



**NDIS Quality
and Safeguards
Commission**



Provider Pack

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Acknowledgement

The NDIS Commission carries out its work on the traditional lands of First Nations peoples. We pay our respects to Elders past, present and future, and we acknowledge the ongoing endurance and resilience of First Nations people including First Nations people with disability. We carry out our work so that we may contribute to a more just and inclusive Australia.

| Artwork by Presten Warren



About the Provider Pack

This *Provider Pack* is an introduction to the NDIS Commission and explains how we regulate, register and support NDIS providers.

The NDIS Commission also produces a *Participant Pack* that providers can give to people with disability that they support.



Learn more or
download digital
resources

Regulatory reform

The NDIS Commission is changing the way it regulates the NDIS.

This includes changes that will make registration mandatory for more providers, and a review of existing rules and standards.



Learn more
about the
reforms

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Role of the NDIS Commission

The NDIS Quality and Safeguards Commission (NDIS Commission) is an independent Australian Government regulator.

We regulate the NDIS using a nationally consistent approach to promote safe practices and improve the quality and diversity of NDIS supports and services.



Learn more about the role of the NDIS Commission

What we do

- ◆ Register and regulate NDIS providers.
- ◆ Monitor and enforce provider compliance against the NDIS Code of Conduct and NDIS Practice Standards.
- ◆ Respond to issues, concerns, complaints and reportable incidents about NDIS providers, including abuse and neglect of participants.
- ◆ Educate, guide and provide best practice information to NDIS providers.
- ◆ Coordinate nationally consistent NDIS worker screening with states and territories.
- ◆ Administer a grants program aimed at providing support to providers.

The *National Disability Insurance Scheme Act 2013* sets out the functions of the NDIS Commission.



We are **not** the NDIA

The National Disability Insurance Agency (NDIA) is a separate government agency that manages:

- ◆ NDIS plans for people with disability
- ◆ service bookings, payments and access to plans
- ◆ complaints about NDIS funding and plans
- ◆ allegations of fraud.

Contact the NDIA

Phone: 1800 800 110

Email: enquiries@ndis.gov.au



Contact us

- ◆ **Phone:** 1800 035 544
- ◆ **Email:** contactcentre@ndiscommission.gov.au
- ◆ **Social media:** Follow us on LinkedIn and Facebook
- ◆ **Provider newsletter:** Go to our website at ndiscommission.gov.au

Rules and quality standards

NDIS Code of Conduct



The NDIS Code of Conduct (the Code) sets **expectations for acceptable, appropriate and ethical behaviour**.

The Code applies to all providers, key personnel and workers who deliver NDIS supports or services. This includes unregistered providers and their workers.

Providers should think about all behaviours and actions associated with the delivery of NDIS supports and services and whether these comply with the Code. Providers should also support their employees to understand and follow the Code.

◀ Learn more about the NDIS Code of Conduct

Rules in the Code

- ◆ Act with respect for individual rights to freedom of expression, self-determination, and decision-making in accordance with relevant laws and conventions.
- ◆ Respect the privacy of people with disability.
- ◆ Provide supports and services in a safe and competent manner with care and skill.
- ◆ Act with integrity, honesty, and transparency.
- ◆ Promptly take steps to raise and act on concerns about matters that might have an impact on the quality and safety of supports provided to people with disability.
- ◆ Take all reasonable steps to prevent and respond to all forms of violence, exploitation, neglect, and abuse of people with disability.
- ◆ Take all reasonable steps to prevent and respond to sexual misconduct.
- ◆ Do not charge or represent higher prices for the supply of goods for NDIS participants without a reasonable justification.

How the Code is enforced

Penalties apply if you do not meet your obligations under the NDIS Code of Conduct.

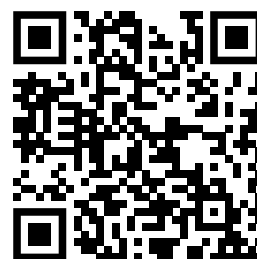
This includes fines and banning individuals and businesses from providing NDIS-funded supports and services.

Provider Register

The NDIS Commission manages the Provider Register, which is publicly available.

