

# New South Wales Transitional Quality Assurance and Safeguards Working Arrangements

---

As agreed between  
The New South Wales Government,  
Commonwealth Government  
and  
National Disability Insurance Agency

June 2016  
Revised October 2016

# Table of contents

<b>1</b>	<b>Background</b>	<b>3</b>
<b>2</b>	<b>Purpose of Working Arrangements</b>	<b>4</b>
<b>3</b>	<b>Requirements for providers</b>	<b>5</b>
3.1	NDIA Registered Provider Decisions	5
3.2	Arrangements for existing NSW Department of Family and Community Services - Ageing, Disability and Home Care (ADHC) funded service providers	6
3.3	Arrangements for new providers of specialist disability supports	7
3.4	Commonwealth Funded Disability Services	8
3.5	Arrangements for Assisted Boarding Houses in NSW	10
3.6	Arrangements for other new providers during transition in NSW	10
3.7	Arrangements for NSW Government Funded In-Scope Services	11
3.8	Supports accessed by Self Managing Participants	11
<b>4</b>	<b>Complaints Management and Serious Incident Reporting</b>	<b>12</b>
4.1	Specialist disability support providers	12
4.2	Arrangements for NDIA registered providers during transition in NSW	12
4.3	National Disability Insurance Agency arrangements during transition	13
<b>5</b>	<b>Safeguards</b>	<b>16</b>
<b>6.</b>	<b>Restricted Practices</b>	<b>23</b>
<b>7.</b>	<b>Responding to declared Emergency situations</b>	<b>23</b>
<b>8.</b>	<b>Consumer Protection</b>	<b>24</b>
<b>9.</b>	<b>NSW Health Care Complaints Commission</b>	<b>24</b>
<b>10.</b>	<b>NSW Public Guardian</b>	<b>26</b>
<b>11.</b>	<b>NSW Trustee and Guardian</b>	<b>26</b>
<b>12.</b>	<b>Performance Measures</b>	<b>27</b>
<b>13.</b>	<b>Review Process</b>	<b>28</b>
	<b>Appendix 1: Requirements for Providers of Disability Supports</b>	<b>29</b>
	<b>Appendix 2: Disability Supports</b>	<b>43</b>
	<b>Appendix 3: ADHC Systems Recognition Tool</b>	<b>56</b>
	<b>Appendix 4: Assisted Boarding Houses</b>	<b>57</b>
	<b>Appendix 5: Information sharing arrangements between the NSW Ombudsman and the National Disability Insurance Agency (NDIA)</b>	<b>61</b>
	<b>Appendix 6: VOOHC Fact Sheet</b>	<b>66</b>
	<b>Appendix 7: WWCC Fact Sheets</b>	<b>67</b>
	<b>Appendix 8: Consumer Protection</b>	<b>70</b>

# 1 Background

Schedule F of the Bilateral Agreement between the Commonwealth and New South Wales dated 16 September 2015, states that during transition July 2016 to July 2018:

- *All governments agree that quality and safeguards are important to effectively support the phasing of a large number of participants into the NDIS, including vulnerable and high-need cohorts.*

## **National Framework for Quality and Safeguards**

- *The Parties and the National Disability Insurance Agency (NDIA) are working together on the design of a nationally consistent quality and safeguarding system to be agreed by the Disability Reform Council (the Council) by mid 2016.*
- *The NDIS quality and safeguarding system will be consistent with the principles agreed by the Council as set out in the Consultation paper released on 17 February 2015.*
- *Existing NSW and Commonwealth quality and safeguarding systems will apply until the new system, including agreed roles and responsibilities, is implemented.*
- *This schedule will be reviewed and updated where required to reflect the outcomes of Ministers' decisions and incorporating consequent implementation arrangements.*

## **Transition arrangements**

- *During the transition to full scheme, NSW and the Commonwealth will continue to operate existing quality systems for providers seeking to register with the NDIA to offer supports funded by the NDIS and existing safeguarding arrangements for participants, including existing approaches to the regulation of restrictive practices.*

This document sets out the working arrangements between the Commonwealth, NSW and the NDIA to ensure appropriate management and monitoring of quality and safeguard arrangements as set out in section 4 of the *Operational Plan between the NDIA, NSW Government and Commonwealth Government for Transition to Full Implementation of the NDIS*. For the purpose of this agreement "the Commonwealth" refers to funding provided by a Commonwealth Department, and does not include the NDIA.

Supplementary working arrangements addressing asset-related quality assurance and safeguarding issues arising from the NDIA's approach to

implementing Specialist Disability Accommodation in the NDIS are currently being developed.

## 2 Purpose of Working Arrangements

The purpose of these working arrangements is to ensure that all parties are working to ensure high quality services for people with disability in a choice and control environment. The NDIA will also implement processes that are not overly arduous for support providers to ensure appropriate standards for NDIS participants, particularly where specific risks for the individual are identified.

Accordingly, the following arrangements during transition to the NDIS in NSW apply in order to:

- ensure that the strengths of the existing Commonwealth and NSW quality assurance and safeguards systems are retained until new national arrangements are in place by the end of the NSW transition period;
- ensure that all participants in the NDIS are afforded protections through existing Commonwealth and state safeguarding mechanisms, including access to state based complaints and reporting mechanisms. This includes extending the powers of the NSW Ombudsman to cover NDIS participants;
- provide a consistent framework and requirements to ensure the quality of services provided to people with disability as they transition from NSW funding arrangements to become participants in the NDIS;
- minimise any additional administrative burden on NSW service providers who have been funded through NSW specialist disability programs, during transition;
- ensure an appropriate level of quality compliance for new service providers that may commence providing services to people with disability who participate in the NDIS in NSW; and
- recognise the NDIA's duty of care towards NDIS participants, consistent with the objectives of the *National Disability Insurance Scheme Act 2013* (NDIS Act).

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

## 3 Requirements for providers

These working arrangements outline the quality assurance requirements for disability supports by NDIS Support Cluster and related disability support funded under the *NSW Disability Inclusion Act 2014*. An overview is provided in **Appendix 2** where the NDIS Support Clusters are separated into two parts, reflecting the level of risk associated with different support types:

- **Part A** which outlines the support clusters where compliance with NDIS Rules – rules for registered providers of supports, NDIA Terms of Business and other specific requirements is required; and
- **Part B** which outlines the support clusters where compliance is with NDIS Rules – rules for registered providers of supports, NDIA Terms of Business is required, in addition to compliance with:
  - NSW Disability Services Standards (NSW DSS) or relevant comparable standards. Comparable standards include National Standards for Disability Services, Attendant Care Industry Standards, Home Care Standards, Victorian Department of Human Services Standards and Queensland Human Services Quality Framework.
  - legislation, operational policies and guidelines that are outlined at **Appendix 1**.

This section outlines arrangements for specific groups of providers including:

- Existing NSW Department of Family and Community Services - Ageing, Disability and Home Care (ADHC) funded service providers
- New providers of specialist disability supports
- Commonwealth funded disability services
- Arrangements for Assisted Boarding Houses
- Arrangements for other new providers
- Arrangements for NSW Government funded In-Scope services.
- Arrangements for supports accessed by self-managing participants.

### 3.1 NDIA Registered Provider Decisions

The NDIA will register providers to deliver supports to people with disability in receipt of an NDIS plan in accordance with ss.3, 4, 9, 33(6), 69 to 73, 99(g) and (h) of the NDIS Act and *National Disability Insurance Scheme (Registered Providers of Supports) Rules 2013* (Registered Providers of Supports Rules).

Specifically, the NDIS Act confers decision-making powers in relation to the operation of the NDIS on the CEO of the NDIA including decisions relating to the approval and revocation of a person or entity as a registered provider of supports.

## 3.2 Arrangements for existing NSW Department of Family and Community Services - Ageing, Disability and Home Care (ADHC) funded service providers

Existing ADHC funded service providers are required to continue to comply with the terms of their Funding Agreement throughout the transition period (even if funding ceases in whole or part during the Agreement term) including all relevant legislation, operational policies and guidelines (**Appendix 1**). Specific conditions that will continue for the duration of transition include:

- having a demonstrated commitment to person centred service delivery and establishment of arrangements to individualise client supports;
- demonstration of sound governance;
- having systems in place for ensuring probity in employment of all staff;
- meeting obligations for reporting of serious incidents; subcontracting of services, and meeting privacy obligations;
- requiring a quality management system and undertaking Third Party Verification (TPV) to confirm organisational performance against the NSW Disability Service Standards (NSW DSS) once during the term of the Funding Agreement (2015/16 – 2017/18);
- having a complaints management system;
- complying with all financial reporting and information disclosure requirements, and
- continuing to meet requirements of all relevant NSW legislation.

The NDIA will advise all current ADHC funded service providers delivering services in NSW that the organisations' existing funding relationship with ADHC will lead to automatic approval of registration for the NDIS once the provider has:

- completed the National Disability Insurance Agency Provider Registration form and other requirements for registration as determined by the NDIA CEO;
- agreed to the *Terms of Business for Registered Support Providers*;

All funded ADHC providers operating during transition in NSW and delivering services set out in **Appendix 2 Part A and B** are required to continue to meet the relevant standards and the criteria set out in **Appendix 1**.

FACS will provide a status report on provider TPV compliance to the NDIA following the formal Quality Framework Reporting periods.

### 3.2.1 Arrangements for ADHC funded service providers to expand service provision during transition

Existing ADHC funded service providers who wish to expand their service offering will apply directly to the NDIA for registration of additional support clusters. If the additional support clusters include those from **Appendix 2 Part B**, providers will be required to provide a statement of commitment, which is an

assurance by an organisation to include any new specialist disability support/s in the scope of the next scheduled TPV audit if this is due before 30 June 2018.

Existing providers who wish to expand service provision to include assistance with daily life tasks in a group or shared living arrangement must provide evidence such as a copy of a verification statement or similar to verify attainment of current independent TPV against the NSW Disability Services Standards (NSW DSS) or comparable standards (as per the arrangements for existing providers outlined in Section 3.3) or have their suitability to provide this service type otherwise determined through the NSW Government transfer of specialist disability service provision to the non-government sector.

### 3.3 Arrangements for new providers of specialist disability supports

New service providers offering specialist disability supports during transition will apply directly to the NDIA for registration. New providers are those not funded by FACS ADHC or a recognised Commonwealth administered program as determined by the NDIA.

All registered providers of supports are required to meet the *NDIS Rules – Rules for registered providers of supports* and *Terms of Business for Registered Support Providers*, relevant legislation, professional requirements and industry code of practice, where applicable.

Providers of specialist disability supports identified at **Appendix 2 Part B** will also be required to comply with relevant NSW legislation, NSW guidelines and operational policies requirements as listed (**Appendix 1**). To ensure the operation of a consistent quality assurance and safeguarding framework in NSW during transition, some providers of supports must demonstrate that they meet an appropriate standard of service quality and level of safeguards for NDIS participants.

The NDIA will specify as a condition of registration that a new provider(s) of specialist disability supports identified at **Appendix 2 Part B** must provide evidence such as a copy of a verification statement or similar to verify attainment of current independent third party verification against the NSW DSS or comparable standards. Comparable standards include National Standards for Disability Services, Attendant Care Industry Standards, Home Care Standards, Victorian Department of Human Services Standards and Queensland Human Services Quality Framework.

The ADHC Systems Recognition Tool may assist providers to understand the extent to which their existing accreditations and systems meet the NSW DSS. The Recognition Tool is based on mapping by Joint Accreditation Systems of Australia and New Zealand (JAS-ANZ) of 12 industry standards in common use in the sector against NSW DSS at **Appendix 3**.



Third party verifiers must be accredited either by the Joint Accreditation System of Australia and New Zealand (JAS-ANZ) or International Society for Quality in Health Care (ISQua).

NSW encourages third party verifiers to recognise any recent accreditation / certification of other industry standards and/or audit process undertaken by the organisation as part of assessing compliance.

Providers may also be required to provide the NDIA with a full copy of the audit report, if requested.

## 3.4 Commonwealth Funded Disability Services

### 3.4.1 Existing arrangements for Commonwealth funded services

The Commonwealth currently manages service provider quality and safeguards through program guidelines and legally enforceable funding agreements actively managed by departmental contract managers. The detail of the quality and safeguard requirements in funding agreements may vary based on a risk assessment of the services but generally includes requirements to ensure services:

- 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;
- are delivered in accordance with the National Standards for Disability Services under the Commonwealth Disability Services Act 1986 (see below);
- meet 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 Indigenous Australians 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; and
- provide necessary verification that the grant was spent in accordance with the grant details.

Clients and service providers also have recourse to the Department of Social Services complaints handling process.



### 3.4.2 Arrangements for existing Commonwealth service providers transitioning to the NDIS

Existing providers that transition to deliver their services under the NDIS will continue to be subject to the Quality and Safeguards terms of their Commonwealth funding agreements in accordance with the Terms of Business for Registered Providers for the NDIA. NDIS participants will continue to have recourse to the existing Commonwealth safeguard arrangements including:

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

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.

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

Current Commonwealth funded providers that intend to expand their offer of supports to a new NDIS support cluster will need to apply directly to the NDIA for registration of expanded scope. Expansion of scope will be subject to compliance with NSW Quality and Safeguard arrangements, including verification of capacity to deliver services not already covered by a Commonwealth service agreement. They will effectively become new NDIA providers for the expanded services.

### 3.4.4 Arrangements for new providers of services previously delivered by the Commonwealth during transition

New providers will be subject to compliance with the NDIA Terms of Business for Registered providers and meet NSW quality standards. NDIS participants will have recourse to NSW safeguards as well as Commonwealth mainstream safeguards.

In addition, new employment support service providers are required to meet the National Standards for Disability Services and new ADEs will be required to maintain certification under JAS-ANZ against the National Standards for Disability Services.

### 3.4.5 Commonwealth Continuity of Support Program

During the transition to full scheme, NSW and the Commonwealth intend to continue existing quality and safeguards arrangements for providers delivering

services to older people with disability under the Commonwealth Continuity of Support Program, including existing approaches to the regulation of restrictive practices.

Further detail about the Quality and Safeguards arrangements for the Continuity of Support Program during transition in NSW is currently being finalised and will be outlined under the administrative arrangements for continuity of support as referred to in Schedule D of the Bilateral Agreement between the Commonwealth and NSW for the transition to an NDIS.

### 3.5 Arrangements for Assisted Boarding Houses in NSW

Assisted Boarding Houses in NSW that are registered providers under the NDIS must comply with the *Boarding Houses Act 2012* (BH Act) and its regulations, as well as any other NSW legislation applicable to the operation of their business.

