



Understanding the NDIS

An information guide





Introduction

This information guide is designed to help you know more about the National Disability Insurance Scheme (NDIS). The guide provides you with summary information as well as some important background details about the NDIS. We have provided hyperlinks to key documents so you can read or refer to these. Our guide is intended to help organisations plan for changes that will come into effect as NDIS moves to “full scheme” over the next three years, and to better understand what is involved in becoming and operating as a registered NDIS provider.

Where possible, we have referenced official documents by providing the links to the NDIS and Department of Social Services (DSS) websites. However, we recommend you check these sites directly for the latest information and contact the National Disability Insurance Agency (NDIA) if you have any questions (NDIA is the independent Commonwealth government agency responsible for implementing the NDIS).

About the NDIS

The NDIS supports people with a permanent and significant disability that affects their ability to take part in everyday activities. The Scheme operates under the National Disability Insurance Scheme Act 2013 and gives effect to Australia's obligations under the United Nations (UN) Convention on the Rights of Persons with Disabilities.

NDIS objectives include

- Supporting people with disability to pursue their goals and maximise their independence and social and economic participation.
- Developing the capacity of people with disability to participate in the community and in employment.
- Providing reasonable and necessary supports, including early intervention supports, for participants.
- Supporting people with disability to exercise choice and control in pursuit of their goals and in the planning and delivery of their supports.
- Building a sustainable Scheme that is based on insurance principles.
- Raising community awareness about the social and economic participation of people with disability and acting to increase their inclusion in the mainstream of Australian society. The NDIS Act establishes the Agency (NDIA), which has statutory responsibility for delivering the Scheme. The functions and powers of the Agency are also prescribed by the NDIS Act.

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Events leading to the NDIS coming into effect

On **10 August 2011**, the **Productivity Commission** released a report on the inadequacy of the Australian disability support system. In the same year, the Council of Australian Governments agreed to establish a new disability scheme.

The resulting NDIS Act (2013) came into effect in July 2013, and the **National Disability Insurance Agency (NDIA)** was established that year to implement the Scheme. Overseen by a Board, the NDIA is accountable as a corporate Commonwealth entity under the Public Governance, Performance and Accountability Act 2013 (PGPA Act). The Board is responsible for ensuring the proper, efficient and effective performance of Agency functions, and for determining the objectives, strategies and policies to be followed by the Agency.

The NDIS has been trialled in a number of sites across different States and territories with a comprehensive evaluation being completed in 2016.

The NDIS Act was amended by the Acts and Instruments (Framework Reform - Consequential Provisions) Act 2015 on 5 March 2016, as well as the National Disability Insurance Scheme Amendment Act 2016 on 4 May 2016.

On **9 December 2016**, the **Disability Reform Council (DRC)** released the **NDIS Quality and Safeguarding Framework**. The introduction of this Framework represents a significant reform, designed to provide high quality supports and safe environments for all NDIS participants. It transforms the way supports and services are delivered to people with a disability and represents a change some commentators say is as profound as the introduction of medicare.

Registration

The NDIS operates under a risk responsive registration system through an NDIS registrar. Registration under the Scheme is related to the type of service being provided and the scale of the organisation and the risk associated with the registration group(s)¹ concerned. In some cases, where supports are lower risk, a simple periodic verification process will be sufficient. If you are a provider delivering high risk supports, you will need to be Quality Assurance certified.

All providers who register and receive payment directly from the NDIA will need to be **assessed** and meet **additional quality and competency standards**.

¹ Registration groups specify the supports and services covered by the scheme

Working with NDIS

If you are thinking of becoming a registered NDIS provider the guides below will help you. The registration requirements across States and Territories differ so we recommend that you look at the NDIS in your area section on the NDIS Homepage first. Alternatively, you can go directly to the State Government and Territorial Authorities for their information on NDIS.

Generally, to become a registered NDIS provider you will need evidence that you comply with State or Territory quality and safeguard requirements. This may require an assessment by a certification body. HDAA is expert in assessments of all the State and Territory quality standards and can help providers with single standard or complex multi standard compliance requirements for NDIS registration.

Links to the State and Territory Government NDIS pages are provided below:



Working with the NDIS – Your Guide to being a registered NDIS provider

This Guide outlines how you get ready for registration, a step necessary before marketing your NDIS services and engaging with NDIS participants to understand their goals, preferences and objectives.

