



**NDIS Quality  
and Safeguards  
Commission**

Dear Chief Executive Officer,

On 1 December 2020, residential aged care (RAC) providers supporting NDIS participants within their facilities [transitioned to the regulatory oversight of the NDIS Quality and Safeguards Commission \(NDIS Commission\)](#). Residential aged care providers supporting NDIS participants are subject to regulation by both the NDIS Quality and Safeguards Commission (NDIS Commission) and the Aged Care Quality and Safety Commission (ACQSC).

The majority of RAC providers supporting NDIS participants living in their facilities have yet to undergo registration renewal with the NDIS Commission, including a third party quality audit against the NDIS Practice Standards. These audits will take place in 2023 to early 2024.

To support the new regulatory arrangements, the Joint Accreditation System of Australia and New Zealand (JAS-ANZ) was jointly commissioned by the Department of Social Services, the Department of Health and Ageing and the NDIS Commission to undertake in-depth mapping and assessment of the regulatory obligations that apply to RAC providers, through both the Aged Care Quality and Safety Commission and the NDIS Commission. The work focused on mapping comparison of quality standards and audit requirements, identifying differences and similarities between the two systems, and opportunities to address gaps.

The mapping work found there is a high level of similarity between the NDIS Practice Standards' Quality Indicators and Aged Care Quality Standards. Additional analysis of the differences and similarities between the NDIS Practice Standards and the Aged Care Standards and audit processes was undertaken as well as a trial of a modified NDIS audit with RAC providers.

The NDIS Commission has now developed the following resources to assist RAC providers supporting NDIS participants to meet the requirements of the NDIS Commission registration process, particularly third party audits:

- [RAC Provider Fact Sheets](#): 4 fact sheets covering various elements of the NDIS registration and audit process, including comparisons of the NDIS and ACQS standards and audit processes
- [RAC Provider Resources and toolkit](#): A suite of resources developed to support RAC providers to understand and implement registration renewal requirements (see table 1 below), and
- [RAC Provider Webinars](#): 9 short webinars that will assist RAC providers move through the registration process in a practical way. These, to the point, education modules are broken into relevant parts of the registration process including how to use the tool kit, evidence guide and concordance table.

There is also an [NDIS participant handbook and fact sheets](#) available for NDIS participants and their support networks to understand these changes and from a practical perspective describes the involvement of participants in the NDIS Commission audit and quality processes. We encourage you to ensure your NDIS participant is aware of these resources and help them to understand the roll they can play in your NDIS audit (see table 2 below).

A wide range of stakeholders including industry peaks, advocates, NDIS participants and RAC providers were consulted to inform, advise and provide feedback on the toolkit and resources.

The amendments will provide guidance for approved quality auditors in considering evidence contained in Aged Care Quality and Safety Commission assessment reports for the purpose of aged care audits as part of their assessment of a RAC provider against the NDIS Practice Standards, through a modified NDIS audit, where authorised by the NDIS Commissioner to do so.

JAS-ANZ is providing training to approved quality auditors about changes to the NDIS auditor guidelines and in how existing evidence held by RAC providers under their aged care accreditation requirements can be used to inform an NDIS audit.

The Australian Government has a commitment to streamlining regulation between the aged care, disability, and veteran's affairs systems. The NDIS Commission RAC provider resources and toolkit, NDIS participant handbook and factsheets and Auditor resources builds upon that commitment by implementing practical strategies to ensure RAC providers are subject to thorough safeguarding requirements while also permitting appropriate elements of each system to be recognised for the purposes of proportionate regulation.

### **Frequently Asked Questions**

To assist you in understanding these changes and your obligations we have included a number of FAQ's, attached below.

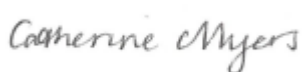
### **Code of Conduct for Aged Care**

From 1 December 2022, a Code of Conduct for Aged Care (the Aged Care Code) will be introduced. The Code gives the Aged Care Quality and Safety Commission (ACQSC) the power to deal with behaviour that does not meet the Code. The Code has been developed based on the existing [NDIS Code of Conduct](#). The NDIS Commission will continue to regulate and enforce its existing NDIS Code of Conduct for NDIS supports and services. The obligations under the aged care and NDIS codes are substantially the same, with slight differences in language and definitions that are specific to each sector. Information about the Aged Care Code for aged care [consumers](#), [providers](#), and [workers](#) is available on the ACQSC [website](#).

### **Find out more**

Should you wish to discuss any aspect of your NDIS provider registration, please contact the NDIS Commission on 1800 035 544.

