



**Australian Government**  
**Department of Social Services**



# **Quality assurance and safeguards working arrangements for transition to the NDIS in Queensland**

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# Contents

1.	Purpose	4
2.	Background	5
3.	Guiding principles	5
3.1	Individual safeguards	5
3.2	Service provider quality assurance and safeguards	5
4.	Registration process for providers of prescribed disability services in Queensland	6
4.1	Registering for NDIS registration groups	6
4.2	Sole traders	7
4.3	Other Queensland government agencies	7
4.4	Providing evidence for NDIS registration groups that are prescribed disability services	8
4.5	Commonwealth providers	13
5.	Quality framework	15
5.1	Queensland's quality framework	15
5.2	During transition	15
6.	Criminal history screening	17
6.1	Queensland's criminal history screening	17
6.2	During transition	17
7.	Complaints	19
7.1	Commonwealth complaints systems during transition	19
7.2	Queensland's complaints systems	19
7.3	During transition	19
8.	Restrictive practices	21
8.1	Queensland's restrictive practices	21
8.2	During transition	21
9.	Monitoring and compliance	22
9.1	Queensland's monitoring and compliance systems	22
9.2	During transition	22

## **Acronyms**

AQEP	appropriately qualified and experienced person
DCDSS	Department of Communities, Disability Services and Seniors
HSQF	Human Service Quality Framework
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme

## **Legislation**

*Coroners Act 2003 (Qld)*

*Disability Services Act 1986 (Cwlth)*

*Disability Services Act 2006 (Qld)*

Disability Services Regulation 2017 (Qld)

*National Disability Insurance Scheme Act 2013 (Cwlth)*

National Disability Insurance Scheme (Registered Providers of Supports) Rules 2013 (Cwlth)

*Public Guardian Act 2014 (Qld)*

*Working with Children (Risk Management and Screening) Act 2000 (Qld)*

## **Appendices**

Appendix 1: Provider registration process (roles and responsibilities)

Appendix 2: Human Services Quality Framework (roles and responsibilities)

Appendix 3: Criminal History Screening Unit yellow card (roles and responsibilities)

Appendix 4: Complaints (roles and responsibilities)

Appendix 5: Restrictive practices (roles and responsibilities)

Appendix 6: Compliance (roles and responsibilities)

## **References**

Preventing and responding to the abuse, neglect and exploitation of people with disability (Queensland government policy)

[www.communities.qld.gov.au/resources/disability/publication/abuse-neglect-exploitation-policy.pdf](http://www.communities.qld.gov.au/resources/disability/publication/abuse-neglect-exploitation-policy.pdf)

Criminal history screening

[www.communities.qld.gov.au/disability/key-projects/criminal-history-screening](http://www.communities.qld.gov.au/disability/key-projects/criminal-history-screening)

Working with Children (Risk Management and Screening) Act

[www.communities.qld.gov.au/disability/key-projects/criminal-history-screening](http://www.communities.qld.gov.au/disability/key-projects/criminal-history-screening)

# 1. Purpose

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This document provides the details of quality and safeguard arrangements for Queensland's transition to the National Disability Insurance Scheme (NDIS). It is agreed between the National Disability Insurance Agency (NDIA), the Commonwealth of Australia and the Queensland Government.

The Commonwealth, Queensland and NDIA will jointly monitor the implementation of these working arrangements, including working together with relevant Queensland statutory bodies to manage quality and safeguards issues that arise during the transition to the NDIS in Queensland to ensure the best possible outcomes for participants.

## 2. Background

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The National Disability Insurance Scheme Act Part 3 of Chapter 4 requires a person or entity to apply to be a registered provider of supports in relation to:

- a. managing the funding for supports under plans and
- b. the provision of supports.

The National Disability Insurance Scheme (Registered Providers of Supports) Rules (clause 73) may make provision in connection with the approval of persons or entities as registered providers of supports, including by prescribing criteria relating to:

- a. compliance with prescribed safeguards
- b. compliance with prescribed quality assurance standards and procedures.

Existing Commonwealth and state quality and safeguarding systems will apply to NDIS providers of prescribed disability services (those prescribed in Schedule 1 of the Disability Services Regulation) in Queensland during transition.

The following arrangements have been agreed to between the Queensland government and the NDIA to ensure the existing systems include NDIS providers delivering prescribed disability services in Queensland as regulated by the Queensland Disability Services Act.

## 3. Guiding principles

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The NDIA is working to ensure high quality services for people with disability in a choice and control environment.

Consistent with the principles of the NDIS, individual, service and system level safeguards aim to achieve a balance between choice and control and to ensure adequate and appropriate safeguards are in place.

The Commonwealth and Queensland governments and the NDIA will ensure that there are appropriate levels of safeguards for individuals, particularly where risk is identified. They will ensure that these safeguards are not overly arduous, but reflect the appropriate standard of safeguards for the individual.

### 3.1 Individual safeguards

The role of natural safeguards will be recognised through the development of the NDIS participant's plan. This plan will identify the person's goals and aspirations, unique risks and appropriate safeguards for each individual. The plan is based on a presumption of capacity, unless there is evidence to the contrary.

The individual safeguards depend on the person's level of identified risk and need. Through the support needs assessment and planning process, the NDIA planning support coordinators will work with participants to identify their existing risks and safeguards, and to build intentional safeguards into the plan that reflect each participant's needs.

### 3.2 Service provider quality assurance and safeguards

Queensland's existing quality and safeguard framework is a robust mix of legislative and non-legislative measures. The existing quality assurance and safeguard systems have been extended to include NDIS providers of prescribed disability services that operate in Queensland.

### 3.2.1 Legislative safeguards

Legislative safeguards apply to NDIS providers delivering prescribed disability services listed on an NDIS participant's plan.

The Queensland Disability Services Act includes a number of important protections, including mandated criminal history screening, a complaints management system and a restrictive practices framework.

The Public Guardian Act regulates the Adult Community Visitor Program – a rights protection and abuse prevention service for adults with intellectual impairment who live in settings deemed as visitable sites.

The Coroners Act requires every death in care to be reported to the police or coroner, regardless of the circumstances or cause of death. The Act extends to the NDIA.

The Working with Children (Risk Management and Screening) Act requires a person who engages in paid or voluntary child-related work to have a blue card, noting that some people will qualify for an exemption. Further information on qualifying for exemption can be found at <https://www.bluecard.qld.gov.au/>.

### 3.2.2 Non-legislative safeguards

Non-legislative safeguards apply to NDIS providers of prescribed disability services.

The Human Services Quality Framework is the Department of Communities, Disability Services and Seniors' system for assessing and promoting improvement in the quality of human services delivered with departmental funding.

