



The Hon Bill Shorten MP
Minister for the National Disability Insurance Scheme
Parliament House
CANBERRA ACT 2600

Dear Minister

Thank you for your letter of 20 December 2022 attaching your Ministerial Statement of Expectations. I am pleased to provide the NDIS Quality and Safeguards Commission's (NDIS Commission) Statement of Intent, which sets out how the NDIS Commission will meet the expectations you have outlined in relation to the performance of the NDIS Commission's functions, taking into consideration how these can be delivered within the NDIS Commission's resources.

Our purpose

The NDIS Commission develops regulatory policy and maintains regulatory frameworks that strengthen the quality and safeguards of NDIS services and supports offered through the Scheme. We manage compliance with the NDIS Code of Conduct and NDIS Practice Standards and promote continuous improvement through engagement, education and training.

Our vision is for people with disability to achieve their aspirations. Our purpose is to uphold the rights of NDIS participants, to elevate quality and safety and enable consumer independence.

Strategic direction

The NDIS Commission is continuing its journey from a newly formed entity gradually establishing operations across Australia to a nationally focused regulator refining its purpose, cultural identity, and regulatory posture.

Our Strategic Plan 2022-23 identifies three areas of focus for the next five years where we will have the greatest impact:

- **Rights of people with disability**
Impact: The NDIS Commission amplifies and promotes the rights of people with disability
- **Quality providers and workers**
Impact: Every NDIS participant has safeguards in place and access to quality services and supports delivered by skilled workers of their choice
- **Thriving, diverse markets**
Impact: The NDIS Commission will enable consumer independence and informed choice for NDIS participants by using regulatory frameworks to promote and remove barriers to quality and safety.

Alongside our enduring commitment to our Core Functions outlined in the *National Disability Insurance Scheme Act 2013* (NDIS Act), our 2022-23 Corporate Plan sets out our priorities and key deliverables for the 12 months to August 2023.

Our priorities for 2022-23 are:

- Quality;
- Market engagement and oversight;
- Our culture and workforce capability; and
- Regulatory excellence.

Aligned with these priorities, we have identified the following key deliverables for 2022-23:

- establishing a Regulatory Approach, articulating how we will apply our regulatory capabilities and resources to ensure the quality and safety of services delivered to Participants (**done**).
- creating a quality roadmap to define priority areas for guaranteeing the quality and safety of NDIS services and supports.
- undertaking market scoping and oversight activities to define the engagement activities and regulatory levers we will use to encourage a thriving, diverse market in the NDIS sector.
- developing an NDIS Commission Engagement Framework to ensure our actions are guided by the voice of participants and informed by the views of other stakeholders.
- contributing and responding to NDIS reviews.
- completing and implementing the outcomes of a review of our complaints intake and triage process to deliver an improved and nationally consistent experience for participants (**done**).
- delivering a Data and Digital Roadmap to enable informed decision making in relation to our ICT investment (**done**).
- developing an Operating Model describing how we operate to perform our functions to achieve our regulatory purpose (**done**).
- developing a cultural roadmap to defines the cultural shifts we will make to bring to life the NDIS Commission's reputation as a contemporary, purpose-centred regulator in alignment with the Regulator Performance Guide 2021.
- putting in place a Workforce Plan to help us develop a workforce with a clear understanding of our purpose and the confidence to meaningfully engage with Participants and providers (**done**).

How we will undertake our functions

The NDIS Commission undertakes its functions consistent with the NDIS Act and operates in accordance with the governance and performance expectations of the Commonwealth resource management framework and the *Public Governance, Performance and Accountability Act 2013* and Rules, and the performance expectations set out in the Regulator Performance Guide prepared by the Department of Finance.

We are committed to measuring our achievement of our objectives through a suite of performance measures and challenging targets set across of range of key outcomes. These measures, which are included in our 2022-23 Corporate Plan, have been designed to provide a blend of qualitative and quantitative insights that will lead to more effective operations and contributions to the sector, and to enable assessment of our performance as a regulator.

Our achievement of these targets will be reported in our Annual Performance Statement, as part of our Annual Report. Your Statement of Expectations and this Statement of Intent will be included in the 2022-23 Annual Report and the 2023-24 Corporate Plan, consistent with the Regulator Performance Guide prepared by the Department of Finance.

Government goals

The NDIS Commission will contribute to the achievement of the Government's goals of getting the NDIS back on track and keeping participants safe by ensuring that the rights of people with disability are always at the heart of how we regulate.

Our recently finalised Regulatory Approach focuses our regulatory actions to have the greatest impact for NDIS participants and strengthen the integrity of the scheme. It guides how we will work across multiple levels, approaches, and levers, to achieve our regulatory intent. Being a contemporary and purpose-led regulator requires meaningful consideration of the application of regulatory effort. The Regulatory Approach provides a guide for how we will achieve this, recognising and addressing the need to manage risk and harm at both the entity and systemic levels. It explains to Participants, providers, workers and the public how the NDIS Commission will regulate the sector in the best interests of Participants.

