



Fact sheet

Providing NDIS supports and services under another NDIS provider's registration

When this arrangement may apply

Sometimes, a person or organisation may deliver NDIS supports or services using another provider's NDIS registration. This can happen through a contractor arrangement, agreement or other contract. These arrangements are often called 'brokerage' or 'facilitation' services.

Responsibilities of the registered NDIS provider

If this type of arrangement is used, the registered NDIS provider is still responsible for the supports and services delivered under its registration. This means the registered provider must do all of the following:

- make sure anyone delivering NDIS supports or services under its registration follows the provider's registration conditions and other rules
- make all claims for NDIS supports or services delivered under its registration
- take responsibility if someone delivering supports or services under its registration does not meet the provider's legal obligations under the *National Disability Insurance Scheme Act 2013* (NDIS Act)
- be the organisation that has a service agreement with the NDIS participant
- make sure these arrangements are transparent to NDIS participants, and participants know who is responsible for delivering their supports and services.

Compliance with conditions of registration

All registered NDIS providers must follow the conditions of their registration. These include the conditions in section 73F(2) of the NDIS Act, as well as:

- conditions set out in the NDIS rules; and
- any extra conditions set by the NDIS Commissioner.

Registered NDIS providers must make sure all NDIS supports and services meet the relevant requirements. This applies whether the supports are delivered by employees, contractors or other people working under an arrangement with the provider. This includes making sure that:

- **The relevant NDIS Practice Standards are met.** These standards depend on the supports and services the provider is registered to deliver. Providers must make sure that:
 - participants are supported by workers who are capable, qualified where needed, and have the right skills and experience;
 - risks to participants, workers and the provider are identified and managed; and
 - incidents are recorded, responded to, managed well and used to improve services.
- **The NDIS Code of Conduct is followed.** This includes making sure that:
 - NDIS supports and services are provided safely, carefully and competently; and
 - reasonable steps are taken to prevent and respond to violence, exploitation, neglect and abuse of people with disability.
- **Workers in risk-assessed roles have NDIS Worker Screening clearances.** These clearances must be obtained through NDIS Worker Screening Checks.
- **Incident management, prevention and reporting requirements are met.** This means they must prevent incidents where possible, record and report incidents when they happen, and make sure the same incident management process is used for all NDIS supports and services they deliver under their registration.

If a registered NDIS provider uses brokerage or facilitation services, it must have systems, practices, processes and policies to make sure registration conditions are followed. This applies across the whole arrangement, including anyone delivering supports or services under the provider's registration.

To do this, registered NDIS providers should:

- conduct due diligence on the person or organisation before entering the arrangement, and keep conducting due diligence over time;
- clearly state compliance requirements in any agreement or contract; and
- check the NDIS Worker Screening status, qualifications and skills of anyone delivering NDIS supports or services under the provider's registration.

A registered NDIS provider cannot pass its legal responsibilities to someone else. This means a contract cannot make another person or organisation solely responsible for meeting the registered provider's obligations under the NDIS Act.

Quality audit arrangements

Organisations applying for NDIS registration must be assessed by an approved quality auditor. The auditor checks whether the organisation meets the relevant NDIS Practice Standards for the supports and services it wants to provide.

NDIS providers registered to deliver higher-risk supports must also have a mid-term audit within 18 months of the start of their registration. This is a registration condition. The NDIS Commission may also require other quality audits.

For any quality audit, the auditor will consider how the provider's workforce is set up. This includes any brokerage or facilitation arrangements. Providers must tell the approved quality auditor about these arrangements.

Claiming for NDIS supports or services

The registered NDIS provider must make the claim for any NDIS supports or services delivered under its registration. This applies whether the participant's NDIS plan is self-managed, plan-managed or managed by the National Disability Insurance Agency (NDIA).

If a provider claims for supports or services that require registration, but the provider is not registered to deliver those supports or services, it may breach section 73B of the NDIS Act. This could involve a criminal offence and financial penalties.

Non-compliance with obligations under the NDIS Act

A registered NDIS provider is responsible for any non-compliance related to supports or services delivered under its registration or on its behalf. This includes failing to meet registration conditions, which may breach section 73J of the NDIS Act and lead to financial penalties.

If non-compliance occurs, the NDIS Commission may reassess the provider's registration and take action. This may include suspending or cancelling registration. The NDIS Commission may also use other compliance and enforcement powers, such as issuing compliance or infringement notices, seeking civil penalties from a court, or making banning orders.