



NDIS Quality  
and Safeguards  
Commission



# Corporate Plan 2021-2022

## 2021-2022

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## Statement by the NDIS Quality and Safeguards Commissioner

I am pleased to present the 2021–22 Corporate Plan for the NDIS Quality and Safeguards Commission (NDIS Commission), prepared in accordance with Public Governance, Performance and Accountability (PGPA) Act 2013 requirements.

This Corporate Plan defines our purpose and outlines the strategic priorities of the NDIS Commission. This Plan describes our key outcomes, programs and activities that we will deliver and how we will measure our performance for the four year period through to 2024–25.

The past year has been marked by the impacts of the COVID-19 pandemic. We have been working with service providers, participants and other stakeholders to ensure people with disability are safe during these uncertain times. This will remain our focus in 2021–22 and in future years.

We remain committed to upholding the rights of people with disability who receive supports and services within the NDIS so that they can live full inclusive lives in their communities.

From 1 July 2021, the NDIS Commission became fully operational. This means we completed our national rollout and began implementing all quality and safeguarding functions across all jurisdictions.

During 2021–22, our strategic priorities will focus on the continuing development of our organisation and maturing our role as new national regulator serving more than 460,000 Australians with disability.

Key areas of focus in 2021–22 include:

- accelerating our compliance efforts
- targeting areas of support that represent the greatest risk of potential harm to people with disability, so that they can exercise their right to be free from violence, abuse, neglect and exploitation
- ensuring our work is directly informed and influenced by the experience of people with disability
- working to empower people with disability to speak out about poor quality services.

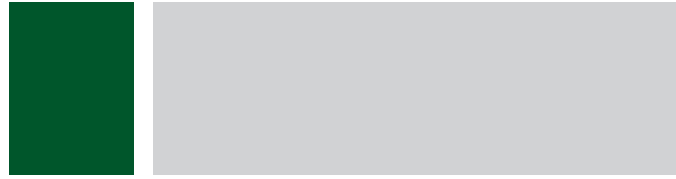
As a young organisation we want to learn about the things we could do better, and what would be of greatest benefit to people with disability to support them to fully exercise their right to quality and safe support. I welcome feedback from people with disability and other interested parties about this plan, and encourage comments and suggestions to [engagement@ndiscommission.gov.au](mailto:engagement@ndiscommission.gov.au).

I look forward to working with my colleagues in the NDIS Commission and our many stakeholders, particularly the people with disability whom we serve, to deliver on our purpose and priorities, as set out in this Plan.

**Sam Taylor PSM**

Acting NDIS Quality and Safeguards Commissioner

31 August 2021



## Table of contents

Statement by the NDIS Quality and Safeguards Commissioner .....	3
Introduction and purpose .....	5
Statement of preparation .....	5
Introduction .....	5
Our purpose .....	5
Our strategic goals .....	6
Our regulatory framework and model .....	7
Our regulatory priorities .....	8
Our vision .....	9
Our functions .....	9
How we work .....	10
Key activities .....	11
Principal near-term and medium-term activities .....	11
Enduring activities .....	13
Operating context .....	14
Operating environment .....	14
Capability, strategy and plans .....	15
Risk management .....	16
Cooperation .....	17
Performance .....	18
Performance measure discussion .....	18
Performance measures .....	19
Appendix 1: Compliance table .....	22
Appendix 2: Glossary .....	23
Terms .....	23
Acronyms .....	23
Appendix 3: Strategic capabilities .....	24



## Introduction and purpose

### Statement of preparation

I, Samantha Taylor, as the accountable authority of the NDIS Quality and Safeguards Commission, present the 2021–22 Corporate Plan, which covers the next four annual reporting periods from 2021–22 through 2024–25, as required under section 35(1)(b) of the Public Governance, Performance and Accountability Act 2013.

A handwritten signature in black ink that reads "Samantha Taylor." The signature is written in a cursive, flowing style.

Samantha Taylor PSM

Acting NDIS Quality and Safeguards Commissioner

31 August 2021

### Introduction

The NDIS Quality and Safeguards Commission (the NDIS Commission) was established through amendments to the National Disability Insurance Scheme Act 2013 (the NDIS Act). We have been in operation since 1 July 2018. Our principal goals are to:

- support NDIS participants across Australia to have a stronger voice
- improve the quality and safety of NDIS supports and services
- investigate and resolve issues related to quality and safety
- strengthen the skills and knowledge of NDIS providers and workers

This Corporate Plan (the Plan) is the primary published planning document for the NDIS Commission. It describes our purpose, operating context, key activities, and performance measures for the next four reporting periods.

### Our purpose

Our purpose is to work with people with disability, providers, and the community to deliver nationally consistent, responsive, and effective regulation of providers. We promote the provision of safe and quality supports and services to people with disability under the NDIS. We will approach our responsibilities in a consultative and inclusive way. We are guided by the underpinning principles in the NDIS Act.

Positively influence the disability support system through effective quality and safeguarding activities.

