers to ensure their health, safety and wellbeing.

During the reporting period, the NDIS Commission was advised of 3,750 participants being subjected to unauthorised restrictive practices.

<sup>1</sup> section 9, National Disability Insurance Scheme Act 2013



## 6) Behaviour Support

The NDIS Commission oversees behaviour support practitioners and providers who use behaviour support strategies and restrictive practices involving NDIS participants. The NDIS Commission also provides best practice advice to practitioners, providers and participants on positive behaviour support strategies.

To inform that work, the NDIS Commission reviews provider reports on the use of restrictive practices.

The Senior Practitioner is responsible for delivering the NDIS Commissioner's behaviour support functions, outlined in section 181 (H) of the **National Disability Insurance Scheme Act 2013** (NDIS Act) with the overarching goal to provide leadership in relation to behaviour support, and the reduction and elimination of the use of restrictive practices.

Behaviour support practitioners who prepare behaviour support plans containing restrictive practices are required to lodge these plans with the NDIS Commission. During this activity period providers lodged 2,904 plans containing restrictive practices.

### Implementation of the Positive Behaviour Support Capability Framework

The Positive Behaviour Support Capability Framework (PBS Capability Framework) guides the NDIS Commission's work on behaviour support capability and is used to consider the suitability of behaviour support practitioners to deliver behaviour support services.

During this activity period, 346 behaviour support practitioners were considered suitable. This brings the total number of behaviour support practitioners who have completed a self-assessment against the Positive Behaviour Support Capability Framework to 1,336. New practitioners are continuing to enter the market and are initially considered provisionally suitable. The number of provisionally suitable practitioners will continue to decrease as applications for suitability are reviewed by the NDIS Commission.

### Safe Transportation Restrictive Practice Guide

The Commission has released a restrictive practices guide on safe transportation. The guide promotes the rights and inherent dignity of people with disability, assists in identifying the use of regulated restrictive practice during transportation, and highlights special considerations and safeguards relevant to the use of safe transportation. It also provides practice advice consistent with a positive behaviour support framework and contemporary evidence informed practice intended to reduce and eliminate the use of restrictive practices.

Number of  
Behaviour Support  
Plans lodged within  
the reporting period



2,904

Behaviour support practitioners



Provisionally suitable

8,027



Suitable

1,336



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## 7) Compliance Activity

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The NDIS Commission undertakes a range of compliance and enforcement activities. This involves:

- applying proportionate and appropriate regulatory responses to non-compliance
- investigating matters, and taking corrective compliance action
- deploying proactive compliance programs that address areas of identified risk of non-compliance
- working with other regulators
- conducting participant outreach
- taking enforcement action in serious cases of persistent and high-risk non-compliance

We use a range of compliance and enforcement powers, tools, and methods. In the most serious matters we can remove people and organisations from the NDIS market.

### Case study: Compliance

We expect registered NDIS providers to comply with the rules and regulations, particularly around incident management, prevention and reporting, including notifying the NDIS Commission of reportable incidents. This occurs when a registered NDIS provider becomes aware of a serious incident involving one of more of the following: the death of a person with disability, the abuse or neglect of a person with disability; or the unauthorised use of a restrictive practice, in connection with the provision of supports or services by a provider.

The NDIS Commission found that a registered NDIS provider was systemically failing to notify the NDIS Commission of reportable incidents within required timeframes, and that the provider's incident response was inadequately addressing requirements for prevention and mitigation of incidents occurring.

In this case, the NDIS Commission issued a compliance notice to the provider.

A compliance notice requires a provider to take specified action, or refrain from taking action, in response to an issue of non-compliance under the NDIS Act. Failure to comply with a compliance notice may result in a maximum civil penalty of \$66,600 and/or action being taken on the registration of a provider.

In this instance, the compliance notice required the provider to undertake a review of its internal incident management policies, procedures and practices and report to the NDIS Commission on actions taken to address systemic issues affecting its compliance.

The provider undertook a significant organisational review and identified a broad program of action to address cultural, systemic, policy and procedural matters, impacting on its compliance with incident management obligations. This included a focus on workforce capability, structural improvements and investment in better systems to support effective incident management.

The provider took action within the timeframe required under the compliance notice to implement actions to rectify its non-compliance. The NDIS Commission has continued to monitor the provider's ongoing compliance in this regard. Further, the NDIS Commission has identified significant improvement in the provider's compliance, particularly in respect of its emphasis on incident prevention and efficient action in response to incidents that occur in connection with the provision of supports or services by the provider.