However, Assisted Boarding Houses directly funded by the NDIA to provide assistance with daily living in a group or shared living arrangement to residents who are NDIS participants, are exempt from the regulatory scheme under the BH Act as these supports are being funded by the scheme.<sup>1</sup> (Footnote - section 37(2)(o) of the BH Act). If a resident is purchasing assistance with daily living in a group or shared living arrangement from an Assisted Boarding Houses as a self-managed part of their NDIS plan the Assisted Boarding House may apply for an exemption. Further details about Assisted Boarding Houses are at **Appendix 4**.

### 3.6 Arrangements for other new providers during transition in NSW

New providers not funded under existing ADHC or Commonwealth arrangements and delivering services under **Appendix 2 Part A** will register directly with the NDIA. The NDIS Act and Rules set out the process for registration of providers.

The Rules requires that the CEO must be satisfied that an applicant meets criteria prescribed by the rules. For registration with the Agency, providers must:

- Have an ABN;
- Have an account with a financial institution;
- Declare that they:
  - Agree to be bound by the Agency's *Terms of Business for Registered Support Providers*;
  - Comply with work health and safety laws;

---

<sup>1</sup> The NDIS is funded jointly by Commonwealth and State governments.

- Have mechanisms to ensure applicant and staff compliance with laws that are subject to criminal penalties, as they relate to the provision of, or management of, funding of supports; and
- Be suitable entities to provide the kinds of supports, or to manage funding of supports given their qualifications, approvals, capacity and experience.

The NDIA will maintain information on the requirements for registration, in accordance with the Act and Rules, on the NDIS website.

### 3.7 Arrangements for NSW Government Funded In-Scope Services

The arrangements set out in this document do not apply to NSW Government in-kind services which are due to come into effect from 2018-19 (as specified in the NSW Heads of Agreement. These in-kind services are those that the NSW Government will retain policy and administrative control and are therefore subject to the existing terms and conditions in place with the relevant NSW department, authority or agency.

### 3.8 Supports accessed by Self Managing Participants

Where participants are self-managing budgets in their plan, they are able to choose and arrange their own supports. They are able to engage supports that are not registered with the NDIA.

The NDIA will ensure that a risk assessment is undertaken to determine a participant's capacity to self-manage their budget and that safeguarding strategies are jointly identified. The NDIA will ensure that, where required, self-managing participants have access to support and/or resources to build their capacity to self-manage. This will include information that assists a participant meet their obligations as an employer and to assess the quality of supports. FACS has developed the Direct Payment Agreement Handbook which details the obligations and responsibilities a Direct Payment Agreement participant and FACS have regarding an arrangement. It also contains information to help people manage their direct payments. As part of the NSW Direct Payment Agreement process people are able to seek support and advice from a Direct Payment Agreement coordinator.

Where required, the NDIA will also include support coordination for participants self managing their funded supports to enable them to build capacity over time.

## 4 Complaints Management and Serious Incident Reporting

### 4.1 Specialist disability support providers

Specialist disability support providers are required to establish and publish the existence of a documented complaints process which is used to deal with any complaints received in relation to the delivery of services.

Specialist disability support providers on request must provide access to or copies of their complaints register; and all copies of all correspondence and other material in connection with any complaints must be kept for at least 7 years (or as otherwise required by Law).

Specialist disability support providers are required to comply with relevant ADHC policies and guidelines and all legal requirements relating to the reporting, documenting and dealing with serious incidents (including emergencies, deaths, assaults or abuse, suspected instances of children or young people being at risk and incidents that impact the safety of people) at **Appendix 1**.

Specialist disability support providers are also subject to quality controls such as monitoring and complaints oversight by the Ombudsman NSW and Official Community Visitors (OCVs) Scheme. The Ombudsman NSW's Disability Reportable Incidents Scheme provides oversight of reportable incidents in supported accommodation services, centre-based respite and centre-based day programs. OCVs also visit accommodation services for children, young people and people with disability throughout NSW. They also visit people living in Assisted Boarding Houses in NSW.

### 4.2 Arrangements for NDIA registered providers during transition in NSW

All registered providers must comply with requirements set out in the *NDIS Rules – Rules for registered providers of supports* and *Terms of Business for Registered Support Providers* and relevant Operational Guidelines for the management of complaints and reporting of serious incidents in relation to the delivery of services.

In addition all providers providing supports as identified at **Appendix 2 Part B** are required to comply with relevant NSW policies and guidelines and all legal requirements relating to the management of complaints and reporting of serious incidents, such as the death of a client supported through the service (**Appendix 1**).

The NSW Government has made amendments to the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (CRAMA) to facilitate NDIS participants' access to safeguards under the CRAMA, which commenced on 1 July 2013. Specifically, the effects of the amendments are:

- NDIS participants can make complaints about service providers to the Ombudsman NSW;
- The Ombudsman NSW can monitor and review services provided by service providers to NDIS participants;
- Official Community Visitors can visit NDIS participants living in an accommodation service if in full-time care of a service provider;
- The death of an NDIS participant who was living in residential care provided by a NDIS service provider can be reviewed by the Ombudsman NSW.

### 4.3 National Disability Insurance Agency arrangements during transition

During transition in NSW the NDIA will have a complaints, referral and feedback management process for:

- Participants, providers or the wider community to lodge concerns about NDIA staff.
- Participants or others to lodge concerns about the quality of providers registered with the NDIA.

The NDIA will use data from the NDIA complaints and review process to examine policy and practices to improve the delivery of the scheme, and will report on the nature of these complaints and the changes made in response to these processes in the NDIA's annual report and other reports agreed under the Integrated NDIS Performance Reporting Framework. Data will also assist the NDIA to make informed decisions about de-registering providers.

In administering its complaints, referral and feedback management process, the NDIA will:

- Operate in accordance with the *Operational Guideline – General Conduct – Responding to Abuse, Neglect and Exploitation* which outlines the roles and responsibilities of NDIA staff when they suspect or receive information about abuse, neglect or exploitation including the role of NDIA staff in providing information to appropriate NSW agencies. For example, to the police, medical care, a domestic violence or sexual assault service or a child protection agency.
- Operate in accordance with agreed roles and responsibilities as outlined in the Information sharing arrangements between the NSW Ombudsman and the National Disability Insurance Agency (NDIA) at **Appendix 5**.
- The NDIA will ensure that affected participants are supported in a timely and effective manner and that appropriate crisis arrangements are put in place (see 4.3.1 below).

- Make available information to both participants of the NDIS and NDIA registered service providers about:
  - the role and responsibilities of the Ombudsman NSW to both participants of the NDIS and NDIS registered service providers.
  - the role of National Disability Abuse and Neglect Hotline.
  - the role and responsibilities of the NSW Health Care Complaints Commission.
  - the role and responsibilities of the Australian Competition and Consumer Commission (ACCC) and NSW Fair Trading.
  - the role and responsibilities of the Commonwealth Ombudsman. Complaints against the NDIA can be directed to the Commonwealth Ombudsman who has the power to investigate complaints as the external complaints mechanism for Commonwealth government agencies.
- In conjunction with Commonwealth and NSW Governments participate in further work to develop mechanisms to enable the triangulation of information and data from existing complaints management and serious incident management systems to provide an integrated approach for participants during transition in NSW. In particular, where evidence gained through these mechanisms may warrant the revocation of provider registration and / or improvements to the delivery of the scheme during transition in NSW.

#### 4.3.2 Responding to NDIS participant emergency / crisis situations

The NDIS planning process includes mechanisms to identify risks, protect, and develop natural safeguards for participants to avoid preventable crises.

The NDIA will ensure that a participant's plan includes agreed safeguards for responding to a crisis or emergency situation, so the participant and others are aware of how to respond, to ensure that the participant's needs can be met, if and when these circumstances arise. This may include the inclusion of support coordination in a participant's plan as a reasonable and necessary support. A crisis or emergency event experienced by a participant may activate an urgent review of a participant's plan.

NDIA staff will respond promptly to a participant's need for any additional formal supports following an incidence of abuse, neglect or exploitation. NDIA staff may address these needs through crisis responses and / or time-limited additional resources as appropriate. Specific detail on how the NDIA will respond will be maintained in the *Operational Guideline – General Conduct – Responding to Abuse, Neglect and Exploitation*.

#### 4.3.3 NDIS participants self-managing budgets

The NDIA will ensure that a risk assessment is undertaken to determine a participant's capacity to self-manage. As part of this process, risks and



safeguarding strategies will be jointly identified and discussed with the participant.

The NDIA will ensure that, where required, self-managing participants have access to support or resources to build their capacity to self-manage. This may be included in a participant's plan.

Where approval has been given for an NDIS participant to self-manage their funded supports, the NDIA will ensure the participant is made aware of the provisions of these working arrangements and relevant consumer law, and encouraged to apply similar standards in assessing the quality of disability supports they receive.

#### 4.3.4 NSW Department of Family and Community Services (FACS) role in complaints and serious incidents during transition in NSW

In relation to FACS, this document will allow for:

- Complaints and serious incidents raised with the NDIA with respect to the provision of disability supports provided by FACS funded service providers under an ADHC Funding Agreement to be referred to FACS.
- Where FACS is notified of a complaint or serious incident by the NDIA, it will consider whether the complaint or serious incident raises concerns about the service provider's compliance with the ADHC Funding Agreement and take action where appropriate, including when:
  - a regulator or other public authority has made a recommendation in relation to the delivery of ADHC funded services and the service provider has not implemented the recommendation.
- Where FACS continues to have an ADHC Funding Agreement with a service provider that is also an NDIA registered provider, the provider is required to continue to report all "reviewable deaths", including the death of an NDIS participant to FACS in accordance with the Death Procedures (**Appendix 1**).

#### 4.3.5 Sharing of complaints and serious incidents

The NDIA, NSW, and Commonwealth Governments will work together to resolve complaints and incidents promptly and collaboratively. This will include immediate contact and action if required between the NDIA and relevant NSW and Commonwealth agencies to ensure continuity of participants' supports.

This will ensure that complaints and incidents are resolved effectively and information shared between NSW, Commonwealth agencies, and the NDIA to facilitate continual improvement in supports and service delivery during transition.



## 5 Safeguards

### Individual Safeguards

The assessment of risks and safeguards is part of the plan decision. The *National Disability Insurance Scheme (Supports for Participants) Rules 2013* (Supports for Participants Rules) state that delegates, when considering whether to approve a statement of participant's supports, must assess risks and safeguards in relation to the participant.

The role of individual 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.

### Nominees

People with disability are presumed to have capacity to make decisions that affect their own lives. The NDIS Act recognises however that there may be circumstances where it is necessary for a person to be appointed as a nominee of a participant, and to act on behalf of, or make decisions on behalf of, a participant.

The NDIA will manage the appointment and disqualification of Nominees in accordance with the NDIS Act and Rules.

Appointments of nominees will be justified only when it is not possible for participants to be assisted to make decisions for themselves. Consequently, if the planner becomes aware that there may be a need for a nominee, the planner has a decision to make as to whether a nominee is necessary or whether the participant can be supported to make his or her own decisions for the purposes of the NDIS.

An NDIA planner will consider the requirement for a nominee in collaboration with the participant, and will have regard to the participant's formal and informal networks.

### NSW Safeguarding Arrangements

People using disability services in NSW are also supported by safeguards at the disability service system level as well as general safeguards available to all members of the community. The range of safeguard mechanisms currently in place in NSW applicable to users of specialist disability supports as identified at **Appendix 2 Part B** will continue to support people during the transition to the NDIS.

The *Disability Inclusion Act 2014* and *Disability Inclusion Regulation 2014* commenced on 3 December 2014 and replaced the *Disability Services Act 1993*. The Act takes a human rights approach to people with disability, with the Act's objects, principles and definition of disability broadly aligning with the

*United Nations Convention on the Rights of Persons with Disabilities*. The Act introduced new requirements for ADHC funded disability service providers in NSW, which, also apply during transition to existing and new NDIA registered service providers identified at **Appendix 2 Part B** by virtue of these working arrangements.

These new requirements include key safeguards to uphold the rights of people with disability to be safe from harm such as:

### Employment Screening

Existing and new NDIA registered providers must screen new and existing staff, volunteers, students, self-employed people/contractors and board members for NGOs, who work directly with people with disability before they are employed or appointed.

Service providers must undertake at least one referee check and criminal record check for these people prior to employment (for new staff) and then subsequent criminal record checks at least once every four years. A person who has been convicted of a “prescribed criminal offence”, as detailed in the Act, is not allowed to work directly with people with disability. These offences include:

- Murder;
- a prescribed sexual offence as defined under the *Criminal Procedure Act 1986* (or equivalent law in other states or territories);
- specified other assaults under the *Crimes Act 1900* (or equivalent law in other states or territories) for which the person was sentenced to two or more years’ imprisonment.

However, where a person has been convicted of one of the outlined offences (excluding a prescribed sexual offence) in the past, but has not received any further convictions for an outlined offence in the 10 years before the criminal record check, excluding time served in prison for the offence, employers have the discretion to consider them for employment.

### Reporting serious incidents of abuse and neglect

The *NSW Disability Inclusion Act 2014* makes changes to the *NSW Ombudsman Act 1974*. These changes mean that FACS funded, existing and new NDIA registered providers of disability supported group accommodation, centre based respite and centre based day program supports must report to the NSW Ombudsman all allegations and convictions of reportable serious incidents involving abuse and neglect of people with disability in their supported group accommodation services or respite and day program centres. The head of the organisation must notify the NSW Ombudsman within 30 days of becoming aware of the incident.

Further information regarding the specific requirements relating to these safeguards including applicable policies and guidelines is outlined in **Appendix 1**.

In addition to the NSW Quality Assurance Framework and complaints mechanisms, service providers must comply with all other legislation, policies and guidelines that provide safeguards to users (**Appendix 1**).

Key NSW safeguarding requirements outlined in **Appendix 1** include:

### Reporting Child Protection Concerns

The provisions of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)* apply in the management of child protection matters within NSW.

The NSW Act is consistent with the general principles guiding actions under the NDIS Act, including the right of people with disability to live free from abuse, neglect and exploitation<sup>[1]</sup>.

The NSW Government regards all NDIS registered providers delivering disability services in NSW as subject to the mandatory reporting requirements prescribed under the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*. The NDIS Act permits NDIA staff and NDIS registered providers to report and respond to actual or potential risk to NDIS participants, and comply with relevant reporting requirements under the NSW Act.

NDIA staff are also expected to report any current concerns they reasonably hold that a child is at risk of significant harm to the Secretary of the Department of Family and Community Services.

Specifically, reports are to be made to the Child Protection Helpline on 132 111 (TTY 1800 212 936).

Such reporting is critical for the protection of children. When reporting such concerns, NDIA staff and registered providers are expected to comply with the Child Protection Guidelines (See under the heading “Child Protection” at **Appendix 1**). These guidelines are designed to assist staff to understand their obligations and responsibilities when they are concerned that children and young people are at significant risk of, or are, being neglected or abused. A person who makes such a report in good faith is protected against legal or disciplinary action for disclosing information and their identity cannot be disclosed without their consent or by leave of a court hearing proceedings arising from the report.

