



Joint Standing Committee on the NDIS
Inquiry into the NDIS Quality and Safeguards Commission
Answer to Question on Notice

Reference: SQ20-000070

Out-of-Scope Complaints

Hearing: 29 September 2020

Hansard Page: 28

Question:

CHAIR: Thank you, Mr Head. I'll kick off. Can I ask you about out-of-scope complaints? How many have been received? [...]

Mr Head: [...] I think, in answer to a question on notice, there is material currently being developed for the committee on out-of-scope complaints as compared to those that are in scope, and I believe that material is due to be with the committee within the next few days. I have with me information on the within-scope complaints that we received in the last 12 months, but I don't have at hand the number of out-of-scope complaints, but I'm happy to provide that, and I think it is being attended to in a question on notice.

Answer:

The NDIS Quality and Safeguards Commission (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.

Between 1 July 2018 and 30 June 2020, the NDIS Commission received 1,519 complaints that were deemed to be out-of-scope. Some common reasons why a complaint may be out-of-scope are:

- the complaint does not involve a registered or unregistered NDIS provider;
- the complaint relates to funding or plan issues, and is more appropriately dealt with by the National Disability Insurance Agency; or
- the complaint is about the actions of another agency.

Where the NDIS Commission receives a complaint that is out-of-scope, all reasonable attempts are made to direct the complainant to the most appropriate agency or body who may be able to assist with their concerns.



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Reference: SQ20-000071

Investigations initiated by the NDIS Commission

Hearing: 29 September 2020

Hansard Page: 31-32

Question:

Senator STEELE-JOHN: First of all, could I just get from you again, Commissioner, how many investigations are currently underway within the commission?

Mr Head: My current advice is that there's somewhere just shy of 170 matters that are subject to some form of investigation or other.

Senator STEELE-JOHN: And how many of those are the result of the commission independently triggering an investigation?

Mr Head: That's something that I couldn't answer off the top of my head. Sometimes an investigation will have attached to it both matters that we've observed through complaints, matters that we've observed through reportable incidents, or matters that we're concerned about through our own interaction with providers through an aspect of their registration process. So we could probably give you—and I'd have to take this on notice—some insights into the split of those things.

[...]

Senator STEELE-JOHN: Alright. What I would be looking for—just so that you have it clearly—is: in the period between July 2018 and June 2020, if you can, the number of investigations initiated by the commission in the absence of a complaint. And also if you could place that in the context of the number of investigations that were in fact triggered by individual complaints, that would be very useful.

Answer:

The NDIS Quality and Safeguards Commission (NDIS Commission) examines all complaints it receives. Depending on the information revealed as a result of examining these complaints, some will become the subject of consideration for regulatory action, including investigation, as opposed to following the complaints resolution route, as provided for in the *NDIS (Complaints Management and Resolution) Rules 2018*.

For the period 1 July 2018 to 30 June 2020, the NDIS Commission initiated 211 investigations in accordance with the NDIS Commissioner's investigative powers under the *National Disability Insurance Scheme Act 2013* (NDIS Act) where potential breaches of the NDIS Act were identified through the NDIS Commission's functions. Of these, 41 investigations were initiated in the course of managing a complaint made to the NDIS Commission about the delivery of NDIS supports and services. The remaining 170 investigations were commenced as a result of information received from other sources, including from reportable incidents, the provider registration process and external intelligence.



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Reference: SQ20-000072

Resources allocated to Investigations and Timeframes

Hearing: 29 September 2020

Hansard Page: 32

Question:

Senator STEELE-JOHN: And just going to resources: you've got your roughly 170 ongoing investigations at the moment. How many of your staff are allocated to those investigations?

Mr Head: Again, I would need to look at the specific matters on hand—who's allocated where. There are the investigations staff as well as a range of people in other teams who would be doing work on investigations. For instance, where investigations progress to matters being dealt with in compliance notices, there's work done by people in the state and territory offices, including investigators. Also, each matter would have an involvement from the registration team as well, and indeed the legal team. There are both national office resources that would attach to an investigation as well as investigators in state and territory offices. But, again, we can look at how we can provide you with more-granular information on how that resourcing picture works.

Senator STEELE-JOHN: Thank you. Generally, though, in terms of your staff and footprint, how many investigators do you employ at the commission?

Mr Head: [...] I would stress that an investigation involves investigators as well as people who are not investigators. If you would like me to provide an answer to that on notice, it will include an array of other resources that are critical to an investigation being completed.