## Our strategic goals

Our strategic goals for the 2021–22 year are to:

- positively influence the disability support system through effective quality and safeguarding activities, including but not limited to:
  - improving our management of complaints and reportable incidents
  - oversight of and leadership in behaviour support
  - registration and monitoring compliance of NDIS providers
  - oversight and leadership on national policy for NDIS worker screening and maintaining the NDIS Worker Screening Database
- taking appropriate compliance and enforcement action where NDIS providers are not meeting their obligations
- continuously improve our business and operating models to deliver efficient, evidence-based, nationally consistent regulation of NDIS supports and services
- respond to the risks and challenges faced by NDIS participants, and providers who support them, presented by the ongoing impact of and constraints created by the COVID-19 pandemic
- work with stakeholders and other partners, to positively influence the practice of NDIS providers and workers.



## Our regulatory framework and model

Our regulatory model is a product of the NDIS Quality and Safeguarding Framework (the Framework) which was developed over a three-year period following extensive stakeholder consultation, and agreed by all Australian Governments in 2017, setting out a new nationally consistent approach to regulation of NDIS supports and services.

We regulate the quality and safety of NDIS services and supports. Our activities in this regard include upholding the rights, health and safety of people with disability; development of a nationally consistent approach to managing quality and safeguards; registration of providers; education activities and provision of information; complaints management, including assessment, investigation, conciliation and resolution of complaints; oversight of a provider's responses to reportable incidents and taking action as appropriate; behaviour support leadership and oversight; compliance and enforcement including investigations; market oversight; and NDIS worker screening.

We also monitor individuals engaged in the provision of NDIS supports and services for compliance with the NDIS Code of Conduct.

The NDIS Act has a number of civil penalty provisions and criminal offences. For breaches of civil penalty provisions the Commissioner has broad powers, including seeking a civil penalty, issuing an infringement notice, or applying for an injunction. Investigations of criminal offences can result in briefs being referred to the Commonwealth Director of Public Prosecutions. The NDIS Commissioner can also make banning orders, precluding individuals and providers from being involved in the provision of disability supports and services. The range of powers available through the regulatory model mean that actions taken against a provider or individual are proportionate and in line with community expectations.





## Our regulatory priorities

Our regulatory priorities, at the time of issue of this Plan, include:

- prevention of harm: targeting compliance and enforcement action on providers and workers, alleged to have caused harm to NDIS participants, including violence, neglect, abuse, exploitation and sexual misconduct, and to prevent further potential harm
- unauthorised restrictive practices: targeting compliance and enforcement action where providers are identified as not complying with obligations to take all reasonable steps to facilitate the development of interim and comprehensive behaviour support plans, and to obtain state or territory authorisation (where required), where there is, or is likely to be, ongoing use of regulated restrictive practices
- safeguards for NDIS participants receiving assistance in their homes: targeted compliance and enforcement action where providers are identified as not complying with obligations under their conditions of registration to ensure, on a continuing basis, that participants provided with 'Assistance with daily personal activities' in their home can access the supports free from violence, abuse, neglect, exploitation and discrimination
- COVID-19 preparedness and response: targeted compliance and enforcement action where providers are identified as not complying with obligations to manage risk, ensure continuity of supports and mitigate impacts on the health and wellbeing of NDIS participants as a result of the COVID-19 pandemic
- quality and safety in mealtime supports: educating providers about their obligations to identify and manage risks to participants, with a focus on risks associated with choking and lack of appropriate mealtime management plans; and, taking compliance and enforcement action where providers are identified as not complying with obligations

Updated priorities published on our website may supersede the above priorities. These priorities indicate key areas of foci, but do not exclude other areas from achieving attention and do not limit or constrain our regulatory activities.



## Our vision

Our vision is for people with disability to receive quality and safe supports and services under the NDIS.

## Our functions

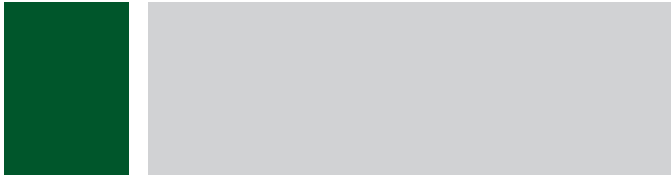
The NDIS Commissioner has core functions set out in section 181E of the NDIS Act:

### Core functions

- upholding the rights of, and promoting the health, safety, and wellbeing of people with disability receiving supports or services, including those received under the NDIS
- developing a nationally consistent approach to managing quality and safeguards for people with disability receiving supports or services, including those received under the NDIS
- promoting the provision of advice, information, education, and training to NDIS providers and people with disability
- securing compliance with the NDIS Act through effective compliance and enforcement arrangements
- promoting continuous improvement amongst NDIS providers and the delivery of progressively higher standards of supports and services to people with disability
- providing advice or recommendations to the National Disability Insurance Agency (NDIA) or the NDIA Board in relation to the performance of the NDIA's functions
- engaging in, promoting, and coordinating the sharing of information to achieve the objectives of the NDIS Act
- providing NDIS market oversight

In addition, the NDIS Commissioner has the following functions set out in the NDIS Act:

- registration of NDIS providers
- reportable incidents
- complaints
- behaviour support.