### Statutory out-of-home care providers in NSW

In NSW, agencies that provide statutory out-of-home care to children and young people are required to be accredited as a designated agency by the NSW

---

<sup>[1]</sup> NDIS Act section 4(6).

Children's Guardian. The Children's Guardian is responsible for both accrediting and monitoring statutory out-of-home care providers in NSW. An NDIA registered provider that is also a designated agency must continue to comply with all conditions of accreditation as a designated agency.

Statutory out-of-homecare providers in NSW seeking to register to provide support identified in **Appendix 2 Part B** are also required to provide evidence of third party verification against the relevant comparable standards.

### NSW Voluntary Out-of-Home Care Requirements

Under the *Children and Young Persons (Care and Protection) Act 1998*, the NSW Office of the Children's Guardian accredits and monitors agencies that provide, arrange or supervise Voluntary Out-of-Home Care (VOOHC) for children under the age of 18, many of whom have disabilities.

NDIA registered providers operating in NSW who wish to provide VOOHC must register their details with the Office of the Children's Guardian and complete the VOOHC Registration and Self-Certification Checklist. Sole traders are excluded from becoming VOOHC agencies in NSW (**Appendix 6**).

NSW VOOHC agencies in NSW seeking to register to provide support identified in **Appendix 2 Part B** are also required to provide evidence of third party verification against the relevant comparable standards.

### Working with Children Check

- The NSW Children's Guardian administers the Working With Children Check (WWCC) under the *Child Protection (Working with Children) Act 2012*.
- A WWCC is a prerequisite for people who work or volunteer in child-related work. It involves a national criminal history check and a review of findings of workplace misconduct.

NDIA registered providers operating in NSW who employ staff must:

- register online and identify roles that are child-related,
- verify the WWCC numbers for the organisation, relevant new and existing workers, volunteers,
- keep records for each worker,
- remove any barred or unauthorised persons from child-related work,
- determine whether it is a reporting body required to report certain misconduct involving children to the Office of the Children's Guardian.

Providers must ensure new workers have a clearance before engaging them. If the applicant becomes barred, the provider will receive notification. Providers must verify WCCCs online (by an appropriate person) for all relevant workers, volunteers and board members.

## NDIA Registered sole traders providing child-related supports

Where child-related supports are provided by an NDIA registered provider who is a sole trader or an individual employer, then the child's parent/s, guardian, nominee or representative must verify the WWCC number of the sole trader or individual employer.

The WWCC of a sole trader or individual employer can be verified online, with their name, date of birth and WWCC number or application number at: <https://wwccheck.cyp.nsw.gov.au/Verifiers/Search>. If the applicant becomes barred, then the child's parent/s, guardian, nominee or representative will receive notification.

## NDIS participants self-managing budgets

NDIS participants who are self-managing are required to ensure that support workers or volunteers providing child related supports hold a WWCC clearance.

It is also an ADHC policy requirement that support workers have a WWCC where support workers are providing supports in a person's home and a child will be present.

## NDIA employees, contractors and sub-contractors

NDIA employees and NDIA contracted providers, contractors and sub-contractors operating in NSW in child related positions must also undertake a WWCC. These employees, contractors and sub-contractors must:

- register online and identify roles that are child-related,
- verify the WWCC numbers for the organisation, relevant new and existing workers, volunteers,
- keep records for each worker,
- remove any barred or unauthorised persons from child-related work,
- determine whether it is a reporting body required to report certain misconduct involving children to the Office of the Children's Guardian.

Further details about WWCC requirements are outlined in a series of **Fact Sheets** at **Appendix 7**.

## Ensuring organisations are Child Safe

The NSW Office of the Children's Guardian encourages organisations to use a range of responses to manage the potential risks in their individual environments, including meeting their WCCC legal obligations.

While a criminal record check can be an important tool in an organisation's approach to being 'child safe', it can't identify people who have not previously been caught or are yet to offend.

Implementing effective child safe policies and practices is the best way for an organisation to protect the children they are involved with.

Information and resources can be found on the Office of the Children's Guardian website at:

<http://www.kidsguardian.nsw.gov.au/working-with-children/become-a-childsafe-organisation>

## Health Care

The Department of Family and Community Services Health and Wellbeing Policy provides the means to plan, document, implement and review the health support needs of people with disability, in consultation with clients, families, the person responsible or guardian and health professionals. This policy is referenced in **Appendix 1**.

## School Education

All NDIA registered providers must to comply with any applicable policy and guideline as advised by the relevant school (including preschool) in relation to the provision of support to a student while at school. NSW Public Schools has developed a framework for principals to guide their interactions with external service providers, including those funded through the NDIS.

## Mental Health

All NDIA registered providers of NDIS supports to participants of the scheme who have an identified mental illness (or psychosocial disability) must comply with any applicable policy and guideline as advised by the relevant NSW Local Health District Mental Health Service. This includes ensuring that NDIS supports are provided in a way that supports the recovery of mental health consumers.

The recovery model assumes that people with complex support mental health conditions have the capacity to improve and obtain a life that is not defined by their illness. NDIA registered providers will work with mental health services, mainstream and specialist services and the local community to ensure that supports are provided in an integrated and coordinated way.

## Privacy

All registered NDIS providers are required to comply with the Information Protection Principles in the *Privacy and Personal Information Protection Act 1998* (NSW) and the Health Privacy Principles in the *Health Records Information Privacy Act 2002* (NSW). This includes complying with any relevant privacy code of practice such as the *Health Records and Information Privacy Code of Practice 2005*.<sup>2</sup>

---

<sup>2</sup> Note that private organisations with a turnover of more than \$3 million must also comply with the Commonwealth *Privacy Act 1988*.



## Client Death

The Department of Family and Community Services Death Procedures provide instructions for support workers and managers to follow when a person dies and is an extension of the Health and Wellbeing Policy (**Appendix 1**).

## Supporting people

Policies and guidelines in the *Supporting People* section of **Appendix 1** outline key requirements for providers when:

- providing positive behaviour support;
- managing risks that may arise while providing support to clients;
- responding quickly and appropriately to allegations of abuse;
- supporting people to make decisions about their lives.

## Work Health and Safety

- Under the provisions of the *Work Health and Safety Act 2011* a person conducting a business or undertaking (a PCBU) including the self-employed have a primary 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.

A PCBU may be an individual, corporation or government organisations and will usually (but not always) be an employer. In the context of NDIS provision of supports, PCBUs may include: service providers, contractors and in some cases, plan nominees and participants.

## Workers Compensation

- All employers in NSW (except exempt employers: an employer who pays \$7,500 or less in annual wages, does not employ an apprentice or trainee and is not a member of a group for premium purposes) must have a workers compensation policy.

An employer is any person or business entity that employs or hires workers on a full time, part time or casual basis, under an oral or written contract of service or training contract. Working directors of a corporation are considered employees of the corporation.

In the context of NDIS provision of supports, employers may include service providers, contractors and in some cases, plan nominees and participants. Further information is referenced in **Appendix 1**.

## Fire Safety

- All providers are required to comply with fire safety regulations required by NSW legislation. Further information is referenced in **Appendix 1**.



## 6. Restricted Practices

In NSW the definition of Restrictive Practices is provided in the ADHC Behaviour Support Policy. This policy makes a distinction between practices that are inherently restrictive and impact the person's rights, freedoms or dignity of the person and those that are so restrictive that they require additional safeguards to be in place (Restricted Practices). These additional safeguards are addressed through the implementation of a Restricted Practices Authorisation Mechanism.

Behaviour Support: Policy and Practice Guide, and the Behaviour Support Policy provide clear policy expectations along with practice guidelines for the implementation of behaviour support service delivery and the use of restricted practices where required. These documents provide clear expectations and requirements for service providers in the authorisation and monitoring of restricted practices. The Restricted Practices Authorisation Mechanism Operation Guide was developed to provide further advice to services in implementing such a mechanism.

The use of an authorisation and monitoring mechanism for restrictive and/or restricted practices assists services to minimise the potential for people with disability to experience abuse and neglect as a result of the use of practices that impact on their rights freedoms or dignity. These documents provide guidance and assist providers in developing and implementing effective safeguarding systems to protect the rights of the people who they are supporting. Further information regarding these requirements is outlined in **Appendix 1**.

## 7. Responding to declared Emergency situations

Under the NSW Emergency Management Plan (EMPLAN), the NSW Department of Justice, Police and Emergency Services, Disaster Welfare Services Branch (DWS) is responsible for the NSW state wide coordination of disaster welfare services. Disaster welfare services include support to people who have been impacted by disasters such as floods, storms, bushfires and other emergencies.

The framework and associated responsibilities of disaster welfare services in NSW are set out in the NSW Welfare Services Functional Area Supporting Plan which is a supporting plan of the EMPLAN. As part of these arrangements FACS delivers welfare services at a District level to disaster affected communities and individuals.

This work includes establishing and managing evacuation centres and providing immediate assistance to disaster affected people. FACS staff are deployed when a disaster event occurs to assist DWS in the provision of disaster welfare services to the community. FACS has District Welfare Functional Coordinators (WelFACS) and Deputy WelFACS in each District who are responsible for managing the event within the District.

## 8. Consumer Protection

In addition to the quality assurance and safeguarding arrangements outlined in this document, NDIS participants are also protected under the Australian Consumer Law that applies in both NSW and the Commonwealth. The Australian Consumer Law provides a number of consumer guarantees for consumers buying goods and services. These guarantees include a guarantee that the service will be provided with due care and skill and will be provided within the agreed time or if a time is not stipulated, provided within a reasonable time.

The Australian Competition and Consumer Commission (ACCC) is an independent Commonwealth statutory authority whose role is to enforce the *Competition and Consumer Act 2010* and a range of additional legislation, promoting competition, fair trading and regulating national infrastructure for the benefit of all Australians. The ACCC provides information for consumers buying disability-related products and services, including participants under the NDIS. Further details are available on the ACCC website at:

<http://www.accc.gov.au/about-us/information-for/people-with-a-disability>

The state consumer protection agency NSW Fair Trading safeguards the rights of consumers and advises business and traders on fair and ethical practice. NSW Fair Trading provides services directly to individuals and businesses to create a fair, safe and equitable marketplace. NSW Fair Trading can investigate unfair practices and ensure that the products sold in NSW are safe and meet their regulations and safety standards. NSW Fair Trading also register co-operatives and associations, and issue occupational licenses so consumers can trust the people they are dealing with. Further details on the consumer protection services offered by NSW Fair Trading are outlined at **Appendix 8**.

## 9. NSW Health Care Complaints Commission

The NSW Health Care Complaints Commission (the Commission) acts to protect public health and safety by dealing with complaints about health service providers in NSW. This may include complaints involving:

- practitioners such as doctors, nurses, dentists, pharmacists, psychologists, chiropractors, podiatrists and others, regarding the clinical care and treatment of a patient, or their professional conduct,
- health service organisations such as public or private hospitals, clinics, medical centres, day surgery centres, the Ambulance Service and others, affecting the clinical care or treatment of a patient, and
- health practitioners who currently do not require registration to practise in NSW, such as naturopaths, psychotherapists, dieticians, massage therapists and others.

The Commission is an independent body that was established under the *Health Care Complaints Act* 1993. The Act defines the scope of the Commission's work, which is to:

- receive and assess complaints relating to health service providers in NSW;
- resolve or assist in the resolution of complaints;
- investigate serious complaints that raise questions of public health and safety;
- prosecute serious complaints.

The Commission is required to publish the names of health practitioners whose registration has been cancelled or suspended by a NSW Tribunal. The National Boards of health practitioners are required to record and make public the names of health practitioners whose registration has been cancelled under the *Health Practitioners Regulation National Law*. A health practitioner whose registration has been cancelled is listed on the website of the [Australian Health Practitioner Regulation Agency](#). Where practitioners have been suspended, it is recorded on the [national register of health practitioners](#).

A health practitioner whose registration has been cancelled is forbidden to practise the profession. This means that a practitioner, whose registration has been cancelled or suspended in NSW, is automatically also banned from practising in all other Australian states and territories. In return, a practitioner whose registration was cancelled in another state or territory is automatically banned from working in the profession in NSW.

Further information about the NSW Health Care Complaints Commission and its complaints process is available at:

<http://www.hccc.nsw.gov.au/Complaints/How-To-Make-a-Complaint>

## 10. NSW Public Guardian

The Public Guardian promotes the rights and interests of people with disability through the practice of guardianship, advocacy and education. The Public Guardian is a statutory official appointed by the Guardianship Division of the NSW Civil and Administrative Tribunal (NCAT) or the Supreme Court under the Guardianship Act 1987.

A guardian is a person appointed to make legally valid decisions on behalf of a person with a disability who is unable to make decisions on their own or without support. In NSW this occurs under the Guardianship Act 1987. A guardian can be appointed by the Guardianship Division of the NSW Civil and Administrative Tribunal (NCAT) or by a legal process known as enduring guardianship.

A guardian will usually be authorised to make decisions on behalf of another person in specific areas of a person's life and for a limited length of time. Guardians are appointed to make health and lifestyle decisions on behalf of the person under guardianship. These might include decisions about where to live, what services to use, or to consider consenting to medical and dental treatment. A guardian may also be appointed to advocate on behalf of a person on specific issues.

A guardian cannot make decisions about financial matters or a person's estate unless they have been authorised under an enduring power of attorney or they have been legally appointed to be the person's financial manager. The Public Guardian can never be a financial manager. When there is no private person who can be appointed NCAT will appoint the Public Guardian as the 'guardian of last resort'. Further information about the Public Guardian and appointment of a guardian is available at:

<http://www.publicguardian.justice.nsw.gov.au>

## 11. NSW Trustee and Guardian

NSW Trustee and Guardian's role is to act as an independent and impartial Executor, Administrator, Attorney and Trustee for the people of NSW. It also provides direct financial management services and authorisation and direction to private financial managers. NSW Trustee and Guardian provides the following services:

- Trustee services,
- Will Making,
- Deceased Estate Administration,
- Executor Services,
- Trusts,
- Powers of Attorney,
- Will Safe (secure storage for your planning ahead documents),

- Financial Management Services,
- Financial Management, and
- Private Management Support.

NSW Trustee and Guardian can also be appointed financial manager for people with decision making disabilities. Further information about the NSW Trustee and Guardian is available at:

<http://www.tag.nsw.gov.au>.

## 12. Performance Measures

The NDIA will report Level B measures, as outlined in Schedule G of the Bilateral Agreement quarterly:

- Proportion of participants, and their families and carers who report improved economic and social outcome measures (as measured in the NDIA outcomes Framework);
- Proportion of participants who attain the goals outlined in their plans (as measured by the NDIA's Goal Attainment Scale);
- Participant satisfaction.

The NDIA will report Level A measures, as outlined in Schedule G of the Bilateral Agreement annually:

- Proportion of participants, and their families and carers, who report being able to exercise choice (as measured by the NDIA outcomes Framework).