The framework includes:

- a set of quality standards, known as the Human Services Quality Standards that cover the core elements of human service delivery
- an assessment process to measure the performance of providers against the standards (by certification by an independent third-party, self-assessment or evidence of alternative accreditation/certification)
- a continuous improvement framework, which supports the participation of people in quality improvement.

## 4. Registration process for providers of prescribed disability services in Queensland

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Refer to Appendix 1: Provider registration process (for organisations delivering prescribed disability services)

### 4.1 Registering for NDIS registration groups

As part of the registration process, providers must declare that the people in their organisation are appropriately skilled to deliver the supports and services in the registration group they are registering to deliver. The NDIA Provider Registration Guide to Suitability describes the expectations for professional qualifications, professional registration and experience.

## 4.2 Sole traders

As part of the registration process, sole traders (including sole practitioners) must declare that they have the appropriate qualifications or registration with relevant professional bodies to deliver the type of service or support they are registering to deliver.

Practitioners who seek to register as a consortium must declare that all practitioners have appropriate qualifications or registration with relevant professional bodies.

Practitioners will be required to comply with the ethical standards set by their professional body, as well as all relevant Commonwealth and state legislation.

Sole traders are required to undergo criminal history screening and be issued with a positive notice and yellow card to deliver prescribed disability services to NDIS participants.

Registered health practitioners are exempt from criminal history screening if they register to deliver supports and services in a registration group that relates to their functions as a health professional.

The following professions are captured by the definition of a registered health practitioner in the Queensland Disability Services Act:

- chiropractors
- dentists
- doctors
- nurses
- occupational therapists
- optometrists
- osteopaths
- pharmacists
- physiotherapists
- podiatrists
- psychologists.

Sole traders who are delivering disability supports and services to children are required to have a blue card. Under the Queensland Disability Services Act, a person who holds a blue card issued by Queensland's Blue Card Services, and who is required to undergo criminal history screening under the yellow card system (as they also deliver services to adults with disability), must apply for a positive exemption notice.

## 4.3 Other Queensland government agencies

Other Queensland government departments (excluding the Department of Communities, Disability Services and Seniors) registering to deliver prescribed disability services under the NDIS will not be required to provide evidence of compliance with the Human Services Quality Framework as part of their registration process. These government providers will remain subject to and regulated by their own quality and safeguard measures.

Where the Department of Communities, Disability Services and Seniors provides prescribed disability services, it will be subject to the safeguards contained in the Queensland Disability Services Act and be required to provide evidence of compliance with the Human Services Quality Framework.

## 4.4 Providing evidence for NDIS registration groups that are prescribed disability services

In Queensland, NDIS providers of registration groups that are prescribed disability services must comply with the Queensland Disability Services Act and other relevant Queensland legislation. They must also comply with the Human Services Quality Framework, including demonstrating evidence of policies:

- consistent with the state's [abuse, neglect and exploitation policy](#)
- complying with the state's [criminal history screening](#) legislation
- complying with the state's working with children [legislation](#)
- outlining a complaints management framework
- outlining a risk management framework.

NDIS providers of prescribed disability services must submit confirmation of compliance with the Human Services Quality Framework during the NDIS registration process. The evidence required depends on the provider type and is listed in the tables below.

In addition to the above requirements, providers registering to deliver Specialist Positive Behaviour Support (0110), whose professional qualifications are not specified in *Section 5: professional registration groups* of the NDIA Provider Registration Guide to Suitability need to be assessed by Queensland's Department of Communities, Disability Services and Seniors as an appropriately qualified and experienced person (AQEP) to deliver Specialist Positive Behaviour Support to NDIS participants, noting that Queensland's restrictive practices legislative framework only applies to adults with disability.

Providers will need to provide evidence of how they meet the competencies outlined in an AQEP assessment template.

Applications will be assessed on a case-by-case basis by Queensland's Department of Communities, Disability Services and Seniors. Providers will be advised of the outcome of the assessment once completed, which can be used to finalise registration with the NDIA

Similarly, providers registering to deliver Support Coordination (0132), whose profession is not specified in Section 5: Professional Registration Groups in the Provider Registration Guide to Suitability or falls within the scope of 'other allied health, developmental educator, social or health science professional', need to be assessed by the Department of Communities, Disability Services and Seniors as suitably qualified and/or experienced in support coordination.

For further information about the Human Services Quality Framework or registration requirements, contact the HSQF team on [hsqf@communities.qld.gov.au](mailto:hsqf@communities.qld.gov.au).



**Provider type 1.** Existing provider with a service agreement with the Department of Communities, Disability Services and Seniors to deliver prescribed disability services

Registering to deliver	Evidence to be submitted to NDIS	Process
A like service to the one currently contracted to deliver	HSQF certification	<ul style="list-style-type: none"> <li>Provider uploads certification to NDIA provider portal as supporting evidence of competency to deliver a registration group that is a prescribed disability service (Schedule 1 of the Disability Services Regulation)</li> </ul>
A service that is different to the one currently contracted to deliver	HSQF certification and a statement of commitment	<ul style="list-style-type: none"> <li>Provider uploads:               <ol style="list-style-type: none"> <li>certification to NDIA provider portal as supporting evidence of competency to deliver a registration group that is a prescribed disability service (Schedule 1 of the Disability Services Regulation); <b>AND</b></li> <li>statement of commitment*</li> </ol> </li> </ul> <p>*a statement of commitment is a written statement prepared by the provider that contains an assurance that any new prescribed disability service will be included in the scope of the provider's next scheduled audit. The statement must be addressed to the NDIA and signed by the provider's authorising officer and a witness.</p> <p>Note: Where provider is registering to deliver a professional registration group, staff need to meet the professional qualifications and membership with a relevant professional association specified in the NDIA Provider Registration Guide to Suitability</p>

**Provider type 2.** Provider with a service agreement with the Department of Communities, Disability Services and Seniors to deliver Community Care services

Registering to deliver	Evidence to be submitted to NDIS	Process
A registration group that is a prescribed disability service (prescribed in Schedule 1 of the Disability Services Regulation)	Confirmation of meeting HSQF requirements	<ul style="list-style-type: none"> <li>• Provider submits an application form for alternative accreditation and accreditation documentation to <a href="mailto:hsqf@communities.qld.gov.au">hsqf@communities.qld.gov.au</a>.</li> <li>• Where requested, provider submits additional supporting documentary evidence as specified by the department to <a href="mailto:hsqf@communities.qld.gov.au">hsqf@communities.qld.gov.au</a>.</li> <li>• The department reviews the application and documentation and provides written advice to the provider</li> <li>• Where alternative accreditation is accepted, provider uploads the department's advice to NDIA provider portal</li> <li>• Where alternative accreditation is not accepted, provider must complete a HSQF self-assessment (see below)</li> </ul> <p>Note: Where provider is registering to deliver a professional registration group, evidence of professional qualifications and membership with a relevant professional association is required</p>

