



**NDIS Quality  
and Safeguards  
Commission**

# Understanding providers' obligations

Information for NDIS Providers

July 2018

Version 1



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## About the NDIS Commission

The NDIS Commission works with providers to improve the quality and safety of NDIS services and supports.

The NDIS Commission oversees:

- Registration and regulation of providers
- Compliance with the Practice Standards and Code of Conduct
- Complaints about NDIS services and supports
- Reportable incidents, including abuse and neglect of a participant
- Use of restrictive practices
- Nationally consistent NDIS worker screening

**The NDIS Commission is independent of the National Disability Insurance Agency (NDIA).**

Both play a part in ensuring the principles of the National Disability Insurance Scheme (NDIS) are delivered.

The NDIA's focus is on managing:

- plans
- payments, and
- pricing for participants.

The NDIA will also detect and investigate allegations of fraud.

The NDIS Commission does not regulate the NDIA. Complaints about the NDIA should be made directly to the Agency.

## More information

The NDIS Commission can provide information, resources and support to providers about how to meet their obligations.

More information can be found at [www.ndiscommission.gov.au](http://www.ndiscommission.gov.au)



## About Providers' Obligations

Element	Why it exists	What it means for providers	What providers need to do	What the NDIS Commission will do
<b>Code of Conduct</b>	The NDIS Code of Conduct sets expectations for appropriate and ethical conduct in delivery of supports and services.	<p>The NDIS Code of Conduct applies to all providers and workers.</p> <ul style="list-style-type: none"><li>• Respect individual rights</li><li>• Respect self-determination</li><li>• Respect privacy</li><li>• Act with integrity, honesty and transparency</li><li>• Deliver services competently</li><li>• Ensure quality and safety</li><li>• Prevent and respond to incidents of violence, neglect, abuse and exploitation</li></ul> <p>The NDIS Code of Conduct is available at <a href="http://www.ndiscommission.gov.au">www.ndiscommission.gov.au</a>.</p>	Providers are expected to support workers to understand and apply the Code of Conduct in their organisation.	<p>The Code of Conduct is one of the mechanisms by which the NDIS Commission sets expectations of providers and their workers.</p> <p>Compliance with the Code of Conduct is one of the inputs that the NDIS Commission will consider when investigating and making a determination following a complaint about a provider or a reportable incident.</p>

Element	Why it exists	What it means for providers	What providers need to do	What the NDIS Commission will do
<b>Complaints management</b>	NDIS participants have the right to complain or provide feedback about the safety and quality of NDIS supports and services.	<p>NDIS providers need to have a way to record and manage complaints they receive and make it easy for the NDIS participants they support to complain.</p> <p>Complaints can also be made by participants' friends and family, as well as providers' employees and volunteers or any other concerned party.</p>	<p>Every NDIS provider must have effective complaints management and resolution arrangements. Providers must apply procedural fairness to people when managing a complaint.</p> <p>The system in place should be appropriate to the provider's size and types of supports offered.</p> <p>Details about the process are outlined in the Complaints Rules, which is available at <a href="http://www.ndiscommission.gov.au">www.ndiscommission.gov.au</a></p>	<p>The NDIS Commission takes complaints where the person is unable to resolve issues with their NDIS provider or does not feel empowered to make a complaint directly.</p> <p>The NDIS Commission can determine a range of compliance actions including civil penalties (up to \$50,000 for an individual and \$250,000 for an organisations, mandatory registration and provider bans.</p>
<b>Reportable incidents</b>	When a reportable incident occurs, the NDIS Commission ensures the necessary	Providers need to have a way of recording and managing serious incidents.	<p>Providers must notify, investigate and respond to reportable incidents. The following incidents must be reported to the NDIS Commission:</p> <ul style="list-style-type: none"> <li>• Death</li> <li>• Serious injury</li> </ul>	<p>When notified of a reportable incident, the NDIS Commission will determine the action required. This may include checks into the provider, workers or the participant.</p> <p>The NDIS Commission will ensure timeframes are met</p>