The NDIS will report against the Integrated Performance Framework, as part of its quarterly reports.

The NSW Ombudsman will report the following performance measures:

- Number of formal complaints (excluding complaints about the NDIA or its sub-contracted services) reported to the NSW Ombudsman (quarterly);
- Number of serious or reportable incidents reported to the NSW Ombudsman (quarterly);
- Number of deaths of NDIS participants living in or temporarily absent from an NDIA registered provider of supported accommodation or an assisted board house reported to the NSW Ombudsman (quarterly).

The Official Community Visitors Scheme will report the following performance measures:

**Number and type of service issue**

- Number of service issues of concern about safety as a percentage of total issues raised about NDIA registered service provision to residents (quarterly);
- Number of service issues of concern about living in a home-like environment raised as a percentage of total issues raised about NDIA registered service provision to residents (quarterly);
- Number of service issues of concern about treatment with dignity and respect and opportunity for privacy, personal growth and development as a percentage of total issues raised about NDIA registered service provision to residents (quarterly);
- Number of service issues of concern about quality health care and personal care as a percentage of total issues raised about NDIA registered service provision to residents (quarterly).

**Number and type of service issue resolved**

- Number of issues of concern about safety of NDIA registered service provision to residents as a percentage of total issues raised resolved (quarterly);
- Number of issues of concern about living in a home-like environment of NDIA registered service provision to residents as a percentage of total issues raised resolved (quarterly);
- Number of issues of concern about treatment with dignity and respect and opportunity for privacy, personal growth and development of NDIA registered service provision to residents as a percentage of total issues raised resolved (quarterly);
- Number of issues of concern about quality health care and personal care of NDIA registered service provision to residents as a percentage of total issues raised resolved (quarterly).

## 13. Review Process

These working arrangements will be reviewed on a quarterly basis and a status report will be provided to the NSW National Disability Insurance Scheme (NDIS) Implementation Steering Committee (NNISC). The working arrangements will be refined as necessary during transition.

# Appendix 1: Requirements for Providers of Disability Supports

Existing ADHC funded and new providers of specialist disability supports as identified at Appendix 2 Part B must provide services that comply with:

- The *Disability Inclusion Act 2014* (NSW) and *Disability Inclusion Regulation 2014* (NSW),
- All other relevant laws of NSW and Australia,
- Applicable codes of conduct, professional standards or quality assurance standards, and
- NSW Disability Services Standards (NSW DSS) or relevant comparable standards. Comparable standards include National Standards for Disability Services, Attendant Care Industry Standards, Home Care Standards, Victorian Department of Human Services Standards and Queensland Human Services Quality Framework.

## Performance

<b>Policy</b>	<b>Quality Policy for ADHC funded services</b>
Brief description	NSW Quality Framework for Disability Services is built on the National Quality Framework for Disability Services in Australia and based on the NSW DSS, which align with the proposed revised National Standards for Disability Services. All providers must: <ul style="list-style-type: none"> <li>• Comply with the ADHC Quality Framework Policy,</li> <li>• Have a quality management system in place, and</li> <li>• Have their compliance with the NSW DSS verified through an independent third party.</li> </ul>
Who the policy applies to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.adhc.nsw.gov.au/_data/assets/file/0011/256835/Quality_Policy_for_ADHC_funded_services.pdf">http://www.adhc.nsw.gov.au/_data/assets/file/0011/256835/Quality_Policy_for_ADHC_funded_services.pdf</a>
<b>Guidelines</b>	<b>NSW Disability Services Standards and Standards in Action Manual</b>
Brief description	The NSW DSS form the basis of ADHC's quality requirements and have been updated to reflect contemporary practices that place people with disability at the centre of decision making and choice about their supports and services. The NSW DSS have been streamlined and align to the proposed revised National Standards for Disability Services.  Where an organisation has attained third party verification against the NSW DSS, they will be deemed to meet the requirements of the proposed revised National Standards for Disability Services.
Who the guidelines apply to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.adhc.nsw.gov.au/sp/quality/standards_in_action">http://www.adhc.nsw.gov.au/sp/quality/standards_in_action</a>



## Governance

<b>Policy</b>	<b>Governance policy for FACS funded disability service providers</b>
Brief description	Outlines the governance requirements appropriate to the size of an organisation to ensure sustainability, viability, efficiency and productivity
Who the policy applies to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.adhc.nsw.gov.au/_data/assets/file/0009/256833/Governance-policy-for-FACS-funded-disability-service-providers.pdf">http://www.adhc.nsw.gov.au/_data/assets/file/0009/256833/Governance-policy-for-FACS-funded-disability-service-providers.pdf</a>
<b>Policy</b>	<b>Sub-contracting and brokerage policy for FACS funded disability service providers</b>
Brief description	Outlines requirements for commissioning third party providers through sub-contracting and brokerage, including: <ul style="list-style-type: none"> <li>• Definitions of 'brokerage' and sub-contracting',</li> <li>• Requirements for commissioning third part providers, and</li> <li>• Mechanisms that funded disability service providers should use to adequately manage those arrangements in the context of their own obligations.</li> </ul>
Who the policy applies to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.adhc.nsw.gov.au/_data/assets/file/0004/256837/Sub-contracting-and-brokerage-policy-for-FACS-funded-disability-service-providers.pdf">http://www.adhc.nsw.gov.au/_data/assets/file/0004/256837/Sub-contracting-and-brokerage-policy-for-FACS-funded-disability-service-providers.pdf</a>

## School Education

<b>Policy</b>	<b>School supports</b>
Brief description	All NDIA registered providers must comply with any applicable policy and guideline as advised by the relevant school, including preschool, about the provision of support to a student while at school. NSW Public Schools has developed a framework for principals to guide their interactions with external service providers, including those funded through the NDIS
Who the policy applies to	Existing ADHC funded providers and new disability support providers
URL	Relevant NSW Public School or preschool principal to advise existing ADHC funded providers and new disability support providers.

## Probity in Employment

Policy	Probity in Employment Policy for FACS funded disability service providers
Brief description	<ul style="list-style-type: none"> <li>• Designed to promote a strong culture of probity in employment of persons (paid or unpaid) involved in delivering services and supports to people with disability.</li> <li>• Confirms the major obligations under the <i>Disability Inclusion Act 2014</i>:               <ul style="list-style-type: none"> <li>○ To ensure that appropriate probity checking is carried out on individuals involved in the provision of disability supports and services,</li> <li>○ A prohibition on the employment or engagement of individuals who have been convicted of certain offences,</li> <li>○ A requirement to repeat criminal records checks every four years.</li> </ul> </li> <li>• Provides additional guidance and information on probity checking.</li> </ul>
Who the policy applies to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.adhc.nsw.gov.au/_data/assets/file/0020/241355/Probity-in-Employment-Policy-for-FACS-funded-disability-service-providers.pdf">http://www.adhc.nsw.gov.au/_data/assets/file/0020/241355/Probity-in-Employment-Policy-for-FACS-funded-disability-service-providers.pdf</a>

## Disability Reportable Incidents Scheme

Guidelines	Disability Reportable Incidents Scheme
Brief description	<p>Service providers of disability supported group accommodation and centre based respite are required to notify the NSW Ombudsman of 'reportable incidents' involving people with disability.</p> <p>Service providers must report the following incidents to the NSW Ombudsman:</p> <ol style="list-style-type: none"> <li>1. <b>Employee to client incidents</b> of sexual assault, sexual misconduct, assault, fraud, ill-treatment or neglect,</li> <li>2. <b>Client to client incidents</b> of sexual, physical assault (causing serious injury or involving the use of a weapon), or that forms a pattern of abuse,</li> <li>3. <b>Contravention of an AVO</b> taken out to protect a person with disability,</li> <li>4. <b>Unexplained serious injury</b> of a person with disability.</li> </ol> <p>Notification forms and fact sheets are available on the NSW Ombudsman website.</p>
Who the guidelines apply to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.ombo.nsw.gov.au/what-we-do/our-work/community-and-disability-services/part-3c-reportable-incidents">http://www.ombo.nsw.gov.au/what-we-do/our-work/community-and-disability-services/part-3c-reportable-incidents</a>

## Death

<b>Legislation</b>	<b>Community Services (Complaints, Reviews and Monitoring) Act 1993 Part 6 - Reviewable Deaths</b>
Brief description	Service providers must report information about the deaths of children and adults with disability who, at the time of their death, were living in, or temporarily absent from, residential care provided by a service provider, or an assisted boarding house, to the NSW Ombudsman.
Who the legislation applies to	Existing ADHC funded residential care providers and new disability support residential care providers
URL	<a href="https://www.ombo.nsw.gov.au/what-we-do/our-work/community-and-disability-services/reviewable-deaths">https://www.ombo.nsw.gov.au/what-we-do/our-work/community-and-disability-services/reviewable-deaths</a>
<b>Policy</b>	<b>Death Procedures</b>
Brief description	The ADHC Death Procedures embody the principles of legal and human rights found in the NSW DSS, the commitment to delivery culturally responsive services to Aboriginal and Torres Strait Islander people under the Aboriginal Policy Statement and the person centred guiding principles of the ADHC Health and Wellbeing Policy. They provide direction to support workers in the event of a person becoming unresponsive, or if an unresponsive or deceased person is found.
Who the policy applies to	These procedures are mandatory for ADHC operated accommodation support services, including centre-based respite services and other support services, unless otherwise stated. Some sections are mandatory for ADHC funded non-government support services and assisted boarding houses.
URL	<a href="http://www.adhc.nsw.gov.au/publications/policies/policies_a-z">http://www.adhc.nsw.gov.au/publications/policies/policies_a-z</a>

## Work Health and Safety

<b>Legislation</b>	<b>Work Health and Safety Act 2011, Work Health and Safety Regulation 2011</b>
Brief description	A 'person conducting a business or undertaking' (PCBU) is a legal term under WHS laws for individual. As a PCBU you must meet your obligations, so far as is reasonably practicable, to ensure the health and safety of workers and other people like visitors and volunteers, and businesses or organisations that are conducting business.
Who the legislation applies to	Existing ADHC funded providers and new disability support providers. Participants/carers who are considered a PCBU.
URL	<a href="https://www.workcover.nsw.gov.au/law-and-policy/employer-and-business-obligations/definitions-of-pcbus-and-workers">https://www.workcover.nsw.gov.au/law-and-policy/employer-and-business-obligations/definitions-of-pcbus-and-workers</a>

## Workers Compensation

<b>Legislation</b>	<b>Workers Compensation Act 1987, Workplace Injury Management and Workers Compensation Act 1998, Workers Compensation Regulation 2010</b>
<b>Policy</b>	<b>Workers compensation insurance policy</b>
Brief description	All employers in NSW (except exempt employers) are required to have a workers compensation insurance policy. Exempt employers are employers who pay \$7,500 or less in annual wages, who do not employ an apprentice or trainee, or are part of a group for premium purposes.
Who the policy applies to	Existing ADHC funded providers and new disability support providers. Participants/carers who are employers.
URL	<a href="http://www.workcover.nsw.gov.au/insurance/workers-compensation-insurance-for-your-business">http://www.workcover.nsw.gov.au/insurance/workers-compensation-insurance-for-your-business</a>
<b>Policy</b>	<b>Notification of workplace incidents and injuries</b>
Brief description	All employers and workers have specific obligations to report workplace incidents and injuries.
Who the policy applies to	Existing ADHC funded providers and new disability support providers. Participants/carers who are employers.
URL	<a href="http://www.workcover.nsw.gov.au/workers-compensation-claims/report-an-incident-or-injury/notifying-and-recording-an-incident-or-injury">http://www.workcover.nsw.gov.au/workers-compensation-claims/report-an-incident-or-injury/notifying-and-recording-an-incident-or-injury</a>
<b>Policy</b>	<b>Injury management programs</b>
Brief Description	Under section 43(5) of the <i>Workplace Injury Management and Workers Compensation Act 1998</i> an employer must comply with obligations imposed by insurer's injury management program i.e. the insurer's written strategy for managing workplace injuries This requirement does not apply where the employer is a self-insurer.
Who the Policy Applies To	Existing ADHC funded providers and new disability support providers. Participants/carers who are employers.
URL	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+86+1998+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+86+1998+cd+0+N</a>
<b>Policy</b>	<b>Employer's injury management plan obligations</b>
Brief Description	Under section 46 of the <i>Workplace Injury Management and Workers Compensation Act 1998</i> an employer must participate and cooperate in establishment of an injury management plan, and comply with obligations imposed under that plan. This requirement does not apply where the employer is a self-insurer.
Who the Policy Applies To	Existing ADHC funded providers and new disability support providers. Participants/carers who are employers.
URL	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+86+1998+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+86+1998+cd+0+N</a>

Policy	Suitable employment
Brief Description	<p>Suitable employment needs to be provided by the employer when a worker is unable to immediately return to their normal duties after an injury.</p> <p>Under section 49 of the <i>Workplace Injury Management and Workers Compensation Act 1998</i> employers are required to provide suitable employment (as defined in section 32A of the <i>Workers Compensation Act 1987</i>) and, as far as reasonably practicable, that is the same as or equivalent to the employment the worker was in at the time of the injury.</p> <p>Suitable employment does not have to be provided if:</p> <ul style="list-style-type: none"> <li>• it is not reasonably practicable to do so</li> <li>• the worker voluntarily left employment either, before or after, the commencement of the incapacity for work</li> <li>• the employer terminated the workers employment after the injury, other than for the reason that the worker was not fit for employment as a result of the injury.</li> </ul> <p>Note: It is an offence to dismiss an injured worker because they are not fit for employment as a result of the injury.</p>
Who the Policy Applies To	Existing ADHC funded providers and new disability support providers. Participants/carers who are employers.
URL	<a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+86+1998+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+86+1998+cd+0+N</a> <a href="http://www.legislation.nsw.gov.au/maintop/view/inforce/act+70+1987+cd+0+N">http://www.legislation.nsw.gov.au/maintop/view/inforce/act+70+1987+cd+0+N</a>
Policy	Return to work programs
Brief Description	<p>A return to work program consists of the formal policy and procedures that an employer must have in place to help injured workers with their recovery and return to the workplace.</p> <p>A return to work program must be developed within 12 months of becoming an employer and be done in consultation with the employer's workers and any industrial union representing those workers.</p> <p>For a category one employer (an employer with a basic tariff premium exceeding \$50 000 per annum, or is self-insured, or is insured by a specialised insurer and employs more than 20 workers) a return to work program must be developed in accordance with the <a href="#">guidelines for workplace return to work programs</a>.</p> <p>A category two employer (any employer who is not a category one employer as described above), can use the <a href="#">standard return to work program</a> prepared by the State Insurance Regulatory Authority.</p>
Who the Policy Applies To	Existing ADHC funded providers and new disability support providers. Participants/carers who are employers.
URL	<a href="http://www.workcover.nsw.gov.au/_data/assets/pdf_file/0017/18305/guidelines_for_workplace_rtw_programs_2872.pdf">http://www.workcover.nsw.gov.au/_data/assets/pdf_file/0017/18305/guidelines_for_workplace_rtw_programs_2872.pdf</a>