**Provider type 3.** Any other provider

(for example new provider without a service agreement with Department of Communities, Disability Services and Seniors)

Registering to deliver	Evidence to be submitted to NDIS	Process
<p>A registration group that is a prescribed disability service (prescribed in Schedule 1 of the Disability Services Regulation)</p>	<p>Confirmation of meeting HSQF requirements</p>	<p><b>Alternative accreditation – applies where provider holds an existing alternative accreditation</b> (e.g. certification to National Standards for Disability Services, third party verification NSW, ISO:9001)</p> <ul style="list-style-type: none"> <li>• Provider submits an application form for alternative accreditation and accreditation documentation to <a href="mailto:hsqf@communities.qld.gov.au">hsqf@communities.qld.gov.au</a>.</li> <li>• Where requested, provider submits additional supporting documentary evidence as specified by the department to <a href="mailto:hsqf@communities.qld.gov.au">hsqf@communities.qld.gov.au</a>.</li> <li>• The department reviews the application and documentary evidence and provides written advice to the provider</li> <li>• Where alternative accreditation is accepted, provider uploads the department’s advice to NDIA provider portal</li> <li>• Where alternative accreditation is not accepted, provider must complete a HSQF self-assessment application (see below)</li> </ul> <p>Note: Where provider is registering to deliver a professional registration group, evidence of professional qualifications and membership with a relevant professional association is required.</p>
	<p>Confirmation of meeting HSQF self-assessment requirements</p>	<p><b>Self-assessment – applies where provider does not hold an alternative accreditation</b></p> <ul style="list-style-type: none"> <li>• Provider submits an application form for self-assessment approval for Queensland</li> <li>• Based on the provider’s business entity type, the department will advise providers to complete and submit the self-assessment in one of two forms:               <ol style="list-style-type: none"> <li>1. self-assessment workbook provided by the department or</li> <li>2. self-assessment using an online portal.</li> </ol> </li> </ul>

Registering to deliver	Evidence to be submitted to NDIS	Process
		<ul style="list-style-type: none"> <li>• Provider completes the relevant HSQF self-assessment activity (either workbook or portal) and provides supporting documentary evidence as specified by the department to <a href="mailto:hsqf@communities.qld.gov.au">hsqf@communities.qld.gov.au</a>.</li> <li>• The department reviews the self-assessment and documentary evidence provides advice of completeness to provider</li> <li>• Provider uploads advice of completeness to NDIA provider portal.</li> <li>• Where self-assessment is not accepted, provider is required to resubmit the self-assessment and documentation for further review</li> </ul> <p>Note: Where a provider is registering to deliver a professional registration group, evidence of professional qualifications and membership with a relevant professional association is required</p>

## 4.5 Commonwealth providers

### 4.5.1 Commonwealth quality and safeguards arrangements

Existing Commonwealth providers who transition to deliver the same services through the NDIS will continue to be required to meet the quality and safeguards terms, as outlined in their Commonwealth funding agreements in accordance with the Terms of Business for Registered Providers for the NDIA.

These include the requirement for providers to:

- engage appropriately qualified staff to deliver the agreed services including meeting relevant Commonwealth arrangements and policies relating to vulnerable persons, police check and criminal offences
- ensure services are delivered in accordance with the National Standards for Disability Services under the Commonwealth Disability Services Act 1986
- meets the relevant national standards and accreditation requirements
- operate in line and comply with the requirements as set out within all state and territory and Commonwealth legislation and regulations
- apply the highest standards of duty of care
- ensure service provision is effective, efficient, and appropriately targeted
- ensure Aboriginal and Torres Strait Islander people have equal and equitable access to services
- have appropriate internal complaints mechanisms in place
- maintain adequate insurance
- report performance against identified performance indicators
- notify the Commonwealth of anything reasonably likely to affect the performance of the Activity or otherwise required under this agreement
- provide necessary verification that the grant was spent in accordance with the grant details.

These providers will ensure NDIS participants who are accessing their services are aware they can still access the existing Commonwealth safeguards arrangements, when required, including:

- service provider complaints processes
- Department of Social Services complaints processes
- Commonwealth Ombudsman
- Australian Human Rights Commission
- other mainstream law enforcement and legal avenues.

### 4.5.2 Arrangements for existing Commonwealth funded services to expand their support offering

Current Commonwealth funded providers that intend to expand their service offering through the NDIS will need to apply directly to the NDIA to deliver new registration groups.

Providers will be required to attain and maintain certification for the expanded service type under the Human Services Quality Framework for the transition period, or until a national quality and safeguard arrangement is agreed.

Information about how accreditation with National Disability Services Standards is considered comparable to Human Services Quality Standards can be found at:

[www.communities.qld.gov.au/resources/funding/human-services-quality-framework/hsgf-standards-comparison-tool.pdf](http://www.communities.qld.gov.au/resources/funding/human-services-quality-framework/hsgf-standards-comparison-tool.pdf)

### **4.5.3 Arrangements for Australian Disability Enterprises and employment support services delivered by the Commonwealth**

Transitioning Australian Disability Enterprises will be required to continue to meet their obligations against their Funding Agreements while also maintaining certification under JAS-ANZ against the National Standards for Disability Services.

New Australian Disability Enterprises and employment support service providers continue to be required to attain and maintain certification under the National Standards for Disability Services for the transition period or until a national quality and safeguard systems is in place.

## **4.6 Continuity of Support**

People receiving disability supports funded by the Queensland Government who do not meet NDIS access requirements will be assisted to access supports which enable them to achieve similar outcomes. This is known as 'continuity of support'. The Queensland Government is responsible for managing the continuity of support arrangements for clients under 65 who are ineligible for the NDIS. The Australian Government is responsible for providing continuity of support for people aged 65 years and over, or 50 years and over for Aboriginal and Torres Strait Islander clients. Queensland and the Commonwealth intend to continue existing or comparable quality and safeguards arrangements using established mechanisms.

Further detail about the quality and safeguards arrangements for Continuity of Support during transition in Queensland is outlined under the administrative arrangements for continuity of support as referred to in Schedule D of the Bilateral Agreement between the Commonwealth and Queensland for the transition to an NDIS.

## 5. Quality framework

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### 5.1 Queensland's quality framework

Queensland's Human Services Quality Framework (HSQF) is a system for assessing and improving the quality of human services and for promoting quality outcomes to people who access these services.

The framework was developed in collaboration with the non-government sector to ensure important safeguards are in place, while reducing duplication and red tape. It includes:

- a set of Human Services Quality Standards that cover the core elements of human service delivery
- an assessment process to review the performance of service providers against the standards
- a continuous improvement framework that supports the participation of customers in quality improvement.

