

Policy position: provider oversight, accountability and enablers

Frequently Asked Questions

Please note that these questions and answers should be read in conjunction with [NDS's Policy Position: Oversight Accountability and Enablers](#).

1. Does NDS's policy position require all workers in direct support work roles to be registered?

No. NDS's position proposes that all workers who provide disability supports should be required to agree to implementing the Code of Conduct and that this should be monitored more proactively.

2. Does NDS's policy position require all workers in direct support work roles to undergo Worker Screening?

Our position proposes that all workers in direct support roles should undergo Worker Screening, noting that this must be supported by improvements in worker screening processes. The position includes the possibility that those workers with only incidental contact or generic services may not require registration or worker screening for low-risk situations the NDIS Commission may identify.

3. NDS's position advocates for more workers to undergo Worker Screening - what changes are you recommending to make the Worker Screening process more efficient?

The [NDIS Review: Building a more responsive and supportive workforce](#) paper made a number of recommendations to streamline worker screening processes.

In [our response](#) to this paper NDS supported the Review recommendations and included the following:

- Reduce worker screening processing times by removing the requirement that an employees' application needs to be verified by an employer (providers can link to workers after the clearance is complete):
- Explore what is needed for NDIS worker screening checks to be also recognised as fulfilling the requirement for Working with Children Checks (WWCC) and Police Checks, across all jurisdictions.
- Improve the efficiency and quality of checks by minimising reliance on manual processes.
- Improve data sharing, systems design, IT requirements and draw on existing established identification systems (such as MyGov).
- Provide greater transparency on end-to-end clearance times.
- Ensure the aged care worker screening requirements being developed as part of the National Aged Care Worker Registration Scheme align with the NDIS worker screening check, and that checks are mutually recognised across programs.

4. Are you recommending that all providers who provide direct support work be registered?

We advocate for a proportionate approach to provider registration that may include different categories. Where a provider is delivering supports that could pose a potentially higher risk to participant safety, such as any form of accommodation supports, then our position would be that these providers must be subject to greater oversight and accountability, such as the current system of registration. This would also include sole traders that are delivering these types of supports.

5. How would the cost of registration and compliance be covered? Would there be two price guides?

NDS has long advocated for the cost of compliance to be covered in NDIS prices. There are a range of mechanisms that could achieve this such as a loading, or a direct payment. One of our key policy positions is that greater independence in pricing is needed through the establishment of an independent pricing body. If

established, it would be the work of this body to determine how the costs of registration and compliance would be recognised in pricing and payments.

6. Are you advocating for the cost of external auditing to be covered by the NDIS?

Ensuring that the cost of undergoing registration does not provide a disincentive for providers who are wanting to register is identified as a critical enabler in our position. We believe this is necessary to improve oversight and accountability in the NDIS market. This includes the costs of external auditing where this is required.

7. Does the policy position mean that all NDS members need to be registered?

No. No. NDS membership eligibility is governed by our Constitution and our [NDS Statement of Principles](#) for Service Providers. These are developed in consultation with members and specific to NDS's operations.

The position on oversight, accountability and registration is a policy position that supports our advocacy to government.

8. How does this policy relate to the changes to membership categories currently being proposed for voting at the 2023 Annual General Meeting (AGM)?

At the NDS [2023 AGM](#) held on 24 November 2023 members voted in favour of changing the NDS Constitution to expand NDS Membership, providing membership rights to for-profit organisations.

In a recent member survey about the proposed change, the results showed that it can be hard to separate issues of for-profit and not-for-profit status with issues relating to whether a member is a registered provider or not.

The NDS policy position on provider oversight, accountability and enablers seeks to address member concerns around the current regulation settings. The position calls for oversight and regulation to be based on the nature of the services being provided as opposed to a provider's business structure.

Our position would allow for both not-for-profits and for-profits delivering lower risk services to be subject to lower levels of oversight. Similarly, the position would require all providers (for profit and not-for-profit) delivering higher risk supports or where other risks have been identified to be subject to the greater oversight that the current system of registration provides.

9. When will the changes regarding provider oversight and accountability be implemented?

NDS has developed this position to support our advocacy to government on how the approach to worker and provider oversight and accountability could be improved. We have also developed the position to provide an agreed platform for this advocacy.

Changing the current approach will require adjustments to the NDIS Act, NDIS Rules and associated frameworks and processes. Government will be considering the wide range of views on this issue, along with the recommendations from the Disability Royal Commission and the NDIS Review and will determine what changes, if any, will be made to the current approach.

NDS will continue to advocate for the voice of participants, their supporters and providers to be heard in the co-design of any changes that may eventuate.