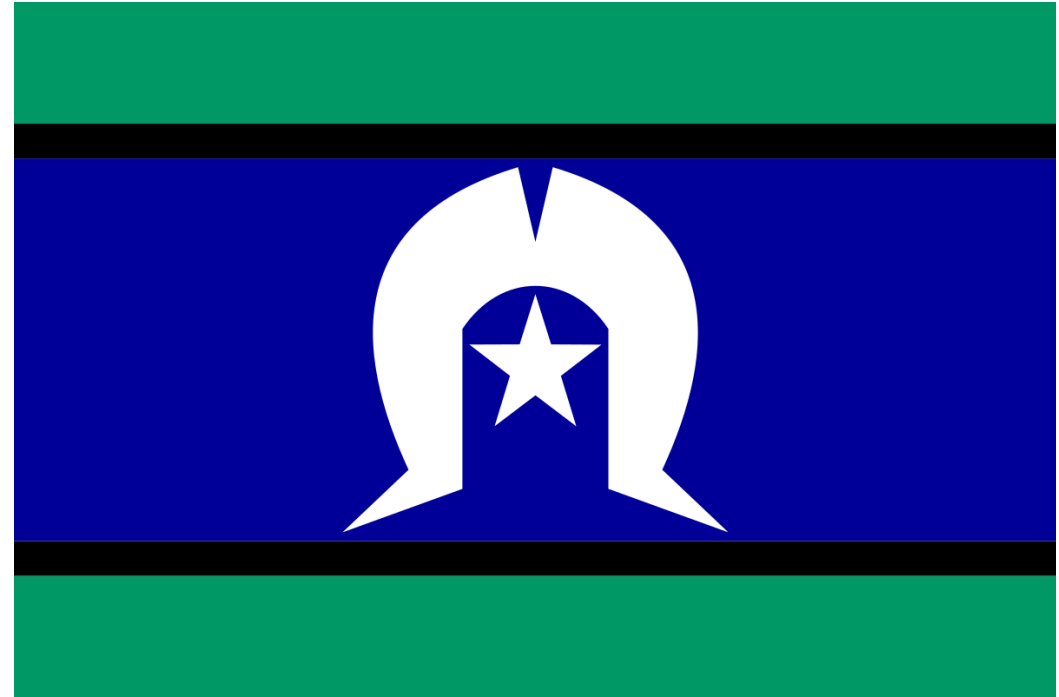


# Quality, Compliance and Risk in the NDIS

NDIS Success Roadmap – webinar four

# Acknowledgement of Country



# Welcome to Quality, Compliance and Risk

# The NDIS Success Roadmap



- ▶ Six webinars followed by Q&A
- ▶ Join the NDIS Success Facebook group
- ▶ Complete activity worksheets
- ▶ Fill in questions in the workbook

# Quality, compliance and risk: why it matters



- ▶ Human rights
- ▶ Quality and safe services
- ▶ Risk management for your customers, staff and organisation
- ▶ Point of difference in your market
- ▶ Integrates into service design
- ▶ Informs your financial model

# Today's webinar

1. Why register?
2. The NDIS Commission, and the Rules
3. NDIS Code of Conduct
4. Worker screening
5. The registration process
6. Verification pathway
7. Certification pathway
8. Support planning
9. Your service agreement
10. Managing risk in the NDIS
11. Next steps

# 1. Why register?

# Registered or unregistered - what's the difference?

Registered Provider	Unregistered Provider
NDIS Code of Conduct	NDIS Code of Conduct
Worker screening	Worker screening
Complaints management	Complaints management
All NDIS plans (NDIA, plan and self managed)	Only plan managed and self managed funds
Registration and compliance requirements	
Regular audits	
Established quality system and procedures	



# Registered or unregistered - what's the difference?

Registered Provider	Unregistered Provider
Plan Management, Specialist Disability Accommodation, Behaviour Support, or if using regulated restrictive practices.	Cannot provide these services

# Management of NDIS plans - a reminder

NDIA-managed	Plan managed Self managed
Registered NDIS provider	Registered NDIS provider
	Unregistered NDIS provider

- ▶ Plans can have a combination of these

# Why register - and why not?

## Why register?

- ▶ Access to full NDIS market
- ▶ Required for certain services
- ▶ Quality assurance – compliance requirements
- ▶ Organisation values/ethics re providing service to all clients

## Why not?

- ▶ Additional costs: financial and time (registration, compliance, audits etc)
- ▶ Can still service plan or self managed clients

