



Young people in residential aged care – Information for NDIS participants



FACT SHEET UPDATED MAY 2020

If you are an NDIS participant living in residential aged care in all states and territories apart from Western Australia, the NDIS Quality and Safeguards Commission can receive and investigate complaints about the NDIS supports and services you receive.

Residential aged care providers have the same responsibilities towards NDIS participants as they do to other residents who receive services and supports under the **Aged Care Act 1997**.

What is the NDIS Quality and Safeguards Commission?

The NDIS Commission is a Commonwealth government agency that works with NDIS participants, service providers, workers and the community to improve the quality and safety of NDIS supports and services.

The NDIS Commission is operating in all states and territories except Western Australia. It began operating in New South Wales and South Australia on 1 July 2018 and began operating in Victoria, Northern Territory, Australian Capital Territory, Queensland and Tasmania on 1 July 2019.

The NDIS Commission will begin operating in Western Australia on 1 December 2020.

The quality and safety of my supports and services

What are my rights?

- You should be treated with respect and free from exploitation, violence, abuse and neglect.
- Your providers and their workers are required to comply with the NDIS Code of Conduct.
- A national NDIS Worker Screening Check will be rolled out soon. Until then current state and territory worker clearances remain in force.

I have a complaint

- Contact the NDIS Quality and Safeguards Commission if I am an NDIS Participant and live in the Australian Capital Territory, New South Wales, Northern Territory, Queensland, South Australia, Tasmania, or Victoria – Call 1800 035 544
- Contact the Aged Care Quality and Safety Commission – Call 1800 951 822



NDIS Code of Conduct

The NDIS Code of Conduct sets expectations for appropriate and ethical conduct in delivery of supports and services.



Providers are expected to support workers to understand and apply the Code of Conduct in their organisation.



Respect individual rights



Respect self-determination



Respect privacy



Act with Integrity, honesty and transparency



Deliver services competently



Ensure quality and safety



Prevent and respond to violence, neglect, abuse, and exploitation

All providers must follow the NDIS Code of Conduct which is available at www.ndiscommission.gov.au

What is the NDIS Code of Conduct?

The NDIS Code of Conduct promotes safe and ethical service delivery by setting out expectations of the conduct of both NDIS providers and workers. This includes registered and unregistered providers.

The NDIS Commission can receive and investigate complaints about providers or workers who breach the NDIS Code of Conduct.

In addition, residential aged care providers and workers are required to follow the NDIS Code of Conduct in supporting NDIS participants.

What is the Aged Care Quality & Safety Commission?

The role of the Aged Care Quality and Safety Commission is to protect and enhance the safety, health, well-being and quality of life of people receiving aged care services.

The Aged Care Quality and Safety Commission also resolves complaints about these services.

What if I have a complaint about a residential aged care provider or worker?

It's OK to complain—speaking up can help to improve services for you and other people. You have the right to raise a concern about your NDIS supports and services if you are not happy.

Any complaints about care and services provided under the *Aged Care Act 1997* can be made to the Aged Care Quality and Safety Commission.

If you aren't sure which Commission you should contact about your complaint, please contact the NDIS Commission, which can work with the Aged Care Quality and Safety Commission to resolve your concerns.

Is my provider registered with the NDIS Commission?

Visit the NDIS Commission's website to check whether your providers are registered. You can also see whether the NDIS Commission has taken action against them (including providers that are not registered).

NDIS participants in residential aged care might also access other NDIS services. These can be registered or unregistered.

The benefits of engaging registered providers include new national quality standards which are assessed by independent auditors, and registration conditions and new arrangements for behaviour support to reduce and eliminate the use of restrictive practices.

From 1 December 2020 all providers applying the use of restrictive practices on young people in residential aged care will be regulated by the NDIS Quality and Safeguards Commission. These services are regulated by the Aged Care Quality and Safety Commission until this time.

Not all NDIS providers have to be registered. Unregistered providers and their workers must follow the NDIS Code of Conduct and the NDIS Commission can take strong regulatory action for non-compliance.

What about worker screening?

Soon there will be a national NDIS Worker Screening Check that allows NDIS participants who manage their own plans to ask their workers to be screened.

Until then, registered NDIS providers will need to make sure that workers who have more than incidental contact with NDIS participants hold a current clearance in a state or territory they are working in.

For any concerns, complaints or information

- Visit the NDIS Commission website: <https://www.ndiscommission.gov.au/>
- Information for unregistered providers, including obligations to comply with the Code of Conduct: <https://www.ndiscommission.gov.au/providers/provider-registration/ndis-participants-residential-aged-care>
- Call 1800 035 544 Monday to Friday, 9am to 5pm EST.
- For people with hearing or speech loss: TTY: 133 6677 or the National Relay Service on <https://internet-relay.nrsccall.gov.au/>
- Visit the Aged Care Quality and Safety Commission website: <https://www.agedcarequality.gov.au/>