## Slide One

# Specialist Disability Accommodation (SDA) and the NDIS Quality and Safeguards Commission (NDIS Commission)

National Disability Services Limited (NDS) believes that the information contained in this presentation is correct at the time of publishing, April 2020. However, NDS reserves the right to vary any of the content without further notice. The information provided in this presentation should not be relied on instead of other legal, medical, financial or professional advice.

## Slide two

### Introduction

The purpose of this presentation is to support providers of SDA as they transition to the requirements of the NDIS Commission and includes information on the following topics:

The regulatory landscape from SDA providers

NDIS Quality and Safeguards Framework

Registering as an SDA provider

Verification and certification audit, stage one and two requirements

Certification audit sampling

The NDIS Code of Conduct

The NDIS Practice Standards

The Commission’s conformity rating

Provider obligations and the Office of the Public Advocate (OPA)

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### SDA provider have obligations to a number of regulators

This table lists the three main regulators of NDIS services these being, in no particular order:

1. The NDIS Quality and Safeguards Commission regulating the quality and safety of services including registration by the National Disability Insurance Scheme (Specialist Disability Accommodation Conditions) Rule 2018, latest version 17 May 2019.
2. Consumer Affairs Victoria (CAV) regulating tenancy agreements, rights and tenancy safeguards, for tenants and organisations through the Residential Tenancies Act 1997 (Vic) Latest version 2 July 2019
3. The National Disability Insurance Agency, regulates commercial requirements of doing business, dwelling enrolment for SDA through the National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2016, Latest version 27 March 2019.

\*This list is not exhaustive

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## NDIS Quality and Safeguards Framework

Measures are designed to uphold and respect human rights

Measures are designed to empower and support informed decisions about providers and supports

Same protection, regardless of where they live in Australia

Regulatory requirements for workers and providers are tiered to ensure regulation is proportionate to the level of risk associated with support type as well as size and scale of service delivery

Starts with the assumption of capacity to make decisions and exercise choice and control

Making it easier for people with disability to navigate and for providers

Support the development of an efficient and effective NDIS market

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### NDIS Quality and Safeguards Commission

Image: NDIS Commission logo

1. Provider registration process
2. NDIS Practice Standards
3. NDIS Code of Conduct
4. Complaints management and resolution system
5. Incident management, including reportable incidents
6. Behaviour support and management of restrictive practices
7. Worker orientation module
8. Worker screening system

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### Applying to become an NDIS Registered Provider

1. Your details: Information about you and your organisation including your principal business address, primary contact and if applicable, information about your corporate structure and governance arrangements,
2. NDIS supports and services you intend to provide: The registration groups which you wish to register for and the locations in which your supports and services are available.
3. Self-assessment against the required standards: Based in the answers you provide, you will be asked to explain how your organisation meets the requirements identified. This includes the opportunity to upload supporting evidence.

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### Type of audit: Verification & certification

Verification audit: Providers undertake verification audit when delivering relatively low risk service and are only required to complete stage one of the audit process.

Certification audit: Providers undertake certification audit when delivering high risk service and are required to complete stage one and stage two of the audit process.

SDA is considered a complex and high risk service, all SDA providers must undertake the stage one and stage two of the audit process and meet certification audit requirements.

An unregistered provider of NDIS supports cannot deliver SDA. All SDA providers must be registered with the NDIS Commission.

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### Audit: Stage one

Stage one:

Self-assessment against the NDIS practice standards at point of registration

Is an off-site audit for providers requiring verification audit

May be conducted on-site for providers requiring certification audit

Stage one audit involves:

Self-assessment responses to applicable standards

Supporting documentation

Prior audit outcomes, corrective actions and audit report if applicable

Any additional requirements raised by the Commission

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### Audit: Stage two

The stage two audit is conducted on-site

Where the provider has a single site, then that site must be attended

Where the provider has multiple sites, the head office is always included

Auditors will refer to information provided during the stage one audit and seek corroborating evidence by reviewing:

Policies and procedures

Worker and participant files

Systems – complaints/risk management, for example

Auditors will also corroborate information by conducting interviews with:

Workers (from all levels, including senior management and board members)