Yours sincerely



Catherine Myers  
**Deputy Commissioner, Regulatory Operations (Registrar)**

T 1800 035 544

Email:  
[contactcentre@ndiscommission.gov.au](mailto:contactcentre@ndiscommission.gov.au)

PO Box 210  
PENRITH NSW 2750

Website: [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)

**TABLE 1 - RAC Provider resources and toolkit**

Provides guidance on NDIS registration and audit requirements for RAC providers delivering supports to NDIS participants. The Toolkit comprises a number of inter-related parts as described below.

Toolkit Section	Purpose	Who should read this? <sup>1</sup>
Part A Common Terms	A guide to clarify different terms that are used in the aged care and NDIS sector that have common meanings.	Management team RAC personnel and staff
Part B Overview of NDIS Registration	An overview of key NDIS registration requirements, audit and registration process, and a summary of the relevant NDIS Practice Standards.	Management team Governing body personnel RAC personnel and staff
Part C Comparison of Aged Care and NDIS audit and registration processes	This document provides at a glance the differences between the two audit processes.	Management Team Quality and Compliance personnel
Part D Steps in the NDIS Audit and Registration Process	A step by step guide which provides essential information, tips, and examples of timeframes to navigate you through the audit and registration process.	Management Team Quality and Compliance personnel
Part E Comparison of Aged Care Quality Standards (ACQS) and NDIS Practice Standards (including Standards Comparison Tool)	An introductory guide into the linkage between the two sets of Standards and where commonalities and gaps are present. <i>The Standards Comparison Table</i> will identify where NDIS requirements are similar, have some similarities and are different to aged care requirements.	Management Team Quality and Compliance personnel
Part F Frequently Asked Questions	A set of FAQ based on common questions/issues.	Management team RAC personnel and staff
Part G Glossary	This builds on the <i>Common Terms</i> in Part A and provides a more comprehensive guide to terminology.	Management team RAC personnel and staff

<sup>1</sup> Note: these positions/personnel are suggested roles only, and may be different for each RAC provider

Essential Tools	Purpose	Who should read this?
Part H: Concordance Table Part I: Detailed Evidence Guide	<p>Tools to assist you in your registration renewal process, and help you demonstrate your compliance with the NDIS Practice Standards.</p> <ol style="list-style-type: none"> <li>1. The <i>Concordance Table</i> will provide a template for you to demonstrate evidence against NDIS requirements.</li> <li>2. The <i>Evidence Guide</i> will provide examples of evidence to help complete outstanding requirements, particularly for where aged care requirements have some similarities or are different to NDIS requirements. There are also examples of evidence for requirements which are common across NDIS and aged care.</li> </ol>	<p>Management Team</p> <p>Quality and Compliance personnel</p>

**TABLE 2 - NDIS participant handbook and fact sheets**

Participant resources	Purpose	Who should read this?
YPIRAC – Participant handbook and fact sheet	A comprehensive easy read guide and fact sheet that helps participants understand what they need to know about NDIS audits, how it effects them and how they can be involved	NDIS participants/ their families Supporters /Support staff Advocates
Audit factsheet: Overview for participants	An easy read fact sheet that helps participants understand what an NDIS audit means for them	NDIS participants/ their families Supporters /Support staff Advocates
Audit factsheet: What is an audit?	An easy read fact sheet that helps NDIS participants understand what an NDIS audit is	NDIS participants/ their families Supporters /Support staff Advocates
Audit factsheet: How to participate	A fact sheet that helps NDIS participants understand how they can take part in an NDIS audit	NDIS participants/ their families Supporters /Support staff Advocates
Audit factsheet: What will auditors ask?	An easy read fact sheet that helps NDIS participants understand what approved quality auditors might ask them during an audit	NDIS participants/ their families Supporters /Support staff Advocate

## FREQUENTLY ASKED QUESTIONS

### Registration Renewal Requirements

RAC providers that were automatically registered with the NDIS Commission did not need to immediately undertake the audit process against relevant NDIS Practice Standards that is required of new applicants for NDIS provider registration.

A phased approach is being taken to the date when each transitioned RAC provider is required to commence the NDIS registration renewal cycle, including undergoing a third party audit against the relevant NDIS Practice Standards. Transitioned RAC providers have been advised of their registration renewal date on the certificate of registration that they received from the NDIS Commission. Registration renewal allows an assessment of the suitability and capability of the RAC provider to maintain NDIS provider registration.

All RAC providers supporting NDIS participants must commence registration renewal before their certificate of registration expires. Commencement of registration simply requires logging on to the NDIS Commission portal and clicking a button. Transitioning providers then have nine (9) months to complete the full renewal process, including a third party audit. For information or support in commencing renewal, please contact the NDIS Commission's Provider Registration Team on 1800 035 544 or by emailing [registration@ndiscommission.gov.au](mailto:registration@ndiscommission.gov.au).

