

31 July 2020

Hon Kevin Andrews MP  
Chair  
Joint Standing Committee on the  
National Disability Insurance Scheme  
PO Box 6100  
Parliament House  
Canberra ACT 2600

cc: [ndis.sen@aph.gov.au](mailto:ndis.sen@aph.gov.au)

Dear Chair and Committee Members,

**RE: New Inquiry into the NDIS Quality and Safeguards Commission**

Thank you for inviting AnglicareSA to provide a written response to the Joint Standing Committee on the National Disability Insurance Scheme (NDIS), inquiring into and reporting on the implementation, performance and governance of the NDIS.

AnglicareSA supports approximately 65,000 South Australians annually, and provides NDIS funded individualised, group and supported accommodation services to over 1,200 children, young people and adults living with a disability.

In consideration of the terms of reference for this Committee's inquiry, the following addresses areas of operations of the NDIS Quality and Safeguards Commission, following the Commission's commencement of operation on 1 July 2018.

- a. With regards to the monitoring, investigation and enforcement powers available to the Commission, and how those powers are exercised in practice; AnglicareSA strongly supports the intent and purpose of NDIS Quality and Safeguards Commission and its focus on behaviour support and NDIS participants' rights. It could be questioned whether the administrative burdens placed on providers through the Commission's processes result in a commensurate increase in safeguarding of people with a disability, particularly in relation to the reporting of applications of restrictive practices (frequency and extent) and repetitive detail required in behaviour support plans and incident reports. Greater emphasis needs to be placed on proactive monitoring of provider performance, such as that once provided by the 'Community Visitors Scheme', a State Government initiative which could inform the monitoring and enforcement powers of the Commission. Such an initiative would also need to extend to the compulsory engagement of non-registered NDIS providers, such as many Supported Residential Facilities. This is of critical importance given the extensive accreditation process for registered providers through external auditors, which is not undertaken by non-registered providers. This risk to the wellbeing of people with a disability might be best addressed by complementary State and Territory legislation to facilitate coordinated approaches to safeguarding.

- b. The effectiveness of the Commission in responding to concerns, complaints and reportable incidents has been excellent. AnglicareSA staff consider the Behaviour Support Team to be approachable and helpful with their communication and guidance when it is needed. The level of responsiveness to phone call and emails has significantly improved since first dealing with the Commission. The advice provided is timely and relevant to the incident at hand.

Some concerns have been raised regarding the Commission's responses to AnglicareSA staff who have made reports regarding concerns perceived about activities of other providers. For example, where staff are concerned that providers are not enabling customer choice regarding use of their NDIS Plans. The Commission have regularly advised that the customer (or their nominee) must raise the concern, rather than AnglicareSA, due to potential conflict of interest. However, customers have also provided feedback that they are often not comfortable raising concerns against their current provider, as they feel it may impact on their accommodation or support. Allowing other providers to raise concerns would alleviate this issue for some NDIS participants and would result in a greater number of care concerns being brought to the attention of the Commission and resolved more promptly.

The Behaviour Support newsletter was last received by the sector in December 2019. The newsletter provided updated and relevant advice to providers which if provided more regularly and with additional information on data associated with quality measures, would be an efficient means of delivering information and advice to the sector and reducing need for individual provider contact.

- e. The effectiveness of communication and engagement between the Commission and state and territory authorities could be improved in South Australia. It is AnglicareSA's understanding that other states have a senior practitioner who can act as an advocate and liaison between the Commission and the sector, assisting in the development of any guidance materials and best practice resources that may be useful in supporting evidence based approaches to service delivery. It would be very beneficial to the sector if the Commission would implement a similar approach in South Australia.

AnglicareSA was also advised that more extensive guidance on chemical restraints as a restrictive practice would be made available in December 2019. To date, this information has not been released and it is felt that this is the type of information received from the Commission which would improve customer experience and provider responses on the use of restrictive practices. Ensuring consistent information is received from the Commission is imperative as it has been inconsistent in the past (often through individualised consultation processes given via phone contact) and this has been confusing for providers.

- f. Regarding the human and financial resources available to the Commission, and whether these resources are adequate for the Commission to properly execute its functions; AnglicareSA recommends that greater consideration be given to the monitoring of service provider effectiveness through an increased focus on service effectiveness as a measure of service quality. If reporting were extended to evaluate customer experience and customer outcomes, with a particular focus on goal attainment, this would elevate the benefits of the NDIS as a consumer driven scheme that still achieved necessary safeguarding.
- h. In relation to any other matters, it has been raised by staff that the NDIS Quality and Safeguards Commission Portal is complex to navigate and can create barriers to compliance efficiency. For example, the capacity to view Behaviour Support Plans in draft format before providing approval was recently removed, service outlets are unavailable for selection when

developing plans and there is an inability to upload documents for evidence purposes. In addition, minor edits to a customer's existing Behaviour Support Plan, such as a change of Guardian, cannot be made and instead a completely new Plan must be re-written and submitted. This wastes resources and causes unnecessary delays.

AnglicareSA has also encountered delays when seeking compliance with Behaviour Support Plans and the use of restrictive practices. This has included issues associated with a lack of funding available in customers' NDIS Plans for Behaviour Support, delays in seeking changes to NDIS Plans to have this funding included, and waitlists associated with Behaviour Support practitioners. In addition, delays have also been experienced when applying to South Australian Civil and Administrative Tribunal (SACAT) Ordered Power of Attorney (OPA) for permissions required in association with Behaviour Support Plans. An example of this has been the need to gain OPA permission to use Environmental Restrictive Practice when locking away sharp knives. Due to SACAT hearings being delayed or held prior to the NDIS Plan being approved, delays in approvals for Behaviour Support Plans have also occurred. Further, the OPA have advised that they are not always willing to consent to Restrictive Practices relating to issues such as finances as this is "*out of their jurisdiction*".

AnglicareSA therefore recommends greater engagement by the Commission with the NDIA regarding access for customer support funding and with other key stakeholders including the SACAT and GP's to ensure they are informed on Commission expectations and improve responsiveness accordingly.

AnglicareSA again thanks the Joint Standing Committee on the National Disability Insurance Scheme for this opportunity to inform change and progress growth so that we can continue to achieve a real difference in the sector for our customers.

Yours sincerely,

**Peter Sandeman**  
Chief Executive Officer