# Registered providers - costs

- ▶ (Re) registration including external audits
- ▶ Quality systems and procedures:
  - up-to-date and relevant to your organisation
  - forms and registers
- ▶ Training and internal audits
- ▶ Continuous improvement program

## 2. The Commission, and the Rules

# NDIS Quality and Safeguards Commission

- ▶ Registration and regulation of providers
- ▶ Compliance with the NDIS Practice Standards and NDIS 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

# NDIS Quality and Safeguards Rules

- ▶ NDIS Code of Conduct
- ▶ Provider Registration
- ▶ NDIS Practice Standards and Quality Indicators
- ▶ Complaints Management and Resolution
- ▶ Incident Management and Reportable Incidents
- ▶ Worker Screening and mandatory training

# NDIS Quality and Safeguards Rules

- ▶ Behaviour Support and Restrictive Practices
- ▶ Protection and Disclosure of Information
- ▶ NDIS Provider Definition
- ▶ Technical Rules (SDA Conditions of Registration/ Amendment rules/ Transitional rules)



# 3. NDIS Code of Conduct

# NDIS Code of Conduct

## Applies to

- ▶ Registered NDIS providers and their employees
- ▶ Unregistered NDIS providers and their employees
- ▶ Providers delivering information, linkages, and capacity building (ILC) activities
- ▶ Providers delivering Commonwealth Continuity of Support Programme services for people over the age of 65

# 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](http://www.ndiscommission.gov.au)

# Respect for individual rights to freedom of expression, self-determination and decision-making

- ▶ Deliver services in a way that **maintains standards and principles underpinning the NDIS**
- ▶ **Support people with disability to make decisions**
- ▶ **Communicate** in a form, language and manner that enables people with disability to **understand** the information and **make known** their will and preferences
- ▶ **Take into account the expressed values and beliefs** of people with disability, including those relating to culture, faith, ethnicity, gender, gender identity, sexuality and age, as well as disability

# Training: “Quality, safety and you”

- ▶ Online worker orientation module
- ▶ “All registered NDIS providers under the NDIS Commission should include the module within their induction process for workers, and encourage existing workers to undertake the module over time.”

# 4. Worker screening

# Worker screening

- ▶ Interim arrangements by state and territory
- ▶ Moving towards national, transportable check
- ▶ Required for 'NDIS worker'

# Worker screening

- ▶ Required for 'NDIS worker'
  - **key personnel roles**
  - roles where normal duties include the **direct delivery** of specified supports or specified services
  - roles where normal duties are likely to require **more than incidental contact** with people with disability



# 5. The registration process

# The registration process



# Step 1: Online application



- ▶ Provide information about the organisation and key personnel
- ▶ Self-assess against Practice Standards

# Step 2: Scope of audit



## Step 2

- ▶ Submit the self-assessment to receive a Scope of Audit Document
- ▶ Seek quotes from approved quality auditor

# Registration via verification or certification

## Verification

- ▶ Low risk/ lower complexity supports and services
- ▶ Due every three years
- ▶ Desktop audit only

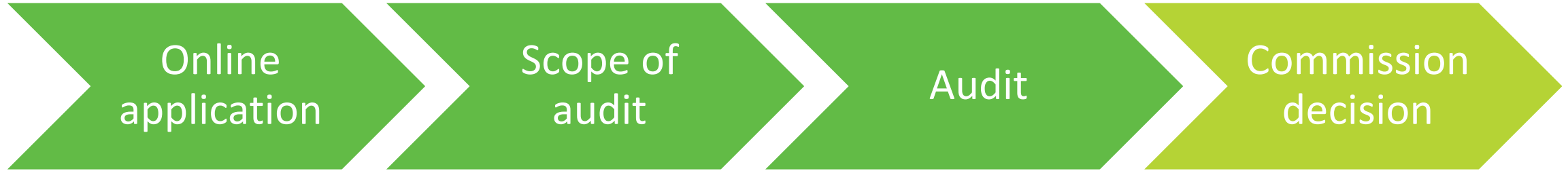
## Certification

- ▶ High risk and more complex supports and services
- ▶ Due every three years plus a mid term audit
- ▶ Desktop and site audit

# Verification or certification? Examples

Verification	Certification
Assistive products	Daily personal activities
Vehicle modifications	High intensity daily personal activities
Travel/transport assistance	Group and centre based activities
Household tasks	Development of daily care and life skills
Therapeutic Supports	

## Step 3: Audit



- ▶ Obtain third party audit from an approved auditing body
- ▶ Processes and policies must be fit and proportionate to the risk and complexity of the supports delivered and the for the size and scale of the organisation