## Privacy

<b>Legislation</b>	<b>Privacy and Personal Information Protection Act 1998 (NSW)</b>
Brief description	The legislation applies to NSW public sector agencies. However, ADHC funded providers (by virtue of their funding agreement with ADHC) and new disability service providers (by virtue of these working arrangements) are also required to comply with the 12 Information Protection Principles.
Who the legislation applies to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/papipa1998464">http://www.austlii.edu.au/au/legis/nsw/consol_act/papipa1998464</a>
<b>Legislation</b>	<b>Health Records and Information Privacy Act 2002 (NSW)</b>
Brief description	<ul style="list-style-type: none"> <li>• Outlines how health information should be managed.</li> <li>• Includes 15 Health Privacy Principles that describe what to do when handling personal health information, including collection, storage, use, disclosure, as well as rights to access health information.</li> <li>• Additional principles relate to identifiers, anonymity, transferrals and linkages.</li> </ul>
Who the legislation applies to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/hraipa2002370/">http://www.austlii.edu.au/au/legis/nsw/consol_act/hraipa2002370/</a>
<b>Legislation</b>	<b>Privacy Code of Practice (General) 2003 (NSW)</b>
Brief description	Allows departure from some privacy principles where an individual lacks capacity
Who the legislation applies to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_reg/pcop2003251/">http://www.austlii.edu.au/au/legis/nsw/consol_reg/pcop2003251/</a>
<b>Legislation</b>	<b>Health Records and Information Privacy Code of Practice 2005 (NSW)</b>
Brief description	Allows sharing of information with other service providers in limited circumstances
Who the legislation applies to	The legislation applies to all health services providers in NSW, which includes providers of disability services or supports. Existing ADHC funded providers and new disability support providers are covered.
URL	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_reg/hraipcop2005458/">http://www.austlii.edu.au/au/legis/nsw/consol_reg/hraipcop2005458/</a>

## Child Protection

<b>Legislation</b>	<b>Children and Young Persons (Care and Protection) Act 1998</b>
Brief description	Defines certain classes of people who work with children and their managers as mandatory reporters, who have a statutory obligation to report children who are at risk of significant harm (ROSH) to Community Services Child Protection Helpline on 132 111 when there are reasonable grounds to suspect that a child, or children, are at risk of significant harm from abuse or neglect.
Who the legislation applies to	Existing ADHC funded providers and new disability support providers who provide services to children and young people.
URL	<a href="http://www.legislation.nsw.gov.au/#/view/act/1998/157/whole">http://www.legislation.nsw.gov.au/#/view/act/1998/157/whole</a>
<b>Policy</b>	<b>Child Protection Guidelines</b>
Brief description	Designed to assist staff to understand their obligations and responsibilities when they are concerned that children and young people are at risk of, or are being, neglected or abused, including: <ul style="list-style-type: none"> <li>• an overview of the main legal compliance issues they need to be familiar with,</li> <li>• the responsibilities when they suspect neglect or abuse, or risk of neglect or abuse,</li> <li>• what action to take when the behaviour of families, carers or staff gives rise to concerns,</li> <li>• links to relevant supporting documents and external resources.</li> </ul>
Who the policy applies to	Existing ADHC funded providers and new disability support providers who provide services to children and young people
URL	<a href="http://www.adhc.nsw.gov.au/_data/assets/file/0019/232732/ADHC_Child_Protection_Guidelines.pdf">http://www.adhc.nsw.gov.au/_data/assets/file/0019/232732/ADHC_Child_Protection_Guidelines.pdf</a>
<b>Legislation</b>	<b>Child Protection (Working with Children) Act 2012 (NSW)</b>
Brief description	Aims to protect children by: <ul style="list-style-type: none"> <li>• Not permitting certain persons to engage in child-related work,</li> <li>• Requiring persons engaged in child-related work to have working with children check clearances.</li> </ul>
Who the legislation applies to	Existing ADHC funded providers and new disability support providers who provide services to children and young people
URL	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/cpwca2012388/s3.html">http://www.austlii.edu.au/au/legis/nsw/consol_act/cpwca2012388/s3.html</a>
<b>Policy</b>	<b>Working with Children Check</b>
Brief description	Sole traders and individual employers must verify their Working With Children Check as part of the NDIA registration process, where they are providing child related supports.
Who the legislation applies to	Sole traders and individual employers
URL	<a href="#">Employer's Guide</a>



<b>Legislation</b>	<b>Ombudsman Act 1974 (NSW) - Part 3A Employment-related child protection</b>
Brief description	<ul style="list-style-type: none"> <li>• Requires the NSW Ombudsman to keep under scrutiny the systems that government and certain non-government agencies in NSW have for preventing reportable conduct and handling reportable allegations and convictions involving their employees.</li> <li>• 'Designated agencies' must notify the NSW Ombudsman of all reportable allegations and convictions that arise inside and outside the employee's work.</li> <li>• 'Other public authorities' are only required to notify reportable allegations or convictions that arise in the course of the employee's work.</li> <li>• 'Reportable conduct' includes sexual offences, misconduct, assault, ill-treatment, neglect and behaviour that cause psychological harm to children.</li> </ul>
Who the legislation applies to	Existing ADHC funded providers and new disability support providers who provide child care centres and substitute residential care to children and young people
URL	<a href="http://www.ombo.nsw.gov.au/what-we-do/our-work/employment-related-child-protection">http://www.ombo.nsw.gov.au/what-we-do/our-work/employment-related-child-protection</a>
<b>Guidelines</b>	<b>Child Wellbeing and Child Protection - NSW Interagency Guidelines</b>
Brief description	<ul style="list-style-type: none"> <li>• Provides information and guidance to all agencies involved in the delivery of child wellbeing and child protections services in NSW.</li> <li>• One of the <i>Keep Them Safe</i> mechanisms that support collaborative practice.</li> <li>• Outlines legislation governing child protection and child wellbeing services in NSW, roles and responsibilities, guidance to child protection reporting and response, prevention and early intervention strategies, guidance to court processes, case management and information exchange.</li> </ul>
Who the guidelines apply to	Existing ADHC funded providers and new disability support providers who provide services to children and young people
URL	<a href="http://www.community.nsw.gov.au/kts">http://www.community.nsw.gov.au/kts</a>
<b>Policy</b>	<b>Out of Home Care</b>
Brief description	<p>Guides the provision of placements for children and young people with a disability, by:</p> <ul style="list-style-type: none"> <li>• Defining the types of out-of-home care placements and supports that are available to children (aged 0-15 years) and young people (aged 16-17 years) with a disability,</li> <li>• Detailing best practice principles to guide the provision of out-of-home care placements,</li> <li>• Providing practice guidelines for the establishment and provision of out-of-home care placements.</li> </ul>

Who the policy applies to	Existing ADHC funded providers and relevant new disability support providers who provide: <ul style="list-style-type: none"> <li>• Statutory and supported out-of-home care placements</li> <li>• Long-term voluntary out-of-home care placements</li> <li>• Unplanned, crisis placements</li> </ul>
URL	<a href="http://www.adhc.nsw.gov.au/publications/policies/policies_a-z">http://www.adhc.nsw.gov.au/publications/policies/policies_a-z</a>
<b>Policy</b>	<b>Voluntary Out of Home Care</b>
Brief description	NDIS registered providers operating in NSW who wish to provide VOOHC must register their details with the OCG, and complete the VOOHC Registration and Self-Certification Checklist.
Who the policy applies to	Existing ADHC funded providers and relevant new disability support providers who provide voluntary out of home care, including overnight centre-based respite, host family care, residential placements and camps that provide respite or address challenging behaviour
URL	<a href="#">VOOHC Registration, Self-Certification and Monitoring Guide</a> <a href="#">VOOHC Statutory Procedures</a> <a href="#">VOOHC Register Manual</a>

## Health

<b>Policy</b>	<b>Health and Wellbeing</b>
Brief Description	The Health and Wellbeing Policy embodies the principles of legal and human rights found in the NSW DSS and the commitment to deliver culturally responsive services to Aboriginal people under the Aboriginal Policy Statement. The Policy defines how people with disability and their families exercise their rights and entitlements, under the Standards and Statement, to make informed decisions about health services, including health promotion opportunities, treatments, therapy and rehabilitation.
Who the Policy Applies To	Existing ADHC operated and funded accommodation support services. ADHC funded non-government accommodation support services may adopt the procedures, or develop their own.
URL	<a href="http://www.adhc.nsw.gov.au/publications/policies/policies_a-z">http://www.adhc.nsw.gov.au/publications/policies/policies_a-z</a>
<b>Policy</b>	<b>Health Planning Procedures</b>
Brief Description	The Health Planning Procedures describe how the person, and support workers, plan, document, implement and review the person's health and wellbeing needs in consultation with health professionals, and the person responsible or guardian.
Who the Procedures Applies To	The procedures are a requirement for ADHC operated accommodation support services to follow when they are applying the Guiding Principles of the Health and Wellbeing Policy. ADHC funded non-government accommodation support services may adopt the procedures, or develop their own.
URL	<a href="http://www.adhc.nsw.gov.au/publications/policies/policies_a-z">http://www.adhc.nsw.gov.au/publications/policies/policies_a-z</a>

## Mental Health

Policy	Accommodation Support Policy
Brief description	All NDIA registered providers of NDIS supports to mental health consumers must comply with any applicable policy and guideline as advised by the relevant NSW Local Health District Mental Health Service. This includes ensuring that NDIS supports are provided in a way that supports the recovery of mental health consumers. The recovery model assumes that people with complex support mental health conditions have the capacity to improve and obtain a life that is not defined by their illness. NDIA registered providers will work with mental health services, mainstream and specialist services and the local community to ensure that supports are provided in an integrated and coordinated way.
Who the policy applies to	Relevant NSW Local Health District Mental Health Service to advise existing ADHC funded providers and new disability support providers.

## Accommodation

Policy	Accommodation Support Policy
Brief description	Sets out service principles for the provision of person-centred accommodation support to people with disability, based on their disability support needs and preferences
Who the policy applies to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.adhc.nsw.gov.au/publications/policies/policies_a-z">http://www.adhc.nsw.gov.au/publications/policies/policies_a-z</a>

## Fire Safety

Policy	Fire Safety
Brief description	Services are responsible for ensuring: <ul style="list-style-type: none"> <li>• The environment in which services are provided is safe and hazards are minimised,</li> <li>• All employees are familiar with all fire emergency equipment and facilities in the workplace and participate in regular fire safety programs,</li> <li>• Emergency management and evacuation plan and procedures are in place taking into account the support needs of people with disability,</li> <li>• Engagement occurs with the local community in developing fire safety procedures.</li> </ul>
Who the policy applies to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.adhc.nsw.gov.au/_data/assets/file/0015/251232/Fire_safety_fact_sheet_Dec2013.pdf">http://www.adhc.nsw.gov.au/_data/assets/file/0015/251232/Fire_safety_fact_sheet_Dec2013.pdf</a>

## Supporting People

<b>Policy</b>	<b>Lifestyle Planning</b>
Brief Description	This policy sets out guiding person centred principles to lifestyle planning with people who use ADHC operated and funded accommodation support services. These principles demonstrate a commitment to putting people with disability, their families and carers at the centre of decision making about how the specialist disability system supports them.
Who the Policy Applies To	The policy's guiding principles are the basic mandatory requirements for ADHC operated and funded accommodation support services when planning with the people they support.
URL	<a href="http://www.adhc.nsw.gov.au/publications/policies/policies_a-z">http://www.adhc.nsw.gov.au/publications/policies/policies_a-z</a>
<b>Policy</b>	<b>Decision Making and Consent</b>
Brief Description	The Decision Making and Consent Policy affirms the rights of people to make decisions that affect them and to receive support when they want it to make decisions. A set of Guiding Principles provides a framework for decision making in the context of capacity and consent.
Who the Policy Applies To	ADHC operated disability support services must follow the Guidelines when applying the Principles of the Policy. ADHC funded non-government disability support services may adopt the Guidelines, or develop their own.
URL	<a href="http://www.adhc.nsw.gov.au/publications/policies/policies_a-z">http://www.adhc.nsw.gov.au/publications/policies/policies_a-z</a>
<b>Policy</b>	<b>Wills and Estates Policy and Procedures</b>
Brief description	<ul style="list-style-type: none"> <li>• Supports people with a disability to participate in decisions about their finances and property and the disbursement of these through a Will.</li> <li>• A Will should be reviewed every five years or whenever a person's circumstances change.</li> <li>• Providers must maintain procedures to develop and review wills and distribute estates.</li> </ul>
Who the policy applies to	Existing ADHC funded providers (As guidance only for new disability support providers)
URL	<a href="http://www.adhc.nsw.gov.au/publications/policies/policies_a-z">http://www.adhc.nsw.gov.au/publications/policies/policies_a-z</a>
<b>Policy</b>	<b>Abuse and Neglect</b>
Brief Description	<p>The Abuse and Neglect Policy provides information and guiding principles to support paid and unpaid workers of ADHC operated and funded non-government disability support services, with the means to prevent, identify and respond to abuse and neglect when it occurs or is suspected.</p> <p>This policy should be read in conjunction with the Abuse and Neglect Procedures and Prevention Guidelines, which have been developed to support a structured, consistent and transparent approach to safeguarding people from abuse and neglect.</p>
Who the Policy Applies To	The policy, procedures and prevention guidelines provide paid and unpaid workers of ADHC operated and funded non-government disability support services with the means to identify abuse and neglect, and to respond quickly and appropriately to allegations of abuse and neglect.
URL	<a href="http://www.adhc.nsw.gov.au/publications/policies/policies_a-z">http://www.adhc.nsw.gov.au/publications/policies/policies_a-z</a>

<b>Policy</b>	<b>Risk and Safety</b>
Brief Description	The Risk and Safety Policy provides a set of guiding principles for supporting people to make decisions that involve some risk to them. These principles provide the framework for the identification, assessment and management of risk in a person centred environment. The Policy is supported by the Risk and Safety Procedures, Guidelines, Tools and Templates and Other Resources.
Who the Policy Applies To	The policy is mandatory in ADHC operated and funded non-government disability support services.
URL	<a href="http://www.adhc.nsw.gov.au/publications/policies/policies_a-z">http://www.adhc.nsw.gov.au/publications/policies/policies_a-z</a>

<b>Policy</b>	<b>Behaviour Support Policy</b>
Brief description	Outlines minimum requirements in providing a behaviour support service to adults, children or young people with an intellectual disability
Who the policy applies to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.adhc.nsw.gov.au/publications/policies/policies_a-z">http://www.adhc.nsw.gov.au/publications/policies/policies_a-z</a>