## How we work

We work in a manner consistent with the values of the broader Australian Public Service (APS):

- *Impartial*: The NDIS Commission, like the APS, is apolitical and provides the Government with advice that is frank, honest, timely, and based on the best available evidence.
- *Committed to service*: The NDIS Commission, like the APS, is professional, objective, innovative, and efficient, and works collaboratively to achieve the best results for the Australian community and the Government.
- *Accountable*: The NDIS Commission, like the APS, is open and accountable to the Australian community under the law and within the framework of Ministerial responsibility.
- *Respectful*: The NDIS Commission, like the APS, respects all people, including their rights and their heritage.
- *Ethical*: The NDIS Commission, like the APS, demonstrates leadership, is trustworthy, and acts with integrity in all that it does.

In addition, we commit to:

- consult and cooperate with stakeholders on the performance of our functions
- give people with disability every opportunity to participate in discussions that relate to them and take into consideration their wishes and views about those matters
- conduct compliance and enforcement activities in a risk responsive and proportionate manner
- promote the development of a diverse, high-quality and sustainable NDIS market.



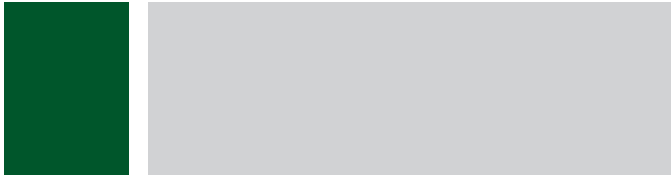
We ensure that protection of the rights of people with disability remain at the forefront of disability support activities.

## Key activities

### Principal near-term and medium-term activities

In the first year covered by this Plan, our priority activities will include:

- taking targeted compliance action
- embedding significantly revised policies and procedures to guide our staff in improving participant outcomes through the complaints and reportable incidents functions
- improving intake, assessment and streamlining of complaint management arrangements
- implementing new internal and external quality assurance processes for our complaints activity, including an advisory mechanism
- reducing backlogs of activity across complaints, reportable incidents and registration arising from higher than expected volumes, and by deploying increased resources provided in the 2020-21 budget
- monitoring the quality of behaviour support plans and the use of regulated restrictive practices
- accelerating compliance activity on the reported use of unauthorised restrictive practices used on NDIS participants, and driving compliance with behaviour support obligations
- achieving national consistency in authorisation processes for the use of restrictive practices
- work with the Aged Care Quality and Safety Commission (ACQSC) and the Australian Commission on Safety and Quality in Health Care in our respective capacities to address the inappropriate use of psychotropic medications for behaviour management
- work with the Department of Health (DoH), the Department of Social Services (DSS), ACQSC and the Department of Veteran Affairs (DVA) on aligning worker screening arrangements across care sectors to the NDIS
- training of more quality auditors to undertake assessments against NDIS Practice Standards required to inform registration decisions
- undertake an Own Motion Inquiry into aspects of supported accommodation in the NDIS
- finalising action in response to the University of New South Wales review titled 'A scoping review of causes and contributors to deaths of people with disability in Australia' including through the introduction of new NDIS practice standards, practice guidance and education on areas of high risk for NDIS participants
- implementing the recommendations of the Independent review of the adequacy of the regulation of the supports and services provided to Ms Ann-Marie Smith, an NDIS participant, who died on 6 April 2020 that are within the NDIS Commission's purview to deliver
- implement our National Engagement Plan 2021 and an Aboriginal and Torres Strait Islander Engagement Plan 2021 to set out approaches, priorities and messages to maximise our engagement directly with participants and their representatives
- finalising implementation of the resource uplift provided by the government in the 2020/21 budget, including bedding down staffing levels, training and development of our people, and rolling out supporting infrastructure such as expanded office capacity.



Across the four years covered by this Plan, our priority activities will include:

- supporting the work of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and responding to any decisions of Government in relation to its recommendations
- supporting the Joint Standing Committee on the NDIS, and responding to any decisions of Government in relation to its recommendations
- moving beyond completion of transition to ensure full-scale operation for the NDIS Commission, with mature business processes supporting all aspects of our functions
- development of our data and analytics capability so that predictive analytics play an increasing role in shaping regulatory activity, and to ensure that NDIS Commission reporting is shedding light on progress in addressing problems and highlighting matters that require attention
- continuing implementation of a comprehensive operating model for the NDIS Commission to ensure an efficient and consistent approach to our work
- achieving national consistency in the authorisation processes across states and territories for the use of restrictive practices
- taking proportionate regulatory actions in response to priority issues (systemic and individual), thereby increasing the impact of these actions on the behaviour of all providers
- continuing to educate the widest possible audience about the rights of people with disability and the centrality of these rights to our approach to safeguarding
- work with DoH, DSS, ACQSC and DVA to deliver on the Australian Government’s commitment to align Provider Regulation Across the Care and Support Sectors.

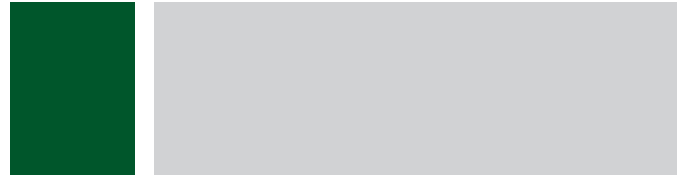


The NDIS creates an environment where people with disability purchase services from a diverse market of providers.