The arrangements for audit against the NDIS Practice Standards will take account of alignment with the Aged Care Quality Standards and minimise regulatory burden on providers, without reducing safeguards for NDIS participants.

We have created a [flow chart](#) explaining the registration requirements for RAC providers.

### What are the implications if I don't renew my registration?

Providers are required to be registered to deliver supports and services to NDIS participants in any of the following circumstances:

- they receive NDIS funding to deliver supports and services to NDIS participants; and/or they develop behaviour support plans through NDIS funds; and/or
- they implement regulated restrictive practices in the course of delivering NDIS funded supports and services; and/or
- they operate Specialist Disability Accommodation funded through the NDIS.

As a transitioned RAC provider, if you do not commence your renewal application in the NDIS Commission portal by your renewal date, your NDIS registration will lapse. Lapsed or expired registration has implications for the NDIS participants you support, as you must be a registered NDIS provider to continue supporting NDIS participants in your facility. There may also be implications for you under the *National Disability Insurance Scheme Act 2013* (NDIS Act) and associated Rules.

For example, a RAC provider may be breach of the NDIS Act if providing NDIS funded supports to an NDIS participant in circumstances where they must be registered. The NDIS Commission can take a range of compliance and enforcement action in response to breaches of the NDIS Act including civil penalties. More information about actions the NDIS Commission can take is available in our [Compliance and Enforcement Policy](#).

Residents in RAC, including NDIS participants, are covered by security of tenure requirements under the *Aged Care Act 1997*. This includes responsibilities to care recipients under the Quality of Care Principles, User Rights Principles, the Aged Care Quality Standards and the Charter of Aged Care

Rights. Approved providers of aged care must afford the same protections to NDIS participants in respect of their care and services that are provided to other aged care residents.

Where the NDIS Commission identifies that registered NDIS providers that are approved providers of aged care may not be complying with their responsibilities under the *Aged Care Act 1997*, the NDIS Commission will refer the matter to the Aged Care Quality and Safety Commission for its consideration and regulatory action, if appropriate.

### **I don't want to be registered with the NDIS Commission. Can I move the NDIS participant out, or can I tell them to give up their NDIS plan?**

It is a key principle of the NDIS that all NDIS participants are supported to exercise choice and control over their lives, including decisions about changes to their services providers.

NDIS participants must not be forced or coerced to move out of a RAC facility.

Where it is mutually agreed with the participant to transition out of residential aged care, a registered RAC provider should liaise with the NDIA Young People in Residential Aged Care Team ([aged.care.advisory.team@ndis.gov.au](mailto:aged.care.advisory.team@ndis.gov.au)) to ensure smooth and timely transition of supports for NDIS participants.

If the NDIS participant you support wishes, or has a goal in their NDIS plan, to leave residential aged care, the NDIS participant should be encouraged to work with the NDIA to explore their options. The NDIA is able to support the participant with a [plan review](#) if appropriate, or provide information about [living in and moving out of RAC](#) so they are able to exercise choice and control about changes to their services providers and care needs.

### **Why do we need to go through a NDIS audit when we already meet Aged Care Quality and Safety Commission audit requirements?**

Both the NDIS Commission and Aged Care Quality and Safety Commission audits require assessment of the provider against standards which have been legislated by the Australian Government. While a high degree of commonality exists between the two sets of standards, gaps are most common in standards relating to freedom from violence, abuse, neglect, exploitation or discrimination; human resource management; and governance and operational management. NDIS audits focus on the quality and safety of services and supports delivered to NDIS participants and are not inclusive of other residents at the facility.

### **Third party audits are expensive. Why do I need to pay?**

There is no cost to register your organisation with the NDIS Commission. However, all providers of accommodation supports in the NDIS are required to undergo a certification audit as part of the NDIS registration process. NDIS audits are undertaken by [Approved Quality Auditors](#). The cost of an audit is dependent on the size and scale of your organisation and number of NDIS participants you support. The NDIS Commission encourages providers to seek quotes from different Approved Quality Auditors, once you have received your scope of audit through your registration application, as quotes between auditors can vary. The NDIS Commission publishes guidelines for auditors that set out how an NDIS audit must be undertaken and how a proportionate approach to the audit is applied.

T 1800 035 544

Email:  
[contactcentre@ndiscommission.gov.au](mailto:contactcentre@ndiscommission.gov.au)

PO Box 210  
PENRITH NSW 2750

Website: [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)