



NDIS Quality
and Safeguards
Commission

Regulating housing and living supports in Australia

Including the regulation of providers and workers

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Regulatory Reform Work



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Overview

The Australian Government are progressing changes to regulation to improve the quality and safety of support being delivered to NDIS participants

The reforms aim to respond to emerging and long-standing quality, safety and integrity issues and ensure participants receive progressively higher standards of NDIS supports and services.

Reform Hub:

<https://www.ndiscommission.gov.au/about-us/ndis-commission-reform-hub>

Our Approach



- We will centre participant voices and prioritise participant groups most affected by the regulatory changes.
- Our language about the reform program will be accessible, clear and straight forward.
- We will provide a variety of consultation options (in person, virtual and online surveys) to ensure participation is inclusive.
- We will engage with State and Territory Governments and Regulators in all jurisdictions who have obligations relating to people with disability by hosting regulatory roundtables.



Reform theme

 **MANDATORY REGISTRATION**

- ◆ Platform Providers
- ◆ SIL Services
- ◆ Support Coordination

 **NDIS ACT, RULES AND STANDARDS**

 **SELF-DIRECTED SUPPORTS AND NDIS PROVIDER DEFINITION**

2024			2025												
OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	
	<ul style="list-style-type: none"> ★ Consultation commences and online surveys open. 	<ul style="list-style-type: none"> ★ Regulatory forums December to March. 													
	<ul style="list-style-type: none"> ★ Online Town Hall events. ★ Discussion papers released. Submissions open. 				<ul style="list-style-type: none"> ★ Online surveys and submissions close. 										<ul style="list-style-type: none"> ✔ No earlier than 1 July 2025, platform providers, SIL providers and support coordinators commence transition into mandatory registration.
	<ul style="list-style-type: none"> 📄 Consultation commences on NDIS Bill No.2. 📄 Ministerial Roundtables held. 📄 Discussion papers released. 🗣️ State/Territory consultation from November 1. 				<ul style="list-style-type: none"> 📄 Exposure draft circulated at time to be determined by the Government. 📄 Pending Government decisions, NDIS rules reviewed and practice standards revised. 										
		<ul style="list-style-type: none"> 🛡️ Consultation commences. 🛡️ Discussion papers and surveys released. Submissions open. 			<ul style="list-style-type: none"> 🛡️ Online surveys and submissions close. 										<ul style="list-style-type: none"> ✔ Consultation outcomes shared and next steps announced.

Human Rights Program of Work



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Overview

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) is an international treaty that sets the rights of the persons with disability as well as the obligations on parties to the Convention to promote, protect, and ensure those rights.

Throughout 2023, the NDIS Commission worked with the Australian Human Rights Commission (AHRC) to consider how we can further enhance our human rights approach as a regulator. The AHRC noted that the NDIS Act was legislatively drafted with the CRPD in mind.

The NDIS Commission has begun strengthening its focus on protecting the rights of NDIS participants through a new human rights program of work. Part of the work to embed a right-based approach includes the development of new Supported Independent Living (SIL) Practice Standards, and the development of resources and guidance to support staff consider human rights in their day-to-day work.

NDIS Commission Human Rights in Action



Three duties, and a series of action statements to outline these principles in action.

Alignment between the principles and action statements across PANEL, FREDA and the UN Convention on the Rights of People with Disability have been made.