# Step 4: Commission decision



- ▶ Auditor sends the report to Commission with findings
- ▶ Suitability assessment
- ▶ Commission approves your registration for selected registration groups, for a specific period



# Suitability assessment

- ▶ Are your key personnel suitable to provide an NDIS service?
- ▶ Key personnel = governance, executive, management and operational
- ▶ Suitability considers:
  - previous NDIS experience
  - insolvency
  - honesty
  - previous corporate history

# 6. Verification pathway

# Verification pathway

- ▶ Lower risk/lower complexity supports and services
- ▶ Includes services that are subject to professional regulation
- ▶ Desktop review of the documentary evidence

# Verification pathway

Human  
Resource  
Management

Incident  
Management

Complaints  
Management

Risk  
Management

# Human resource management

- ▶ Qualified and experienced workers
- ▶ Worker screening clearance
- ▶ Professional education – mandatory training
- ▶ Personal accident insurance/worker's compensation insurance
- ▶ Person-centred services

# HR management: screening

## ▶ Worker screening requirements

- Anyone who has more than **incidental contact** with person with disability
- In a role for which the normal duties include the direct delivery of specified supports or services
- Key personnel: key executive, management or operational positions incl. board members

# HR management: qualification and experience

- ▶ Accountant/bookkeeper
  - ▶ **Registration group 0127: Plan management**

Membership with Association of Taxation and Management Accountants (ATMA), Association of Accounting Technicians (AAT), Association of Certified Bookkeepers (CBK), Association of Chartered Certified Accountants (ACCA), Australia Bookkeepers Association Limited (ABAL), CPA Australia (CPA), Institute of Certified Bookkeepers (ICB), Institute of Public Accountants (IPA) or Chartered Accountants Australia & New Zealand (CAANZ) or equivalent.

# HR management: qualifications and experience

## ▶ **Body corporates**

- **One staff member** who will deliver the support has met the requirements for each profession(s) the provider intends to deliver under registration group
- Where provider has multiple staff working with the same profession it is the responsibility of the provider to ensure staff achieve the same standard

## ▶ **Individuals and partners**

- Qualifications checks conducted on all individuals



# Incident management

- ▶ **NDIS (Incident Management and Reportable Incidents) Rules 2018**
- ▶ Incident management process relevant to the
  - scope and complexity of supports
  - size and scale of the provider
- ▶ Investigation, follow up, outcome and learning
- ▶ Material provided to participants

# Incident management: Reportable Incidents

- ▶ Obligation to notify the NDIS Commission:
  - death, serious injury, abuse or neglect
  - unlawful sexual or physical contact
  - sexual misconduct, including grooming
  - unauthorised use of restrictive practices
- ▶ Strict notification timelines

# Complaints management

- ▶ **NDIS (Complaint) Rules 2018**
- ▶ Complaints management process relevant to the
  - scope and complexity of supports
  - size and scale of the provider
- ▶ Follow principles of fairness and natural justice
- ▶ Accessible, advice on access to advocates, and how to complain to the NDIS Commission

# Risk management

- ▶ Risk management system for managing WHS and wider risks relevant to the
  - scope and complexity of supports
  - size and scale of the provider
- ▶ Risk register
- ▶ Safe environment and service delivery
- ▶ Management of privacy and information management