## Number of compliance outcomes in reporting period

In addition to the compliance activities and outcomes outlined above, the NDIS Commission undertook targeted compliance action in which:

- 12,511 registered NDIS providers were issued with a notice requiring them to provide information pertaining to the COVID-19 vaccination status of their workers, and are being monitored for compliance in the context of their obligations in accordance with state and territory public health orders; and
- 626 registered NDIS providers were issued with a notice requiring them to provide information about actions taken to support the vaccination of NDIS participants who wished to be vaccinated against COVID-19, in the context of their obligations under the NDIS Code of Conduct and NDIS Practice Standards. The NDIS Commission is actively monitoring provider compliance in this regard.

### By outcome type

<b>29</b>	Banning orders
<b>15</b>	Compliance notices
<b>&lt;5</b>	Registration suspensions
<b>58</b>	Registration refusals
<b>8</b>	Infringement notices
<b>2</b>	Civil proceedings commenced
<b>1</b>	Revocation
<b>81</b>	Warning Letters
<b>90</b>	Remedial Action
<b>248</b>	Education
<b>412</b>	Investigations underway
<b>1,629</b>	Compliance activities underway
<b>2,739</b>	Providers subject of compliance and/or investigation activity

The providers subject of compliance and/or investigation activity does not include activity in relation to the COVID-19 vaccination status of workers.

Data is from 1 July 2021 to 31 March 2022





## 8) Worker Screening

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National NDIS worker screening commenced in all states and territories on 1 February 2021 (except for the Northern Territory which commenced on 1 July 2021).

NDIS Worker Screening is a preventative measure that sits within a framework of capability building, prevention and monitoring of the workforce delivering disability supports and services to NDIS participants. As a preventative measure, worker screening deters individuals who pose a high risk of harm from seeking work in the sector, and reduces the potential for providers to employ workers who pose an unacceptable risk of harm to people with disability.

Worker screening also has a corrective effect in prohibiting those persons who pose an unacceptable risk, or are proven to have harmed vulnerable people from having more than incidental contact with people with disability when working for a registered NDIS provider.

State and territory governments undertake the screening of individuals who seek a clearance, in accordance with state and territory laws. The Australian Government, through the NDIS Commission, is responsible for regulating NDIS provider compliance with their obligations in respect of worker screening.

Registered NDIS providers must ensure that key personnel and other workers in certain types of roles have a worker screening clearance that meets the requirements of the NDIS Practice Standards.

As of 31 March 2022 and since 1 February 2021, over 365,000 worker clearances have been granted, with approximately 7,700 registered providers and 4,300 unregistered providers being linked to a worker. In addition, over 150 workers have been issued with an exclusion which prevents them from being engaged by a registered NDIS provider to deliver NDIS supports or services that involve more than incidental contact with people with a disability.