It includes:

- ◆ all registered NDIS providers
- ◆ banning orders or other compliance decisions against individuals and businesses.



▲ Access the Provider Register

NDIS Practice Standards



Learn more about the NDIS Practice Standards

The NDIS Practice Standards (the Standards) are **quality standards for NDIS providers**.

Registered providers must meet the Standards relevant to the supports and services they provide.

The Standards are broken down into:

- ◆ a core module
- ◆ supplementary modules
- ◆ a verification module.

Core module

For all registered NDIS providers delivering **higher risk supports and services**. This covers:

- ◆ Rights and responsibilities
- ◆ Provider governance and operational management
- ◆ Provision of supports
- ◆ Provision of supports environment

Supplementary modules

Apply **depending on the types of NDIS supports and services** being delivered.

These cover:

- ◆ High intensity daily personal activities
- ◆ Specialist behaviour support
- ◆ Implementing behaviour support plans
- ◆ Early childhood supports
- ◆ Specialist support coordination
- ◆ Specialist disability accommodation

Verification module

For all registered NDIS providers delivering **lower risk supports and services**. This covers:

- ◆ Human resource management
- ◆ Incident management
- ◆ Complaints management
- ◆ Risk management

Workforce capability

The **NDIS Workforce Capability Framework** describes the attitudes, skills and knowledge expected of all workers funded under the NDIS.

You can use the Framework to help you with:

- ◆ workforce planning
- ◆ hiring workers
- ◆ training workers
- ◆ supervision and effective communication.



Learn more about the framework

Provider registration

Who needs to be registered

Not every provider has to be registered – it depends on the supports and services you deliver.

Registration is **mandatory** for:

- ◆ specialist disability accommodation
- ◆ specialist behaviour support services
- ◆ supports or services to NDIS participants with NDIA-managed funding, or plan management services
- ◆ providers who use regulated restrictive practices.

Only participants who self-manage or plan-manage their NDIS funding can use unregistered providers (except in the above circumstances).

Conditions of registration

The **NDIS Practice Standards** are quality standards that registered NDIS providers must meet.

Registered providers must also:

- ◆ have systems in place for managing complaints and incidents
- ◆ ensure workers and key personnel have NDIS Worker Screening clearances
- ◆ meet quality audit, reporting and behaviour support requirements (if they apply).

Applying for registration

New applicants and those re-applying need to follow these steps:

1. Check you're eligible

You must:

- ◆ have an Australian Business Number (ABN)
- ◆ be able to show you can deliver the classes of supports and services you're applying for
- ◆ deliver supports and/or services that are eligible for NDIS funding
- ◆ have a valid worker screening clearance for workers and key personnel who are likely to have more than incidental contact with participants.

2. Complete the online application

This involves assessing yourself against the applicable NDIS Practice Standards. You'll need to provide evidence to support your claims.

3. Get audited

The type of audit you need depends on the risk or complexity associated with the NDIS supports and services you provide.

Choose an auditor from the list of approved quality auditors on our website.

4. We'll make a decision

The NDIS Commission will consider the auditor's recommendation and assess your suitability as a provider and the suitability of your key personnel.

If approved, you'll be added to the Provider Register – a searchable list of registered NDIS providers.

Reporting and notification requirements

Registered providers need to meet certain reporting and notification requirements.

Reportable incidents

Registered NDIS providers must notify the NDIS Commission of all reportable incidents involving people with disability. This includes:

- ◆ death
- ◆ serious injury
- ◆ abuse and neglect
- ◆ unlawful sexual or physical contact or assault
- ◆ sexual misconduct including grooming for sexual activity
- ◆ use of unauthorised restrictive practices.

Significant changes and events

Registered NDIS providers must notify the NDIS Commission of certain changes and events. This includes events that significantly affect your ability to deliver the NDIS supports and services you are registered to provide.

Learn more
about provider
registration



Behaviour support and restrictive practices

Providers must be registered with the NDIS Commission to deliver behaviour support plans or use regulated restrictive practices.

Positive behaviour support

Positive behaviour support involves understanding the reasons for a person's behaviour and creating strategies to change it that will improve their quality of life.

