



ACTIVITY REPORT

1 July 2020 to 31 December 2020

NDIS Quality and Safeguards Commission

During this reporting period, until the 30 November 2020, the NDIS Commission operated in all states and territories except for Western Australia. On 1 December 2020 the NDIS Commission commenced operations in WA. For this report figures for WA are only included in participant numbers and provider registration data.



**NDIS Quality
and Safeguards
Commission**

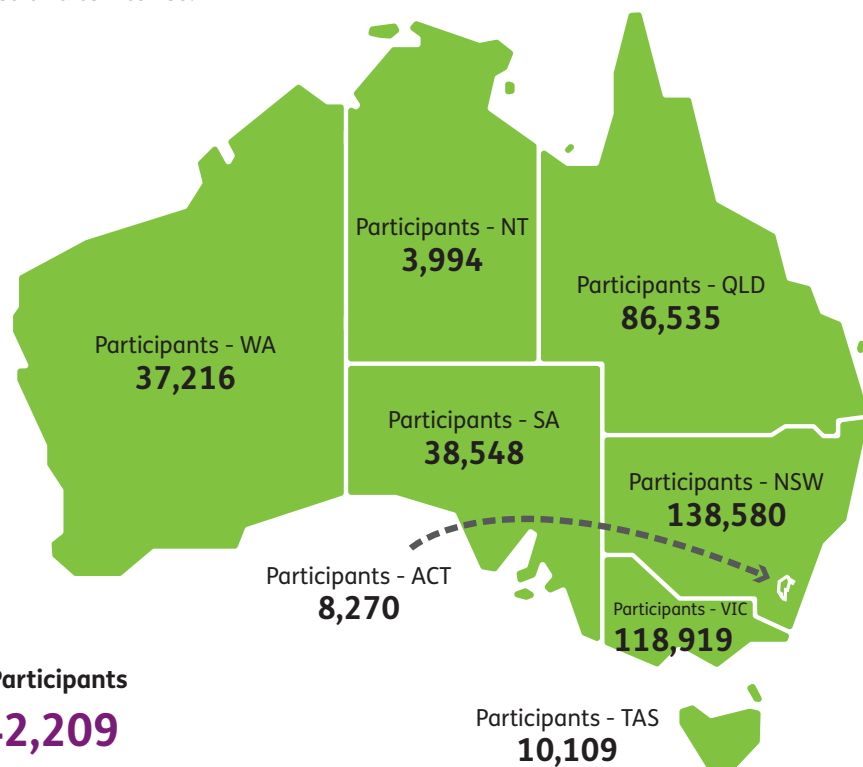
NDIS Quality and Safeguards Commission

Activity Report: 1 July 2020 to 31 December 2020

The NDIS Commission commenced in New South Wales and South Australia on 1 July 2018. It commenced in Victoria, Tasmania, Queensland, Northern Territory and the Australian Capital Territory on 1 July 2019. The NDIS Commission commenced in Western Australia on 1 December 2020. For this report figures for WA are only included in participant numbers and provider registration data.

1) Participants across Australia

The NDIS Commission regulates NDIS supports and services to NDIS participants in all states and territories.



