



**NDIS Quality
and Safeguards
Commission**

NDIS Quality and Safeguards Commission Communiqué from Disability Sector and Industry Consultative Committees

The Disability Sector Consultative Committee met on Tuesday, 22 March 2022 and the Industry Consultative Committee met on Wednesday, 23 March 2022. The NDIS Quality and Safeguards Commissioner, Tracy Mackey, attended both meetings and was joined by members of the Executive Leadership Team.

The Consultative Committees had previously reviewed a paper on the NDIS Quality and Safeguards Commission's (NDIS Commission) approach to participant risk. Members were encouraged to continue to engage with the NDIS Commission and provide feedback.

Update from the Commissioner

The NDIS Quality and Safeguards Commissioner has been engaging with a wide range of stakeholders and has met with over 200 people, including participants, advocates and providers. The diversity of themes was acknowledged and the NDIS Quality and Safeguards Commissioner explained her aim of listening to ideas and continuing to engage broadly. It was noted that resourcing for the NDIS Commission is a priority area requiring resolution. The NDIS Commission has a number of regulatory levers and is yet to use them all. The NDIS Commission is clarifying its regulatory posture working towards increased transparency.

There is a continued focus on safeguarding participants and having participants at the centre of everything we do.

The NDIS Quality and Safeguards Commissioner is leading the Future State work to develop a five-year vision and strategic plan for the NDIS Commission. As part of this work, the NDIS Commission has commenced looking at and developing the strategy, culture, systems and capability that will enable the vision.

Stakeholders will be consulted on the Future State vision and there will be stakeholder involvement in shaping this vision. The Committees participated in an active consultation session on the NDIS Commission's Future State, providing input and feedback into proposed focus areas for the NDIS Commission over the next five years.

There was an update of a number of NDIS Commission activities:

- The new NDIS Commission website will have enhanced accessibility for all users and will be released shortly.
- The Activity Reports will now be released quarterly.
- The NDIS Commission is reviewing how complaints are managed so that people making a complaint feel heard and informed.
- A customer relationship management system is being procured to enhance the way we engage with providers and participants using joined up information by facilitating the review of matters across reportable incidents, complaints, participants and providers.
- The NDIS Practice Standards have been updated to require providers to plan for, and ensure continuity of support during, emergencies such as COVID-19, storms, floods, and fires.
- On Monday, 21 March 2022, a joint statement from the Aged Care Quality and Safety Commission (ACQSC), the NDIS Commission and the Australian Commission on Safety and Quality in Health Care (ACSQHC) was released on the important issue of inappropriate use of

psychotropic medicines among people with disability and older people, and the commitment to regulate and reduce its use. [Read more about the joint statement](#) on our website.

- The NDIS Commission's Own Motion Inquiry into a select number of providers of Supported Independent Living (SIL) is still in progress and has been extended to June. Rose Webb, who has extensive regulatory experience, will be working alongside Arthur Rogers to finalise the advice to the Commissioner.

Registration Discussion Starter

The Registration Roundtable brought together diverse views to explore registration arrangements. It was noted that the NDIS Commission regulates all providers of NDIS supports (registered and unregistered) through the NDIS Code of Conduct, and registered providers under the Registration Rules and the Practice Standards. There was agreement on the need to improve provider entry into the market so that providers adhere to the standards expected by the NDIS Commission.

In response to the Registration Discussion Starter paper, members discussed:

- That further consideration of the quality audit process and ways to increase participant contributions to registration processes should occur.
- That participants have differing definitions of risk as it applies to choices of registered and unregistered providers, as well as the impact of COVID-19 on the market.
- The NDIS Code of Conduct and complaints function as key safeguarding mechanisms.
- The provision of educational resources and provider quality information that informs participant decision making.

Participants at Risk

An update was provided on key themes arising from members' feedback to the NDIS Commission's paper on approaches to identifying participants at risk, as well as joint work with the NDIA on this issue. Members agreed that there needs to be a common understanding between NDIA and the NDIS Commission on participant risk and suggested development of a risk matrix that could be utilised by the sector.

Behaviour Support

An update was provided on NDIS Commission reviews which included close examination of the reported use of unauthorised restrictive practices with participants. A priority was identified on the need to drive regulatory compliance in respect to the use of restrictive practices, so they are either eliminated, or authorised and subject to the safeguards of behaviour support plans. This strategy has resulted in a positive outcomes for a high number of participants, and compliance action with providers that breach regulatory requirements.

Members were advised about the [unauthorised uses of restrictive practices in the NDIS Restrictive Practices report](#) published in January 2022.

Work is continuing regarding nationally consistent authorisation for regulated restrictive practices with states and territories.

Members commented that there is a need for further education to inform participants, families and supporters about regulated restrictive practices, as they current rely on providers and medical practitioners for information. There is also a need for increased information about regulated restrictive practices in Aboriginal and Torres Strait Islander and culturally and linguistically diverse communities. Members expressed a willingness to partner on developing this information.

The NDIS Quality and Safeguards Commissioner thanked all attendees and called for suggested agenda items for the next meeting. It was noted that the next meeting will be second last meeting of the three-year terms of the current committees.