### Case study: Worker Screening

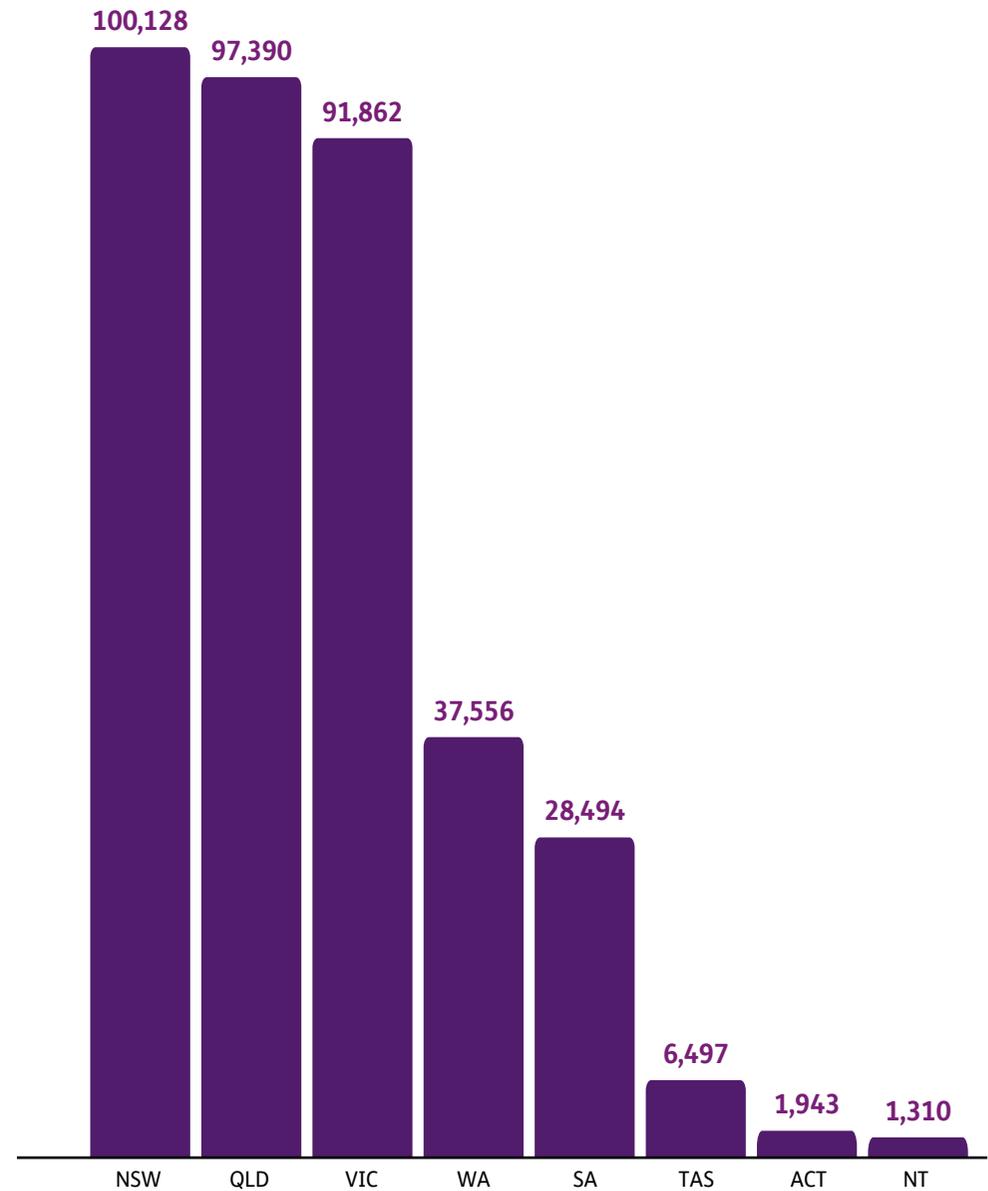
A worker, whom a registered NDIS provider intended to engage to provide NDIS supports, applied for an NDIS Worker Screening Check. The worker's application for an NDIS Worker Screening Check immediately triggered a notification from the NDIS Commission to the state government Worker Screening Unit (WSU) responsible for NDIS worker screening.

The notification alerted the WSU to the fact that the NDIS Commission held disciplinary or misconduct information about the worker. The NDIS Commission provided the information to the WSU, which included details of the worker allegedly physically and verbally abusing NDIS participants and failing to provide supports and services in a safe and competent manner. The NDIS Commission is conducting its own enquiries concerning the alleged non-compliance.

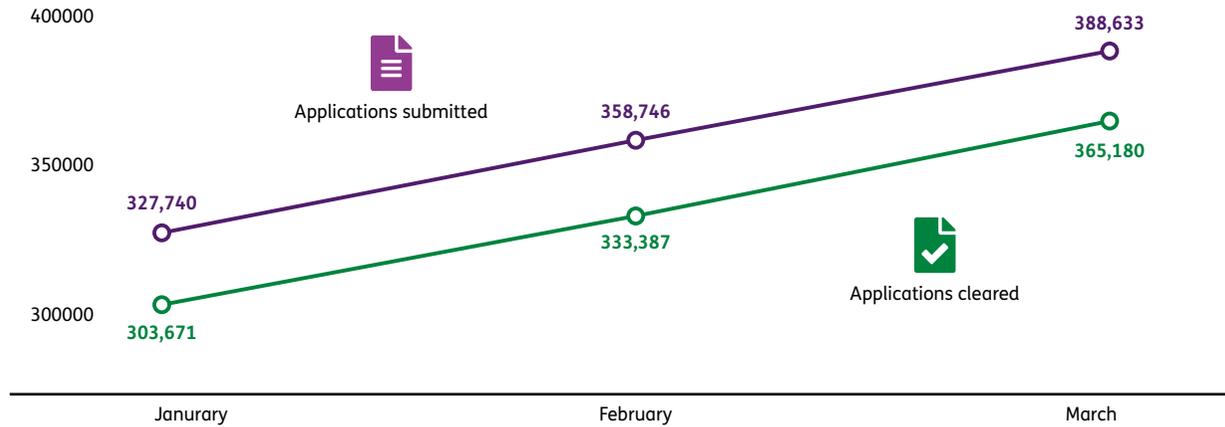


With the provision of the NDIS Commission information, the WSU was able to undertake a detailed risk assessment, including the identification of further misconduct information from other sources, to determine whether the worker should be issued an NDIS worker screening exclusion. The worker is currently prevented from working in a risk assessed role for a registered NDIS provider until a decision is made about whether they present an unacceptable risk to people with disability.