SDA Participants

Family members and/or carers

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### Certification and the NDIS Practice Standards

This slide includes an image of a table detailing the following information

All SDA providers will be assessed against the SDA module of the NDIS Practice Standards

Providers who are also delivering other NDIS Supports will need to complete the core module and any other module(s) relevant to their service delivery

Refer to the [registration requirements by supports and services document](https://www.ndiscommission.gov.au/document/1006) for further information

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### Approved quality auditors

Have their own code of conduct

Must complete a conflict of interest declaration

Must be accredited with JAS-ANZ and undergo an assessment

Can demonstrate having undertaken continual professional development relevant to the registration groups they primarily audit

Where appropriate have technical expertise and hold a relevant practicing certificate

[NDIS (Approved Quality Auditors Scheme) Guidelines 2018](https://www.legislation.gov.au/Details/F2020C00100)

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Audit: Stage two – Sampling

Evidence based auditing

Providers cannot pre-select samples

Workers cannot opt out and will include governance, management and service delivery roles from all shift (where applicable)

Opt out sampling for participants

Provider must advise all participants that they are automatically enrolled into the audit process and obtain informed consent

When a participant does not want to participate, the provider must document and communicate this to the auditor

Sampling will be prioritised to registration groups that are of the highest risk

Sampling will be reselected until participants from the highest risk groups are included (SDA is considered high risk)

Sampling methodology found in the [NDIS (Approved Quality Auditors Scheme Guidelines) 2018](https://www.legislation.gov.au/Details/F2020C00100/Html/Text)

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### Audit: Stage two – Interviews

Interviews with individuals will

* Seek views on whether the support provider is meeting their expectations and assisting them to attain their goals
* Be used to corroborate information such as how processes are implemented and their effectiveness
* Have a balance of open and closed questions
* Provide an opportunity for the interviewee to ask questions
* Provide an opportunity for the interviewee to make further comments

The auditor will validate understanding by summarising information or reflecting back to the interviewee

[NDIS (Approved Quality Auditors Scheme Guidelines) 2018](https://www.legislation.gov.au/Details/F2020C00100/Html/Text)

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### The NDIS Code of Conduct

## Slide fifteen

### The NDIS Code of Conduct

All providers of NDIS supports must adhere to the Code (registered and unregistered)

Significant penalties apply when providers are found in breach of the Code

Participants can make a complaint to the NDIS Commission

Participants may seek support from family, a friend or an independent advocate in making a complaint

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### What does the Code require?

Anyone providing supports and services to people with disability must:

Respect the rights of the people: Act with respect for individual rights to freedom of expression, self-determination and decision-making in accordance with relevant laws and conventions

Deliver services competently: Provide supports and services in a saw and competent manner with care and skill

Prevent violence, neglect, abuse and exploitation: Take all reasonable steps to prevent and respond to all forms of violence, exploitation, neglect and abuse of people with disability

Respect privacy: Respect the privacy of people with disability

Act with integrity: Provide supports and services with integrity, honesty and transparency

Take action on quality and safety

Promptly take steps to raise and act on concerns about matters that might have impact on the quality and safety of supports provided to people with disability

Prevent sexual misconduct: Take all reasonable steps to prevent and respond to sexual misconduct.

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### Demonstrating the NDIS Code of Conduct

Applicable to both registered and unregistered NDIS providers

Identify all ‘Code Covered Persons’ in your organisation

Complete the ‘Quality, Safety and You’ worker orientation module

Document how the Code is implemented across your organisation

Ensure operational policies and procedures reflect the Code

Have mechanisms to ensure workers understand and adhere to the Code

Investigate and take appropriate action to address any alleged breaches of the Code

Make the Code available to the participants you are working with and specify what a they can expect in relation to the Code and your organisation

The Code informs the NDIS Practice Standards

[The Code of Conduct](https://www.ndiscommission.gov.au/providers/ndis-code-conduct)

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### The NDIS Practice Standards – SDA module

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### NDIS Practice Standards and Quality Indicators

The NDIS Practice Standards and Quality Indicators includes the following modules:

The core module

Additional modules:

1. High intensity daily personal activities
2. Specialist behaviour support
3. Implementing behaviour support plans
4. Early childhood supports
5. Specialist support coordination
6. Specialist disability accommodation
7. Verification

All SDA providers will be assessed against the SDA module

Providers who are also delivering other NDIS Supports will need to complete the core module and any other module(s) relevant to their service delivery

[NDIS (Provider Registration and Practice Standards) Rules 2018](https://www.legislation.gov.au/Details/F2020C00051)

[NDIS (Quality Indicators) Guidelines 2018](https://www.legislation.gov.au/Details/F2018N00041)

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### The SDA module

Has five demonstrable outcomes

Each outcome has a varied number of indicators

Providers are required to show evidence of how they meet the requirements of each indicator

An outcome is achieved when all relevant indicators are adequately evidenced

## Slide twenty one

NDIS Practice Standards – SDA module inclusions

Rights and responsibilities: Each participant’s access to specialist disability accommodation dwellings is consistent with their legal and human rights and they are supported to exercise informed choice and control.

Conflict of interest: Each participant’s right to exercise choice and control over other NDIS support provision is not limited by their choice of specialist disability accommodation dwelling.

Service Agreements: Each participant is supported to understand the terms and conditions that apply to their specialist disability accommodation dwelling and the associated service and/or tenancy agreements.

Enrolment of SDA properties: Each participant’s specialist disability accommodation dwelling meets the requirements of the design type, category and other standards that were identified through the dwelling enrolment process.

Tenancy management: Each participant accessing a specialist disability accommodation dwelling is able to exercise choice and control and is supported by effective tenancy management.

## Slide twenty two

### Auditors use this rating system to determine conformity

Rating: 3. Attainment Level: Conformity with elements of best practice. Interpretation: The NDIS provider can clearly demonstrate conformity with best practice against the criteria.

Best practice is demonstrated through innovative, responsive service delivery, underpinned by the principles of continuous improvement of the systems, processes and associated with the outcomes.

Rating: 2. Attainment Level: Conformity. Interpretation: The NDIS provider can clearly demonstrate that the outcomes and indicators are met ‑ evidence may include practice evidence, training, records and visual evidence.

**This would mean there was negligible risk and certification can be recommended.**

Rating: 1. Attainment Level: Minor non-conformity. Interpretation: A rating 1 will require a corrective action plan which reduces the likelihood of any risks identified occurring or impacting participant safety before certification or verification can be recommended ‑ one of two situations usually exists in relation to minor non‑conformity:

There is evidence of appropriate process (policy/procedure/guideline etc.), system or structure implementation, without the required supporting documentation

Documented process (policy/procedure/ guideline etc.), system or structure is evident but the provider is unable to demonstrate implementation review or evaluation where this is required

Rating: 0. Attainment Level: Major non-Conformity. Interpretation: The NDIS provider is unable to demonstrate appropriate processes systems or structures to meet the required outcome and indicators and/or the gaps in meeting the outcome present a high risk ‑ Three Minor Non‑Conformities within the same module may also constitute a Major Non‑Conformity ‑ **A rating of 0 will preclude a recommendation for certification**.

## Slide twenty three

### The Office of the Public Advocate (OPA)

## Slide twenty four

### The role of the OPA with SDA

Under the Residential Tenancies Act 1997, providers of specialist disability accommodation (SDA) are required to notify the Public Advocate when the SDA provider issues or receives certain notices.

These notices are:

A notice of temporary relocation given by the SDA provider

A notice to vacate given by the SDA provider

A notice from a resident of their intention to vacate

A notice from a resident of their intention to terminate the agreement because they were not properly provided with information

A notice to vacate from the owner who intends to sell the property

A notice to vacate from a mortgagee who intends to take possession of the property.

[Issuing notices](https://www.publicadvocate.vic.gov.au/our-services/residential-notices)

[Community visitors](https://www.publicadvocate.vic.gov.au/our-services/community-visitors)

## Slide twenty five

### NDS Helpdesk

Got a question? Ask now! Nds.org.au/helpdesk

For all of your questions on NDIS, SDA/SIL, NDIS Quality and Safeguards and any other disability related question.

This slide has an image of a computer with a happy face.

## Slide twenty six

NDS logo image

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