Getting started with NDIS – Information for providers and the sector

This Guide helps you as a provider understand the steps an NDIS participant will take when they enter the NDIS. It explains how to begin to work with participants under the NDIS if you currently work in the State or Territory disability system, and it provides details of the transition to the NDIS.

NDIA Factsheet for existing providers

This Factsheet provides information on; myplace, the establishment of a PRODA (Provider Digital Access account), the additional steps as an existing Provider you must take to finalise your registration, Scheme Pricing and support and resources that are available. The key changes for existing registered providers are also covered.

For more information the NDIS provides answers to FAQ's which you can find here:

NDIS - Frequently Asked Questions



Provider Toolkit



Before you apply to become a registered provider, you should read the **NDIS Provider Toolkit**. It includes the Guide to Suitability, NDIA Terms of Business and your State(s) / Territory (ies) Quality and Safeguard Working Arrangements.

The Provider Toolkit has eight modules and contains useful information for prospective NDIS Providers. The modules are:

- Module 1: **Introduction and overview of the Provider Toolkit**
- Module 2: **Registering as a Provider**
- Module 3: **Terms of Business**
- Module 4: **Guide to Suitability**
- Module 5: **Service Agreements**
- Module 6: **Service Bookings**
- Module 7: **Payment and Assurance**
- Module 8 - 12: **Myplace and Other Detailed Guides, Glossary**

Module 4 is especially useful for prospective NDIS providers. This module provides information on registration groups and individual State and Territory requirements for Specialist Disability Providers.

You can access all the Provider Toolkit modules from the NDIS webpage or by clicking [here](#).

NDIS Quality and Safeguarding Framework

The **NDIS Quality and Safeguards Framework** helps participants and providers access information and resolve issues quickly. One of its core purposes is to support people with a disability to make **informed choices**. The Framework is designed to ensure that all people with disability have the same protection, regardless of where they live in Australia. The Framework comprises a number of components that cover participants, the workforce and providers under the NDIS.

Safeguards relate to personal relationship and connections within the community as well as formal safeguards² including service standards, regulations and quality assurance systems.

The **objectives** of the NDIS Quality and Safeguarding Framework are to ensure NDIS funded supports:

- Uphold the rights of people with disability, including their rights as consumers.
- Facilitate informed decision making by people with disability.
- Are effective in achieving person-centred outcomes for people with disability in ways that support and reflect their preferences and expectations.
- Are safe and fit for purpose.
- Allow participants to live free from abuse, violence, neglect and exploitation, and
- Enable effective monitoring and responses to emerging issues as the NDIS develops.

The Framework's focus is to facilitate; participants building their capability to act as informed consumers, the workforce to grow appropriately and, new providers to enter the market.

More information on the Framework is available through the links below:

You will find most of the information you need on the Framework including the full Framework published by DSS, [here](#)

Summary of the framework and key points published by DSS is [here](#)

² Supports are defined as different forms of assistance offered to a person with disability to enhance their quality of life and assist them to meet their goals. Supports can include personal care or transport, as well as activities of the NDIA provided in relation to a participant such as local coordination and referral.

Framework requirements of providers

The new Framework outlines measures and requirements that need to be met by providers, a core component is a proposed new Code of Conduct.

Code of Conduct

The Code of Conduct applies to all providers and workers performing work funded by the NDIS; registered and unregistered providers, sole-traders, providers of Information, Linkages and Capacity building (ILC) services and Commonwealth Continuity of Support (CoS) Programme services and all of their workers. It also includes contractors, sub-contractors and agents.

The new Code is overseen by the NDIS Quality and Safeguards Commission. It is preventative but also corrective, applying sanctions enforceable by law, for breaches.

The Commission are charged with working with NDIS providers and workers to ensure that the Code is understood and to monitor compliance.

The full NDIS Code of Conduct is [here](#)

The obligations of the NDIS Code of Conduct extends to Providers and their employees. The nine obligations in the draft Code are provided below but subject to finalisation after consultation and feedback. More details of the Code's obligations are provided in the Appendix with specific applications and scenarios.

Code of Conduct Obligations:

1. Promote individual rights to freedom of expression, self-determination and decision-making.
2. Actively prevent all forms of violence, exploitation, neglect and abuse.
3. Act with integrity, honesty and transparency.
4. Provide supports in a safe and ethical manner with care and skill.
5. Raise and act on concerns about matters that may impact on the quality and safety of supports provided to people with disability.
6. Respect the privacy of people with disability.
7. Not engage in sexual misconduct.
8. Keep appropriate records.
9. Maintain adequate personal and professional liability insurance appropriate to the risks associated with the supports provided.