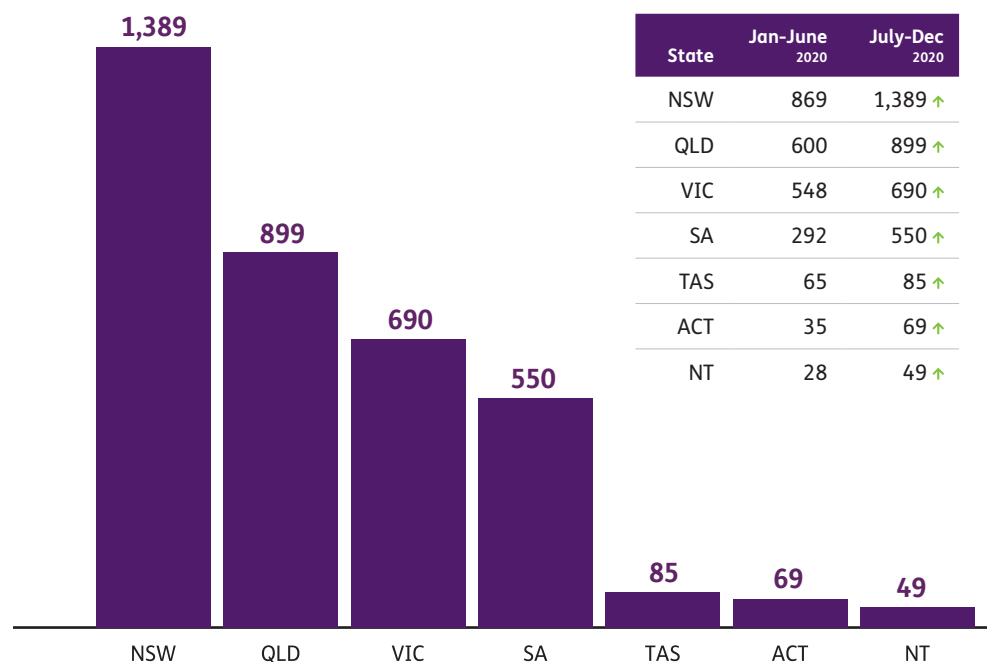
*Participant numbers are from the NDIA Q2 report as at 31 December 2020.

2) Complaints

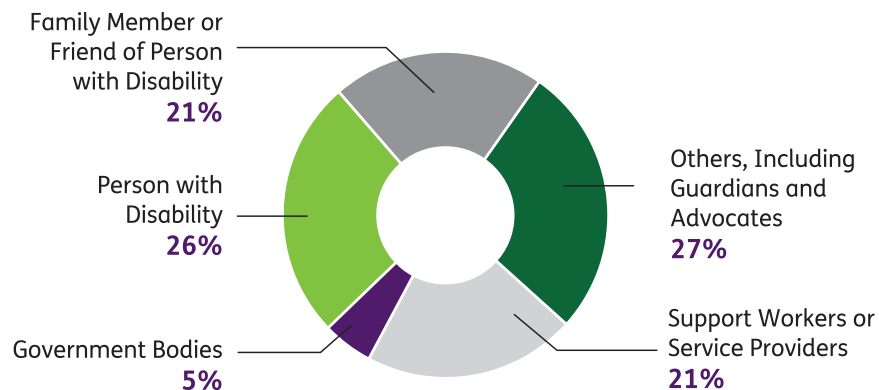
The NDIS Commission manages complaints in connection with supports and services delivered by NDIS providers and their workers. Anyone can make a complaint to the NDIS Commission about an NDIS support or service.

We received 3,731 complaints during the period 1 July to 31 December 2020.
(We received 2,437 complaints in the previous six-month period to 30 June 2020.)

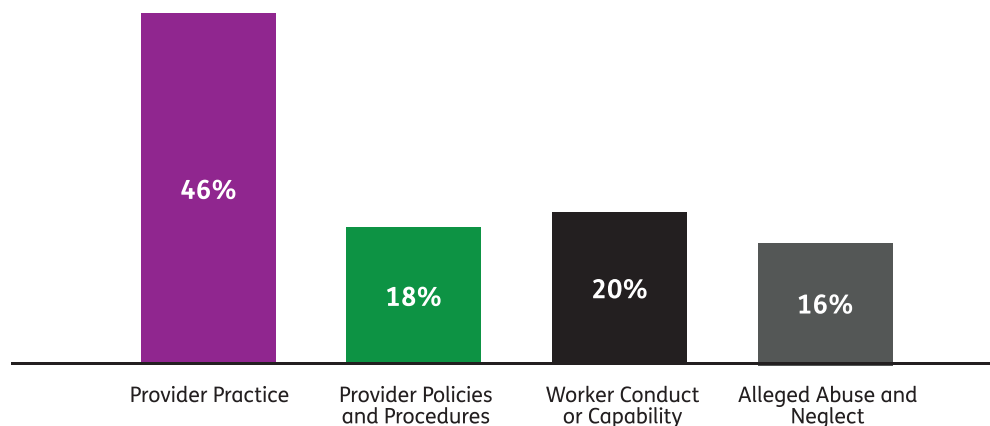
Complaints by state or territory



Complaints in the period 1 July 2020 - 1 December 2020 were received from:



