

Quality and Safeguards in the Disability Sector

The independent monitoring and reporting on the National Disability Services Standards has been in operation in WA since 2000 and has served the local disability sector well. Independent Standards Monitors would visit services, meet with clients and families, review the policies, procedures and internal processes to provide an impartial report to the Disability Services Commission. The DSC's Board received quarterly reports detailing the process and outcomes for service recipients in terms of required actions and any opportunities for service improvement. Over time, all service points were assessed on a tri-annual basis via this process.

The legislation to establish the National Disability Insurance Scheme (NDIS) Quality and Safeguards Commission was recently tabled in the Federal Parliament. Eventually, the new National Commission will replace the current quality and safeguarding systems operated by state and territory governments. It is intended to commence early next year and begin regulating service providers in New South Wales and South Australia from July 2018. It will impact in Western Australia from 1 July 2020.

The National Commission will have the following functions:

- To receive, investigate, conciliate and resolve complaints, manage serious incident reports and oversee a new Code of Conduct.
- To register service providers to include:
 - to overview the compliance of service providers with NDIS Practice Standards;
 - to establish policy settings for nationally consistent screening of support worker;
 - to monitor, review and report on the effectiveness of the national disability sector market.
- To establish a national senior practitioner:
 - to overview approved behaviour-support specialists and service providers;
 - to receive, review, report and advise on the use of restrictive practices; and
 - follow up on serious incidents reports.

Support Worker screening and the authorised use of restrictive practices will continue to remain the responsibility of state and territory governments.

Registration requirements will include a risk-based assessment of the service providers' ability to deliver different categories of supports. Service providers will be audited against the NDIS Practice Standards by an independent party. The Commission will determine the timing of quality audits and grant financial assistance where the cost of compliance may be a barrier to entry, particularly for services within regional or remote areas.

The Commission will have extensive powers to manage the performance of service providers: to monitor and investigate; to suspend or revoke registration, to impose civil penalties and issue infringement notices; and restrict or prohibit practice.

The NDIS Provider Register will include substantial information about all registered service providers, including the class and types of support they provide; any investigation that results in

Courageous | Accountable | Collaborative | Adaptable

a compliance activity; whether a service provider has been subject to an enforcement action or sanction order; and any suspensions or banning orders placed in effect.

The Commission's jurisdiction will also extend to continuity of support for people with disabilities who are 65 years and over.

The legislation's definition of key personnel of a service entity will include people who have executive, management and operational authority and also the members of the Board of Management. Therefore service providers will need to ensure all key personnel are *'fit and proper'* persons to hold office.

One key concern expressed by the disability sector is the contrasting approaches to quality and safeguarding according to who manages an NDIS participant's funding. Participants who self-manage their funding package will be able to purchase supports from unregistered service providers. Unregistered providers will not be required to meet quality auditing requirements nor to report serious incidents to the Commission. This could expose a number of participants to unacceptable risks.

People who are considering self-management are invited to seek external advice. If you are unsure about full self-management, you may wish to trial partial self-management to commence with. Once comfortable with this arrangement, progression to full self-management could be the most appropriate option for your individual circumstances and skills.

The new national system promises to be an innovation and improvement to the current process. While the external motoring of formal quality systems is very important, regular contact and a good working relationship with parents, families and carers will be crucial in maintaining a high quality and responsive disability services sector.



Prof. David Gilchrist
BA BBus PhD FCA FAIC

Professor David Gilchrist is a chartered accountant and a historian. He holds a PhD in economics from the University of Notre Dame Australia and is currently a Director of Curtin University's School of Accounting Not-for-profit Initiative as well as the Public Sector Accounting and Disclosure Research Cluster. Over his 25-year career, David has held many senior roles in the Not-for-profit, commercial and public sectors. He has taught at several universities across the globe, sits as Chairman on multiple boards and has published several key national reports. A few of his achievements include; working as the Assistant Auditor General for Western Australia, and the Associate Dean of the School of Business, University of Notre Dame Australia, as a Chairman to Nulsen Disability Services, and the Kimberley Individual and Family Support Association. Also producing the "Australian Charities 2013" and the "Australian National Costing and Pricing Framework" issued jointly with National Disability Services. He is widely published as an academic and a journalist. [See David's full profile here.](#)