There are three methods of assessing and demonstrating compliance with the standards:

1. certification under the framework – recognition that a provider meets the requirements of the standards, determined by an independent third party assessment by an accredited certification body
2. evidence of certification or accreditation against a set of industry standards under an alternative quality framework
3. self-assessment

Information on the framework is available on the department's website at [www.communities.qld.gov.au/gateway/funding-and-grants/human-services-quality-framework/overview-of-the-framework](http://www.communities.qld.gov.au/gateway/funding-and-grants/human-services-quality-framework/overview-of-the-framework)

### 5.2 During transition

Refer to Appendix 2: Human Services Quality Framework (roles and responsibilities)

All NDIS providers of prescribed disability services must comply with the framework.

#### 5.2.1 Certification

Providers can request the department consider an existing alternative accreditation or certification as evidence of meeting the Human Services Quality Standards. Requests will be considered on a case-by-case basis. If accepted, the provider will be advised if the alternative certification will be accepted as evidence of meeting ongoing quality assurance requirements for the transition period or whether HSQF certification is required.

All other providers registering to be an NDIS provider of prescribed disability services must achieve and maintain certification with the framework **within 18 months of registration**.

Providers will be required to contract an independent, Joint Accreditation System of Australia and New Zealand (JAS-ANZ) accredited certification body to assess their suitability for certification. Certification is issued when a provider has been assessed by a certification body as meeting the quality standards.

NDIS providers of prescribed disability services with existing certification under the framework must maintain their certification for the transition period.

## 5.2.2 Preliminary notification

The state will notify the NDIA when an NDIS provider presents with a notifiable issue identified during an audit process or a major non-conformity identified in an audit report.

The state will provide a copy of the Notifiable Issue Referral Form or the details of the non-conformity to the NDIA at [quality.safeguards@ndis.gov.au](mailto:quality.safeguards@ndis.gov.au).

## 5.2.3 Major non-conformity and failure to achieve or maintain HSQF certification

The state will notify the NDIA when an NDIS provider of prescribed disability services has a major non-conformity and has not achieved certification after due process has been followed.

If an audit highlights a major non-conformity, a provider will have time to put into place actions to address any recommendations. A follow-up audit activity is undertaken and, if a major non-conformity still exists, the state will recommend the NDIA initiates action.

The state will notify the NDIA when an NDIS provider of prescribed disability services fails to achieve initial HSQF certification within the 18-month timeframe and there is no evidence that the provider has taken action to contract a certification body.

See Section 8: Monitoring and compliance

## 5.2.4 Contact points – quality assurance

Contact point	By whom	To whom	Contact details
Submit HSQF self-assessment	Provider	State	<a href="mailto:hsqf@communities.qld.gov.au">hsqf@communities.qld.gov.au</a>
Auditor identifies a notifiable issue	State	NDIA	<a href="mailto:Quality.safeguards@ndis.gov.au">Quality.safeguards@ndis.gov.au</a>
Audit report initially identifies a major non-conformity	State	NDIA	<a href="mailto:Quality.safeguards@ndis.gov.au">Quality.safeguards@ndis.gov.au</a>
Advice of a major non-conformity after due process	State	NDIA	<a href="mailto:Quality.safeguards@ndis.gov.au">Quality.safeguards@ndis.gov.au</a>
Failure of provider to achieve or maintain HSQF certification for NDIS services	State	NDIA	<a href="mailto:Quality.safeguards@ndis.gov.au">Quality.safeguards@ndis.gov.au</a>
Other	NDIA	State	<a href="mailto:Quality.safeguards@ndis.gov.au">Quality.safeguards@ndis.gov.au</a>



## 6. Criminal history screening

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### 6.1 Queensland's criminal history screening

All providers of prescribed disability services must comply with the Queensland Disability Services Act regarding criminal history screening.

Any person working at a prescribed disability service outlet must undergo a criminal history screening and be issued with a positive notice and yellow card, or exemption notice and yellow card exemption.

A paid employee may start employment at a provider outlet once an application for criminal history screening has been made. Volunteers must await the outcome of their screening application and a yellow card must be issued prior to commencing work within a provider outlet.

All workers and volunteers must undergo criminal history screening every three years.

Yellow card holders with a change in criminal history must undergo a reassessment process.

A monitoring system with Queensland Police is in place whereby the department is notified if a yellow card holder is charged with an offence. If a yellow card holder is charged with a serious offence, the department will suspend the yellow card.

Sole traders are also required to undergo criminal history screening and be issued with a positive notice and yellow card to deliver prescribed disability services to NDIS participants.

### 6.2 During transition

Refer to Appendix 3: Criminal History Screening Unit yellow card (roles and responsibilities)

All NDIS providers of prescribed disability services must comply with the Queensland Disability Services Act regarding criminal history screening.

The department's Criminal History Screening Unit processes applications from all workers and volunteers of NDIS providers delivering prescribed disability services in Queensland. Once it determines eligibility to hold a yellow card, it notifies the provider and applicant.

NDIS sole traders are also required to undergo criminal history screening and be issued with a positive notice and yellow card to deliver prescribed disability services to people with disability.

Providers, including sole traders, who deliver services and supports to children are required to have a blue card. Under the Queensland Disability Services Act, a person who holds a blue card issued by Blue Card Services, and who also delivers services to adults with disability, is required to undergo criminal history screening under the yellow card system, and must apply for a positive exemption notice. Screening applications must be accompanied by an application fee.

Registered health practitioners are exempt from criminal history screening under the Queensland Disability Services Act, if they register to deliver a prescribed disability service that relates to their functions as a health professional. As part of the practitioner's professional registration, criminal history screening is conducted by the regulation agency (e.g. AHPRA); this is not to be confused with NDIS registration. Refer to section 4.3 for more information regarding registered health practitioners.

## 6.2.1 Non-compliance

If an NDIS provider of prescribed disability services fails to comply with the criminal history screening requirements, the department will report this failure to the NDIA. See Section 8. Monitoring and compliance

## 7. Complaints

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### 7.1 Commonwealth complaints systems during transition

Any person who is not satisfied with their service provider's internal complaints and disputes mechanisms can contact the Complaints Resolution and Referral Service. Find more information about the service at <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/for-service-providers/quality-strategy-for-disability-employment-and-rehabilitation-services/complaints-and-referral-processes>

The National Disability Abuse and Neglect Hotline is a telephone service for reporting cases of abuse and neglect of people with disability in the community. If a caller reports abuse or neglect in any situation, the Hotline will refer the report to an agency able to investigate or otherwise address the report, such as an ombudsman or complaints-handling body. The Hotline provides support to callers on how a complaint about abuse and neglect might be raised and resolved at the local level. Find more information about the Hotline at [www.disabilityhotline.net.au/general/contact-us/](http://www.disabilityhotline.net.au/general/contact-us/)

The Complaints Resolution and Referral Service and the National Disability Abuse and Neglect Hotline will operate during the NDIS transition period.

