

NDIS Quality and Safeguarding Framework

Introduction

The NDIS Quality and Safeguarding Framework (the Framework) is a system put in place by the National Disability Insurance Agency (NDIA) to protect the safety of National Disability Insurance Scheme (NDIS) participants and the quality of the services participants receive under the Scheme.

It might be helpful to have a conversation about what the Framework is and what it means for people.

This quick guide looks at how peer networks can talk about the NDIS Quality and Safeguarding Framework.

Let's make it happen

A peer network can have a good conversation about the NDIS Quality and Safeguarding Framework. Here are some key aspects of the Framework that could be used to guide a conversation during peer support network meetings.

Why do we need a NDIS Quality and Safeguarding Framework?

While the NDIS will bring a lot of benefits to people living with disability, their families and the community, it also brings some possible risks. The Framework is there to minimise this risk and protect NDIS participants, as well as uphold the quality of the services that Scheme participants receive.

Before the NDIS, when service providers were contracted by the Government, quality and safeguarding measures were managed through the agreements that the Government had with these providers. However, under the NDIS, people will choose their own providers. The Framework will replace the individual quality and safeguarding arrangements that now operate in each State and Territory.

The goals of the Framework are to make sure that supports under the NDIS:

- uphold the rights of people living with disability, including their rights as consumers
- facilitate informed decision making by people living with disability
- are effective in achieving person-centred outcomes for people living 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.

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The Framework is based on principles of human rights and choice and control. It is designed to provide consistency across the country, and aims to be proportional, responsive, efficient and effective.

What will the NDIS Quality and Safeguarding Framework do?

Build Capacity

The Framework is designed to build the capability of individuals, the workforce and providers. For NDIS participants, this includes things like building decision-making and self-advocacy skills as well as the ability to negotiate and be assertive. People also need access to good information to help them choose their providers, negotiate the delivery of their supports, assess quality, and raise issues. A supportive network can also be a great safeguard, so it is important that the natural supports in someone's life, such as their family, friends, and community connections, are strengthened.

For the workforce, this means building a skilled and safe workforce where staff are prepared for the NDIS, people are encouraged to choose a career in the disability sector and workforce retention is supported.

Focus must also be placed on making sure the NDIS support services market has a diverse range of providers. This could be done by supporting existing service providers to adjust their business models, attracting new providers, and monitoring the market to identify gaps in the service options available.

Prevent Harm and Ensure Quality Services

For NDIS participants, harm can be prevented through planning, implementation and review processes. Under the Framework, NDIS participants will take part in a formal risk assessment during the plan development process, working with an NDIA planner to build strategies to reduce risk into their plan.

Formal individual advocacy will also be important. The Commonwealth Government will fund advocacy services through the National Disability Advocacy Program. Some States and Territories also fund advocacy programs to build skills and capacity and to support individuals to promote and protect their human rights.

Supporting self-managing participants is another important preventative safeguard. Through the Framework, self-managing participants will have access to support and resources to build their capacity to self-manage their NDIS budgets.

For the NDIS workforce, harm prevention will include screening potential workers. This screening process will be the same across the country and everyone working with or for NDIS providers, who has significant contact with people living with disability, will be screened.

For providers, a key harm prevention strategy is reducing the use of restrictive practices. Restrictive practices are any intervention that restricts the rights or movement of a person

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living with disability. Restrictive practices can be harmful for the person and they infringe on people's human rights. There will be legislation within the Framework that defines restrictive practices, indicates under what conditions restrictive practices can be used, and establishes an NDIS senior practitioner who will oversee providers who are approved to deliver support that involve a restrictive practice. Legislation will also state that any restrictive practice employed has to use as little restriction as possible, be a last resort, and be proportional to the behaviour of concern.

The Framework also addresses quality assurance of support services. In most cases, providers will have to demonstrate compliance with quality assurance. When an issue with a provider occurs, someone called the NDIS registrar will step in. The NDIS registrar will start by educating the provider about how their service needs to change. If needed, the registrar can also issue a notice of non-compliance, issue instructions that the provider must follow, and can even cancel the providers registration with the NDIS.