## Enduring activities

Our principal ongoing activities are carried out to fulfil our functions, as listed above. The activities include:

- Registration of providers, who must be registered to deliver supports and services to participants whose plans are managed by the NDIA, or to deliver certain support types to any participant. As part of the registration activity, we assess the suitability of applicants, taking into account their third-party audit outcomes and their application. We also monitor the compliance of providers with their obligations.
- Regulating all NDIS providers and workers, including those that are not registered, through: the Code of Conduct, supporting participants in making complaints about unregistered providers, and taking action where a complaint raises a compliance issue.
- Implementing behaviour support and restrictive practices strategies, including maintaining the Positive Behaviour Support Capability Framework, ensuring the quality of behaviour support plans, assessing the skills and experience of practitioners, providing best practice advice, reviewing reports on use of restrictive practices, responding to unauthorised use of restrictive practices, and reporting on restrictive practice use.
- Managing complaints, including responding to complaints, supporting their resolution, referring matters to other relevant authorities when appropriate, reviewing and sharing complaints data to identify systemic issues, using conciliation and other alternative dispute resolution approaches to rebuild relationships, and reporting on overall complaints and resolution data.
- Overseeing provider responses to reportable incidents, including receiving and reviewing notifications of reportable incidents, taking further actions as appropriate (including Commission compliance and investigation or referring matters to other relevant authorities), reviewing and sharing reportable incident data to identify systemic issues, and reporting on overall reportable incident data.
- Undertaking compliance and enforcement, including applying appropriate regulatory responses to non-compliance, determining registered provider compliance, using information-gathering and other powers to investigate apparent non-compliance, and taking protective action in serious cases. We have a comprehensive range of compliance and enforcement powers, tools, and methods which can be applied in these cases.
- Identifying, categorising, assessing, and managing systemic risks to protect people with disability from harm arising from poor-quality or unsafe supports or services. This includes monitoring and analysing intelligence from a range of data sources, and monitoring changes in the NDIS market which may indicate risk.
- Supporting the operation of the NDIS Worker Screening Check, including maintaining the NDIS Worker Screening Database and providing information to state and territory worker screening units in accordance with information sharing protocols.
- Engaging in a variety of communication activities, including publishing guidance materials, delivering education campaigns to build the capability of service providers and behaviour support practitioners, continuing to convene consultative committees, and delivering engagement and communications campaigns to build the knowledge and awareness of participants, providers, and behaviour support practitioners. Key examples of these activities include provider alerts (a number focussed on coronavirus), newsletters for providers and behaviour support practitioners, and maintenance of a worker orientation module to assist NDIS workers in complying with the NDIS Code of Conduct.



## Operating context

### Operating environment

The NDIS is a profound change in Australian social policy. It supports Australians who are born with or acquire a permanent and significant disability before the age of 65, enabling them to lead a more independent and included life. It fundamentally changes disability funding models, empowering people with disability by making them purchasers of services from a diverse market of providers.

The NDIS Commission's role in quality and safeguarding in the provision of NDIS supports and services is entirely new and a novel regulatory model in Australia. The NDIS Commission has been in place for three years and has operated across Australia as a whole for less than a year. In that time it has undertaken more compliance and enforcement action in the disability sector than any other regulatory arrangements which have preceded its operation, and shaped approaches to practice to enhance the quality and safety of NDIS supports and services that have been known for many years to drive risk for people with disability. Completing transition from state-based regulation to the new national regulatory model has been successfully delivered, but the NDIS Commission still must continue to build its own knowledge and capability, develop engagement and communication approaches to meet the needs of the people with disability it serves, build its regulatory and data capability, improve its systems and processes, and settle its structure.

The policy settings within which the NDIS Commission operates is evolving. The NDIS Commission is supporting the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, the Joint Standing Commission on the NDIS is inquiring into the NDIS Commission itself, and a review of the NDIS Quality and Safeguarding Framework is imminent. These important activities, which are substantively shaped by the views of people with disability, will over time influence the legal and operational framework within which the NDIS Commission operates. The NDIS Commission must be ready for these changes.

The operating environment is subject to ongoing uncertainty as a result of the ongoing COVID-19 pandemic which commenced in early 2020. We continue to contribute to the Government response and to factor COVID-19 into our operations. In addition to the direct effects of the risk of infection, any COVID-related impacts on the economy could impact our environment, particularly by impacting the supply of prospective disability workers. Effective disability supports which maximise the ability of people with disability to participate in the economy is a method by which the disability support sector can contribute to mitigating economic impacts.

The expectations of people with disability and the wider community will evolve over time. This may increase the extent of quality and safeguarding activity if providers of disability support face challenges in meeting these expectations, particularly where those are reflected in changes to legislation or regulatory instruments.

## Capability, strategy and plans

We have a presence in each state and territory, an established operating model that we are continuously refining as our experience grows, a bespoke business processing system (known as the Commission Operating System) which is regularly updated as part of a long-term enhancement program, and staff trained in delivering all our functions and the legal framework within which they operate.