Issues raised by complaints received in the period can be grouped as follows:



3) Registration

Providers must be registered to deliver NDIS supports and services to participants whose plans are managed by the NDIA. Providers must also be registered to deliver certain support types to any participant: specialist disability accommodation, behaviour support, and implementation of regulated restrictive practices.

Providers previously registered with the NDIA transferred to the NDIS Commission when the NDIS Commission started in each state and territory.

Registered Providers



There were **17,253** providers registered at 30 June 2020.

2,694 new and transitioned NDIS Commission registrations have taken place since 1 July 2020.

3,337 registrations expired since 1 July 2020, of which 92% were not active.



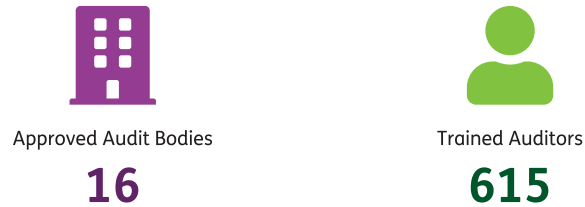
Organisations and Individuals

Registered NDIS providers include all sizes of organisations and businesses, from sole traders to large companies and not-for-profits.



Auditors and Audit Activity

To apply for or renew registration with the NDIS Commission, all providers undergo an audit against the NDIS Practice Standards. The Commissioner approves audit bodies to undertake audits under the NDIS Approved Quality Auditors Scheme. The NDIS Commission trains individual auditors. The NDIS Commission undertakes suitability assessments as part of the registration process.

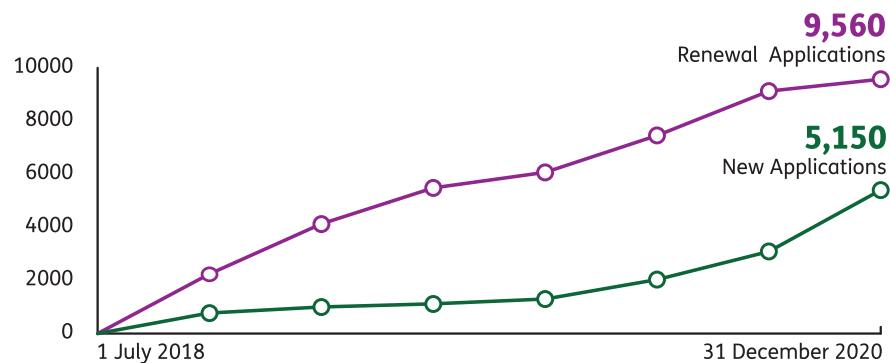


Of the 615 trained auditors, 117 new auditors were trained between 1 July and 31 December 2020.

New and Renewal Applications Progressed

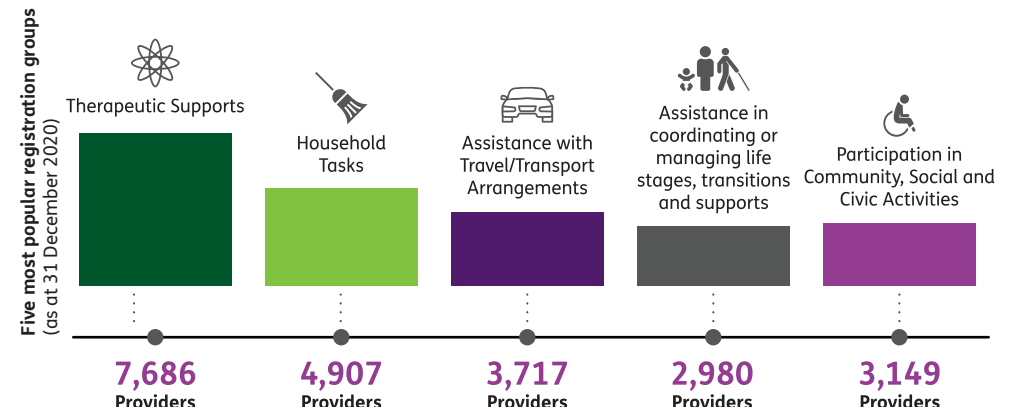
Providers must reapply to maintain their registration. Providers can also choose to let their registration lapse - for example, if they have not actively been supporting NDIS participants.