Senator STEELE-JOHN: That would be very useful. Just as long as it does break out the number of actual investigators, that would be great. Also, you probably don't have this, by the sounds of it, but if you could give me an average of the time the investigation takes from initiation to completion, that would be really useful as well. Are you able to do that?

Mr Head: Yes, I'm sure we could do it for the matters that have concluded, but obviously not for the matters that are on foot. [...]

Answer:

The NDIS Quality and Safeguards Commission (NDIS Commission) currently has 21 dedicated investigator positions. Additional investigators will be recruited as part of the NDIS Commission's rollout of additional resources announced in the 2020-21 federal Budget.

All NDIS Commission investigations involve both investigators and other staff, including legal officers and compliance officers.

The involvement of additional staff will depend on the complexity and technical aspects of investigations. In addition to assigned investigators, complex matters will also involve oversight by the Chief Investigator.

Where investigations originate from registration, reportable incidents and complaints functions, staff associated with the original assessment of a matter will continue to engage throughout the investigation phase.

The NDIS Commission has conducted and continues to conduct a number of investigations that are complex and protracted. These matters take a longer period of time to complete because they require consideration of serious and sometimes multiple allegations, analysis of large amounts of documentary evidence, preparation for and conducting of interviews with witnesses and persons the subject of allegations, and preparation of briefing papers to a decision-making delegate for consideration of regulatory action. Investigators will often need to await the production of documents and the results of other enquiries before progressing through the various stages of investigation, contributing to the time taken to complete these matters. They may also relate to matters under consideration by other bodies, such as state coroners.

From 1 July 2018 to 30 June 2020, the median time to complete an investigation was 126 days.

The conducting of an investigation is only one part of progressing a matter to a regulatory outcome. Ultimately, an investigation is an input to the decision-making process undertaken by the NDIS Commissioner's delegate on regulatory action to safeguard NDIS participants.



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Reference: SQ20-000073

Advocacy

Hearing: 29 September 2020

Hansard Page: 33

Question:

Senator STEELE-JOHN: You mentioned, Mr Head, that you sometimes encourage people to get help from an advocate [...] are there guidelines that the complaint officers have so that, if a person is displaying these concerns or has this disability type or comes from a certain background, these are the advocacy organisations to talk to? Does that kind of guide exist?

Mr Head: Yes. There are a range of resources and guidance for staff. I don't want to mislead the committee though by overgeneralising, so, if it's helpful to the committee, I can provide some formal examples of what we say about advocacy in the resources that we provide to people about our complaints process.

Senator STEELE-JOHN: If you could provide that on notice, that would be useful.

Answer:

The NDIS Quality and Safeguards Commission's (NDIS Commission) guiding principles include *'supporting the rights of people with disability to...have the role of advocates in representing the interests of people with disability acknowledged and respected.'*

These guiding principles are set out in the NDIS Commission's *Complaints Management and Resolution Guidance* document, which is available on the NDIS Commission website at: www.ndiscommission.gov.au/document/581. It explains how people can complain to the NDIS Commission and how complaints are dealt with by the NDIS Commission. This document states that:

- advocates can make complaints;
- the NDIS Commission will work with NDIS participants, their representatives (including advocates) and providers to resolve complaints; and
- the NDIS Commission provides information about the use of independent advocates.

The standard letter templates used by NDIS Commission Complaints officers include optional wording that suggests the recipient consider obtaining an advocate and explains the person may find one using the [Disability Advocacy Finder](#), with the link to this tool included in the correspondence. A link to this resource is available on the NDIS Commission's website.

The Disability Advocacy Finder contains links to all advocacy services funded by Commonwealth, state or territory governments. It is maintained by the Department of Social Services.

NDIS Commission Contact Centre and Complaints officers routinely discuss how an advocate may assist those who may find it difficult to speak up for themselves or others they know, in ensuring the rights and choices of people with disability are respected.



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Reference: SQ20-000074

Social Media Strategy and Website Traffic

Hearing: 29 September 2020

Hansard Page: 33

Question:

Senator STEELE-JOHN: We've heard from a lot of witnesses today that the level of community awareness of the commission's existence is lower than would be desirable, particularly among First Nations communities and other segments of the disability community. Could you provide to the committee what you do have in terms of documentation of your social media strategy along with data to show the level of traffic through your website in the period from 2018 to 2020. That would be useful.

Mr Head: Yes, I'm happy to provide that.

