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~~30~~ July 2020

The Hon Kevin Andrews MP
Chair
Joint Standing Committee on the National Disability Insurance Scheme
Parliament House
CANBERRA ACT 2600

Dear Chair

Inquiry into the NDIS Quality and Safeguards Commission

I welcome the opportunity to make this brief submission to the inquiry into the NDIS Quality and Safeguards Commission (the Commission).

My Office is committed to working closely with the National Disability Insurance Agency (NDIA), the Department of Social Services, the Commission, the community, service providers and people living with disability and their families, to influence systemic improvement in the administration of the National Disability Insurance Scheme (NDIS).

My Office has jurisdiction to consider and handle complaints, undertake investigations and make recommendations in relation to systemic issues identified regarding the administration of the NDIS, as part of our broad oversight role of Commonwealth Government administration. We consider complaints about the Commission's operations, as well as about the NDIA and organisations contracted to deliver services on its behalf, including NDIS Local Area Coordinators and Early Childhood Early Intervention partners.

Complaints about NDIS-funded service providers are handled by the Commission in all states and territories except Western Australia, where complaints are currently managed by the state government's Health and Disability Services Complaints Office. Where people contact my Office because they are dissatisfied with a service provider, we usually refer them to the Commission to raise their concerns.

Since the creation and rollout of the NDIS, we have focussed our oversight activity on the NDIA, as it generates the vast majority of NDIS-related complaints we receive. We have investigated and made recommendations to address systemic issues regarding the administration of the NDIS in the following reports and submissions:

- Investigation into the actions of the NDIA in relation to Mr C (February 2020)
- Submission to the Department of Social Services regarding the review of the *National Disability Insurance Scheme Act 2013* (November 2019)
- Submission to the Committee's inquiry into NDIS Planning (September 2019)
- Submission to the Committee's inquiry into assistive technology (September 2018)
- Administration of reviews under the *National Disability Insurance Scheme Act 2013* (May 2018).

The Commission regulates NDIS providers and responds to concerns, complaints and reportable incidents regarding providers. My Office's role is to consider matters of administration relating to the Commission, particularly around how it handles the complaints it receives.

The complaints we receive about the Commission are small in volume compared to the other Commonwealth departments and agencies we oversee. For example, since the Commission commenced operations in July 2018, my Office has received:

- 30 complaints in 2018-19 and 74 complaints in 2019-20 relating to the NDIS Commission, and
- 1,711 complaints in 2018-19 and 1,331 complaints in 2019-20 about the NDIA.

Of the 104 complaints relating to the Commission, around a quarter were about NDIS service providers, and these were referred to the Commission as they were not within my jurisdiction to consider.

Almost 80 per cent of the complaints we received about the Commission were about how it handles complaints, with approximately 20 per cent about its regulatory functions (for example, registration, bans or training). Because of this, our focus to date has been on how the Commission responds to complaints, and to date, we are satisfied the Commission generally responds appropriately to complaints it receives.

We have not yet had cause to look in more detail at the Commission's broader regulatory functions. I considered whether to commence an investigation into the Commission's regulatory approach following the death of Ms Ann Marie Smith in April 2020. To date I have declined to do so, in light of the numerous other inquiries which have been commenced, including by this Committee. I will closely monitor the progress and outcome of these inquiries, to inform whether further activity is required by my Office.

Outside of individual complaints, we also engage regularly with the Commission, at both the Commissioner and officer levels, including meeting quarterly to share information about complaints and any emerging issues.

I trust this information is of assistance to the Committee.

Yours sincerely

Michael Manthorpe PSM
Commonwealth Ombudsman

Influencing systemic improvement in public administration