# Verification pathway

Human  
Resource  
Management

Incident  
Management

Complaints  
Management

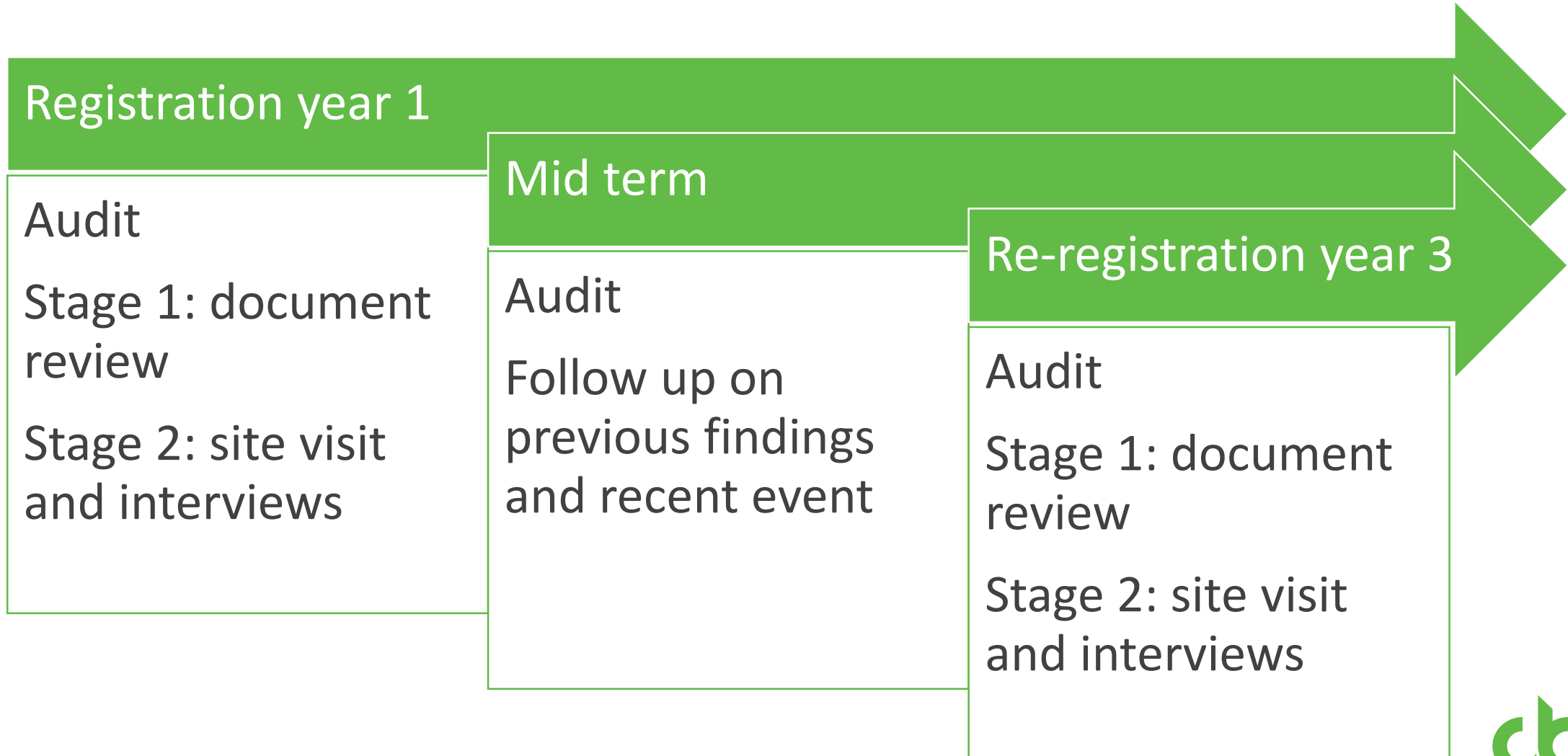
Risk  
Management

# 7. Certification pathway

# Certification pathway

- ▶ For more complex or higher risk services
- ▶ NDIS Practice Standards
  - core module
  - supplementary modules for some registration groups
- ▶ Assessment includes:
  - HR, risk management, complaints and incident management
  - delivery of supports
  - the delivery environment; and
  - governance and operational management

