



**NDIS Quality
and Safeguards
Commission**

NDIS Quality and Safeguards Commission Communique from Consultative Committee, August 2023

The Consultative Committee met on Wednesday 30 August 2023. Chaired by NDIS Quality and Safeguards Commissioner, Tracy Mackey, the meeting included presentations by members of the NDIS Commission's Executive Leadership Team.

The Commissioner welcomed the members to the new Consultative Committee and noted that this Committee combines the former model of the Disability Sector Consultative Committee and Industry Consultative Committee into a single group. The membership of the group is 11 NDIS participants and the remaining nine members a mix of peaks, workers, and disability representative organisations.

Almost 260 Expressions of Interest were received from a range of community stakeholders. The selection of the Committee was informed of key principles of lived experience, appropriately representative of the disability sector, diverse and strong in expertise, and connection with the community and the market.

The diversity of applicants and their expertise has provided an opportunity to expand the Committee structure to include participant and provider advisory groups. The advisory groups are being established.

In addition the NDIS Commission is pursuing the establishment of an 'Expert by Experience' program to embed the voice of participants in our every-day work. The NDIS Commission has engaged Ms Elly Desmarchelier to work with participants through a workshop series to provide feedback on early thinking on the initiative.

Commissioner's update

The NDIS Review is moving towards its final months and the NDIS Commission has been working closely with the co-chairs and panel who have been supportive of the Commission's work. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disabilities final report is due on 28 September 2023 and the Department of Social Services will coordinate a portfolio approach to consultation on the Royal Commission recommendations.

The NDIS Commission received additional funding in the 2023-24 Budget of \$142.6 million over two years to support the NDIS Commission deliver against its regulatory responsibilities. Of this funding, \$120.3 million over two years will be focused on scaling up the Commission workforce and workforce capability to allow the NDIS Commission to grow in alignment with demand for the NDIS.

Own Motion Inquiry – Platform Providers

On 13 February 2023 the NDIS Commission launched The Own Motion Inquiry into Platform Providers Operating in the NDIS Market, known as 'The Inquiry' to create a space that would dial up the volume on the experiences of participants.

1,462 participants, stakeholder and organisations attended consultations, completed surveys and made submissions. Insights gained from this Inquiry will enhance work currently underway and the NDIS Commission intends to:

- Better support NDIS participants to make informed decisions as consumers of Platform Provider services;

- Establish a consistent and best practice approach to safeguarding across all Platform Provider services;
- Increase transparency around Platform Provider activities, starting with pricing;
- Regulate the workforce of NDIS providers connected to the Platform Provider market more directly;
- Address the privacy issues identified.

Own Motion Inquiry – Support Coordination and Plan Management

The NDIS Commission released Part 1 of the Own Motion Inquiry into Support Coordination and Plan Management on 22 August 2023. The purpose of the Inquiry is to look at how support coordinators and plan managers operate in the NDIS market.

The Inquiry is in two parts. Part 1 of the Inquiry looks at relevant complaints and reportable incident notifications received by the NDIS Commission about support coordination and plan management to see where people had issues about the quality or safety of support coordination and plan management services. The data analysis in the Part 1 Report shows a range of integrity concerns and a range of quality/skill and care concerns across support coordination and plan management.

Part 2 will examine and decide if the NDIS Commission should make any changes to how it regulates support coordination and plan management and will involve detailed consultation with participants, providers and other interested parties in relation to possible regulatory changes.

Maturing as a regulator

Quarterly Performance Report in Quarter 4 (2022-23)

The NDIS Commission released its first Quarterly Performance Report in Quarter 4 (2022-23) which gives a comprehensive overview of the NDIS Commission's performance and operations across the different functions of the Commission. The quarterly performance report includes metrics regarding regulated restrictive practices that are part of a behaviour support plan, allowing a greater understanding of restrictive practice across NDIS participants.

Compliance priorities for 2023-24

The NDIS Commission compliance priorities for 2023-24 include:

- Alignment with Strategic Plan and Regulatory Approach
- Effective oversight and regulation of industry
- Increased public, participant and industry awareness
- Proactive approach to address identified risks
- Promote quality and safety through regulatory compliance.

The NDIS Commission also has ongoing areas of priority attention focused broadly around prevention of harm, the impact of COVID-19 and management of other emergencies, and management of incidents and response to incidents by providers. The compliance priorities serve a purpose to know where the NDIS Commission attention may be focused but are not the only areas where the Commission will take compliance action.

The NDIS Commission in the last financial year took more action against unregistered providers than against registered providers.

The NDIS Commissioner thanked all attendees.