

## **BUILDING EFFECTIVE QUALITY AND SAFEGUARDING ARRANGEMENTS**

Alliance20 members fully support the Quality and Safeguards Commission. An independent and effective oversight mechanism is seen as essential to a flexible market which maximises choice and control for people with disability without sacrificing quality and care. However, concern remains about the relationship between the NDIA and the Commission and the cost to providers of serving people with disability.

Alliance20 is seeking to engage with the Commission to provide input and experience in the development of its systems and policies.

### **BACKGROUND**

The Quality and Safeguards Commission commenced on 1 July 2018 with new requirements for providers based on the *NDIS Amendment (Quality and Safeguards Commission and Other Measures) Act 2017*. The Commission is operational in NSW and South Australia with other jurisdictions involved over the next 2 to 3 years.

The Commission is effectively independent of the National Disability Insurance Agency (NDIA) with functions including:

- Oversight of the quality and safety of services provided to people with disability
- Registering and overseeing the operation of NDIS providers
- Managing and resolving complaints about providers; and
- Providing leadership and review systems in relation to the provision of behaviour support practices for participants.

### **CURRENT ISSUES**

- While regulation to support the quality and safety of services delivered by providers for people with disability is paramount and fully supported, the key issue of concern is the impact of the Commission's provisions on providers. The resources and processes required to meet the Commission's requirements must be considered in the development of procedures, funding and compliance measures.
- Compliance difficulties arose from a suite of documents released in recent months including:
  - Guidelines (overarching documents) e.g. 'Procedural Fairness'
  - Rules relating to functional business areas such as 'Incident Management and Reportable Incidents' and
  - Guidance documents.
- These were initially due to be released in mid-May 2018 but delayed. Once issued, providers were left with minimal time to understand the requirements and inform staff and update, modify or build new systems in response the new requirements.

- Some documents were not officially released and many are watermarked 'draft' with hyperlinks missing, and sections where provider input is sought.
- Many terms were not defined, for example, 'serious harm' (Incidents and Reportable Incidents Guidance), with no templates and process for response.
- The Portal is not yet operational.
- The Commission's website became functional in mid-June 2018 and there have been ongoing difficulties in contacting the new agency for information or advice.
- Concern relates to how providers can comply with immediate provisions in NSW and SA from 1 July 2018 such as:
  - all reportable incidents must be reported to the Commission within 24 hours and providers must have a system that captures both reportable incidents and where 'harm' or 'risk of harm' is evident.
  - incidents involving harm must be 'recorded and managed' in a fit for purpose system, with the Commission reserving the right to seek access to these records.
  - providers who use restrictive practices must report this to the Commission on a monthly basis
  - providers must also have a complying complaints management system and the new Code of Conduct has ongoing compliance measures for staff with a commensurate impact on business operations.
- It is unclear as to what ongoing training or support will be provided.

## **IMPACT STATEMENT**

### **IMPACT FOR PARTICIPANTS**

- Alliance20 sees a strong and independent quality and compliance agency as essential to enabling people with disability and those that are important in their lives to have the confidence in those they rely on to provide their essential supports. Nothing less than a strong quality and safeguarding system is acceptable for NDIS participants.

### **IMPACT FOR PROVIDERS**

- The impact on providers is threefold:
  - Some providers are unaware of the details of the new and emerging arrangements.
  - Providers may need additional information, resources and/or time to prepare for new provisions and/or requirements.
  - Resourcing implications in respect of workforce and financial requirements for compliance must be considered.

## **IMPACT FOR THE MARKET**

- The more robust, independent and trusted the quality and safeguards system is, there will be a greater confidence in investing in service supply, and consumers will be more trusting in services offered.

## **PROPOSED SOLUTIONS**

Consideration should be given to:

- Discuss compliance provisions with the view to co-designing compliance/reporting systems
- Provide information on the cost of compliance
- Pilot IT/communication systems
- Assisting with defining terms and establishing processes
- Assisting with the design of training and support materials.