The Commonwealth Ombudsman can investigate complaints about the actions and decisions of Commonwealth government agency actions and decisions to see if they are wrong, unjust, unlawful, discriminatory or unfair. The ombudsman also seeks remedies for people affected by administrative deficiencies and acts to improve public administration.

The ombudsman has strong investigatory powers. If required, officers working in government agencies must produce documents and answer questions under oath during ombudsman investigations.

### 7.2 Queensland's complaints systems

The Human Services Quality Framework requires all NDIS providers of prescribed disability services to establish and operate a clear and accessible complaints system to receive and resolve complaints about the services they provide. The service provider's complaints system should include a mechanism to advise their service users of their right to complain to the state authority if they are not satisfied with the outcome of their complaint.

### 7.3 During transition

Refer to Appendix 4: Complaints (roles and responsibilities)

#### 7.3.1 Complaints managed by NDIA

During NDIS transition, the NDIA will operate a complaints management system for complaints in relation to:

- agency staff
- agency processes
- complaints about market capacity and availability of service provision.

Complaints about these matters can be made to the NDIA at [feedback@ndis.gov.au](mailto:feedback@ndis.gov.au). Find more information about this process at [www.ndis.gov.au/about-us/contact-us/feedback-complaints](http://www.ndis.gov.au/about-us/contact-us/feedback-complaints).

### 7.3.2 Complaints managed by the state

The Department of Communities, Disability Services and Seniors will continue to have a role in managing complaints lodged in relation to:

- the department’s funded disability providers
- the department’s directly delivered disability services.

The department will also manage complaints about NDIS providers of prescribed disability services, when made by participants, their family, carers or advocates.

Noting that information about the participants plan is essential for Queensland complaints unit to respond to the complaint, and if the plan information is not made available, the department will refer the request for participant information back to the NDIA at [feedback@ndis.gov.au](mailto:feedback@ndis.gov.au).

The department will refer all complaints that are out of its scope to NDIA.

For more information regarding the department’s complaints management system go to [www.communities.qld.gov.au/gateway/about-us/compliments-and-complaints-feedback](http://www.communities.qld.gov.au/gateway/about-us/compliments-and-complaints-feedback)

The complaints process will reflect a ‘no wrong door’ approach ensuring effective access to complaints resolution for all participants, their family and carers, providers and advocates interacting with the NDIS.

### 7.3.3 Contact points – complaints

Contact point	By whom	To whom	Contact details
Referral of complaints	State	NDIA	<a href="mailto:feedback@ndis.gov.au">feedback@ndis.gov.au</a>
Referral of complaints	NDIA	State	<a href="mailto:feedback@communities.qld.gov.au">feedback@communities.qld.gov.au</a>

## 8. Restrictive practices

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### 8.1 Queensland's restrictive practices

To safeguard people with disability and reduce and eliminate the use of restrictive practices, the Queensland Disability Services Act requires that evidence based positive behaviour supports are implemented when a person exhibits behavior that causes harm to themselves or others.

Positive behaviour support is recognised as the best evidence-based approach to reducing behaviour that is challenging. On occasions and to manage risk, it may be necessary to use restrictive practices to prevent a person's behaviour from causing harm.

Restrictive practices include chemical restraint, mechanical restraint, physical restraint, restricted access (to objects), containment and seclusion.

Restrictive practices must be used in a way that has regard for the person's human rights, is the least restrictive way of ensuring the safety of the person or others, is proportionate, maximises the opportunity for positive outcomes and complies with the person's positive behaviour support plan.

Queensland's restrictive practices framework applies to people with disability who:

- are aged 18 years or over
- have an intellectual or cognitive disability
- exhibit behaviour that either causes harm to themselves or others, represents a serious risk of physical harm to the person or involves damage to property involving a serious risk of physical harm to the person.

Note: in other states and territories, the safeguards relating to the use of restrictive practice extend to children and young people.

### 8.2 During transition

Refer to Appendix 5: Restrictive practices

NDIS providers of prescribed disability services must act in accordance with the Queensland Disability Services Act requirements for the use of restrictive practices.

Providers must notify the department of approval or termination of approval, for the use of restrictive practices, as well as submitting mandatory monthly reporting of all instances of use of restrictive practices – even unplanned, unauthorised and one-off use.

#### 8.2.1 Non-compliance

The department will notify the NDIA of any non-compliance with the Queensland Disability Services Act, relating to the use of restrictive practices.

## 9. Monitoring and compliance

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### 9.1 Queensland's monitoring and compliance systems

The department's authorised officers will investigate any alleged non-compliance of the Queensland Disability Services Act by NDIS providers of prescribed disability services operating in Queensland.

The powers of authorised officers include, where appropriate, the use of search warrants and coercive powers to undertake investigations to determine whether a contravention of the Act has occurred and what appropriate action, if any, is required.

### 9.2 During transition

Refer to Appendix 6: Compliance

The department's authorised officers will investigate alleged non-compliance with the Disability Services Act, including:

- abuse, neglect or harm of a participant, or risk of, abuse, neglect or harm
- significant service delivery failure by an NDIS provider of prescribed disability services.

#### 9.2.1 Preliminary notification

At the start of a compliance investigation, the department will notify the NDIA at [quality.safeguards@ndis.gov.au](mailto:quality.safeguards@ndis.gov.au) of any NDIS provider of prescribed disability services that does not comply with the Queensland Disability Services Act.

#### 9.2.2 Initiation action (under section 72 of the NDIS Act)

Where the department's investigation identifies any outcome that results in a major non-compliance, it will advise the NDIA by email at [quality.safeguards@ndis.gov.au](mailto:quality.safeguards@ndis.gov.au). That advice will include the investigation report.

The NDIA will use the investigation report to initiate action with that NDIS provider.

If the provider responds to the NDIA's action, the NDIA will seek any further relevant information from the department's investigation. The NDIA will request this information from the department at [compliance@communities.qld.gov.au](mailto:compliance@communities.qld.gov.au)

The transmission of information will be sent through a secure transmission.