# Certification pathway





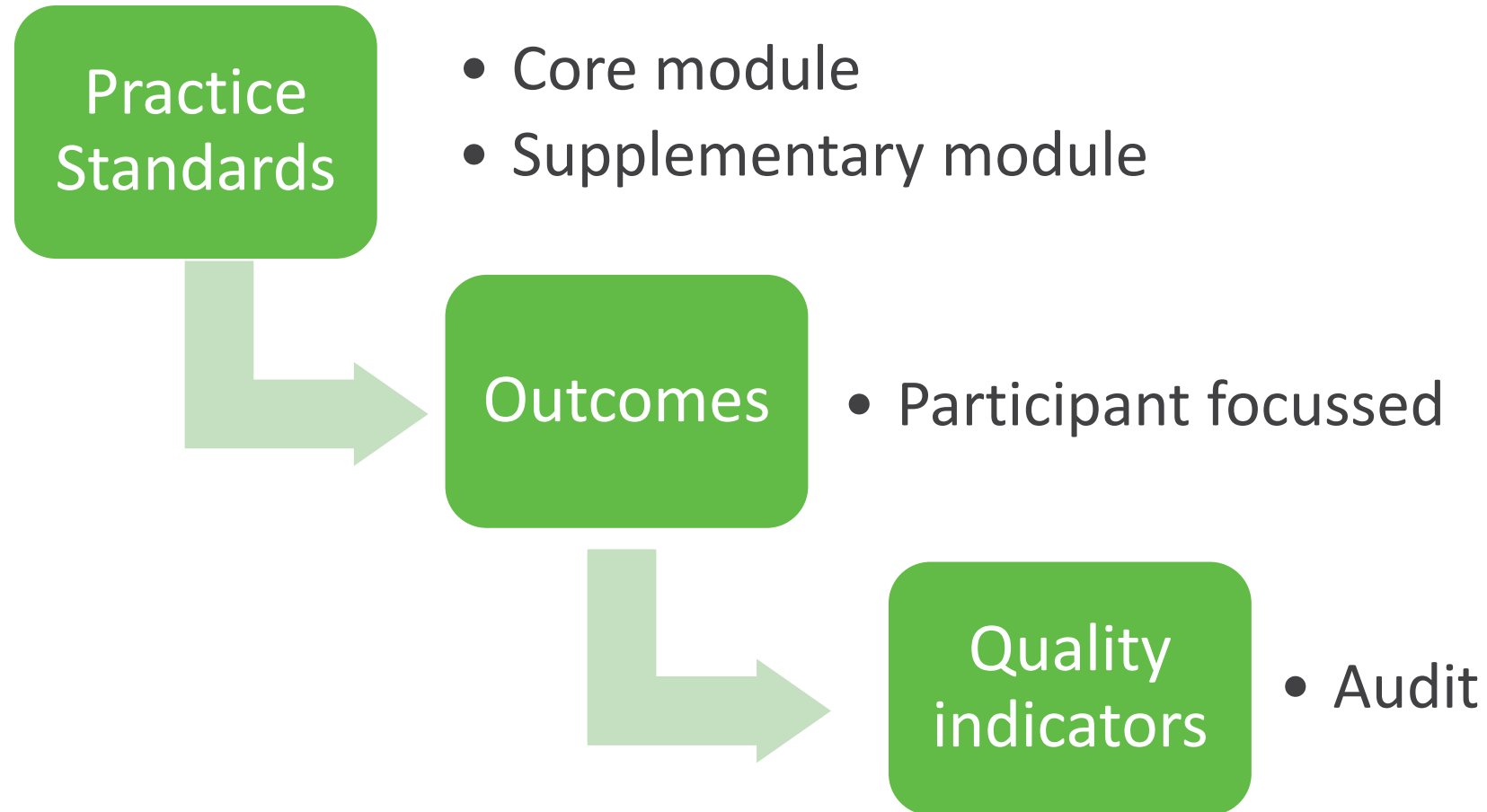
# Conditions of registration

- ▶ NDIS Code of Conduct
- ▶ NDIS Practice Standards
  - core module
  - supplementary modules for some registration groups
- ▶ Complaints management and resolution system
- ▶ Incident management system and reportable incidents