Our Regulatory Approach is underpinned by:

- Our high intensity responses which address urgent risks to participant rights and critical sector issues
- Our targeted campaigns which avert potential risks to participants and address emerging sector issues
- Our regulatory activities, which provide ongoing sector regulation and oversight.

Our Data and Digital Roadmap outlines how the NDIS Commission will reduce the burden and costs of regulatory requirements for providers and participants by finding technological efficiencies and improving the experience of providers and participants. Key benefits will include accessible and multi-channel entry points, a single access point for all provider needs and transparent interactions.

Rights of people with disability

The rights of people with disability has been identified as a key impact area in the NDIS Commission's Strategic Plan, to ensure every NDIS participant is protected by both safeguards and consumer knowledge necessary to access quality services and supports.

Our purpose-centred regulatory approach ensures people with disability remain the central focus of all operational and policy decisions, to achieve the right balance between regulation and consumer independence. We want to see people with disability flourish as active members of the communities of their choosing. We work to empower NDIS participants to gain greater independence, by better understanding their rights and by confidently exercising those rights when supports and services have not met legislated obligations or standards.

Our Regulatory Approach describes the range of regulatory levers we draw on to promote quality and the safety of participants. Consistent with the principles for regulatory excellence set out in the Regulator Performance Guide produced by the Department of Finance, this includes a strong emphasis on engagement. We are committed to consulting and collaborating with participants, supporters, providers and others to improve the experience of participants and the quality of services. We actively involve people with disability in matters that affect them. We educate the widest possible audience about the rights of people with disability in the context of the NDIS. In particular, we support providers to understand good practice and work to build their capabilities to provide the best possible supports to participants. We also provide guidance, training and information to participants and providers to help make informed decisions.

We seek to exert influence across the sector, leading by example in embedding a culture of excellence, innovation, and continual improvement among providers. We assist participants, providers, and others to understand their role in the system to uphold the rights and wellbeing of people with disability.

While it is critical that regulators fulfil their legislated responsibilities and maintain essential safeguards, participants deserve greater choice and control as consumers of services that are vital to their lives.

We will amplify and promote the rights of people with disability by fostering and encouraging practice excellence and innovation. We will establish a Centre of Excellence to drive innovation, consistency and outstanding practice quality.

Quality providers and workers

The NDIS Commission will work to educate providers on their legislated commitments, including those set out in the NDIS Code of Conduct and Practice Standards, and use our compliance and enforcement powers to address any failure to meet those obligations. We will encourage greater innovation and investment among service providers and work with them to significantly reduce the frequency of reported incidents through targeted engagement, support and ongoing skills development.

We support NDIS workforce development via the creation and execution of information development and capacity building programs. We are focused on educating and advising NDIS providers and their workers on areas of practice that have a significant impact on the quality and safety of supports and services that people with disability experience in the NDIS.

We will continue the delivery and enhancement of our NDIS Workforce Capability Framework, which describes the attitudes, skills and knowledge expected of all workers funded under the NDIS, and provides a clear vision of 'what good looks like' from the perspective of the NDIS participant. We further support worker skills quality via the maintenance of the Worker Screening Database. We provide information to state and territory worker screening units in accordance with information sharing protocols.

The NDIS Commission's online worker orientation module explains the obligations of workers under the NDIS Code of Conduct from the perspective of NDIS participants and is designed to support the delivery of better support for people with disability.

A necessary function of the NDIS Commission is to enforce the established laws designed to maintain the integrity of the NDIS. We are tasked with ensuring that only suitable workers and providers operate in the disability sector. We work closely with the National Disability Insurance Agency (NDIA) on matters that involve the dishonest and fraudulent use of funds intended to support people with disability, and use our strong investigative and regulatory powers to take tough action against unscrupulous operators in the NDIS. We actively work to remove organisations from the NDIS market where they are not suitable to provide supports to people with disability. Information from people with disability, other regulators and the NDIA helps inform our investigations and decisions.

The NDIS Commission will continue to play an active role in the Fraud Fusion Taskforce and related cross-agency arrangements designed to reduce and eliminate fraud.

Thriving, diverse markets

The NDIS market is developing, with many providers still adjusting to a consumer-driven rights-based Scheme, the growth in demand for disability services under the NDIS, different responses to the regulatory environment, and the ongoing challenges of thin markets, skill shortages and competition from other parts of the social services sector.

Ensuring NDIS participants have access to both high quality and a diverse range of supports and services is essential to their independence as consumers. We recognise that in remote and very remote communities, as well as many Aboriginal and Torres Strait Islander communities, access to supports and services can be limited.