NDIS Quality and Safeguards Commission

The Commission will have preventative and corrective powers. The 2017-2018 Budget provided the funding for the operation of an **independent NDIS Quality and Safeguards Commission** to commence operations in early 2018. By 1 July 2020 the intention is for the Commission to cover all States and Territories. On 15 June 2017, the Senate referred the National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017 to the Senate Community Affairs Legislation Committee for inquiry and report.

The Commission will support NDIS participants to exercise choice and control, ensuring appropriate safeguards are in place and establish expectations for providers and their staff to deliver quality support. The Commission will have an education role aligned to helping strengthen the capability of people with disability, have preventative and corrective powers to respond appropriately to issues that may arise, and preventing them in the future through regulatory response, education and capacity building.

The Commission's role is to:

- Register NDIS providers and oversee provider quality.
- Respond to complaints and manage reportable incidents such as abuse or neglect of a participant.
- Provide leadership to reduce and eliminate restrictive practices, such as the use of physical restraints.

Answers for Code of Conduct FAQ's are [here](#).





Useful Links

The DSS Website

www.dss.gov.au

Overview of DSS programs and services for people with Disability.

<https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/for-people-with-disability>

The NDIS website

<https://www.ndis.gov.au/>

<https://www.dss.gov.au/disability-and-carers/programmes-services/for-people-with-disability/national-disability-insurance-scheme>

NDIS Quality and Safeguarding Framework

https://www.dss.gov.au/sites/default/files/documents/04_2017/ndis_quality_and_safeguarding_framework_final.pdf

Summary NDIS Quality & Safeguarding factsheet for providers

https://www.dss.gov.au/sites/default/files/documents/04_2017/ndis_quality_and_safeguarding_framework_fact_sheet_for_providers_final_2.pdf

State and Territory bilateral agreements

<https://www.ndis.gov.au/about-us/governance/intergovernmental-agreements>

Transitional information for existing providers

<https://www.ndis.gov.au/providers/transitioning-existing-providers-ndia>

Appendix

Draft NDIS Code of Conduct obligations

1. Promote individual rights to freedom of expression, self-determination and decision-making

- Always treat people with disability with dignity and respect and value their contribution to society.
- Adhere to the rights, standards and principles underpinning the NDIS, and the United Nations Convention on the Rights of Persons with Disabilities.
- Communicate in a form, language, and manner that enables people with disability, and their carer where required, to understand the information provided and make known their feelings and preferences.
- Take into account the expressed needs, values, and beliefs of people with disability including those relating to culture, religion, ethnicity, gender, identity, age and disability.

2. Actively prevent all forms of violence, exploitation, neglect and abuse

- Providers and workers must be committed to eliminating violence, exploitation, neglect and abuse against people with disability, including through their own actions.
- Providers should have policies that define violence, exploitation, abuse and neglect and workers should familiarise themselves with such guidelines.
- Providers and workers need to ensure appropriate systems and procedures are in place and followed to prevent violence, exploitation, neglect and abuse from occurring.
- Providers need to ensure their staff have appropriate supervision and training to make sure workers are able to identify, monitor and act when situations arise which could lead to harmful incidents.
- Providers and workers must report incidents of violence, exploitation, neglect and abuse to the Commission and/or any other authorities, including the police, as appropriate.

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3. Act with integrity, honesty and transparency

- Providers and workers must only recommend and provide supports and services that meet the needs of a person with disability.
- A worker must provide truthful information as to his or her qualifications, training or professional affiliations.
- A worker must not use his or her possession of a particular qualification to mislead or deceive people with disability or the public regarding his or her competence in a field of practice or ability to provide supports.
- Providers and workers must not make false claims about the efficacy of their supports, services or products.
- Providers and workers must not ask for, accept or provide any inducement, gift or hospitality that may affect or be seen to affect the way NDIS supports or services are provided. This includes as part of referral arrangements with other providers.

4. Provide supports in a safe and ethical manner with care and skill

- A provider or worker must maintain the necessary competence in the types of supports and services they provide.
- A provider must offer reasonable supervision and take reasonable steps to ensure workers are competent and supported to perform their role.
- A provider must ensure workers have access to all equipment and resources appropriate to safely deliver supports or services.
- A provider or worker must not provide supports of a type that is outside his or her expertise or training, or provide supports or services that he or she is not qualified to provide.
- A worker must not provide supports or services to people with disability while under the influence of alcohol or drugs.