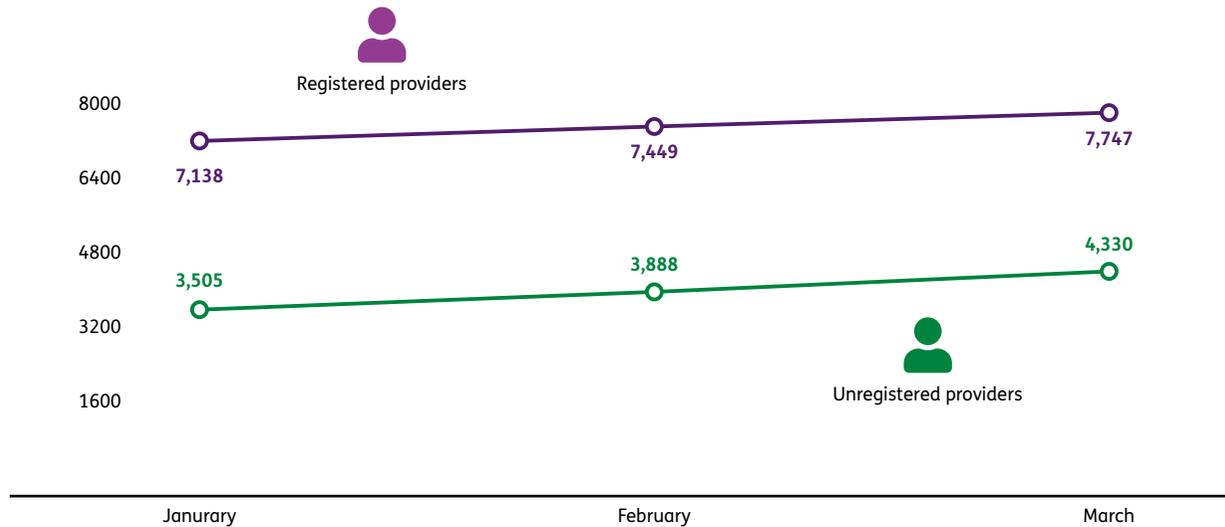
This demonstrates how the NDIS Worker Screening Check works to safeguard NDIS participants, and how the NDIS Commission is working closely with WSUs to ensure all relevant information about a worker is available to be assessed within the NDIS Worker Screening legislative framework.



**Applications submitted and cleared by State and Territory Worker Screening Units  
(Month to Month, Cumulative)**



**Number of providers linked to a worker**



Number of NDIS Worker Screening Exclusions issued

**152**



Number of NDIS Worker Screening Check applications under Interim Bar

**266**



Number of NDIS Worker Screening Clearances under Suspension

**57**



## 9) Engagement

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Number of contacts received via contact centre (1800 Number) or via email during reporting period



Total number of contacts

**38,604**



Total number of contacts from Participants

**5,355**



Emails

**3,720**

## 10) COVID-19

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The NDIS Commission supported participants and providers in response to the COVID-19 pandemic. We reinforced the obligations of providers to maintain supports critical to the health, wellbeing and safety of NDIS participants, to plan for adjustments to services, to communicate and consult changes with participants, and to have plans in place to prevent and respond to infections. We managed complaints from participants about how NDIS providers and workers supported them when restrictions were in place. We used registered NDIS provider conditions of registration to monitor changes and risks in the NDIS market.

The key strategies employed were:

- Being an active player in whole-of-government processes to ensure that the safety of people with disability was fully considered in the development of plans and the implementation of responses, including the rollout of Australian Government vaccination programs
- Supporting providers to fully understand their obligations under the NDIS Act in the circumstances of the pandemic and ensuring they had access to the information they require to meet those obligations
- Monitoring the compliance of providers with vaccination activities, including their obligations to support participants' rights to access COVID-19 vaccination and boosters; and obligations for ensuring their workers delivering supports and services to participants are vaccinated in accordance with state and territory public health orders
- Engaging extensively with peak bodies in the disability sector, organisations representing people with disability, states and territories, and a range of experts on key issues
- Working closely with the National Disability Insurance Agency (NDIA) in responding to identified risks to participants as a result of the pandemic, including impacts on the ability of providers to continue to deliver supports and services.