New providers are also regularly seeking to enter the NDIS market through the new NDIS Commission arrangements. New applications comprise new providers to the NDIS market who have applied to be registered and whose application is at the stage of commencing the audit process. Renewal applications comprise registered providers that transitioned to the NDIS Commission and have commenced an application to maintain their registration under the new NDIS Commission arrangements.



Five most Popular Registration Groups

The NDIS Commission registers providers against classes of support (registration groups). Providers can register for multiple registration groups.



Five Specialist Service Groups

Specialist registration groups have additional practice standards against which providers must be assessed. There are 4,902 registered organisations across the five Specialist service groups.



4) Reportable Incidents

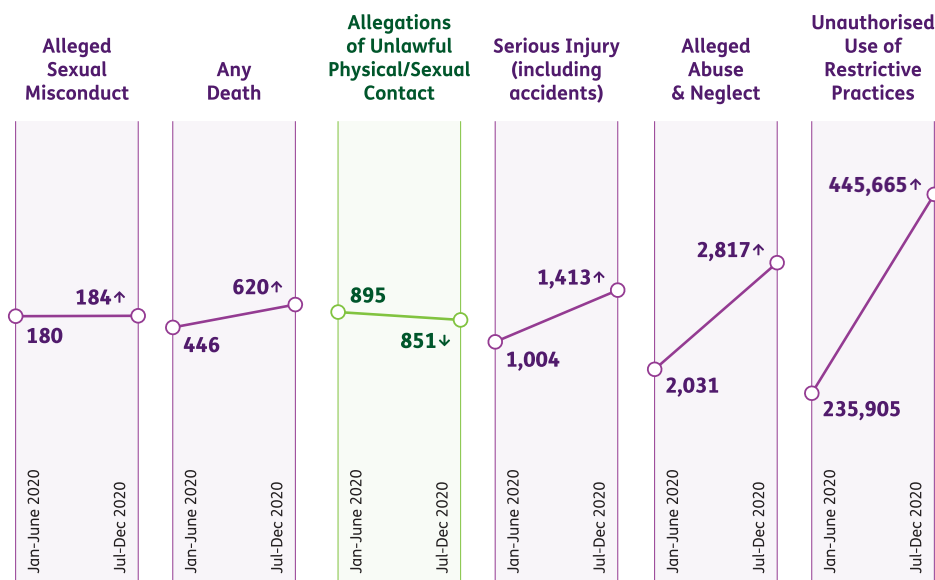
NDIS providers notified the NDIS Commission of 451,550 reportable incidents during the period 1 July to 31 December 2020.

(We received 240,461 reportable incident notifications in the previous six-month period to 30 June 2020.)

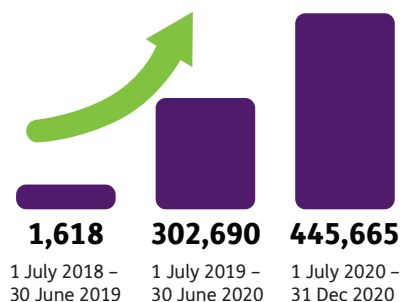
Registered providers are required to report certain incidents or allegations to the NDIS Commission that occur in connection with the provision of NDIS supports and services. The NDIS Commission monitors the management of reportable incidents by providers to determine whether they are meeting their obligations to keep participants safe.

The number of reports received does not correlate to the number of actual instances of harm to a person with disability. Reports include multiple notifications of the same matter, allegations of incidents, and situations where incidents occurred, but harm to the person was avoided.