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	<p>steps are taken to protect the rights of people with disability and prevent serious harm.</p>		<ul style="list-style-type: none"> <li>• Abuse and neglect</li> <li>• Sexual or physical assault</li> <li>• Sexual misconduct, and</li> <li>• Unauthorised use of restrictive practices.</li> </ul> <p>With the exception of the unauthorised use of restrictive practices, the NDIS Commission must be notified within 24 hours of the incident occurring.</p>	<p>and can request additional updates and reports.</p> <p>The NDIS Commission can determine a range of compliance actions including civil proceedings, mandatory registration and provider bans.</p> <p>Reporting the incident to the NDIS Commission does not replace notifying any appropriate authorities, such as the police.</p>
<p><b>Provider registration</b></p>	<p>Registration sets an expectation of quality</p>	<p>Providers must be registered to deliver services and supports to NDIS participants who have their plan managed by the NDIA.</p> <p>NDIS providers that deliver specialist disability accommodation, use restrictive practices, or develop behaviour support plans must also be registered.</p>	<p>There are two pathways for registration:</p> <ul style="list-style-type: none"> <li>• <b>Verification:</b> Individuals or partnership providers of low risk and complexity supports and services</li> <li>• <b>Certification:</b> Any provider that is a body corporate or provides high risk and more complex supports and services</li> </ul>	

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		<p>The registration process depends on providers' size and scope as well as service delivery risk.</p> <p>The registration process involves an audit against the NDIS Practice Standards for the relevant registration group(s).</p> <p>Existing registrations transfer from the NDIA to the NDIS Commission.</p>	<p>A renewal process occurs every three years. Providers that require certification also undergo annual monitoring.</p>	
<p><b>Practice Standards</b></p>	<p>Practice Standards describe good practice for providing supports and services.</p>	<p>The core module applies to all providers, and supplementary modules apply to providers of specialised supports.</p> <p>The <b>core module</b> includes things like:</p> <ul style="list-style-type: none"> <li>• risk management</li> <li>• expected qualifications and competencies for employees</li> <li>• complaints systems, and</li> <li>• effective and inclusive governance.</li> </ul> <p><b>Supplementary modules</b> are for more complex supports:</p>	<p>Providers need demonstrate compliance against the NDIS Practice Standards for their relevant registration group(s).</p>	<p>The NDIS Commission advises providers of the relevant Practice Standards and provide can support to understand what is required to demonstrate compliance.</p> <p>A list of Commission-approved auditors is available for providers to engage for the auditing process.</p>

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		<ul style="list-style-type: none"> <li>• High intensity daily personal activities</li> <li>• Specialist behaviour support</li> <li>• Implementing behaviour support plans</li> <li>• Early childhood supports</li> <li>• Specialised support coordination</li> <li>• Specialised disability accommodation</li> </ul>		
<b>Restrictive practices</b>	Behaviour Support arrangements minimise use of restrictive practices	Restrictive practices can only be used as part of a behaviour support plan developed by a registered Specialist Behaviour Support provider.	<p>The use of restrictive practices must be authorised by states and territories, and behaviour support plans lodged with the NDIS Commission.</p> <p>Providers registered to deliver Specialist Behaviour Support Services must engage Behaviour Support Practitioners who are approved by the NDIS Commission.</p> <p>Any unauthorised use of restrictive practices must be</p>	<p>The NDIS Commission Senior Practitioner will provide clinical leadership in behaviour support and the reduction and elimination of restrictive practices.</p> <p>The NDIS Commissioner is responsible for ensuring the competency of individuals employed as Behaviour Support Practitioners.</p>

Element	Why it exists	What it means for providers	What providers need to do	What the NDIS Commission will do
			reported to the NDIS Commission.	
<b>Worker screening</b>	Worker Screening assesses the suitability of workers to deliver NDIS supports and services.	Providers have a responsibility to ensure paid and volunteer workers who have more than incidental contact with participants have been screened.	Registered providers need to assess which roles in their organisation require a clearance and maintain records for all workers.  It is the responsibility of the worker to re-apply for clearance.	The NDIS Commission will develop the national policy and standards for worker suitability.  When fully rolled out, the states and territories will conduct the screening using nationally consistent criteria, which means workers with a valid clearance can work anywhere in Australia.