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5. Raise and act on concerns about matters that may impact on the quality and safety of supports provided to people with disability

Providers and workers are obliged to raise and act on concerns about the quality or safety of NDIS supports and services. Providers should contact the Commission with concerns, noting that registered providers will be required to notify the Commission of any reportable incidents as part of their registration requirements. This includes any incident involving violence, exploitation, neglect and abuse. Unregistered providers are also encouraged to report incidents of concern on a case-by-case basis to the Commission.

Workers should raise concerns with their employer in the first instance and are encouraged to contact the Commission if their concerns are not adequately addressed. Workers who contact the Commission with concerns will be protected by whistle-blower provisions in the legislation establishing the Commission.

This obligation includes the requirement for all providers to have a clear process in place to address complaints or disputes from people with disability, and their families, carers, friends and advocates. Providers should have established a range of opportunities to seek feedback, ranging from day-to-day feedback, formal consultation and engagement, regular satisfaction surveys or consumer groups.

6. Respect the privacy of people with disability

All providers and workers must meet legal requirements to comply with Commonwealth, state and territory privacy laws to protect the confidentiality of personal information gathered during the course of providing NDIS supports or services.

Providers and workers must not disclose any personal details about a person with disability without consent. This includes referring to participants, their disability or support they are receiving in any marketing or communication products without consent.

7. Not engage in sexual misconduct

Sexual misconduct is any unwelcome behaviour of a sexual nature. This includes physical and verbal actions committed without consent or by force, intimidation, coercion, or manipulation. It includes sexual violence and exploitation but is not limited to actions which constitute a criminal offence.

People with disability can be at increased risk of sexual assault and exploitation. The support relationship between a worker and participant relies on a high degree of trust. All forms of sexual misconduct constitute a breach of that trust and a breach of the Code of Conduct (see the Code of Conduct for examples).

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8. Keep appropriate records

Providers and workers must maintain accurate, legible and up-to-date records of NDIS supports and services provided and ensure that these are held securely and not subject to unauthorised access. Registered providers may also have additional obligations in relation to record keeping, for example, in relation to reportable incidents as part of their registration.

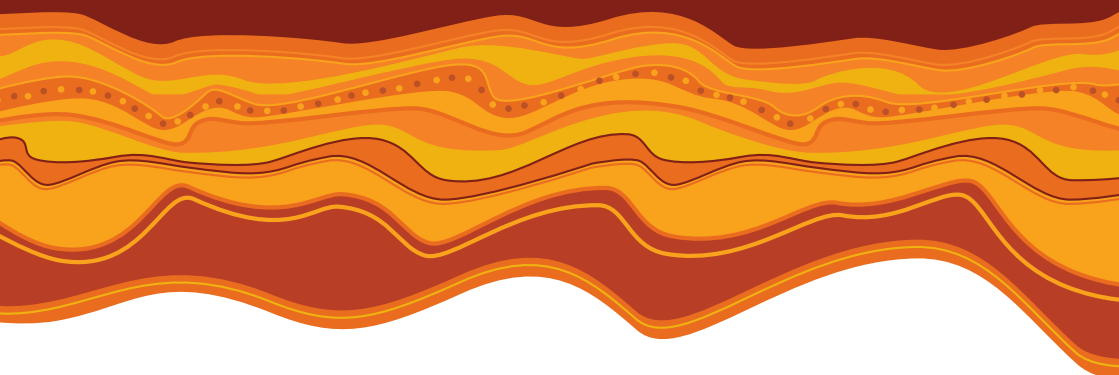
All records need to comply with relevant privacy and security measures to ensure the confidentiality of information relating to people with disability and their families.

9. Maintain adequate personal and professional liability insurance appropriate to the risks associated with the supports provided

Both registered and unregistered providers are required to hold adequate insurance. Workers providing NDIS supports and services would be expected to be covered by their employer's insurance arrangements and do not need to hold individual insurance.

Independent providers, including the self-employed and sole traders, will be expected to hold insurance in their own name and to ensure that their level of cover is adequate for the type of services they provide and the associated level of risk.





Need more information?

We are committed to providing you with personalised, supportive service.

If you would like more information on HDAA or the process of becoming or operating as a NDIS registered provider, please contact us.

HDAA is expert in assessments of all State and Territory quality standards. We are able to support you and ensure registration as a NDIS provider is positive and that your assessment goes as smoothly as possible.

Contact us now

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