We have developed and continue to develop appropriate organisational capability. Examples of this include:

- Continuing to increase our analytics capability, data holdings and evidence base to support our regulatory functions
- Developing and enhancing the capability of our people, including through broad capability development programs and through targeted recruitment
- Enhancing the ability of all frontline staff to carry out complaints, compliance and investigative activities
- Developing and continually improving internal risk and assurance strategies.

Our capability development is shaped by six identified strategic capabilities, which are listed in Appendix 3.

While we have strong internal capability, there are a number of ways in which our capability requirements may change. We manage these through constant monitoring and anticipation of requirements, combined with the capacity to respond to emerging capability shortfalls. For example:

- An increase in case load or case complexity, and support to external activities such as the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, may create workforce capacity shortfalls. We have recently enhanced our strategic human resources capacity to assist in planning for such eventualities and we are able to seek additional resources through the budget process.
- Ongoing evolution in our environment may require adjustments to our workforce skills. Examples of this include changes in compliance patterns that would require enhanced broad-based regulatory experience, or changes in complainant preferences leading to increased demand for approaches such as mediation and conciliation. Our strategic human resources capability can monitor and address this need as it arises.
- Infrastructure needs may change, such as facility upgrades being required in the event that security standards change. The corporate group, working with its allocated property service provider under whole of government arrangements, is able to execute property programs as required to accommodate such changes.
- A variety of potential business or requirement changes may lead to a need to modify or upgrade Information and Communication Technology (ICT) systems, including the Commission Operating System (COS). We can adapt to this by maintaining our current capability, through both our internal ICT team and support from our shared services provider, Services Australia, to execute ongoing upgrades to COS and to our broader ICT platforms.



## Risk management

We implement risk management in accordance with Commonwealth requirements, including the Commonwealth Risk Management Policy. We have published appropriate governing documents internally to set our policy and framework. These define our overall approach, including risk assessment methodologies, our risk tolerance and risk thresholds, key responsibilities for staff and management, and our approach to shared risk.

Risk oversight is supported by an internal audit program. In addition, we are supported through external oversight by an Audit and Risk Committee, which meets four times per year, or more frequently when required. The Audit and Risk Committee provides our Commissioner with independent advice and assurance on the appropriateness of our financial reporting, governance, performance reporting, and management of risk. Our Executive Leadership Team regularly considers our key strategic risks, and each has a senior executive steward responsible for ensuring the risk is regularly considered and reassessed.

At present, our key identified strategic risks, and their mitigations, include:

- The risk that we lack data on or understanding of key issues and risks within the disability support sector. We manage this risk through regular consultation, including with our Consultative Committees, and with advocacy groups, through sharing information with key partners, and through developing our use of data and evidence across all functions.
- The risk that we are unable to make effective use of the information we possess. We mitigate this risk by maintaining a dedicated data analytics capability, as well as ensuring senior leaders are aware of significant trends in data received.
- The risk that potential complainants or other parties who have concerns about disability supports and services lack the confidence or capacity to complain. We manage this through outreach and engagement, using strong established networks through advocacy partners, maintaining online resources, and increasing our on face-to-face (and virtual) engagement with people with disability. As a small organisation we rely on local relationships to assist with building awareness of our role and supporting people with disability to engage with us.
- The risk that we fail to make consistent and effective decisions. We mitigate this by maintaining all operational state offices in a carefully designed Operations Branch structure, allowing for consistency of direction, and through an ongoing program to develop and maintain a comprehensive operating model which supports efficient and consistent decision-making by a small number of experienced delegates.
- The risk that we fail to maintain guidance, systems and processes that allow our people to deliver functions optimally. We mitigate this risk through an ongoing investment of effort into training, refinement of procedures, particularly in maintenance of an overall operating model, changes to which are subject to high-level review through a newly instituted Operational Policy Board.
- The risk that staff wellbeing is negatively impacted by their work, particularly in that their work often involves constant exposure to many challenging circumstances facing the people we serve. We mitigate this risk by supporting our staff, including through an employee assistance program and constantly reviewing our wellbeing programs.
- The risk that we are unable to recruit and develop staff with the necessary skills. We mitigate this through carefully targeted recruitment, including use of professional recruitment firms when appropriate, and through ongoing staff training and development.

## Cooperation

We cooperate with a wide variety of other government agencies and other stakeholders, as achieving effective regulation and promoting quality and safe supports and services involves significant contribution from other parties. We prioritise enhancing stakeholder relationships.