Answer:

1. The NDIS Quality and Safeguards Commission (NDIS Commission) uses social media platforms LinkedIn and Facebook as informative communication channels. An overview of the NDIS Commission's current and future social media campaigns is at [Attachment A](#).
2. For the period 1 July 2018 to 30 June 2020, the NDIS Commission website was visited more than 1.1 million times (by 918,649 unique visitors), with an average of over 49,000 visits per month across the two-year period. Visits to the website increased significantly following the transition of five more states and territories on 1 July 2019, with the average number of monthly visits during 2019–20 being 74,500.

The following table shows the number of visits to specific information on the NDIS Commission website, as at 30 June 2020:

Item	Visits	Comment
Worker Orientation Module 'Quality Safety and You'	245,813	Includes 2,213 completions of the Auslan version
Easy Read resources webpage	10,543	Hosts a number of resources in Easy Read
Easy Read version of the Participant Welcome Pack	15,382	Gives NDIS participants information about their rights, the role of the NDIS Commission, choosing quality and safe supports, and how to make a complaint

Braille version of the Participant Welcome Pack	2,149	
Webpage hosting the Auslan version of the Participant Welcome Pack	237	
'In your language' webpage	4,704	Hosts resources in 11 community languages
'Talk up' brochure downloads	97	Contains information on how to make a complaint about NDIS supports and services for Aboriginal and Torres Strait Islander peoples
Provider Information Pack orders	9,029	Contains the key information NDIS providers require to provide services and supports to NDIS participants

Attachments

Attachment A: Overview of the NDIS Commission's current and future social media campaigns.



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NDIS Commission current and future social media campaigns

Current campaigns

All social media platforms rely heavily on content and collateral. The NDIS Commission uses the outcomes of projects across the NDIS Commission and also plans and develops targeted campaigns for use on social media platforms.

COVID-19

TO NOTE: Activity planned on social media which was to commence in March 2020 was re-organised and re-planned so as to ensure both social media platforms were available for specific COVID-19 messaging and information.

Ongoing

Continue to provide information to:

- inform and support NDIS providers to continue to deliver quality and safe supports and services to NDIS participants during the COVID-19 pandemic.
- Support participants to know and understand what they can do to look after themselves, and the ways we are working with NDIS providers to make sure providers understand what they need to do to make sure participants get the support they need during the COVID-19 pandemic.

Expos and other engagement activities

Ongoing

The NDIS Commission will continue to post about Expos and events, where appropriate. This includes state and territory events, where appropriate.

Provider Information Pack and Participant Welcome Pack

Ongoing

Break up into smaller digestible content and visuals information from the [Provider Information Pack](#) and the [Participant Welcome Pack](#).

CALD 'Speak Up' resources

July 2020 – December 2020

A series of posts with the 'Speak Up' posters in 10 community languages.

WA transition

September 2020 – February 2021

Provide information about the WA transition and build the profile of the NDIS Commission with Western Australian providers, participants, advocates, government agencies and the wider community.

New reportable incidents resources

October 2020 – November 2020

These resources are designed to support NDIS providers to meet their obligations under the *National Disability Insurance Scheme Act 2013* and to develop effective incident management systems. They provide information on the benefits of effective incident management, reportable incident obligations and timeframes, and incident management system requirements.

Complaints Commissioner video

November 2020

‘Understanding complaints’ features the Complaints Commissioner explaining the Complaints function at the NDIS Quality and Safeguards Commission is about ensuring that people have the right to speak up about their NDIS Supports and Services when they are not happy with the quality or the safety of those services.

Easy Read and plain language resources

November 2020 – June 2021

Promote the newly developed:

- plain language guides for providers about the Positive Behaviour Support Capability Framework, Approved Quality Auditor Scheme Guidelines, Procedural Fairness Guidelines; and
- Easy read guide for participants about Positive Behaviour Support Capability Framework.

New worker screening arrangements

December 2020 to February 2021

On 1 February 2021, states and territories will start implementing new NDIS worker screening arrangements as part of a national approach to worker screening.

Commission collateral project

February 2021 – June 2021

The NDIS Commission has developed three videos and supporting collateral to help providers, participants and other stakeholders understand what the NDIS Commission does. The resources, which are aimed at providers and participants, focus on three key themes:

- Listening: Making it better;
- Educating: Confidence in choice;
- Regulating: Feeling safe.

Aboriginal and Torres Strait Islander resources

February 2021

Aboriginal and Torres Strait Islander version of the Participant Welcome Pack – providing creative and culturally appropriate information material for Aboriginal and Torres Strait Islander participants.