We will work closely with providers to encourage investment in quality and innovation and diversification in both supports and geographical spread, in line with our strategic focus to create thriving, diverse markets. We will continue to provide resources and guidance to build the capacity of providers and the NDIS workforce to deliver quality supports. Using a purpose-centred blend of regulatory levers, we seek to encourage existing providers to consider alternative models of services, and attract more providers into the NDIS with innovative delivery of services and relevant skills-building programs.

The NDIS Commission will work closely with the NDIA, DSS and states and territories and the NDIS Review to deliver active and flexible approaches to market stewardship. We will provide advice and information to support DSS continued work exploring training, retention and workforce supply and connection to capacity building resources for providers and workers.

We will continue to collaborate in seeking solutions to market challenges that will deliver safe and quality services for all participants.

Emergency and disaster management

The NDIS Commission is committed to ensuring the safety of participants and securing compliance of providers with their obligations for the continuity of quality and safe supports during emergencies, including the COVID-19 pandemic. In late 2021, the NDIS Commission introduced a new NDIS Practice Standard on Emergency and Disaster Management to strengthen guidance to registered NDIS providers on complying with their obligations to ensure the health, wellbeing and safety of the NDIS participants they support during COVID-19, or future emergencies or disasters. The Emergency and Disaster Management Practice Standard addresses the planning required by providers to prepare, prevent, manage and respond to emergency and disaster situations whilst mitigating risks to and ensuring continuity of supports that are critical to the health, safety and wellbeing of NDIS participants. As part of the registration and renewal of registration processes, providers are periodically audited for compliance with this Practice Standard.

Additional amendments were made to Quality Indicators across a range of existing NDIS Practice Standards that are relevant to emergency and disaster management, such as those related to support planning and service agreements. These amendments provide stronger guidance about what NDIS providers should have in place to prepare, prevent, manage and respond to emergency and disaster situations.

The NDIS Commission continues to monitor the impact of COVID on NDIS participants and providers through its existing functions and respond where risks to participants or provider non-compliance with their obligations are identified. The NDIS Commission continues to work with other key government agencies in coordinating responses to COVID and is represented on the Advisory Committee for the COVID-19 Response for People with Disability, which provides advice to the Chief Medical Officer about the needs of people with disability during the COVID-19 pandemic.

Where natural disasters such the recent West Australian floods, occur, the NDIS Commission works with the NDIA to ensure affected participants are safe and there is continuity of supports and services for participants.

Review, inquiries and other reforms

The NDIS, and by extension the NDIS Commission, has been subject to a number of reviews and investigative scrutinies over its active life. These processes continue to be vital in examining the Scheme and improving its effectiveness for the people it seeks to serve. We will continue to actively and constructively contribute to current and future reviews, inquiries, and Government reforms.

The NDIS review, Quality and Safeguards Framework review, and the ongoing Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability can be expected to continue propose recommended changes to the Scheme.

We are committed to continuing our work with the Government and all our stakeholders to address recommendations from these reviews. We will work with Department of Social Services (DSS) and the NDIA to implement any changes to quality and safeguard arrangements to ensure positive outcomes for participants are maximised.

Relationship with Minister and the portfolio

The NDIS Commission is committed to working in partnership with the NDIA and DSS to deliver on the Government's priorities for an effective NDIS. We work to maintain strong working relationships, open communication and productive engagement with the Government, DSS and the NDIA. We regularly participate, and/or plan to increase participation, in interagency fora to ensure consistent cross-portfolio interaction and broader NDIS outcome efficacy.

We will consult with the Government, DSS and the NDIA in relation to matters affecting quality and safeguarding arrangements for providers and workers and will provide timely and accurate advice and assistance to the Government and DSS as required.

We will work to strengthen proactive information sharing with other Commonwealth regulators to ensure a comprehensive understanding of adverse information relating to workers and providers informs our actions. By working together, sharing information and insights, and developing complementary initiatives, we will continue to improve the disability sector and, in turn, the quality and safety of all NDIS supports and services.

Stakeholder engagement

The NDIS Commission works with a diverse group of agencies, advocacy groups and organisations all committed to supporting people with disability. We seek to engage productively and communicate openly with all of our stakeholders, including state and federal governments and, most importantly, people with disability, their families, supporters and service providers

In 2023, the NDIS Commission will implement a new Engagement Framework to support our aim of placing people with disability at the heart of everything we do. This Framework will include targeted strategies for engaging with hard to reach participant groups, including children and young people, Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse communities, people with intellectual disability, and people living in rural and remote locations.

We will establish a single Consultative Committee including people with disability, disability representative organisations, providers, and peak bodies from across Australia to provide a wide range of perspectives and advice to the NDIS Commission on issues affecting people with disability. Reference Groups established to provide specialist advice in relation to one or more issues or participant groups will complement the Consultative Committee. These will include groups focussed on issues relating to children and young people with disability and Aboriginal and Torres Strait Islander people with disability.

Yours sincerely

Tracy Mackey
Commissioner

March 2023