Key examples of our co-operation with other entities include:

- We work closely with our portfolio department, the Department of Social Services (DSS), on a wide range of issues relating to overall quality and safeguarding and on a variety of corporate and governance matters. A key outcome for DSS is improved independence of, and participation by, people with disability, including improved support for carers, by providing targeted support and services, and we contribute to this through effective regulation of providers.
- We work closely with the NDIA on a variety of matters. The NDIA's role, particularly its engagement with participants, contributes to safeguarding and supports us in our goals to regulate and improve the quality of supports and services. This in turn supports the NDIA in its delivery of a successful NDIS.
- We are entering into information-sharing arrangements with other Commonwealth government agencies, such as, the Australian Health Practitioner Regulation Agency, the ACQSC, the Australian Commission on Safety and Quality in Health Care, the Australian Securities and Investments Commission, the Australian Competition and Consumer Commission, and DoH, to help support regulatory functions and prevent regulatory gaps from emerging.
- Consistent with the quality and safeguarding framework, we work closely with a variety of state and territory agencies, including other regulators, police, coroners and worker screening units in each jurisdiction, and other agencies providing services to all Australians including people with disability. This collaboration is aimed at assisting those agencies in carrying out their functions (including by pursuing matters that are outside our jurisdiction), and to receive information and assistance from them where appropriate.
- We also maintain informal links to and regularly interact with other regulators, advocacy groups, and peak bodies, and engage with programs such as community visitor schemes which provide advocacy and support to people with disability.

## Performance

### Performance measure discussion

Our performance measures are intended to demonstrate our overall performance in delivering against our purpose. Our performance framework has evolved over the first few years of our existence as our organisation has matured.

The performance measures are consistent with the performance criteria to be published in the Portfolio Budget Statements (PBS) for the current year. The following table describes the performance criteria for the first year covered by this Corporate Plan.

Program	2021-22 Performance criteria	2021-22 targets
<p><b>Program 1.1 – Support for National Disability Insurance Scheme providers in relation to registration</b> – support for NDIS providers in relation to registration to support service providers with the costs of obtaining NDIS registration and to support the provision of education and training for providers, workers and auditors.</p>	<ul style="list-style-type: none"> <li>provide guidance and support to service providers, workers, and auditors</li> </ul>	<ul style="list-style-type: none"> <li>program supports provision of guidance, education, and training for providers, workers, and auditors</li> </ul>
<p><b>Program 1.2 – Program Support for the NDIS Quality and Safeguards Commission</b> – provide departmental funding for the annual operating costs of the NDIS Commission to enable us to achieve our outcomes.</p>	<ul style="list-style-type: none"> <li>manage complaints about the quality and safety of NDIS services</li> <li>manage reportable incidents with respect to NDIS services</li> <li>increase capability and capacity of behaviour support practitioners through leadership and guidance on education</li> <li>manage the registration of NDIS service providers</li> </ul>	<ul style="list-style-type: none"> <li>complaints about the quality and safety of NDIS services managed across Australia</li> <li>reportable incidents are effectively managed across Australia</li> <li>leadership and guidance on behaviour support is provided across Australia</li> <li>service provider registration is managed across Australia</li> </ul>

Both programs and all measures support Outcome 1 for the NDIS Commission as listed in the PBS, which is to promote the delivery of quality supports and services to people with disability under the NDIS and other prescribed supports and services, including through nationally consistent and responsive regulation, policy development, advice and education.

The breadth of the activities means it is very difficult to set firm quantitative targets for any of our PBS performance measures. Quantitative performance targets are, where practicable, reflected in our corporate plan performance measures, as set out below. Each measure in our PBS can be clearly traced to performance measures in the following section.

## Performance measures

Our performance measures are described in the following tables. All measures support our purpose as described earlier in this Plan and program 1.2 as described above, with the performance criteria for program 1.2 being directly traced to performance measures 1.1 – 1.3, and the remaining measures ensuring broad coverage of our performance. Performance measure 2.1 also supports program 1.1, and traces back to its performance criteria.

The measures are consistent with the planned measures for this year as published in last year's Corporate Plan, except for updates needed to:

- incorporate a range of performance targets (including associated wording adjustments), which the NDIS Commission, after having operated nationally for a time, can now set
- incorporate measures of regulator performance, to replace the reporting that used to occur under the Regulator Performance Framework and to incorporate guidance in the Regulator Performance Guide published on 30 June 2021.

Ser	Prog	Activity	Performance measure	Targets	21-22	22-23	23-24	24-25
1		Positively influence the disability support system through effective quality and safeguarding activities, including but not limited to: <ul style="list-style-type: none"> <li>• management of complaints and reportable incidents,</li> <li>• oversight of and leadership in behaviour support</li> <li>• registration of NDIS service providers</li> </ul>						
1.1		Management of complaints and reportable incidents						
1.1.1	1.2	The NDIS Commission receives and responds to complaints	The NDIS Commission educates complainants and prospective complainants to increase confidence to complain and increase the proportion of in-scope complaints, while dealing with complaints efficiently.	<ul style="list-style-type: none"> <li>• 90% of complaints received are in-scope</li> <li>• The proportion of complaints received directly from people with disability increases</li> <li>• 75% of complaints are dealt with within 90 days</li> </ul>	✓	✓	✓	✓
1.1.2	1.2	The NDIS Commission receives reports of reportable incidents and takes action	The NDIS Commission regulates the industry to ensure compliant reporting, and takes appropriate action when receiving reports, particularly with respect to unauthorised restrictive practices.	<ul style="list-style-type: none"> <li>• Incidents are reported within statutory timeframes</li> <li>• 80% of participants subject to repeat URPs are covered by a comprehensive behaviour support plan within six months</li> </ul>	✓	✓	✓	✓
1.2		Oversight of and leadership in behaviour support						
1.2.1	1.2	The NDIS Commission assesses and oversees behaviour support practitioners	The NDIS Commission's oversight improves the proportion of practitioners whose capability is assessed, and the NDIS Commission assesses practitioners in a timely fashion.	<ul style="list-style-type: none"> <li>• Increase the proportion of behaviour support practitioners with completed capability assessments</li> <li>• 100% of behaviour support practitioners that apply to be assessed are assessed, with 95% being assessed within 10 weeks</li> </ul>	✓	✓	✓	✓

