

Providing quality and safe supports for NDIS participants in NSW

Fact sheet

August 2016

Summary:

This fact sheet explains how people with disability will continue to receive quality and safe supports during the transition to the National Disability Insurance Scheme (NDIS) between 1 July 2016 and 30 June 2018.

What are the quality and safeguards arrangements for people with disability during transition?

The NDIS is being rolled out across NSW now. It started rolling out on 1 July 2016 and will be available across NSW by 30 June 2018. This time period is called the 'transition period'. The NSW and Commonwealth governments are working with the National Disability Insurance Agency (NDIA) to make sure that people with disability continue to receive quality and safe supports while they move to the new scheme.

People currently receiving disability services will continue to be supported by the range of existing safeguards and complaints processes currently in place in NSW during the transition to the NDIS. As well, NDIS participants will have the same protections available to people with disability in NSW, including safeguards and complaints processes available through the NSW Ombudsman.

After 1 July 2018, a national quality and safeguards policy is expected to be in place because the NDIS is rolling out across Australia.

What do the quality and safeguards arrangements for the NDIS in NSW address?

Your privacy as a NDIS participant

Providers must protect your personal information. NSW law explains how they collect, store, use and share your information, and give you access to it.

Your rights and needs as a NDIS participant?

The quality and safeguards arrangements tell NDIA registered providers that they must have systems and procedures in place to deliver the best and safest supports to you. These systems and procedures could include:

- undertaking regular reviews of their organisation
- having processes and resources in place to help you and your family or carer
- meeting the NSW Disability Services Standards, or similar standards
- getting an approved third party to confirm that they meet the quality and safeguards standards
- complaints and resolution procedures.

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How you and your supports are protected in the NDIS

As an NDIS participant, when you purchase disability supports, aids or equipment from a provider you are protected under Australian Consumer Law. Under this law services must be provided with due care and skill and within an agreed or reasonable time.

The Australian Competition and Consumer Commission can provide information about buying disability-related products and services here: <http://www.accc.gov.au>.

NSW Fair Trading can investigate unfair practices, and monitor businesses through licensing: <http://www.fairtrading.nsw.gov.au>.

Receiving safe supports in the NDIS

When deciding on your plan, the NDIA will talk with you, your family, carer or nominee to identify individual safeguards that are needed to support you. For example, support to help make decisions or coordinate your supports or respond to a crisis or emergency situation.

Looking after your health and wellbeing

Providers must provide disability supports that comply with legislation, codes, standards, policies and guidelines. This means your health and wellbeing needs will be met to the best possible standard.

Providers must also follow guidelines to safeguard your rights and promote the use of person-centred positive behaviour support practices if these are needed.

Screening the people that work for your providers

Providers must screen people before they are employed to work directly with you. This includes a referee check and criminal record check.

The NSW Office of the Children's Guardian (OCG) provides Working With Children Checks for people who work or volunteer in child-related work:

<https://www.kidsguardian.nsw.gov.au>. The OCG will accredit and monitor statutory providers of out of home care services. The OCG will also help organisations manage risks and become 'child safe'.

Managing serious incidents

The Working Arrangements tell providers they must report serious incidents involving abuse and neglect of people with disability living in their supported group accommodation services or respite and day program centres to the NSW Ombudsman.

Protecting children

Providers are expected to report any current concerns and respond to abuse or neglect of NDIS participants who are children. When reporting these concerns, all

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providers must comply with legislation and the Child Protection Guidelines. This also includes NDIA staff who are expected to report any concerns they have that a child is at risk of significant harm to the NSW Child Protection Helpline.

Worker safety

Providers, contractors, and in some cases, plan nominees and participants, have a duty of care and must do what is reasonably practicable to ensure the health and safety of their workers, including volunteers, and others at the workplace.

Providing feedback about your supports

If you are unhappy with your supports or the service you are receiving, you have the right to make a complaint. Your feedback will help providers see what works, what doesn't, and what improvements can be made.

Making a complaint about a provider

All providers are required to have a clear and accessible complaints handling and dispute resolution process.

All complaints to the NDIA about a provider will be resolved in accordance with the NDIA Complaints Procedure, or the relevant NSW authority, whichever applies.

Making a complaint about the NDIA

You can make a complaint about the NDIA by contacting your local NDIA office. For more information see: <http://www.ndis.gov.au>.

Complaints can also be directed to the Commonwealth Ombudsman who has the power to investigate complaints against Commonwealth government agencies like the NDIA.

Making a complaint to the NSW Ombudsman

You can also make a complaint about providers to the NSW Ombudsman. The NSW Ombudsman can monitor and review services you receive. Official Community Visitors can also visit you in your home if you are living in an accommodation service and receive full time care. For more information see: <https://www.ombo.nsw.gov.au>.

Will the quality and safeguards arrangements change the way I receive supports?

No. If you currently receive supports from the NSW government or from a NSW government funded NGO, you will continue to be supported as you move into the NDIS as a participant.

Under the quality and safeguards arrangements, people moving to the NDIS are protected through existing Commonwealth and State safeguarding mechanisms, including access to state-based processes for complaints.

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For more information

The *Transitional Quality and Safeguards Working Arrangements* are available on the National NDIS website at: <https://www.ndis.gov.au/providers/nsw-registering-provider.html>.