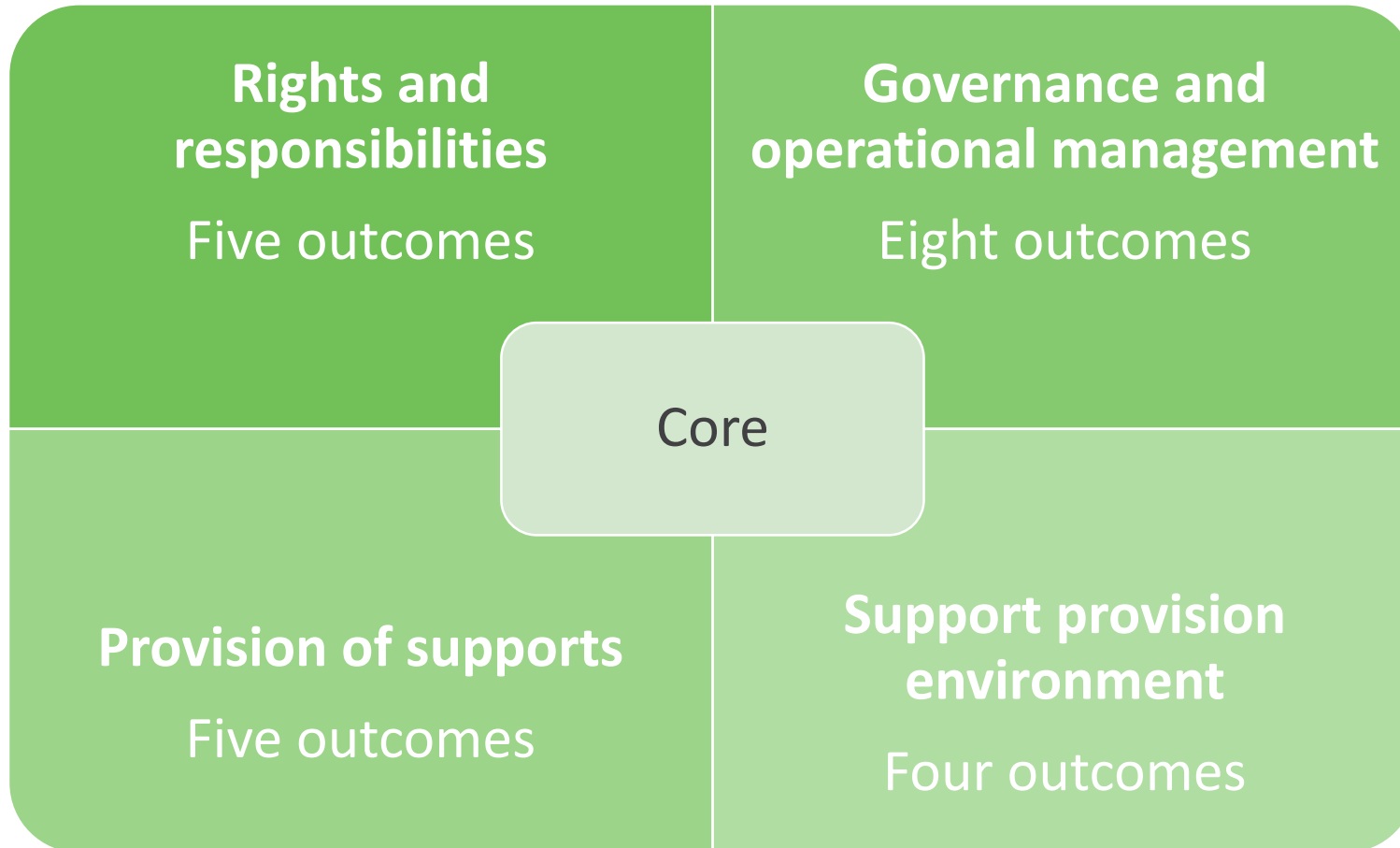
# Conditions of registration

- ▶ Worker screening process and mandatory training
- ▶ Behaviour support requirements (if applicable), including reporting restrictive practices
- ▶ NDIS Commission monitors conditions of registration, and has the power to suspend, vary or revoke registration

# NDIS Practice Standards



# NDIS Practice Standards - Core module



- ▶ 22 outcomes
- ▶ 87 quality indicators

# Core: 1. Rights and responsibilities

- ▶ Person-centred supports
- ▶ Individual values and beliefs
- ▶ Privacy and dignity
- ▶ Independence and informed choice
- ▶ Violence, abuse, neglect, exploitation, discrimination

# Core: 2. Governance and operational management

- ▶ Governance and operational management
- ▶ Risk management
- ▶ Quality management
- ▶ Information management
- ▶ Feedback and complaints management
- ▶ Incident management
- ▶ HR management
- ▶ Continuity of support

# Core: 3. Provision of supports

- ▶ Access to supports
- ▶ Support planning
- ▶ Service agreements
- ▶ Responsive support provision
- ▶ Transition to and from provider

# Core: 4. Support provision environment

- ▶ Safe environment
- ▶ Participant money and property
- ▶ Management of medication
- ▶ Management of waste



# Example: Core

## Core: Rights and responsibilities - Individual values and beliefs

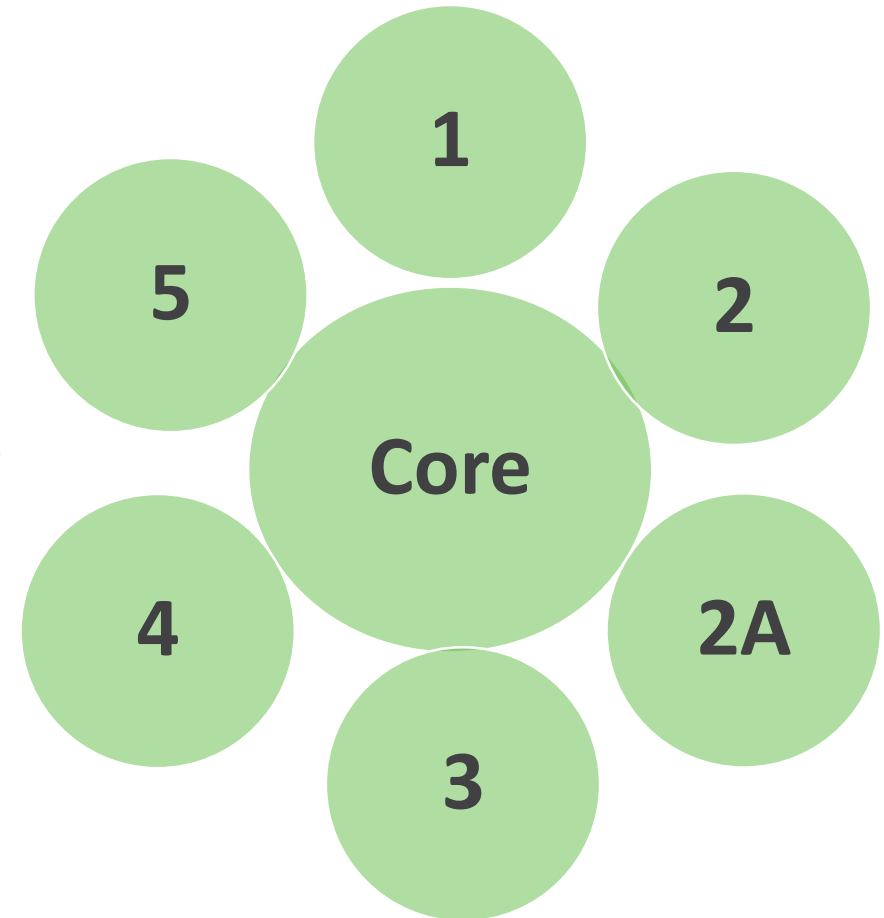
**Outcome:** Each participant accesses supports that respect their culture, diversity, values and beliefs