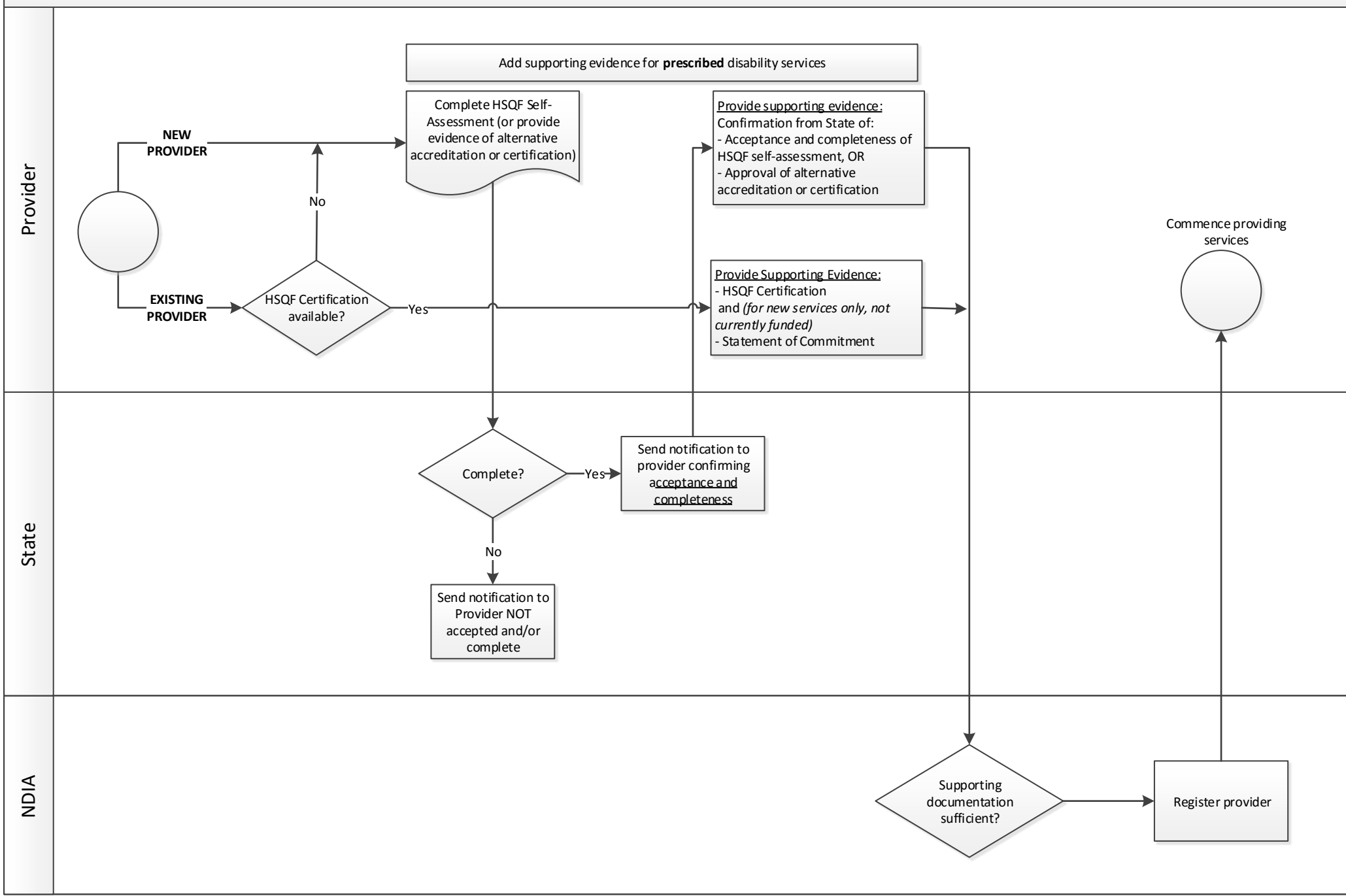
Where the NDIA revokes a provider's NDIS registration, it will advise the department by email at [compliance@communities.qld.gov.au](mailto:compliance@communities.qld.gov.au). The NDIA will also change the status of the provider in the NDIA registered provider report provided to the state.

#### 9.2.3 Contact points – monitoring and compliance

Contact point	By whom	To whom	Contact details
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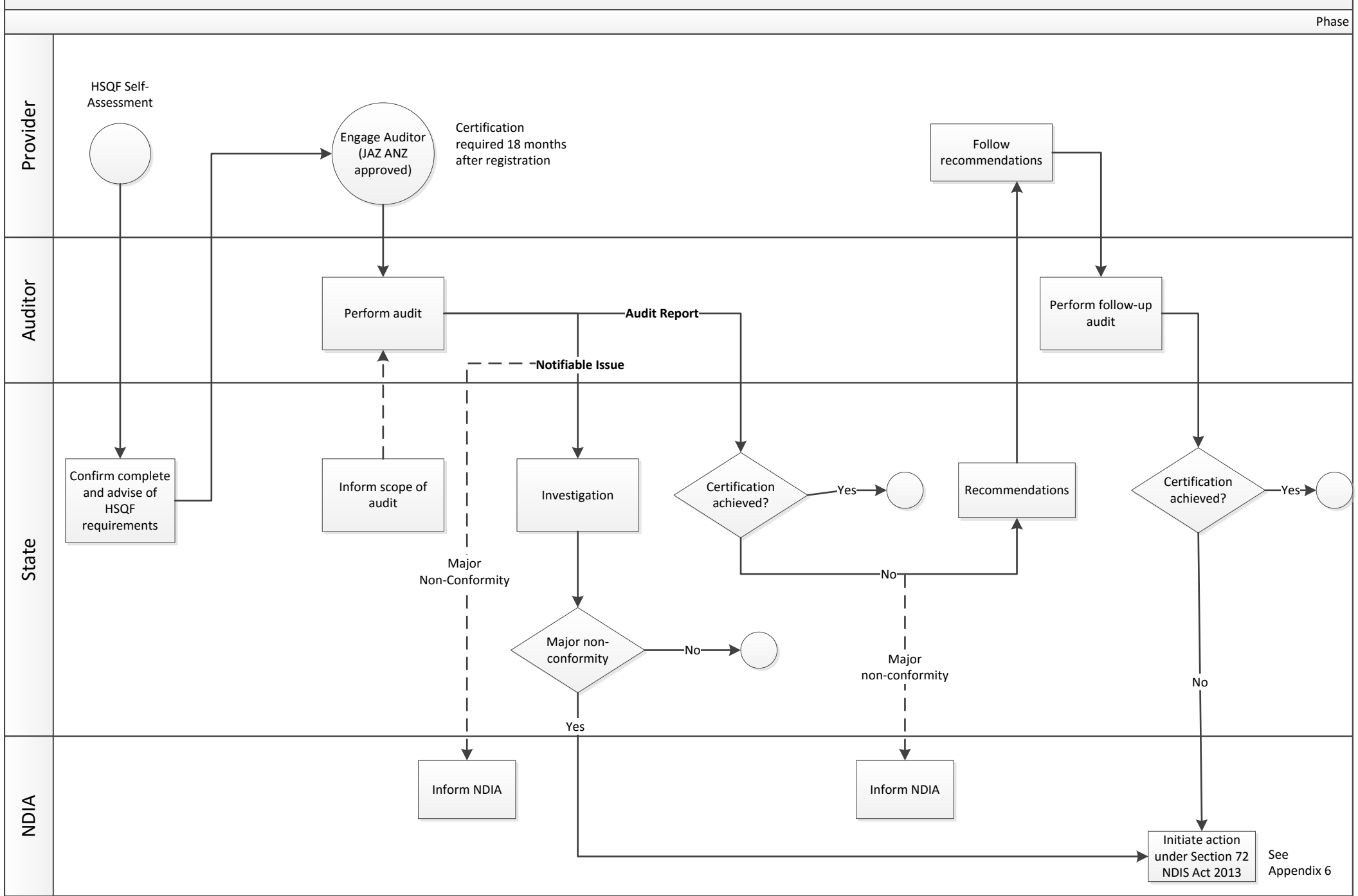
Investigation that results in non-compliance with the Disability Services Act or other quality and safeguard requirements	State	NDIA	<a href="mailto:Quality.safeguards@ndis.gov.au">Quality.safeguards@ndis.gov.au</a>
Request for advice of a provider's response to an action	NDIA	State	<a href="mailto:compliance@communities.qld.gov.au">compliance@communities.qld.gov.au</a>