<b>Policy</b>	<b>Behaviour Support: Policy and Practice Manual 2009</b>
Brief description	<ul style="list-style-type: none"> <li>Provides guidelines to safeguard the rights of the individual service user and promotes the use of person-centred positive behaviour support practices.</li> <li>Provides a contemporary, practical resource for the development of high quality and consistent support and intervention practices that adhere to relevant departmental policy and procedures and legislative standards.</li> </ul>
Who the policy applies to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.adhc.nsw.gov.au/publications/policies/policies_a-z">http://www.adhc.nsw.gov.au/publications/policies/policies_a-z</a>

<b>Guidelines</b>	<b>Restricted Practices Authorisation Mechanism Operation Guide</b>
Brief description	<ul style="list-style-type: none"> <li>Provides guidance on the operational aspects of an effective Restricted Practice Authorisation (RPA) mechanism.</li> <li>Promotes consistency in the operation of RPA procedures within ADHC and across the funded sector.</li> </ul>
Who the guidelines apply to	Existing ADHC funded providers and new disability support providers
URL	<a href="https://ngorpap.files.wordpress.com/2011/07/rpa-mechanism-operational-guide-osp.pdf">https://ngorpap.files.wordpress.com/2011/07/rpa-mechanism-operational-guide-osp.pdf</a>

Legislation	Community Services (Complaints, Reviews and Monitoring) Act 1993 (NSW)
Brief description	<ul style="list-style-type: none"> <li>• NDIS participants can make complaints about service providers to the NSW Ombudsman</li> <li>• The NSW Ombudsman can monitor and review services provided to NDIS participants</li> <li>• Official Community Visitors can visit NDIS participants living in an accommodation service if in full-time care of a service provider</li> <li>• The NSW Ombudsman can review the death of a NDIS participant living in residential care provided by a NDIS service provider</li> </ul>
Who the legislation applies to	Existing ADHC funded providers and new disability support providers
URL	<a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/csrama1993583/">http://www.austlii.edu.au/au/legis/nsw/consol_act/csrama1993583/</a>

## Appendix 2: Disability Supports

### Part A

NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
<p><b>Household tasks</b> enable the participant to maintain their home environment e.g.</p> <ul style="list-style-type: none"> <li>• Delivered meals</li> <li>• House and / or yard maintenance</li> <li>• House cleaning</li> </ul>	<p>In-home accommodation support</p> <ul style="list-style-type: none"> <li>• Meals</li> <li>• Other food services</li> <li>• Domestic assistance</li> <li>• Home maintenance</li> <li>• Linen service</li> </ul>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business.</p>
<p><b>Therapeutic supports</b> includes:</p> <ul style="list-style-type: none"> <li>• Individual and group multidisciplinary interventions for participants aged 7-65</li> <li>• Individual therapy (OT, Physio, Psychology, Social Work, Speech and Language pathology) Group therapy(OT, Physio, Psychology, Social Work, Speech and Language pathology)</li> <li>• Podiatry, dietetics</li> <li>• Therapeutic program delivered by Therapy assistant</li> <li>• Individual/group family focussed information and training</li> <li>• Counselling for an individual or as part of a group</li> </ul>	<p>Therapy support for individuals: Allied health care, including Counselling. Counselling provides clients and carers with assistance to understand and manage situations, behaviours and relationships associated with their need for care.</p>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business.</p> <ul style="list-style-type: none"> <li>• Meet the relevant professional requirements under the National Registration and Accreditation Scheme (National Scheme) for registered health practitioners.</li> <li>• Meet the eligibility requirements for membership of the relevant Australian professional association, e.g. Association of Social Workers (AASW).</li> </ul>



NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
<b>Home modifications</b>	Home modifications	Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business. <ul style="list-style-type: none"> <li>• Meet relevant industry requirements where applicable.</li> </ul>
<b>Vehicle modifications</b>	Provision of goods and equipment	Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business. <ul style="list-style-type: none"> <li>• Meet relevant industry requirements where applicable.</li> </ul>
<b>Assistive technology and equipment (multiple registration groups)</b>	Provision of goods and equipment	Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business. <ul style="list-style-type: none"> <li>• Meet relevant industry requirements where applicable.</li> </ul>
<b>Management of funding for supports in participant plans (Plan management):</b> <ul style="list-style-type: none"> <li>• financial and service intermediary activities</li> <li>• financial intermediary activities.</li> </ul>	Plan management	Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business. <ul style="list-style-type: none"> <li>• Satisfy NDIS registration requirements including an assessment of qualifications, approvals, experience and capacity</li> </ul>

NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
<p><b>Specialised driver training</b></p> <p>This includes training in driving, using adapted equipment or vehicle modification.</p>	<p>Learning and life skills development</p>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business.</p> <ul style="list-style-type: none"> <li>• Satisfy NDIS registration requirements including an assessment of qualifications, approvals, experience and capacity</li> <li>• Meet relevant industry requirements where applicable.</li> </ul>
<p><b>Exercise physiology and personal training (Ex Phys Pers Training)</b></p> <p>Physical wellbeing activities to promote and encourage physical well-being, and exercise.</p>	<p>Other community support</p>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business.</p> <p>Meet the relevant professional requirements</p>
<p><b>Interpreting and translation (Interpret/translate)</b></p> <p>Interpreting and translation focuses on assistance to the participant to enable independent communication in essential personal, social or community activities where translation is not available from a mainstream service.</p>	<p>Alternative formats of communication</p>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business.</p> <ul style="list-style-type: none"> <li>• Meet the relevant professional requirements under the NAATI national Registration and Accreditation Scheme</li> </ul>

NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
<p><b>Accommodation/Tenancy assistance (Accommodation/tenancy)</b></p> <ul style="list-style-type: none"> <li>• Transitional support payments only</li> </ul>	<p>Case management, local coordination and development</p>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business.</p>

<sup>1</sup> NDIS registration Groups – October 2016

<sup>2</sup> Current designated disability services funded under the *Disability Inclusion Act 2014* and related alignment to NDIS Registration groups – October 2016.

Part B

NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
<p><b>Assistance with daily life tasks in a group or shared living arrangement (Daily tasks/shared living)</b></p>	<p>Supported accommodation:</p> <ul style="list-style-type: none"> <li>• Large Residences</li> <li>• Group homes</li> <li>• Emergency accommodation support</li> <li>• Accommodation support for young people with disability to transition from the parental responsibility of the Minister for Community Services and to live as independently as possible.</li> <li>• Accommodation support for young people with intellectual disability who have exited a correctional facility and</li> <li>• appropriate community integration along with pre and post release clinical case management services.</li> <li>• Alternative family placement – out-of-home care for children with disability</li> <li>• Flexible respite</li> <li>• Overnight respite</li> <li>• HACC respite</li> </ul>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business.</p> <ul style="list-style-type: none"> <li>• Undertake third party verification to confirm organisational performance against the NSW Disability Service Standards or relevant comparable standards such as National Standards for Disability Services (2013), Home Care Standards, Attendant Care Industry Standards, Victorian Department of Human Services Standards and Queensland Human Services Quality Framework;</li> <li>• Meet all relevant legislation, operational policies and guidelines outlined at <b>Appendix 1</b>.</li> </ul>

NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
<p><b>Assistance with daily personal Activities (Assist-personal Activities) and High intensity daily personal activities (Assist personal activities high) include:</b></p> <ul style="list-style-type: none"> <li>• assistance from a live-in carer</li> <li>• specialised home based assistance for a child</li> <li>• personal care.</li> </ul>	<p>Intensive personal care:</p> <ul style="list-style-type: none"> <li>• Attendant care, including low level assistance with hygiene and grooming</li> <li>• High complex needs</li> </ul>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business.</p> <ul style="list-style-type: none"> <li>• Undertake third party verification to confirm organisational performance against the NSW Disability Service Standards or relevant comparable standards such as National Standards for Disability Services (2013), Home Care Standards, Attendant Care Industry Standards, Victorian Department of Human Services Standards and Queensland Human Services Quality Framework;</li> <li>• Meet all relevant legislation, operational policies and guidelines outlined at <b>Appendix 1</b>.</li> </ul>

NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
<p><b>Specialised behaviour support (Behaviour support):</b></p> <ul style="list-style-type: none"> <li>• interventions including intensive behaviour support / management plan;</li> <li>• training for carers and others in behaviour management strategies.</li> </ul>	<p>Behaviour/specialist intervention</p>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business.</p> <ul style="list-style-type: none"> <li>• Relevant qualifications of Psychologist, OT, Speech Pathology, Nursing (with relevant experience), Special Education and Social Work, including minimum 2 years experience in the delivery of behaviour support that includes: <ul style="list-style-type: none"> <li>• conducting and writing assessment reports which identify function of behaviours of concern</li> <li>• skills strengths and areas for further development – including: <ul style="list-style-type: none"> <li>○ how to replace the behaviour/s with skill development</li> <li>○ service system capacity or to support the person</li> <li>○ recommendations that address environmental issues / trigger factors for behaviour</li> <li>○ replacing the behaviour with a functional skill</li> <li>○ situational management strategies</li> <li>○ skill development of staff to better address the persons needs</li> <li>○ development of strategies (behaviour support plan) that address the behaviours of concern within the environmental and resource constraints of the persons support system</li> <li>○ training of staff/carers in the implementation of developed strategies</li> </ul> </li> </ul> </li> <li>• Monitoring and evaluation of the effectiveness of both implementation and the strategies themselves.</li> </ul>

NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
		<ul style="list-style-type: none"> <li>• Undertake third party verification to confirm organisational performance against the NSW Disability Service Standards or relevant comparable standards such as National Standards for Disability Services (2013), Home Care Standards, Attendant Care Industry Standards, Victorian Department of Human Services Standards and Queensland Human Services Quality Framework;</li> <li>• Meet all relevant legislation, operational policies and guidelines outlined at <b>Appendix 1</b>.</li> </ul>
<p><b>Early intervention supports for early childhood (Early childhood supports)</b></p>	<p>Early childhood intervention:</p> <ul style="list-style-type: none"> <li>• early childhood special education (centre-based, mainstream and in-home);</li> <li>• therapy services</li> <li>• information and referral; and coordination of early childhood intervention services with other specialist and mainstream services in the local area</li> </ul> <p>Family support places and early interventions:</p> <ul style="list-style-type: none"> <li>• enable inclusion of children and young people with disability and</li> </ul>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business.</p> <ul style="list-style-type: none"> <li>• Undertake third party verification to confirm organisational performance against the NSW Disability Service Standards or relevant comparable standards such as National Standards for Disability Services (2013), Home Care Standards, Attendant Care Industry Standards, Victorian Department of Human Services Standards and Queensland Human Services Quality</li> </ul>



NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
	<p>their families in mainstream services and in community life</p> <ul style="list-style-type: none"> <li>• support the development of children and young people's skills and their capacities</li> <li>• build the resilience and capacities of families caring for a child who has a disability.</li> </ul>	<p>Framework;</p> <ul style="list-style-type: none"> <li>• Meet all relevant legislation, operational policies and guidelines outlined at <b>Appendix 1</b>.</li> </ul> <p>Note: Sole practitioners and small consortia of Allied Health Professionals are required to comply with all relevant aspects of the NSW Transitional Quality Assurance and Safeguarding Framework in their clinical practice, however, may be exempted from the requirement to obtain Third Party Verification (TPV) when registering for 'Early Intervention supports for early childhood' ('Early Childhood Supports' in <i>myplace</i> portal). To be eligible for the exemption, Allied Health professionals must:</p> <ul style="list-style-type: none"> <li>• hold a relevant allied health qualification to practise in NSW;</li> <li>• a minimum of 2 years practice experience in the provision of therapeutic support to children aged 0-6 years;</li> <li>• hold a relevant professional registration or professional association membership required to practice in NSW.</li> </ul>

NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
		<p>Providers are required to declare their eligibility for exemption using the template provided on the NDIS website. This template must be completed and uploaded during the registration process.</p>
<p><b>Participation in community, social and civic activities (Participate community) and Group and centre based activities (Group/Centre Activities)</b></p> <ul style="list-style-type: none"> <li>• Group based activities in a centre</li> <li>• Group based community activities</li> <li>• Community and social activities</li> </ul>	<ul style="list-style-type: none"> <li>• Centre-based day programs</li> <li>• Recreation/holiday programs</li> <li>• Social support</li> </ul>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business.</p> <ul style="list-style-type: none"> <li>• Undertake third party verification to confirm organisational performance against the NSW Disability Service Standards or relevant comparable standards such as National Standards for Disability Services (2013), Home Care Standards, Attendant Care Industry Standards, Victorian Department of Human Services Standards and Queensland Human Services Quality Framework;</li> <li>• Meet all relevant legislation, operational policies and guidelines outlined at <b>Appendix 1</b>.</li> </ul>

NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
<p><b>Assistance in coordinating or managing life stages, transitions and supports (Assist-Life Stage, Transition) :</b></p> <ul style="list-style-type: none"> <li>• Assistance to strengthen participant's abilities to coordinate supports &amp; participate in the community. This includes resolving points of crisis, developing capacity &amp; resilience in a participant's network &amp; coordinating supports from a range of sources.</li> <li>• Assistance to strengthen a higher needs participant's ability to coordinate their supports &amp; participate in the community. This may include resolving points of crisis, &amp; developing resilience in the participant's network.</li> </ul> <p>Specialised Support Coordination (Support Coordination)</p> <ul style="list-style-type: none"> <li>• Time limited support coordination, within specialist framework necessitated by high risks in participant's situation, to address barriers and reduce complexity in environment, assisting to connect with supports, build capacity and resilience.</li> </ul>	<p>Case management, local coordination and development</p> <p>Client Care Coordination Case Management</p>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency's Terms of Business;</p> <ul style="list-style-type: none"> <li>• Undertake third party verification to confirm organisational performance against the NSW Disability Service Standards or comparable standards such as National Standards for Disability Services (2013), Home Care Standards, Attendant Care Industry Standards, Victorian Department of Human Services Standards and Queensland Human Services Quality Framework;</li> <li>• Meet all relevant legislation, operational policies and guidelines outlined at <b>Appendix 1</b>.</li> </ul>

NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
<p><b>Development of daily living and life Skills (Development-life skills):</b>  Focuses on training and development activities undertaken by the participant or their carer to increase their ability to live as autonomously as possible.  Includes:</p> <ul style="list-style-type: none"> <li>• skills development in a group</li> <li>• individual life and personal skills development</li> <li>• individual social /living skills development</li> <li>• training for carers/parents</li> <li>• training in planning and plan management</li> <li>• skills to increase independence in community, social and recreational participation</li> <li>• development of skills in household tasks</li> <li>• public transport training and support</li> <li>• social skills training</li> <li>• training in planning and management; numeracy, literacy, money/financial management training and skills development</li> </ul>	<p>Learning and Life Skills development:</p> <ul style="list-style-type: none"> <li>• ongoing support</li> </ul>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business;</p> <ul style="list-style-type: none"> <li>• Undertake third party verification to confirm organisational performance against the NSW Disability Service Standards or comparable standards such as National Standards for Disability Services (2013), Home Care Standards, Attendant Care Industry Standards, Victorian Department of Human Services Standards and Queensland Human Services Quality Framework;</li> <li>• Meet all relevant legislation, operational policies and guidelines outlined at <b>Appendix 1</b>.</li> </ul>

NDIS SUPPORT CLUSTER <sup>1</sup>	RELATED DISABILITY SUPPORTS FUNDED UNDER THE NSW <i>DISABILITY INCLUSION ACT 2014</i> <sup>2</sup>	QUALITY ASSURANCE REQUIREMENTS
<p><b>Assistance to access and maintain Employment (Assist Access/Maintain Employ); Specialised Supported Employment (Spec Support Employ)</b>  Workplace assistance enables a Participant to successfully obtain and/or retain employment in the open or supported labour market.  Includes:</p> <ul style="list-style-type: none"> <li>• employment related assessment and counselling</li> <li>• assistance in specialised supported employment preparation and support individually or in a group.</li> </ul>	<p>Transition to Work</p>	<p>Comply with the NDIS Rules – Rules for registered providers of supports and Agency’s Terms of Business;</p> <ul style="list-style-type: none"> <li>• Undertake third party verification to confirm organisational performance against the NSW Disability Service Standards or comparable standards such as National Standards for Disability Services (2013), Home Care Standards, Attendant Care Industry Standards, Victorian Department of Human Services Standards and Queensland Human Services Quality Framework;</li> <li>• Meet all relevant legislation, operational policies and guidelines outlined at <b>Appendix 1</b>.</li> </ul>

<sup>1</sup> NDIS registration groups – October 2016

<sup>2</sup> Current designated disability services funded under the *Disability Inclusion Act 2014* and related alignment to NDIS registration groups – August 2016. Note: Not all ADHC funded disability supports listed may be provided in all areas across NSW.