Reportable Incidents by Category



The overwhelming majority of incidents that are reported to the NDIS Commission involve the use of restrictive practices on people with disability that have not been authorised by state and territory authorities, or where plans to promote positive behaviour supports are not in place for that person.



The number of reports on the unauthorised use of restrictive practices (URP) received by the NDIS Commission has increased substantially since the last reporting period. This increase reflects several factors, including significantly increased provider compliance with reporting requirements.

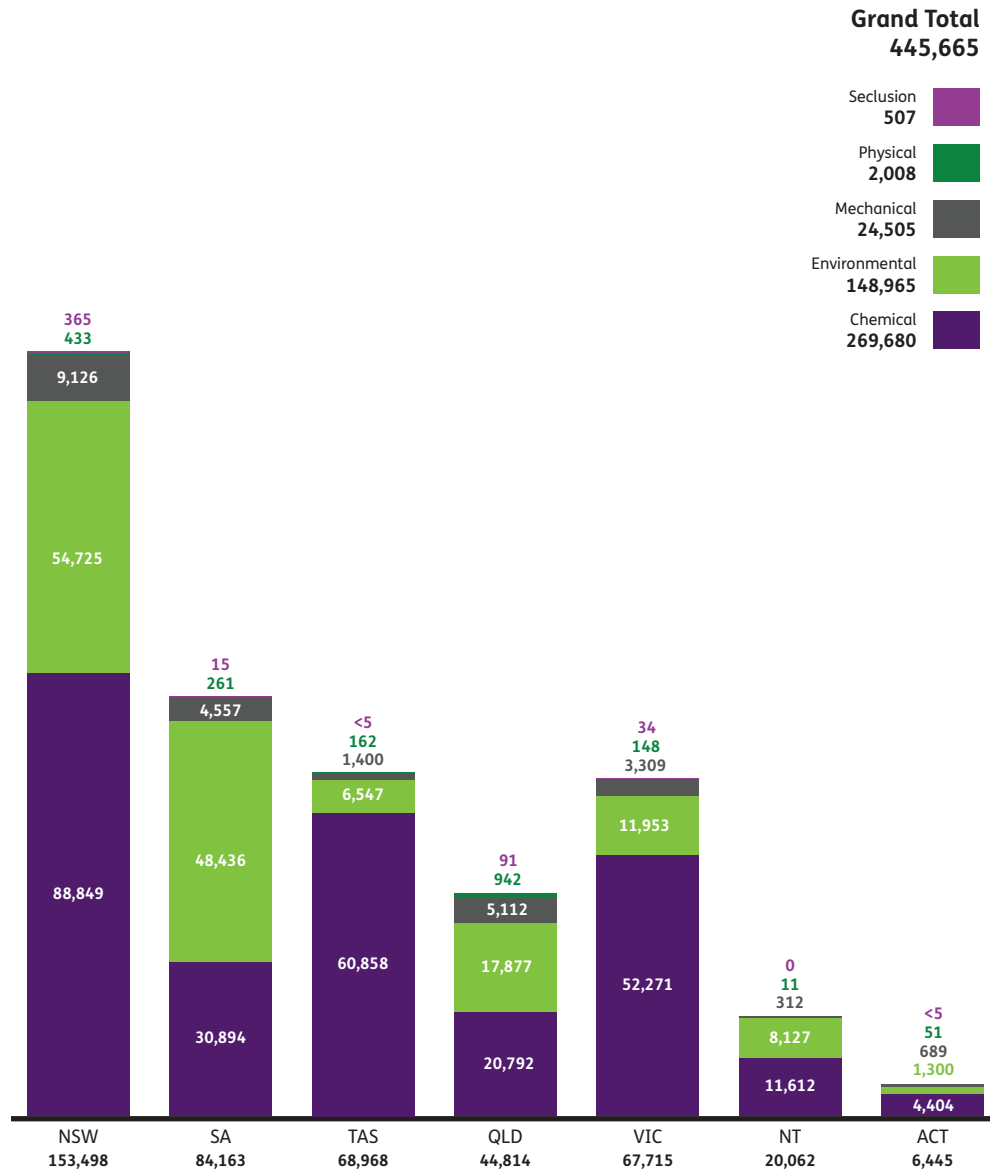
Providers indicated that Police were informed in relation to 1,339 incidents.