Appendix 1 – Provider Registration Process (for organisations delivering prescribed disability services)

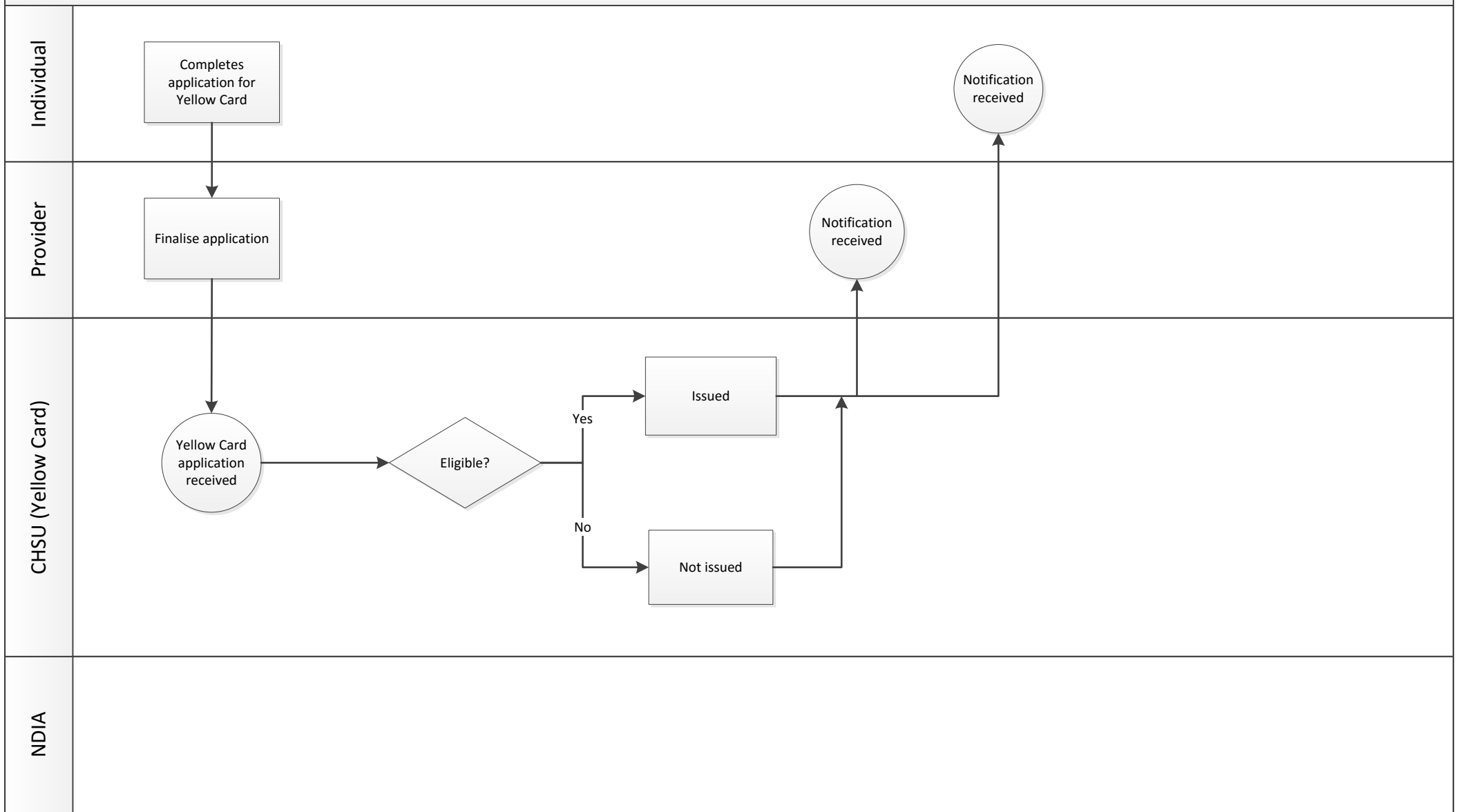




Appendix 2 - Human Services Quality Framework (roles and responsibilities)