## Appendix 3: ADHC Systems Recognition Tool

An important aim of the NSW Quality Framework is the recognition of accreditations / certifications of other industry standards that service providers already have in place to reduce the administrative burden and need for duplicate reporting.

The recognition tool will assist your organisation to understand the extent to which your existing accreditations and systems meet the NSW Disability Service Standards (NSW DSS).

The Recognition Tool is based on mapping by Joint Accreditation Systems of Australia and New Zealand (JAS-ANZ) of 12 industry standards in common use in the sector against NSW DSS.

The recognition tool has 12 chapters, one for each quality management system or standard that has been mapped by Joint JAS-ANZ. JAS-ANZ is the government-appointed accreditation body for Australia and New Zealand responsible for providing accreditation of conformity assessment bodies (CABs) in the fields of certification and inspection. Accreditation by JAS-ANZ demonstrates the competence and independence of these CABs.

These chapters are listed below:

- [Aged Care Standards and Accreditation Agency \(ACSA\)](#)
- [Attendant Care Industry Standards \(ACIS\)](#)
- [Australian Children's Education and Care Authority National Quality Standard \(NQS\)](#)
- [Australian Council on Healthcare Standards \(ACHS\) EQulPNational program \(NSQHS Standards + EQulP National Standards\) Council on Healthcare](#)
- [Council on Quality and Leadership Accreditation \(CQL\)](#)
- [Home Care Standards \(formerly Community Care Common Standards\) \(HCS\)](#)
- [International Organization for Standardization 9001: 2008 \(ISO 9001\)](#)
- [National Community Housing Standards \(NCHS\)](#)
- [National Safety and Quality Health Service Standards \(NSQHS\)](#)
- [National Standards for Mental Health Services \(NSMHS\)](#)
- [NSW Children's Guardian Standards for Statutory Out-Of-Home Care 2013](#)
- [Quality Improvement Council Health and Community Service Standards \(QIC\)](#)

It should be noted that as the elements in the NSW DSS are specific and designed to cover the full range of service types, not all elements will apply to all service providers. For example, the elements relating to children's services will not apply to service providers who only deliver services to adults.

## Appendix 4: Assisted Boarding Houses

Some NDIS participants reside in Assisted Boarding Houses (ABH), privately owned boarding premises that provide supported accommodation to people with additional needs. In NSW, ABH are regulated under the Boarding Houses Act 2012 (BH Act) and the Boarding Houses Regulation 2013 (BH Regulation). They are also subject to the monitoring and investigative provisions in the Community Services (Complaints, Reviews and Monitoring) Act 1993 (CRAMA), including the Community Visitor Scheme and the Coroners Act 2009, as well as legislation governing building and accommodation standards and fire safety. For more detailed information see Assisted Boarding House Practice Guide:

[http://www.adhc.nsw.gov.au/\\_data/assets/file/0009/282870/ABH\\_Practice\\_Guide\\_December\\_2013.pdf](http://www.adhc.nsw.gov.au/_data/assets/file/0009/282870/ABH_Practice_Guide_December_2013.pdf).

For information on compliance and enforcement see Assisted Boarding House Authorisation and Monitoring Manual:

[http://www.adhc.nsw.gov.au/\\_data/assets/file/0004/237244/Assisted\\_Boarding\\_Houses\\_Authorisation\\_and\\_Monitoring\\_Manual\\_Sep13.pdf](http://www.adhc.nsw.gov.au/_data/assets/file/0004/237244/Assisted_Boarding_Houses_Authorisation_and_Monitoring_Manual_Sep13.pdf)

Assisted Boarding Houses in NSW that are registered providers under the NDIS must comply with the *Boarding Houses Act 2012* (BH Act) and its regulations, as well as any other NSW legislation applicable to the operation of their business.

However, Assisted Boarding Houses directly funded by the NDIA to provide assistance with daily living in a group or shared living arrangement to residents who are NDIS participants, are exempt from the regulatory scheme under the BH Act as these supports are being funded by the scheme. (Footnote - section 37(2)(o) of the BH Act). If a resident is purchasing assistance with daily living in a group or shared living arrangement from an Assisted Boarding Houses as a self-managed part of their NDIS plan the Assisted Boarding House may apply for an exemption.

### Performance

Policy	General
Brief Description	<p>ABH must comply with the BH Act and BH Regulation. Monitoring and enforcement is undertaken by BH Enforcement Officers employed by the Department of Family and Community Services (FACS) who conduct routine monitoring visits to licensed ABH every 6-8 weeks. Comprehensive monitoring visits are conducted every three years.</p> <p>Enforcement Officers have powers to ensure compliance with the BH Act, including the power to require the provision of documents, answers to questions, powers of entry without consent or a warrant, entry and inspection under a search warrant and the power to issue compliance notices. Failure to comply with a compliance notice is an offence.</p> <p>Service providers and advocates who are authorised by FACS to do so may enter a licensed ABH without consent or a warrant, for the purpose of determining whether a resident wishes to access support, legal or advocacy services and to provide those services.</p>
Provision	BH Act; BH Regulation



## Governance

Policy	Registration, licensing and manager approval
Brief Description	ABH must be registered with NSW Fair Trading and authorised by FACS. Proprietors must be licensed and both proprietors and managers approved by FACS. It is an offence to operate an ABH without authorisation. A license may be suspended or cancelled for a range of reasons, including where continued use of the ABH would constitute an unacceptable risk to the safety, welfare or wellbeing of any person residing at the premises. A manager approval may also be suspended or revoked.
Provision	Section 9, BH Act; Section 41-65, BH Act

## Quality

Policy	Standards
Brief Description	ABH must comply with prescribed standards relating to staffing; physical environment; lifestyle; and health and wellbeing of residents. Compliance with these standards is monitored and enforced by Boarding House compliance officers, appointed by FACS. It is an offence not to comply with the standards.
Provision	Section 43, BH Act; Schedule 1, Standards 1-34, BH Regulation
Policy	Policies
Brief Description	ABH are required to develop, maintain and implement policies in the following areas: ethical conduct of staff members; procedures for handling complaints; confidentiality of records; illness, accident and emergency treatment; administration of medication; infectious diseases; and food and nutrition.
Provision	Clause 19, BH Regulation
Policy	Record keeping
Brief Description	All licensees are required to maintain a range of records including an additional needs resident personal information register, additional needs resident health records, occupancy agreement records, staff information records, complaint information records and fire safety procedure records.
Provision	Section 82, BH Act; Clause 19-25 BH Regulation

## Probity

Policy	Licensee
Brief Description	Probity checking for licensee approvals includes criminal record checks, financial capacity to operate the proposed ABH, previous enforcement action taken under the BH Act or the former Youth and Community Services Act 1973, and referee checks. A licence application must be refused if the applicant, proposed manager or a proposed staff member has been convicted of a serious criminal offence.
Provision	Section 45, BH Act; Clause 8, BH Regulation

<b>Policy</b>	<b>Approved manager</b>
Brief description	Managers are required to have a degree in social work, or in health or community work and/or relevant experience in the management of ABH. Probity checking for manager approvals includes criminal record and referee checks. An approved manager application may be refused if the person or a close associated has committed a serious criminal offence, or a license or manager approval previously held by the applicant has been cancelled, suspended or revoked.
Provision	Section 61, BH Act; Clause 9, BH Regulation
<b>Policy</b>	<b>Staff</b>
Brief Description	Staff must have an understanding of the importance of delivering quality services to, and protecting the well-being of ABH residents, and have the knowledge and skills to exercise functions in relation to additional needs residents. Criminal record checks must be conducted or obtained in respect of a staff member prior to employment and every three years. A person must not be engaged as a staff member if they have committed a serious offence.
Provision	Section 84, BH Act, Clause 2, Schedule 1 BH Regulation

## Serious incidents and death

<b>Policy</b>	<b>Incident reporting</b>
Brief Description	The manager of an ABH must report the following incidents to FACS within a reasonable period of time: deaths, sexual assault, unplanned absence of resident for a period of more than 24 hours, assaults involving residents, serious accidents and complaints about the treatment of residents and in accordance with the Assisted Boarding House Practice Guide.
Provision	Section 83, BH Act; Clause 26, BH Regulation.
<b>Policy</b>	<b>Reviewable deaths</b>
Brief Description	Deaths of people with disability living in or temporarily absent from ABH must be reported to the NSW Ombudsman.
Provision	Part 6, Community Services (Complaints, Reviews and Monitoring) Act 1993
<b>Policy</b>	<b>Client death</b>
Brief Description	ABH must report deaths of residents in accordance with legislative requirements and cooperate with enquiries from external agencies such as the Police, NSW Ombudsman, the Coroner and WorkCover.
Provision	Section 83, BH Act; Part 6, Community Services (Complaints, Review and Monitoring) Act 1993; Sections 6 and 24, Coroners Act 2009; Work Health and Safety Act 2011

## Child Protection

Policy	Resident of ABH
Brief Description	ABH managers are required to notify FACS when a person under 18 years of age becomes a resident of an ABH. FACS has the power to request that a person with additional needs aged under 18 years of age be removed from an unauthorised assisted boarding house by their parent or guardian. If not removed, the young person is taken to be in need of care and protection for the purposes of the Children and Young Persons (Care and Protection) Act 1998
Provision	Section 85, BH Act, Clause 13, BH Regulation; Assisted Boarding Houses Practice Guide;

## Occupancy protections

Policy	Occupants
Brief Description	From 1 July 2018, the number of residents of an ABH must not exceed 30 persons; the maximum number of residents that may occupy the same bedroom is one, or two if a resident requests shared occupation with a particular resident of their choice; and bedrooms must be capable of being locked.
Provision	Clause 7, BH Regulation
Policy	Occupancy principles
Brief Description	ABH residents must be provided with accommodation in compliance with the occupancy principles set out in the BH Act. Proprietors must enter into an occupancy agreement with ABH residents. Disputes about compliance with the occupancy principles may be heard by the NSW Civil and Administrative Tribunal. ABH proprietors must notify FACS of the evictions of additional needs residents.
Provision	Part 3, BH Act; Clause 18, BH Regulation

## Appendix 5: Information sharing arrangements between the NSW Ombudsman and the National Disability Insurance Agency (NDIA)

### Information sharing arrangements between the NSW Ombudsman and the National Disability Insurance Agency (NDIA)

---

#### 1. Jurisdiction of the NSW Ombudsman

The NSW Ombudsman has functions and responsibilities under the *Ombudsman Act 1974* (NSW) and *Community Services (Complaints, Reviews and Monitoring) Act 1993* (NSW), which relate to the provision of services or supports to National Disability Insurance Scheme (NDIS) participants in NSW. Among other things, the NSW Ombudsman may investigate the conduct of:

- (a) NSW public authorities, such as NSW departments, NSW statutory agencies and NSW local government authorities;
- (b) persons or organisations that are funded, authorised or licensed by the NSW Minister for Family and Community Services, the NSW Minister for Ageing, or the NSW Minister for Disability Services to provide a service;
- (c) organisations receiving financial assistance under the *Disability Inclusion Act 2014* (NSW) to provide supports and services for people with disability living in supported group accommodation; and
- (d) any service that is authorised or funded as part of an NDIS participant's plan.

The NSW Ombudsman does not have jurisdiction to investigate complaints regarding the conduct of the National Disability Insurance Agency (NDIA), which is subject to the scrutiny of the Commonwealth Ombudsman pursuant to the *Ombudsman Act 1976* (Cth).

#### 2. Informing participants of the role of the NSW Ombudsman

##### 5.1.1 NSW Ombudsman

The NSW Ombudsman will promote his jurisdiction in the NDIS launch areas in NSW via the Ombudsman's website and other engagement opportunities with people with disability, service providers, advocacy agencies and other relevant stakeholders.

### 5.1.2 NDIA

The NDIA will provide participants and registered service providers with information about the NSW Ombudsman's role and responsibilities in NSW<sup>3</sup> and advise them that they can make an inquiry or complaint directly with the NSW Ombudsman, or the NDIA can refer the matter to the NSW Ombudsman at their request.

## 3. Complaints and issues

Subject to the jurisdictional boundaries of the NSW Ombudsman, the NSW Ombudsman can:

- handle and investigate complaints, and assist individuals in the making of complaints;
- initiate 'own motion' complaints, and
- inquire into matters affecting people eligible to receive disability services, and service providers<sup>4</sup>.

Where the NDIA is made aware of an incident that is of a class or kind set out in Section 5 (being an incident which, in the NDIA's view, poses a serious threat to an NDIS participant/s), the NDIA will refer the issue to the NSW Ombudsman in accordance with the procedures set out in 3.1 and 3.2 of this document and in accordance with the *Ombudsman Act 1974* (NSW). Pursuant to section 60(2)(e) of the *National Disability Insurance Scheme Act 2013*, the referral does not require the consent of the participant / complainant where NDIA considers the disclosure is necessary to lessen a serious threat to that person's life, health or safety.