Repeat Reports

Providers are required to report every instance of a restrictive practice, including each individual use until a behaviour support plan is lodged.



Numbers of URPs by State/Territory and Type



In total, 3,652 participants were subject to URPs
A total of 509 providers of NDIS supports and services implemented URPs from 1 July 2020 to 31 December 2020.

Unauthorised Restrictive Practices

Reporting of Unauthorised use of Restrictive Practices (URP) represents 98.6% of all reportable incidents reported to the NDIS Commission. NDIS providers are required to report every use of a restrictive practice until that practice is authorised by a state or territory, and a behaviour support plan is put in place for the participant. For example, if a participant was given a prescribed medication as a chemical restraint three times per day, it would count as 552 reportable incidents for July-December 2020, or three reportable incidents per day until the use of the restrictive practice was authorised (if required) and a behaviour support plan was lodged.

The number of participants subject to URP in FY19-20 was 4,327, which represents 1.2% of participants in all states and territories except WA over that period. The number of participants subject to URP for this reporting period represents 0.9% of participants in the included jurisdictions.

The increase in reports of URP is due to increased provider compliance with reporting obligations. With Residential Aged Care and current in-kind services coming into scope, the NDIS Commission expects the number of persons subject to URP to increase in our next report. Providers are required to obtain authorisation for restrictive practices through state and territory arrangements. They are also required to support the participant to develop a behaviour support plan to develop strategies to reduce the use of restrictive practices over time.

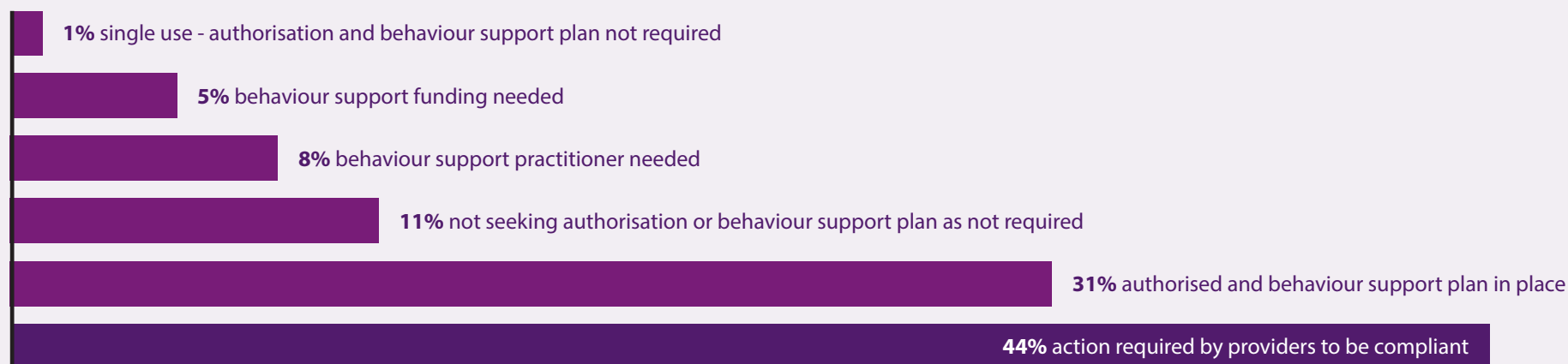
We have initiated significant compliance activity with providers who reported URPs over the period July 2019 to September 2020. We also engage with the sector to build capacity in behaviour support.



As a result of increased reporting of URPs, the NDIS Commission initiated compliance activity with **510** providers, from all jurisdictions excluding WA, who reported the use of URPs over the period July 2019 to September 2020.

The compliance activity required providers to provide information about URPs notified over the period July 2019 to September 2020 and demonstrate compliance with regulatory requirements in relation to a number of those URPs. This report contains data for **231** providers in NSW and SA that was previously reported in the 2019–20 Activity Report.