Ser	Prog	Activity	Performance measure	Targets	21-22	22-23	23-24	24-25
1.2.2	1.2	The NDIS Commission monitors the use of restrictive practices	The NDIS Commission ensures practitioners comply with requirements, and educates the industry to improve behaviour support plan quality.	<ul style="list-style-type: none"> <li>Comprehensive behaviour support plans lodged within statutory timeframes</li> <li>Increase in quality of behaviour support plans lodged with the NDIS Commission</li> </ul>	✓	✓	✓	✓
1.2.3	1.2	The NDIS Commission provides leadership and guidance in the field of behaviour support	The NDIS Commission contributes to effective jurisdictional co-operation, including nationally consistent authorisation of restrictive practices	<ul style="list-style-type: none"> <li>Nationally consistent authorisation of restrictive practices is implemented as agreed by Ministers</li> <li>Effective network of behaviour support regulatory bodies operating across Australia</li> </ul>	✓	✓	✓	✓
1.3		Registration of NDIS service providers						
1.3.1	1.2	The NDIS Commission receives and assesses applications for registration from NDIS providers	The NDIS Commission progresses registration applications in a timely fashion.	<ul style="list-style-type: none"> <li>80% of registration applications determined within 90 days of receiving a complete application</li> </ul>	✓	✓	✓	✓
1.3.2	1.2	NDIS providers are assessed against NDIS Practice Standards that relate to services and supports they deliver	The NDIS Commission regulates the system such that providers are audited effectively and in a timely fashion.	<ul style="list-style-type: none"> <li>Providers undertake mid-term and renewal audit activity within required timeframes</li> </ul>	✓	✓	✓	✓
1.4		Other quality and safeguarding activities						
1.4.1	1.2	The NDIS Commission communicates openly and effectively with participants and regulated entities	The NDIS Commission maintains an appropriate level of engagement and education activity.	<ul style="list-style-type: none"> <li>Stakeholders are satisfied with the NDIS Commission's engagement and education activities</li> <li>Engagement and education is delivered in a range of formats that meet stakeholder communication needs</li> </ul>	✓	✓	✓	✓
1.4.2	1.2	The NDIS Commission undertakes appropriate compliance and enforcement actions	Compliance and enforcement actions are risk-based, streamlined and proportionate.	<ul style="list-style-type: none"> <li>Compliance and enforcement activity is aligned to areas of risk</li> <li>Regulatory action is proportionate</li> </ul>	✓	✓	✓	✓

Ser	Prog	Activity	Performance measure	Targets	21-22	22-23	23-24	24-25
2		Work with stakeholders, including grant recipients and other partners, to positively impact the quality and safety of disability supports						
2.1	1.1	The NDIS Commission's grant program funds recipients to deliver positive outcomes	Grant programs provide resources that have a positive impact on provider capability, thereby easing registration and improving services.	<ul style="list-style-type: none"> <li>Grants allocated have a positive effect provider capability to an extent that could reasonably be expected to ease registration</li> </ul>	✓	✓	✓	✓
2.2	1.2	The NDIS Commission maintains an appropriate level of consultation with key stakeholders	The NDIS Commission's consultation includes relevant stakeholders, including industry stakeholders advocacy groups, and people with disability.	<ul style="list-style-type: none"> <li>Stakeholder groups are appropriately consulted</li> <li>People with disability are directly consulted on issues that affect them</li> </ul>	✓	✓	✓	✓
3		Maximise our performance and efficiency as a regulator						
3.1	1.2	The NDIS Commission engages in continuous improvement	The NDIS Commission's continuous improvement is appropriate to its situation and context.	<ul style="list-style-type: none"> <li>The NDIS Commission engages in an appropriate level of improvement activity</li> </ul>	✓	✓	✓	✓
3.2	1.2	The NDIS Commission monitors the regulatory burden on regulated entities	The NDIS Commission ensures its regulation is not excessively onerous when viewed in light of the risks of any particular type of support.	<ul style="list-style-type: none"> <li>Obligations on regulated entities are proportionate and commensurate to the risks associated with the support provided</li> </ul>	✓	✓	✓	✓

## Appendix 1: Compliance table

This Plan has been prepared in accordance with the requirements of:

- subsection 35(1) of the PGPA Act
- the PGPA Rule
- Resource Management Guide 132 (Corporate Plans for Commonwealth entities).

This table details the requirements met under the NDIS Commission's Corporate Plan and the page reference(s) for each requirement, structured in line with the table at subsection 16E(2) of the PGPA Rule.