NDIS Commission Human Rights Action Statements



Lead the way	<p>1. We develop and implement rigorous quality assurance mechanisms, in delivering our regulatory functions to ensure that providers meet their obligations to participants to reach their full potential and to protect the rights and well-being of people with disabilities.</p> <p>2. We develop and promote resources, training, and support to enhance participant’s understanding of rights, and opportunities to actively participate in decision-making processes.</p>
Build Trust	<p>3. We involve, collaborate and engage with people with disability and their supports in consultations, forums, and discussions to inform policies, processes, quality requirements and support the continuous improvement of the NDIS.</p> <p>4. We foster innovation, quality and best practice in the provision of supports by collaborating with people with disability, researchers, experts, and relevant stakeholders to identify and disseminate innovative approaches.</p>
Keep Learning	<p>5. We ensure that all communications and information is accessible and provided in formats appropriate to the needs and preferences of individuals with disabilities.</p> <p>6. We collect, hold, use and/or disclose personal information, in line with the Australian Privacy Principles of the Privacy Act 1988 (Cth) (Privacy Act) and the provisions of the National Disability Insurance Scheme Act, 2013 (Cth).</p>
Bring Insight	<p>7. We establish fair and transparent processes for people with disability to raise concerns and provide feedback about their experiences in exercising choice and control within the NDIS.</p> <p>8. We foster collaborations with community organisations, disability advocacy groups, and establish partnerships with mainstream agencies to share information, and promote opportunities for inclusion and enhance the coordination of supports outside of the NDIS.</p>
Stay Connected	<p>9. We implement monitoring and evaluation processes to assess the effectiveness of supports, this includes collecting data and using feedback from people with disability and providers to inform ongoing improvements and enhance supports.</p> <p>10. We encourage and promote research initiatives that explore effective strategies for positive personal and social development of people with disability, including the development of early intervention programs for children and young people.</p>