NDIS Quality and Safeguards Commission

Registered NDIS providers are required, under conditions of registration, to notify the Commissioner of certain changes and events that significantly impact their ability to deliver NDIS supports and services that they are registered to provide. The NDIS Commission has established an online form for providers to notify impacts of COVID-19.

As of 31 March 2022, and since March 2020, the NDIS Commission was notified of 10,087 participants who returned positive tests for COVID-19.

Sadly, the NDIS Commission was notified of 71 participants who died with COVID-19. The NDIS Commission maintains COVID-19 infection rates for participants as notified to the NDIS Commission by registered providers which are published by the Department of Health.



### Number of Infections as at 31 March

Infections by state/territory

#### New South Wales

Participant Active **519**  
Participant Recovered **3416**

#### Victoria

Participant Active **101**  
Participant Recovered **2536**

#### All other States and Territories

Participant Active **539**  
Participant Recovered **2976**

Total Participant Active **1,159**  
Total Participant Recovered **8,928**



NDIS Quality  
and Safeguards  
Commission



Number of COVID related complaints

**1,978**



Number of COVID related contacts via calls to contact centre

**789**



Number of providers making COVID related notifications of support change

**2,473**



Number of COVID related notifications of support change

**14,071**

### Number of COVID related notifications of support change as at 31 March 2022, by Registration Category

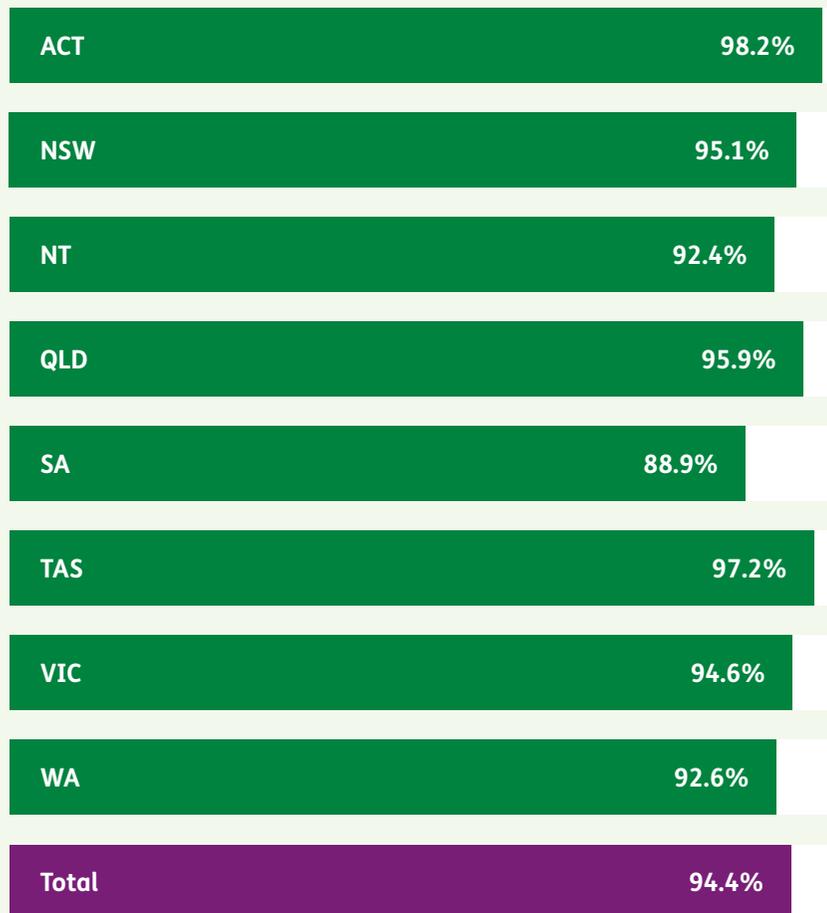


**Total notifications 14,071**

Total notifications are inclusive of notifications that have yet to have a support category identified  
(note: a single notification can be about more than 1 registration category)



### Worker vaccination Rates by State as at 31 March 2022



### COVID-19 Pandemic

The NDIS Commission has continually provided information to service providers about their obligations to safely and competently provide supports and services to people with disability during the pandemic. Since the beginning of the pandemic we have issued:

**Providers:** 190 provider alerts; 7 fact sheets; 8 e-newsletters containing information relating to COVID-19; 1 information pack for NDIS providers and workers.

**Participants:** 4 fact sheets; 4 e-newsletters (SAFEGuard) containing information relating to COVID-19; 1 information pack for NDIS participants; 1 joint NDIS Commission and NDIA open letter to all Victorian participants and their support networks.