Item	Topic	Matters to be included	Page(s)
1	Introduction	The following:	N/A
		a statement that the plan is prepared for paragraph 35(1)(b) of the Act;	5
		the reporting period for which the plan is prepared	5
		the reporting periods covered by the plan	5
2	Purposes	The purposes of the entity	5
3	Key activities	For the entire period covered by the plan, the key activities that the entity will undertake in order to achieve its purposes.	11-13
4	Operating context	For the entire period covered by the plan, the following:	N/A
		the environment in which the entity will operate	14
		the strategies and plans the entity will implement to have the capability it needs to undertake its key activities and achieve its purpose	15
		a summary of the risk oversight and management systems of the entity, and the key risks that the entity will manage and how those risks will be managed	16
		details of any organisation or body that will make a significant contribution towards achieving the entity's purposes through cooperation with the entity, including how that cooperation will help achieve those purposes	17
		how any subsidiary of the entity will contribute to achieving the entity's purposes	N/A
5	Performance	For each reporting period covered by the plan, details of how the entity's performance in achieving the entity's purposes will be measured and assessed through:	18-21
		specified performance measures for the entity that meet the requirements of section 16EA	18-21
		specified targets for each of those performance measures for which it is reasonably practicable to set a target	18-21

## Appendix 2: Glossary

### Terms

- **NDIS Act:** The National Disability Insurance Scheme Act 2013 (Cth)
- **NDIS Commission:** The NDIS Quality and Safeguards Commission
- **Participant:** A person who is a participant in the NDIS, as defined in sections 28-30 of the NDIS Act
- **PGPA Act:** The Public Governance, Performance and Accountability Act 2013 (Cth)
- **PGPA Rule:** The Public Governance, Performance and Accountability Rule 2014 (Cth)
- **Provider:** A person or legal entity who is an NDIS provider as defined in section 9 of the NDIS Act
- **Restrictive Practice:** Anything that restricts the rights or freedom of movement of a person with disability
- **Supports, or Supports and Services:** A range of products and services which may include education, employment, social participation, independence, living arrangements and health and wellbeing

### Acronyms

- **APS:** Australian Public Service
- **COS:** Commission Operating System
- **DSS:** Department of Social Services
- **KPI:** Key Performance Indicator
- **NDIA:** National Disability Insurance Agency
- **NDIS:** National Disability Insurance Scheme



## Appendix 3: Strategic capabilities

The following six strategic capabilities are an enduring set of capability goals that shape our ongoing development. They align with our strategic direction and are areas which are key to ensuring effective and consistent operations.

### **Strategic capability 1: Maintaining linkages**

Identify, establish, and maintain stakeholder relationships across the NDIS system, while maintaining our independence through:

- strong relationships with key external stakeholders
- a clear purpose and expectation on how we will interact with our stakeholders
- formal information sharing arrangements with our partner agencies to support us to be informed and connected across the system

### **Strategic capability 2: Evidence and risk-based decision-making**

Enable evidence and risk-based decision making to allow rapid responses to urgent and high-risk issues to avoid or minimise unintended outcomes through:

- decision-making tools that enable evidence and risk-based decision-making, and sound administrative decision-making (against the provisions in the NDIS Act and associated Rules) and risk-responsive regulation
- systems that maintain the integrity of information at all stages to ensure access to the right information is available at the right time
- strong relationships with the NDIA, advocacy bodies, and other bodies to support the delivery of information to, and appropriate referral for people with disability at critical times

### **Strategic capability 3: Research, evaluation, data, and analysis**

Produce insights and intelligence through the analysis of data from across our functions, other sources such as the NDIA, regulators, and open sources through:

- collecting information and linking data with other available information to build intelligence about the quality of services and the areas of risk for participants and market changes
- creating a culture that encourages the intelligent and consistent use of information to improve outcomes for people with disability in the NDIS
- efficiently using information from a range of sources to inform activities, including contemporary research, inquiries, and traditional and social media platforms
- developing our ability to analyse data to evaluate and improve our performance as a regulator

#### **Strategic capability 4: Anticipating emerging risks**

Identify patterns of behaviour and predict risks before they occur and manage and mitigate those risks by:

- developing an overarching view of the NDIS market, and sub-markets to understand how risk can be identified and mitigated at a system level
- understanding the points at which risks could occur and work with providers and other bodies to initiate interventions to reduce the likelihood of risk occurring
- building workforce capability to identify patterns and trends that might indicate risk and respond accordingly

#### **Strategic capability 5: Building an understanding of our role**

Manage expectations of our role and performance, with the community and key stakeholders through:

- communicating our role, function and performance measures to participants, providers, and key stakeholders
- training and supporting our staff to understand our role and the scope of our work
- ensuring we act with integrity and independence as a regulator
- providing and supporting the provision of education and materials for providers so they can improve the quality of supports and services they provide

#### **Strategic capability 6: Organisational learning, renewal, and innovation**

Produce insights to inform innovation and to improve our organisational capacity over time by:

- building our corporate learning and corporate knowledge
- establishing processes to identify risk and capture and adopt innovation
- involving staff at all levels through performance improvement activities
- learning from our partners including other regulators

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NDIS Quality  
and Safeguards  
Commission

## For more information about this report, please contact

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