The results for first part of the compliance activity for around 250,000 URPs show the following results for those URPs as at 31 December 2020:



The NDIS Commission has taken compliance action against 50 providers in NSW and SA.

Across all jurisdictions, **279** of the **510** providers were required to demonstrate compliance with key regulatory requirements for the 44% of URPs that should have authorisation and a behaviour support plan. Providers were required to advise actions taken to be compliant by 19 January 2021, this is currently being analysed and further action will be taken where warranted.

5) Behaviour Support

The NDIS Commission oversees behaviour support practitioners and providers who use behaviour support strategies and restrictive practices involving NDIS participants. The NDIS Commission also provides best practice advice to practitioners, providers and participants on positive behaviour support strategies.

To inform that work, the NDIS Commission reviews provider reports on the use of restrictive practices.



Behaviour support plan consultation, advice and review

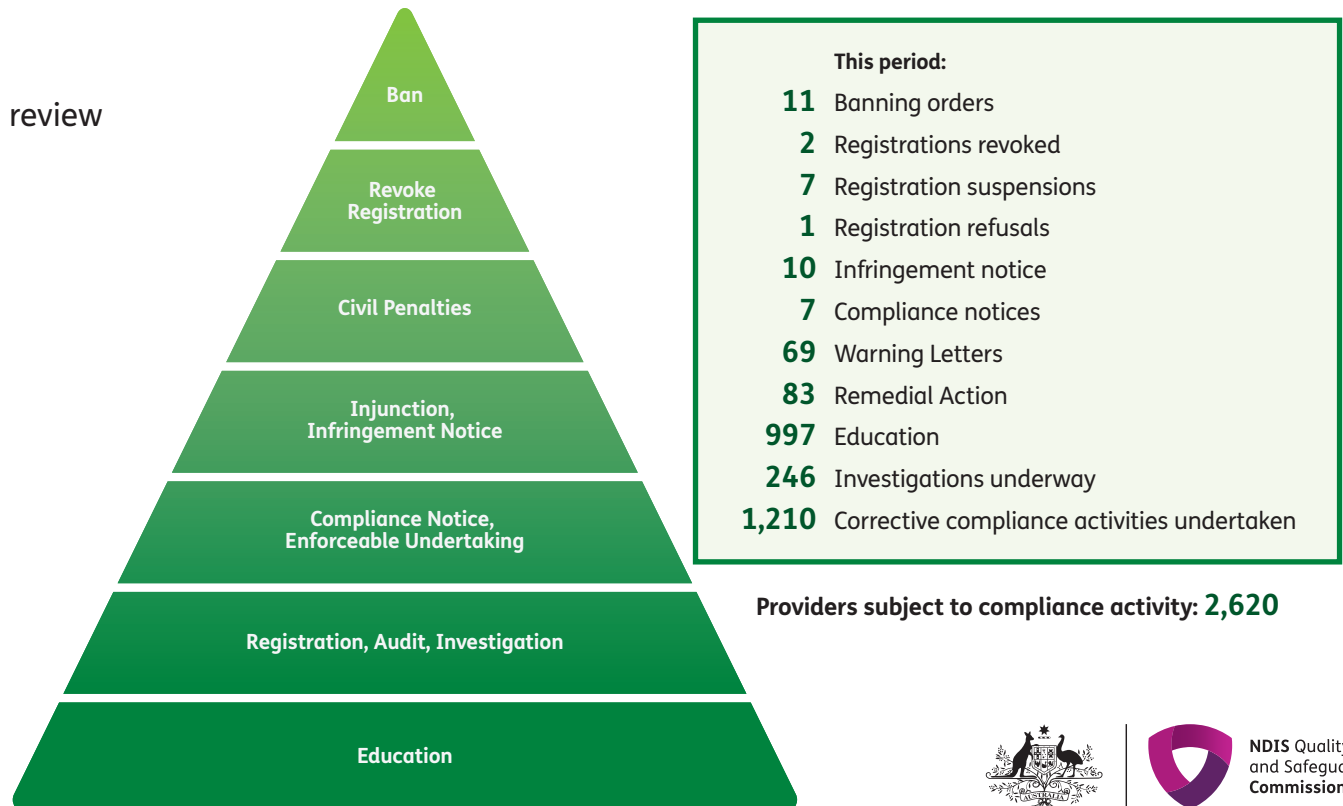
14,182

6) Compliance Activity

We undertake compliance and enforcement activities. This involves:

- applying proportionate and appropriate regulatory responses to non-compliance
- investigating matters, and taking corrective compliance action
- deploying compliance programs that address areas of identified risk of non-compliance
- working with other regulators
- participant outreach
- taking enforcement action in serious cases of persistent and high-risk non-compliance.

We use a range of compliance and enforcement powers, tools, and methods. In the most serious matters we can remove people and organisations from the NDIS market.




7) Engagement

The NDIS Commission has a contact centre and education function to support people to make a complaint, receive information, or to access education.


Calls to our 1800 number
46,000+
(between 1 July 2020 and
31 December 2020)


Emails
18,000+
(between 1 July 2020 and
31 December 2020)


Worker Orientation Module
343,808 (as at 31 December 2020)


Worker Orientation Module
(Auslan Version)
3,229 (as at 31 December 2020)


Worker Orientation Module
(JAWS & Zoomtext screen reader version)
566 (as at 31 December 2020)

Addendum: COVID-19 Activity to 31 December 2020

Source: NDIS Quality & Safeguards Commission



The NDIS Commission supported participants and providers in response to the COVID-19 pandemic. We reinforced the obligations of providers to maintain supports critical to the health, well-being and safety of NDIS participants, to plan for adjustments to services, to communicate and consult changes with participants, and to have plans to prevent and respond to infections.

We managed complaints from participants about how NDIS providers and workers supported them when restrictions were in place.

We used registered NDIS provider conditions of registration to monitor changes and risks in the NDIS market.

1,534
Notifications of changes to support

Notifications of changes to support related to COVID-19

Provider Notifications by State/Territory

1,032 providers made notifications related to COVID-19. The distribution of notices across states and territories is broadly consistent with the national distribution of NDIS providers. Notification numbers are at 6% of total registered providers across Australia. Victoria had the highest number of notifications (47%) of any state/territory.

188

Complaints related to COVID-19

932

Contacts related to COVID-19

Notifications of supports and services affected

Between 1 March 2020 and 31 December 2020, provider notifications submitted to the NDIS Commission indicated the main supports and services affected were:



NB: A single notification may relate to more than one type of support.



Infections

Between 1 March 2020 and 31 December 2020, the NDIS Commission was notified of **183** participants and **219** workers who returned positive tests for COVID-19. Sadly, 9 participants and 1 worker are deceased.

Impacted persons by state

Victoria

Participant infections **170**

Deaths **7**

Worker infections **197**

Deaths **1**

(employee of the Victorian state government, not an NDIS worker)



New South Wales

Participant infections **12**

Deaths **2**

Worker infections **13**

Deaths **0**

Queensland, South Australia, Tasmania

Participant infections **1** Worker infections **12**

Deaths **0** Deaths **0**

Due to low numbers in these states total numbers have been reported.

As at 31 December 2020 there were **0** active participant cases.

Compliance activities related to COVID-19

43 compliance matters and investigations re COVID-19:

14 are under assessment and/or ongoing.

29 are closed. Of these 29:

24 no further action

1 remedial action

4 education

In relation to matters where no further action was taken, each of these matters was investigated; however, there was no or insufficient evidence of a contravention having been committed.

The NDIS Commission has continually provided information to service providers about their obligations to safely and competently provide supports and services to people with disability during the pandemic. We have issued:

Provider Information

53 provider alerts

6 factsheets

1 information pack for NDIS providers and workers

Participant Information

3 factsheets

1 information pack for NDIS participants

1 joint NDIS Commission and NDIA open letter to all Victorian participants and their families and carers