Regulation for in-home and housing supports

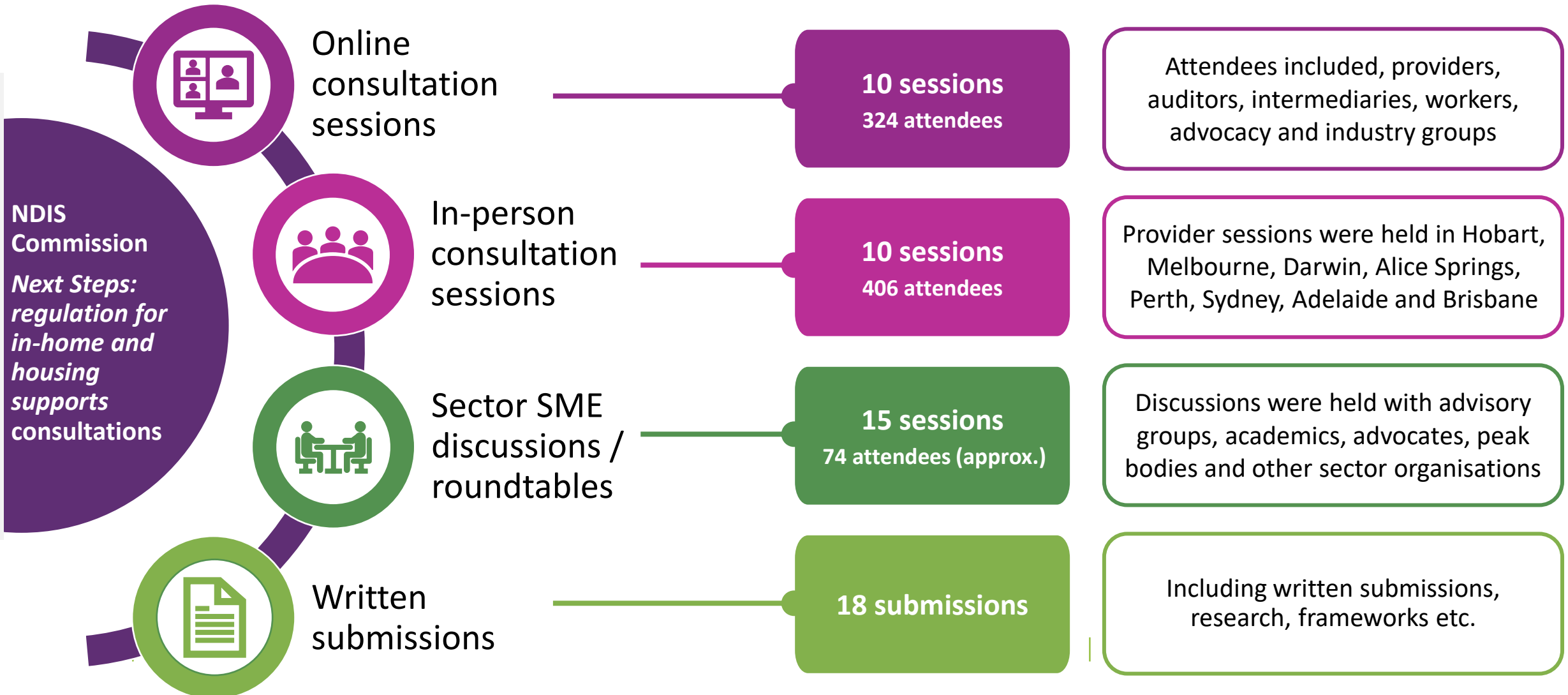


Overview

Consultations were held to engage with NDIS providers about their views, ideas and concerns around three main topics related to supported accommodation:

- NDIS Practice Standards Review
- Development of new Supported Independent Living (SIL) Practice Standards
- Options for the separation of Supported Independent Living (SIL) and Supported Disability Accommodation (SDA)

Consultation Approach



Existing Practice Standards



The NDIS market is significantly different to the one operating at the time of the NDIS Commission's establishment.

What we have heard

- Providers and workers want guidance and examples of higher quality and safe supports.
- Outcomes are important in quality supports and services.
- People with disability want person-centred, rights-focused supports.

What we are proising

- Continued participant rights focus and use of quality indicators.
- Shift from 'service outcomes' to 'participant outcomes'.
- Detailed practice guidance for higher risk supports like in-home supports

New Practice Standards



In 2021, the NDIS Commission conducted an Own Motion Inquiry into Aspects of Supported Accommodation.

- Since then, the NDIS Commission consulted 120 participants and their families to inform development of the new NDIS Practice Standards.
- The consultation talked about their community, their goals and interests, living life their way, their safety, home, and communicating with confidence.
- Participants identified six key factors that are central to a good life.

Participant centred

A focus on human rights

A harmonious house dynamic

Privacy

Appropriately trained and assessed workers

Participant worker and safety is paramount

Separation of SIL and SDA



The NDIS review and DRC have recommended a separation between SIL and SDA supports to strengthen quality outcomes and consumer choice for participants.

We presented three options for separation:

Option 1 Registration Level Change

Changes to rules so providers cannot register to provide both housing and living supports.

Option 2 Participant Level Change

Changes to the rules so providers cannot provide both housing and living support to the same participant.

Option 3 Conflict of Interest Change

Changes to strengthen conflict of interest arrangements when providers provide both housing and living support to the same participant.

Early Insights



Early Insights of what we have heard so far include:

- Separation will improve choice and control for participants.
- Strong relationships between SIL and SDA providers is important.
- Multiple participants engaging different SIL providers needs consideration of the overall sense of community in the home.
- Exemptions may be needed for participants with complex needs, in rural and remote areas, or in cases involving community investment SDA.
- There can be financial impacts on housing and supports if one participant leaves the household.
- Tenancy agreements and tenancy rights for participants need to be strengthened.



Our consultation sessions and engagements on Practice Standards and the separation of SIL/SDA concluded on 30 October 2024. **We are analysing all data from our consultations and will release a Key Insights report in late 2024.**

Housing and Living Supports (HLS) Team



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Overview

Established April 2024 to engage with the Specialist Disability Accommodation (SDA) and Supported Independent Living (SIL) sector. Key focus areas:

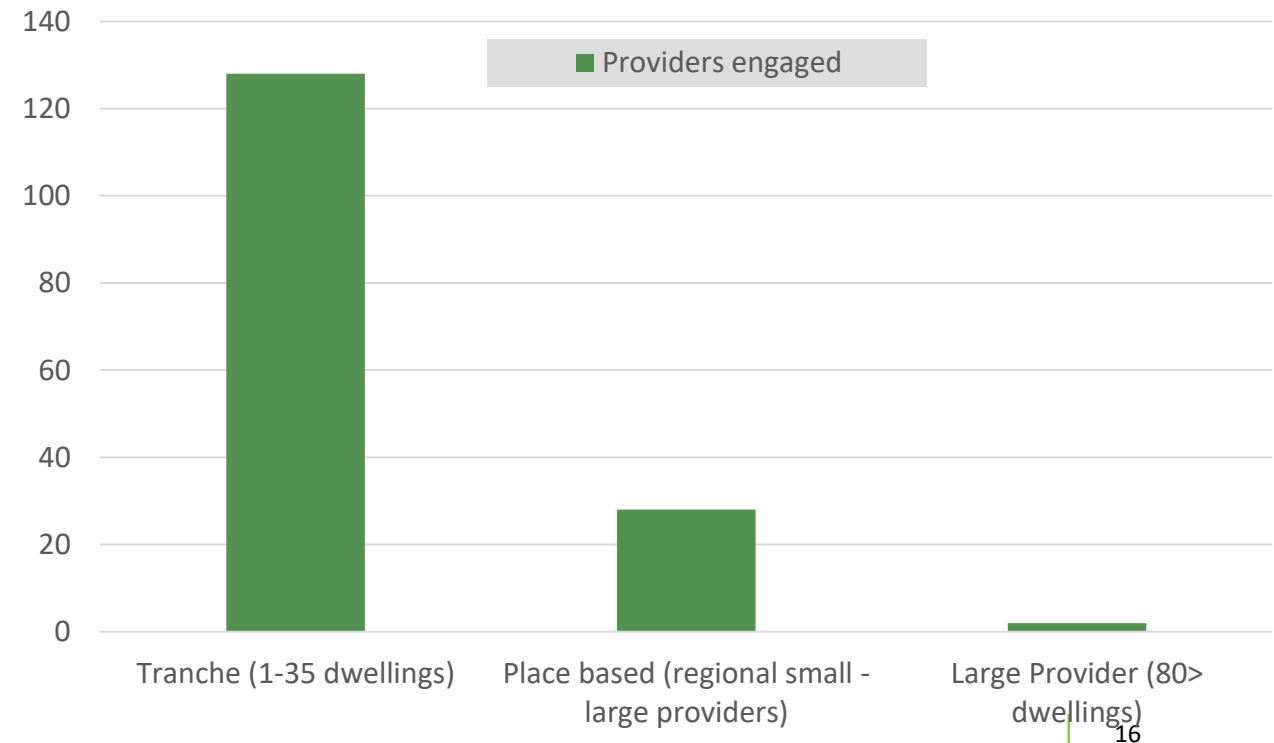
- Conflict of interest management
- Participant choice and control
- Strengthen regulation within the SDA space
- Explore sector implications for legal and practical separation of SDA and SIL providers by the NDIS Review
- Gain insights into participants receiving 24/7 SIL supports outside of SDA

What we have done:



Participants engaged	Provider meetings	Dwelling visits	Provider documentation reviewed
365	126	253	133

Considerations	
Provider type	Registration categories
Geography	Engage across regional, metro and remote areas
Provider size	Sample proportionately to sector profile



What we have learnt:



	Barriers
Minimum standards	Providers are not required to demonstrate the practical ways they support choice and control or meaningful management of conflict of interest beyond documentation.
Head lease agreements	Provides access to accommodation for participants without regulatory oversight of the quality and suitability of the accommodation.
Practical and legal separation	Engagements show benefits and issues for and against this recommendation. Considerations regarding nuances of provider models, participant preferences and sector demographics is needed.
Resources	The sector has expressed a need for greater access to resources on how to navigate complexities around choice and control and funding arrangements, and collaborate with providers to achieve the best outcomes for participants
State governments	Complexities relating to inter government regulation for a small number of properties owned and managed by state governments due to legacy arrangements.