Resolve Problems

It is important that there is an effective complaints system in place so that participants can raise any issues that they experience. The complaints system within the Framework will include complaints processes through individual providers, an NDIS complaints commissioner, and general avenues of complaint such as Fair Trading bodies.

All NDIA registered providers will need to have an internal complaints process in place. It is recommended that complaints are made with the provider first, but this is not a rule. People can register a complaint with the NDIS complaints commissioner even if they haven't contacted the provider about their issue. Anyone can raise a complaint with the complaints commissioner, including a participant, a family member, an advocate or a professional. Complaints can be made about all NDIS providers even those not registered with the NDIA.

Complaints about the NDIA or Local Area Coordinators can be made through the Administrative Appeals Tribunal and the Commonwealth Ombudsman.

Serious incidents, that disrupt the service or threaten the safety of people or property, must be responded to. All registered providers will need to report serious incidents to the complaints commissioner.

How will the NDIS Quality and Safeguarding Framework do this?

The work of the Framework will largely be done by the NDIS Quality and Safeguards Commission (the Commission). *The Commission* is an independent body that regulates the NDIS market and is responsible for:

- Registration
- Complaints
- Incidents
- Behaviour Support
- Worker Screening

- Compliance

The Commission uses the NDIS Provider Registration and Practice Standards (the Practice Standards) and the NDIS Code of Conduct Rules (the Code of Conduct) to do their job.

The Practice Standards outline the registration requirements of providers and the Quality Indicators that they must meet when providing services. The Practice Standards are there to prevent abuse and ensure quality outcomes for people living with disability. The Quality Indicators are the way that providers are compared against these standards.

The Practice Standards have four core standards:

- Rights and Responsibilities
- Governance and Operational Management
- Provision of Support
- Support Provision Environment

The Qualitative Indicators cover several key areas:

- Human Resource Management
- Incident Management
- Complaints Management
- Risk Management

The Code of Conduct is there to:

- empower people with disability in relation to their rights;
- outline expectations for providers and individual workers;
- shape the behaviour and culture of organisations; and
- provide a mechanism to enforce consequences if providers do not meet expectations.

All providers of NDIS supports and anyone employed by or engaged with NDIS providers must follow the Code of Conduct. This includes providers that are not registered with the NDIA.

Under the Code of Conduct there are 7 minimum standards that providers and workers must meet:

- Act with respect for individual rights to freedom of expression, self-determination and decision-making
- Respect the privacy of people living with disability

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- Provide supports and services in a safe and competent manner, and with care and skill
- Act with integrity, honesty and transparency
- Promptly take steps to raise and act on concerns about matters that may impact the quality and safety of supports and services provided to people living with disability
- Take all reasonable steps to prevent and respond to all forms of violence against, and exploitation, neglect and abuse of, people living with disability
- Take all reasonable steps to prevent and respond to sexual misconduct

If a provider breaches the Code of Conduct they can be fined or even banned from working in the NDIS support services market.

What a peer network could do with this information:

It could be useful for peer networks to have discussions around the things that members consider to be the safeguards in their own lives. This could be people that someone is connected to, actions that someone takes around being safe or conversations people can have about risks in their lives.

Some actions and considerations involved in individual safeguarding may include understanding you own unique:

- Your life history, circumstances, strengths, preferences, choices and aspirations
- Your unique support needs and preferences
- building a relationship of trust with the people in your life
- understanding your own circumstances in your day to day lives to identify potential risks or situations where your rights are being compromised
- thinking about ways you could get advocacy support if you needed it
- sharing with each other times you have felt vulnerable or the things that you worry about relating to personal safety
- sharing with each other things you have learnt from having control over budgets and support care decisions if this applies to you

Where you can find more information

You can download the NDIS Quality and Safeguarding Framework here:

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

You can download the NDIS Provider Registration and Practice Standards, as well as the explanatory statement for the standards here:

<https://www.legislation.gov.au/Details/F2018L00631>

You can download the NDIS Code of Conduct Rules and the explanatory statement for the Code of Conduct here:

<https://www.legislation.gov.au/Details/F2018L00629>

You can visit the website of the NDIS Quality and Safeguards Commission here:

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

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