Resources for people with intellectual disability

March 2021 – June 2021

Promote the resources developed by the New South Wales Council for Intellectual Disability, as part of the Support for NDIS Providers grant program.

Suggested future campaigns

Below are concepts for social media campaigns, to be considered over the next 12 months (to December 2021).

‘Speak Up’ refresh

Proposed Date Range: January 2021 – December 2021

Target Audience: Participants and their support networks (including advocates)

Alignment: This campaign aligns with raising the profile the NDIS Commission and highlighting our key role and functions.

Concept: Refresh the ‘Speak Up’ – an awareness campaign to empower participants to ‘speak up’ about the quality and safety of their NDIS supports and services.

Providers and Participants: working together

Proposed Date Range: July 2021

Target Audience: The wider community.

Alignment: This campaign aligns with raising the profile the NDIS Commission and highlighting our key role and functions.

Concept: Focusing on what has been achieved in the sector and where to from here – improving systems and the lives of people with disabilities. This campaign is also an opportunity to educate on what good service and support looks like and show the outcome of good service and supports in empowering people with disability to live ordinary lives.

New provider e-learning resources

Proposed Date Range: May 2021 – September 2021

Target Audience: Providers

Alignment: This campaign aligns with educative role of the NDIS Commission.

Concept: Promote newly developed e-learning resources relating to:

- mealtime management;
- supporting people with complex communication needs.



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Reference: SQ20-000075

Complaints resulting in no further action

Hearing: 29 September 2020

Hansard Page: 34

Question:

Senator STEELE-JOHN: One of the things that's quite concerning to many members of the committee is the fact that about 50 per cent of the complaints you've received in the period from July 2018 to July 2020 were resolved in a way that led to no further action. What avenue is there for members of the community to understand what decisions and thought processes lay behind the decision to take no further action in those cases?

Mr Head: The complaints rules themselves set out what the commission must do, including when it decides that it doesn't intend to take further action. Complainants can ask for a reconsideration of that decision. In addition to asking for a reconsideration of that decision, if, at the end of that process, we don't change that decision we can be the subject of a complaint to the Commonwealth Ombudsman. I believe work is underway in response to a question on notice from either this committee or the COVID-19 committee—I've forgotten which committee it is being prepared for—about reconsiderations we've received. If it is being prepared for the Senate Select Committee on COVID-19, I can provide it simultaneously to this committee.

Answer:

Please refer to the NDIS Commission response to Question on Notice SQ20-000058.



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Joint Standing Committee on the NDIS
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Answer to Question on Notice

Reference: SQ20-000076

Representation of First Nations Australians in Complaints

Hearing: 29 September 2020

Hansard Page: 34

Question:

Senator STEELE-JOHN: That would be useful. Are you able to provide us with a breakdown of how many First Nations people are represented in the overall complaints figure you provided to us as a committee?

Mr Head: [...] I am not sure whether we would be able to provide reliable data for the whole period we have been operating. [...] But I'll provide advice on what's possible demographically in respect of the complaints data at this stage.

Answer:

Please refer to SQ20-000079.



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Reference: SQ20-000077

Newsletter and Provider Alert Subscribers

Hearing: 29 September 2020

Hansard Page: 34

Question:

Senator STEELE-JOHN: Alright. Thank you. And just one more thing—I suspect you'll have to do it on notice—I'd like to know how many people subscribe to and receive your newsletter, if you're able to provide us with that.

Mr Head: Do you mean our provider newsletter, or the provider alerts themselves?

Senator STEELE-JOHN: Both, if that's possible.

Mr Head: Yes, we can provide that.

Answer:

Provider Newsletter and Provider Alerts

Provider newsletters and provider alerts issued by the NDIS Quality and Safeguards Commission (NDIS Commission) are electronically distributed to:

- Registered NDIS providers: On average in September 2020, **12,996** recipients received direct provider communications from the NDIS Commission.
- Opt-in subscribers: As at 8 October 2020, there are **1,480** subscribers who have signed up to receive communication via the NDIS Commission website at:
www.ndiscommission.gov.au/news-media/provider-newsletters.

All provider newsletters and provider alerts are available to view on the NDIS Commission website (refer to the above link). They are also promoted to stakeholders via the NDIS Commission's social media channels:

- Facebook: www.facebook.com/NDISCommission
- LinkedIn: www.linkedin.com/company/ndiscommission

NDIS Commission Website

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