Specialist behaviour support providers work closely with NDIS participants and others to:

- ◆ develop a behaviour support plan
- ◆ put the behaviour support plan into action
- ◆ check to make sure things are getting better over time.

Behaviour support practitioners are employed by registered specialist behaviour support providers to develop behaviour support plans.

Only behaviour support practitioners who are considered suitable by the NDIS Commission can develop a behaviour support plan.

We use the **Positive Behaviour Support Capability Framework**, which describes the required capabilities of a behaviour support practitioner.



Restrictive practices

The NDIS Commission is committed to reducing and eliminating restrictive practices.

A restrictive practice is any practice or intervention that limits a person's human rights or freedom of movement.

The NDIS Commission regulates five types of restrictive practices:

1. **Seclusion:** When the person is in a room or a space alone and is not allowed to leave, or thinks they cannot leave.
2. **Chemical restraint:** When the person is given medicine to stop or reduce their behaviour.
3. **Mechanical restraint:** When a device or equipment is used to stop or reduce a person's behaviour. It can make it hard for them to move or access a certain part of their body.
4. **Physical restraint:** When someone holds the person or a part of their body so they cannot move freely. They hold the person to stop or reduce their behaviour.
5. **Environmental restraint:** When the person is stopped from having or doing certain things; or when the person is stopped from accessing certain places in their home or community.

Using regulated restrictive practices

Providers who use regulated restrictive practices must:

- ◆ get authorisation to use the regulated restrictive practice from the state or territory body where the person with disability lives and provide evidence of this to the NDIS Commission, and
- ◆ submit monthly reports on the use of regulated restrictive practices to the NDIS Commission, even when a practice is not used.

A behaviour support plan that includes regulated restrictive practices must also be submitted to the NDIS Commission.



Learn more about behaviour support and restrictive practices

Complaints against providers

The NDIS Commission takes complaints about whether an NDIS support or service has been provided in a safe way and to an appropriate standard.

Provider obligations

All NDIS providers must effectively manage complaints made against them.

You must create a safe environment where people with disability feel comfortable to express their thoughts and concerns without fear of negative consequences.

If you threaten a person with disability for making a complaint, expressed or implied, you could face compliance action, such as an infringement notice.

An effective complaints management system:

- ◆ places the person with disability at the centre of the complaints process
- ◆ is proportional
- ◆ is accessible
- ◆ includes worker training
- ◆ supports the person making the complaint
- ◆ is well managed
- ◆ includes full documentation
- ◆ is subject to regular review.

Learn more
about complaints
against providers



What to do if you get a complaint



Participants are encouraged to raise the issue with their provider first.

If you get a complaint, make sure the person who made the complaint and the affected person with disability are:

- ◆ informed of the complaint's progress
- ◆ appropriately involved in the resolution of the complaint, and
- ◆ updated on decisions made and any action taken.

Complaints to the NDIS Commission



Anyone can make a complaint to the NDIS Commission.

When responding to a complaint, we might require a provider to:

- ◆ change their complaints management system
- ◆ make sure all behaviour support plans are up to date
- ◆ make sure all management staff undergo training.

In serious matters, we take compliance and enforcement action.

Screening and training workers

Worker screening

The NDIS Commission maintains the **NDIS Worker Screening Database** – a national register of all NDIS workers who have completed or applied for an NDIS Worker Screening Check.

All registered NDIS providers must ensure employees in 'risk-assessed roles' have been cleared.

A risk-assessed role is where a worker is likely to have more than incidental contact with a person with disability. The contact can be physical, face-to-face, oral, written, or electronic.



Learn more about
worker screening

Access to the worker screening database

- ◆ **Registered providers** are given access to the database as part of the registration process.
- ◆ **Unregistered providers** need to apply for access. You can do this online through the NDIS Commission website.

Worker training modules

The NDIS Commission has online training modules that help workers understand their role and obligations to better support people with disability.

Worker orientation module

This module explains:

- ◆ the National Disability Insurance Scheme
- ◆ the role of the NDIS Commission
- ◆ your obligations under the NDIS Code of Conduct
- ◆ your role in achieving the vision of the NDIS.



Learn more about
NDIS Commission
training for workers



**NDIS Quality
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