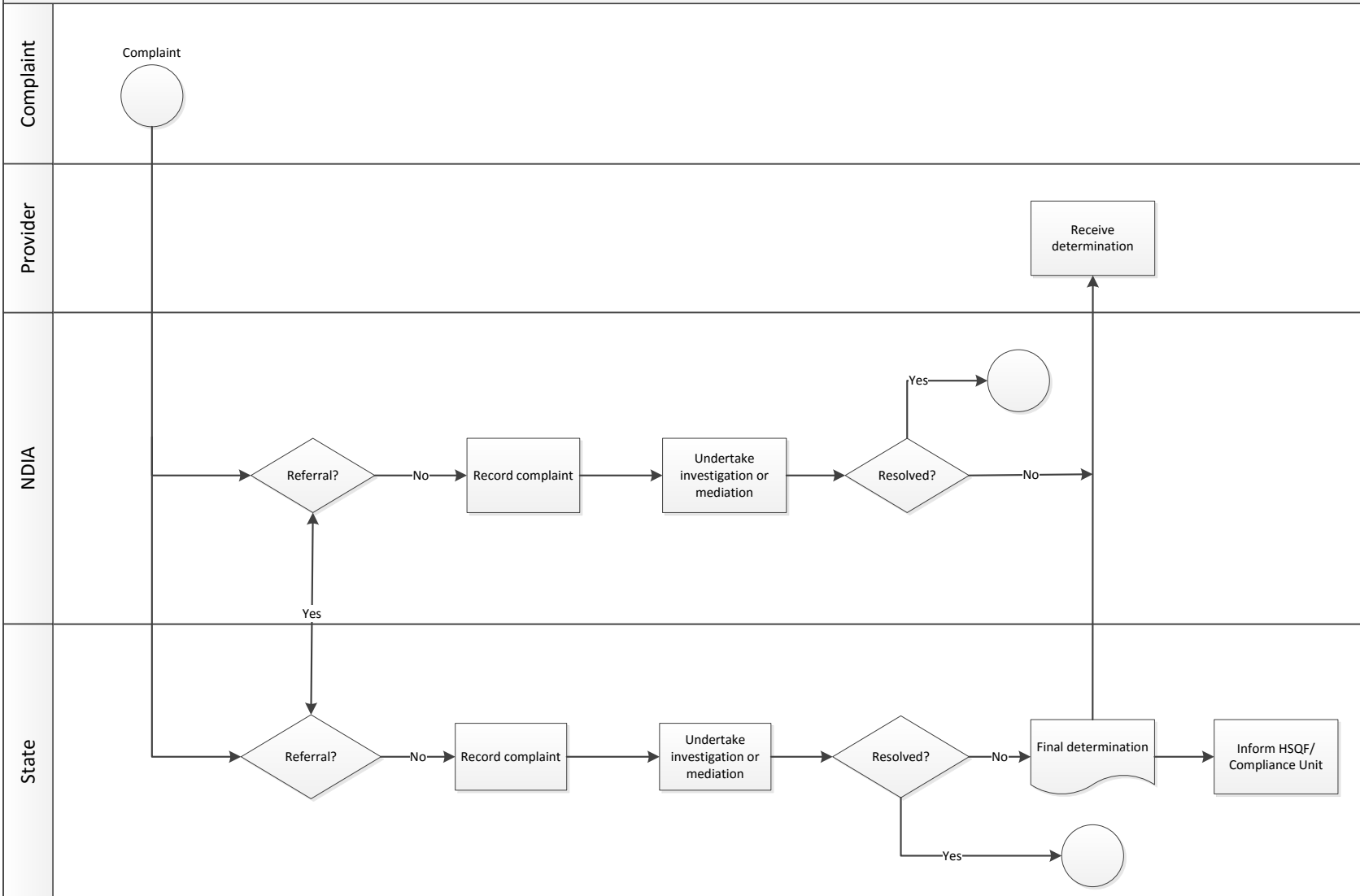


Appendix 3 – Criminal History Screening Unit (Yellow Card) (Roles and Responsibilities)

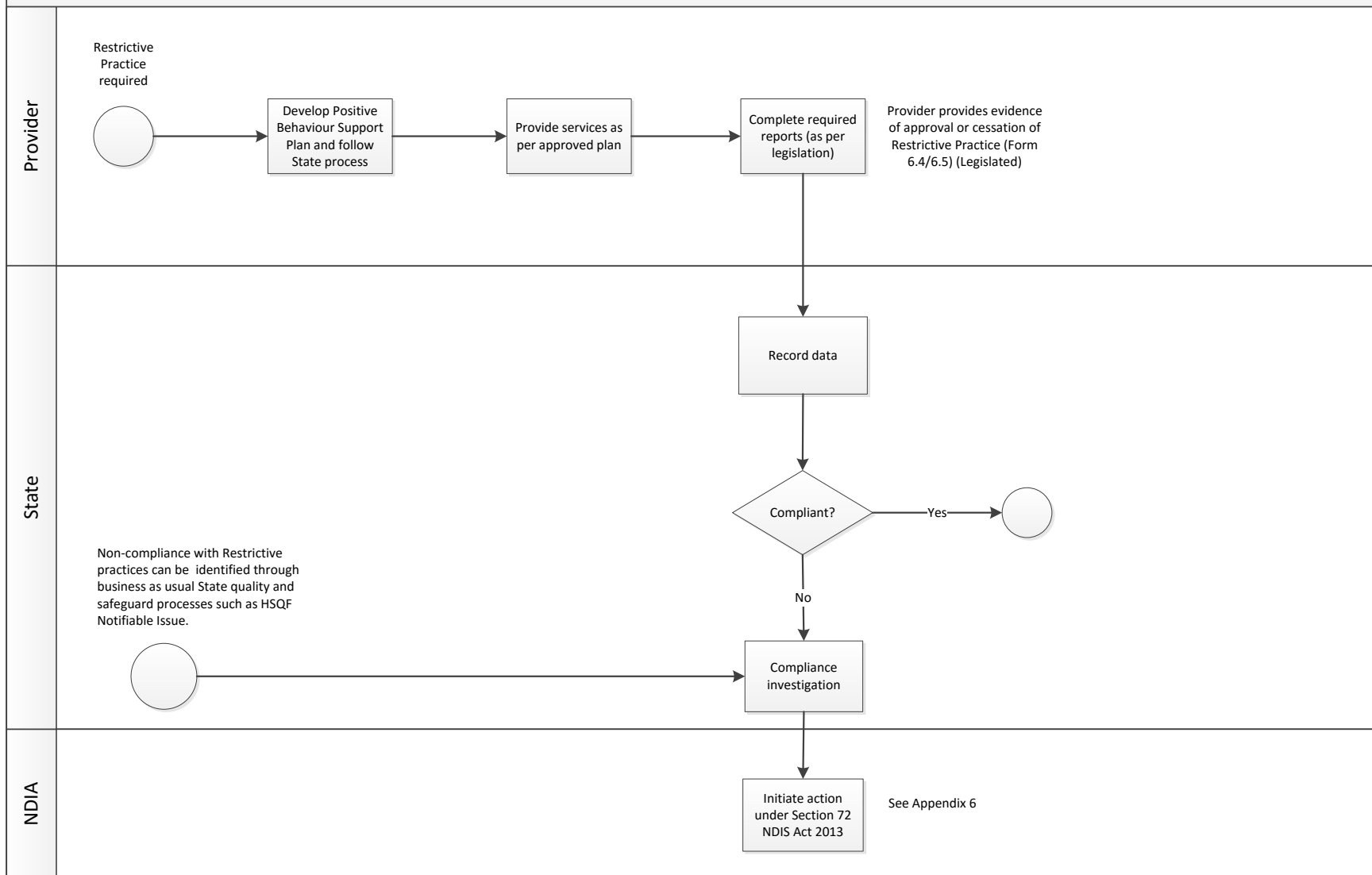


Appendix 4 - Complaints (Roles and Responsibilities)

Phase



Appendix 5 – Restrictive Practices (Roles and responsibilities)



Appendix 6 - Compliance (roles and responsibilities)