### Indicators:

- ▶ At the direction of the participant, the culture, diversity, values and beliefs of that participant **are identified** and sensitively **responded to**
- ▶ Each participant's **right to practice** their culture, values and beliefs while accessing supports is supported

# Supplementary Modules

- 1 High Intensity Daily Personal Activities
- 2 Specialist Behaviour Support
- 2A Implementing Behaviour Support Plans
- 3 Early Childhood Supports
- 4 Specialist Support Coordination
- 5 Specialist Disability Accommodation



# Consider... employees

How do you support staff in understanding and applying the standards?

- ▶ Induction program and records
  - NDIS mandatory worker orientation completed and recorded
- ▶ Staff, volunteers, contractors are trained in this standard and training records kept
- ▶ Employees understand the significance of the standards and the relevance to their own role
- ▶ Policies addressing all personnel

# Consider... leadership and governance

- ▶ Senior staff understand the significance the standards and role model behaviours that support the standards
- ▶ How are reports of actual or suspected violence, abuse neglect, exploitation or discrimination managed, including reports to the board?
- ▶ How does the culture of your governing body underpin the standards?

# 8. Support planning

# Practice Standards:

## Access to supports and Support planning

### Outcome:

- ▶ Each participant **accesses the most appropriate supports** that meet their needs, goals and preferences
- ▶ Each participant is **actively involved in the development of their support plan**
- ▶ Support plans reflect the participant **needs, requirements, preferences, strengths, goals** and are **reviewed regularly**

# Practice Standards: Access to supports

## Quality indicators:

- ▶ The supports available, and any access/ entry criteria (including associated costs) **are clearly defined and documented**
- ▶ This information is **communicated using the language**, mode of communication and terms that the participant is likely to understand
- ▶ Each participant is supported to **understand under what circumstances they can be withdrawn**

# Practice Standards: Support Planning

## Quality indicators:

- ▶ In collaboration with each participant, a **risk assessment** is completed and documented for each participant's support plan
- ▶ Appropriate **strategies to treat known risks** are planned and implemented
- ▶ Periodic reviews of the **effectiveness of risk management strategies** are undertaken with each participant to ensure risks are addressed adequately



# 8. Your service agreement

# Service agreement: the legal part...

- ▶ NDIS Terms of Business and consumer law
- ▶ Legal requirement for SDA
- ▶ Legal requirement if GST registered
- ▶ NDIA not party to agreement but will take action if the terms do not align with the NDIS Act 2013 and NDIS Price Guide
- ▶ NDIS Practice Standards: Core Module - Provision of supports

# Practice Standards: Service Agreements with Participants

## Outcome:

- ▶ Each participant has a clear understanding of the supports they have chosen and how they will be provided

# Practice Standards: Service Agreements with Participants

## Quality Indicators:

- ▶ Collaboration with each participant to develop service agreement
- ▶ Each participant is supported to understand the service agreement and conditions using the language, mode of communication and terms they are likely to understand
- ▶ Where the SA is in writing, each participant receives a copy of agreement, or a record is made of the circumstances under which the participant chose not receive a copy of their agreement

# Service agreement: Key areas to cover

- ▶ How, where, when, and at what cost, supports are delivered. Ideally this is outlined in a Schedule of Supports
- ▶ Sufficient and correct funding in the NDIS plan for the service
- ▶ Who will pay for the services and create the service booking:
  - self-managed participant
  - plan manager
  - agency-managed (claim directly from NDIS portal)
- ▶ Payment times

# Service agreement: Key areas to cover

- ▶ How travel charges will be invoiced
- ▶ Responsibilities of the customer e.g. if they cannot make the appointment. (Ensure cancellation policies are in line with the NDIS Price Guide)
- ▶ Responsibilities of the service provider e.g. if the service time needs to change
- ▶ Solving problems and providing feedback

# Service agreement: Key areas to cover

- ▶ Notice arrangements (must not be less than 14 days)
- ▶ Contact details of the participant, nominee and the provider
- ▶ Dates when the service will be reviewed and adjusted
- ▶ How pricing will be updated and communicated
- ▶ Type of services you provide are of a kind determined under the GST legislation to be GST free.

# Service agreement: Accessibility and authority

- ▶ Who in your organisation has authority to sign?
- ▶ Does your participant have capacity to enter into a contract?
- ▶ Is the language easy to understand?
- ▶ Should a nominee or guardian sign off or, if unavailable, can you get a letter of support from a Public Advocate?



# NDIS changes

- ▶ Stress test your agreement for NDIS changes, e.g. flexibility of plan budget across supports, change to cancellation policy, pricing changes etc

But:

- ▶ Just because you can, doesn't mean you should...
  - consider the impact on participants and your customer relationship and reputation
  - communicate

# 10. Managing risk in the NDIS

# Risk management

- ▶ Relationship between risk management, complaints and incidents
- ▶ Use quality indicators in standards to help you build risk register and prioritise activities
- ▶ Risk categories:
  - Participant
  - Workers
  - Business/financial
  - Reputation

# 11. Next steps

# New providers: deciding to register

- ▶ Do I have to be registered to deliver my planned service?
- ▶ Do I want to be registered to access the full NDIS market?
- ▶ Do I want to register to demonstrate commitment of NDIS Quality Standards?
- ▶ Can I run a financially viable service with/without registration?
- ▶ If you decide not to register, the Code of Conduct still applies

# Sole traders

- ▶ Market opportunity may not justify the increased costs of registration
- ▶ Potential customers possibly more understanding re lack of registration
- ▶ If want to grow beyond being sole trader – registration may be necessary to access wider market
- ▶ Code of Conduct and quality standards drive best practice

# Larger provider

- ▶ Possibly need to access full NDIS market for business sustainability
- ▶ More likely to have established policies and procedures in place for quality and risk management
- ▶ Customer expectations of structured, best practice approach to quality, compliance and risk

# New providers: preparing to register

- ▶ Check whether your preferred registration group means registration via **verification** or **certification** route
- ▶ Understand the relevant quality standards, outcomes and indicators for your registration groups
- ▶ Do you and your workers understand and apply the NDIS Code of Conduct?



# New providers: preparing to register

- ▶ Check that you have the appropriate professional qualifications to deliver your planned service
- ▶ Ensure you have provisions in place for:
  - complaints management
  - incident management and reportable incidents
  - worker screening and training
- ▶ Check you have documentary evidence to demonstrate compliance

# Existing providers: new or growing services

- ▶ Can I deliver my new or expanded service within my existing registration groups?
- ▶ Do I need to scale up my quality and compliance arrangements in proportion to my growth?
- ▶ What do I need to do to prepare for my mid-term or recertification audit?
- ▶ Do we conduct regular internal audit and engage in continuous improvement

# Getting help with registration and audit

- ▶ Policy development: off the shelf or bespoke
- ▶ Pre-audit checks and gap analysis
  
- ▶ Look for:
  - thorough understanding of NDIS and your registration group
  - experience – and confidentiality
  - engagement – can you work with them, do you trust them?
  - critical friend

# Staying up to date

- ▶ Frequent changes
- ▶ Keep up to date through:
  - NDIA
  - NDIS Commission website
  - peak and professional bodies
  - news and blogs
  - conferences, events, webinars

# We need to do...

- ▶ Review the questions in the activity worksheet and the business plan template
- ▶ View resources
- ▶ Visit the Facebook group or send a question to [ndis@cbb.com.au](mailto:ndis@cbb.com.au)
- ▶ The Q&A will available on 22 September

# Next time



- ▶ Strategies for success: 29 September

# NDIS Success Guide

- ▶ Eight organisations
- ▶ From business plan to pilot
- ▶ Work with CBB Business Consultants from December to May
- ▶ Apply online by 30 October
- ▶ To be eligible - need to watch the webinars in the management series

# Thank you



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