Similarly, where the NSW Ombudsman identifies an issue that he considers may be of relevance to the NDIA, the matter will be referred to the NDIA for its consideration.<sup>5</sup>

### 1.1. Matters concerning service providers operating within NSW

- When NDIS participants contact the NSW Ombudsman directly, their enquiry or complaint will be handled in the same way as any other complaint or enquiry received by the NSW Ombudsman.
- Where an **issue or complaint** about a service provider (registered or unregistered) comes to the attention of the NDIA,<sup>6</sup> the NDIA will, in addition to any other actions taken in accordance with its current policies:
  - provide the participant with information about contacting the NSW Ombudsman directly, and
  - offer to assist the participant by referring the complaint directly to the NSW Ombudsman (subject to the participant's consent for complaints where the NDIA believes there is not a serious threat to the life, health or safety of the participant).

---

<sup>3</sup> Such as provision of *The NSW Ombudsman and the NDIS* fact sheet and information on the NDIA website.

<sup>4</sup> Relating to matters within the NSW Ombudsman's jurisdiction under the *Ombudsman Act 1974* (NSW) and the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (NSW).

<sup>5</sup> Examples may include (but are not limited to) issues relating to: the registration of a provider of supports; support provided by the NDIA; and the operation of the NDIS.

<sup>6</sup> The NDIA may become aware of an issue through direct report from a participant, from information received from a service provider or other party, or observed by NDIA staff during the course of business.

- Where the matter is of a class or kind set out in Section 5, the NDIA will refer the matter directly to the NSW Ombudsman as either an **issue** (where the participant hasn't provided consent for its referral as a complaint) or a **complaint**.
- Where the NDIA wishes to refer an **issue** concerning a service provider to the NSW Ombudsman, the NDIA contact person will contact Kathryn McKenzie, Director Disability, on (02) 9286 0984 or email [mailCSD@ombo.nsw.gov.au](mailto:mailCSD@ombo.nsw.gov.au). The NDIA will disclose information concerning an issue to the NSW Ombudsman where it reasonably believes that such disclosure is in accordance with its obligations under the *National Disability Insurance Scheme Act 2013* (Cth), the *Privacy Act 1988* (Cth) and the *Ombudsman Act 1974* (NSW).
- Where the NDIA wishes to refer a **complaint** to the NSW Ombudsman, the NDIA's nominated contact person will contact Helen Wodak, Principal Investigator, on (02) 9286 1069 or Alison Shea, Principal Investigator, on (02) 9265 0480, or email [mailCSD@ombo.nsw.gov.au](mailto:mailCSD@ombo.nsw.gov.au). The NDIA will refer a complaint to the NSW Ombudsman where it reasonably believes that disclosure is in accordance with its obligations under the *National Disability Insurance Scheme Act 2013* (Cth), the *Privacy Act 1988* (Cth) and the *Ombudsman Act 1974* (NSW).
- The NSW Ombudsman will acknowledge receipt of any referral by the NDIA within two working days.
- The issue or complaint will then be dealt with in accordance with the NSW Ombudsman's usual processes. As needed, the NSW Ombudsman will coordinate referral of issues or complaints to other appropriate complaint handling or oversight agencies, subject to the NSW Ombudsman's obligations under section 60 of the *National Disability Insurance Scheme Act 2013* (Cth), to the extent that those obligations are not inconsistent with his obligations under the *Ombudsman Act 1974* (NSW) or the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (NSW).
- The NSW Ombudsman may seek information or clarification of matters relevant to the issue or complaint from the NDIA. The NDIA will assess whether to disclose the requested information to the NSW Ombudsman in accordance with its obligations under the *National Disability Insurance Scheme Act 2013* (Cth), the *Privacy Act 1988* (Cth) and the *Ombudsman Act 1974* (NSW).

### 1.2. Complaints about the NDIA

- While the NSW Ombudsman may deal with complaints about public sector agencies at a local or state level, it does not have jurisdiction to handle complaints about Commonwealth agencies, such as the NDIA. As a result, the NSW Ombudsman will not accept complaints or investigate issues concerning the NDIA.
- When an **issue** concerning the NDIA comes to the attention of the NSW Ombudsman, the Ombudsman will advise the NDIA of this issue, for its consideration, via email to the NDIA's nominated contact person.
- When a person purports to make a **complaint** about the NDIA to the NSW Ombudsman, the NSW Ombudsman will advise the complainant that their complaint can be made either to the NDIA directly or to the Commonwealth Ombudsman, and will provide the complainant with information about the NDIA complaints and review processes and contact details for the Commonwealth Ombudsman. Where

appropriate, and with the complainant's consent, the NSW Ombudsman may receive details of the complaint and refer the complaint either to the NDIA via email to the NDIA's nominated contact person, or the Commonwealth Ombudsman.

- The NDIA will acknowledge receipt of the referral of the issue or complaint from the NSW Ombudsman by email to the referring NSW Ombudsman staff member within two working days.
- The complaint will be handled in accordance with the NDIA's Feedback Management System.

## 4. Other functions

Under the *Ombudsman Act 1974* and the *Community Services (Complaints, Reviews and Monitoring) Act 1993* (NSW), the NSW Ombudsman exercises a range of functions and responsibilities in addition to complaint handling, including but not limited to:

- overseeing the handling of reportable incidents involving people with disability in supported group accommodation, and keeping under scrutiny the systems of disability services for preventing, handling and responding to reportable incidents;
- reviewing the deaths of children and the deaths of people with disability in residential care;
- supporting the NSW Child Death Review Team;
- inquiring into major issues affecting people eligible to receive community and disability services, and service providers;
- reviewing the situation of a child or a person with disability (or group of children or people with disability) in residential care;
- monitoring and reviewing the delivery of community and disability services;
- educating and informing people with disability, their supporters, service providers and the community about standards for the delivery of community and disability services;
- coordinating the Official Community Visitor Scheme;
- promoting access to advocacy support; and
- keeping under scrutiny the systems for preventing reportable conduct by employees of designated government agencies in NSW engaged in child-related employment, and the handling of reportable allegations and convictions involving their employees.

From time to time, the NSW Ombudsman may seek information from the NDIA to assist him in carrying out his legislative responsibilities. Any request for information will be made in writing via email to the NDIA contact person. Any such request will be acknowledged by the NDIA via email to the requesting NSW Ombudsman staff member within two working days. The NDIA will consider requests in accordance with its obligations under the *National Disability Insurance Scheme Act 2013* (Cth) and the *Privacy Act 1988* (Cth). Where NDIA considers that disclosure of the requested information is permitted under the above mentioned legislation, the NDIA will provide this information to the NSW Ombudsman.



## 5. Class or kind of incidents that will be referred to the NSW Ombudsman<sup>7</sup>

The NDIA will refer to the NSW Ombudsman, the following types of incidents where it takes the view that the referral is necessary to prevent or lesson a serious threat to the life, health or safety of an NDIS participant (in accordance with subsection 60(2)(e) of the *National Disability Insurance Scheme Act 2013* (Cth)):

1. Disability reportable incidents occurring in NSW, comprising:
  - a) an incident involving any of the following in connection with an employee (including labour hire agency staff, volunteers and contractors) of a registered provider and a person with disability living in supported group accommodation:
    - any sexual offence committed against, with or in the presence of the person with disability;
    - sexual misconduct committed against, with or in the presence of the person with disability, including grooming the person with disability for sexual activity;
    - an assault of the person with disability (not including the use of physical force that, in all the circumstances, is trivial or negligible, but only if the matter is to be investigated under workplace employment procedures);
    - a deception or fraud related offence under Part 4AA of the *Crimes Act 1900* (NSW) committed against the person with disability; or
    - ill-treatment or neglect of the person with disability.
  - b) an incident involving an assault of a person with disability living in supported group accommodation by another person with disability living in the same accommodation that:
    - is a sexual offence;
    - causes serious injury, including, for example, a fracture, burns, deep cuts, extensive bruising or concussion;
    - involves the use of a weapon; or
    - is part of a pattern of abuse of the person with disability by the other person.
  - c) an incident occurring in supported group accommodation and involving the contravention of an apprehended violence order made for the protection of a person with disability, regardless of who breaches the order.
  - d) an incident involving an unexplained serious injury to a person with disability living in supported group accommodation.
2. The death of any NDIS participant who, at the time of their death, was living in (or temporarily absent from) residential care in NSW provided by a service provider or an assisted boarding house.
3. Any allegation of the following conduct against an employee of a NSW public authority:
  - any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child (including a child pornography offence or an offence involving child abuse material);
  - any assault, ill-treatment or neglect of a child; or
  - any behaviour that causes psychological harm to a child (whether or not, in any case, with the consent of the child).

---

<sup>7</sup> Where the NDIA has determined that a serious threat to a person exists, it may also notify other authorities – such as law enforcement authorities or relevant government departments

## Appendix 6: VOOHC Fact Sheet

### NSW Voluntary Out-of-Home Care (VOOHC) Requirements for NDIA Registered Providers

Under the Children and Young Persons (Care and Protection) Act 1998, the NSW Office of the Children's Guardian (OCG) accredits and monitors agencies that provide, arrange or supervise **Voluntary Out-of-Home Care** (VOOHC) for children under the age of 18, many of whom have disabilities.

A child or young person under the age of 18 is in VOOHC when:

- when their parent has made arrangement with an organisation to provide or arrange care for them, and
- they stay at a place other than their usual home overnight for one of more nights, and
- they are cared for by someone other than a parent or relative.

VOOHC includes overnight centre-based respite, host family care, residential placements and camps that provide respite or address challenging behaviour.

#### Provider requirements

NDIS registered providers operating in NSW who wish to provide VOOHC must register their details with the OCG, and complete the VOOHC Registration and Self-Certification Checklist.

See the [VOOHC Registration and Self-Certification and Monitoring Guide](#) and [VOOHC Procedures](#) for more information.

Agencies that provide, arrange or supervise VOOHC have access to the online [VOOHC Register](#), where they must enter information about placements for all children and young people using VOOHC, and where applicable, case plans and supervision arrangements.

Parents who want to locate a VOOHC agency can use the [VOOHC Regional Maps](#) to find a list of agencies in their area.

Sole traders are excluded from becoming VOOHC agencies in NSW.

## Appendix 7: WWCC Fact Sheets

### NSW Working With Children Checks Requirements for NDIA Registered Providers

The NSW Children's Guardian administers the **Working With Children Check (WWCC)** under the *Child Protection (Working with Children) Act 2012*.

A WWCC is a prerequisite for people who work or volunteer in [child-related work](#). It involves a national criminal history check and a review of findings of workplace misconduct.

The result of a WWCC is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked.

The WWCC is fully portable so it can be used for any paid or unpaid child-related work in NSW for as long as the worker remains cleared.

#### Provider requirements

NDIS registered providers operating in NSW who employ staff must:

- register online and identify roles that are child-related,
- verify the WWCC numbers for the organisation, new and existing workers, and volunteers,
- keep records for each worker,
- remove any barred or unauthorised persons from child-related work,
- determine whether it is a [reporting body](#) required to report certain misconduct involving children to the Office of the Children's Guardian.

If the applicant becomes barred, the providers will receive notification.

See the [Employer's guide](#) and [Fact Sheets and Resources](#) for more information.

## NSW Working With Children Check Requirements for NDIA registered sole traders and non-registered providers

The NSW Office of the Children's Guardian (OCG) administers the **Working With Children Check** (WWCC) under the *Child Protection (Working with Children) Act 2012*.

People who work or volunteer in [child-related work](#) must have a WWCC. It involves a national criminal history check and a review of findings of workplace misconduct.

The result of a WWCC is either a clearance to work with children for five years, or a bar against working with children. Cleared applicants are subject to ongoing monitoring and relevant new records may lead to the clearance being revoked.

The WWCC is fully portable so it can be used for any paid or unpaid child-related work in NSW for as long as the worker remains cleared.

Where child-related supports are provided by an NDIA registered provider who is a sole trader or an individual employer, then the child's parent/s, guardian, nominee or representative must verify the WWCC number of the sole trader or individual employer.

The WWCC of a sole trader or individual employer can be verified online, with their name, date of birth and WWCC number or application number at: <https://wwccheck.cyp.nsw.gov.au/Verifiers/Search>. If the applicant becomes barred, then the child's parent/s, guardian, nominee or representative will receive notification from the OCG. The OCG will also advise the child's parent or representative to provide this advice to the NDIA.

## Requirements for NDIS participants self-managing budgets

Some NDIS participants self-managing budgets may directly employ their own staff, or pay someone else to employ them on their behalf. This may also apply to parent/s, guardian, nominee or nominees and a person representing a participant who is a child. NDIS participants self-managing budgets may also use self-employed contractors or other service providers, including service providers registered with the NDIA.

In NSW, a WWCC must be obtained for all support workers, or volunteers, who provide child-related supports or supports in the participant's home where a child will be present.

Where a person representing a participant who is a child directly employ their own staff to provide child-related supports or where a participant directly employ staff to provide support in a participant's home where a child is present, then participants or persons representing a participant who is a child must:

- register **online** as an employer with the OCG,

- identify roles that are child-related,
- determine the class of clearance for each worker, i.e. paid or volunteer,
- verify the WWCC number for new and existing workers, and volunteers <https://wwccheck.ccyp.nsw.gov.au/Verifiers/Search>,
- keep records for each worker,
- remove any barred or unauthorised persons from child-related work.

If the applicant becomes barred, the self-managing participant or person representing a participant will receive notification. Where the applicant is an NDIA registered provider, the OCG will advise the participant or person's representative to provide this advice to the NDIA.

It is an offence to engage a barred person in child-related work. See the [Employer's guide](#) and [Fact Sheets and Resources](#) for more information.

## Appendix 8: Consumer Protection

NSW Fair Trading (NSWFT) offers a range of services that NDIS participants can access, including:

- information about buying goods and services, including their rights and responsibilities in all sorts of purchasing situations,
- practical tips about online shopping covering topics such as dealing with overseas traders, refunds and returns, and resolving online disputes,
- assistance with legitimate complaints about a trader or service provider, or taking a dispute to the NSW Civil and Administrative Tribunal,
- information about consumers' rights and options to resolve disputes with traders, including negotiation of a settlement,
- community-based financial counselling services across the State via the Credit and Debt Hotline,
- information about buying and maintaining a car,
- information about options for solving warranty issues with new or used cars from a motor dealer, and the cost or quality of repairs to motor vehicles,
- builder or tradesperson licence checks, prior to building a new home or renovating,
- information about written contracts, home warranty insurance and resolving building disputes for consumers, builders and tradespeople,
- information to tenants, landlords and real estate agents about their rights and responsibilities for all residential premises, including residential parks,
- community-based advice and advocacy to tenants across NSW,
- lodgement of bond money given to a landlord or their agent,
- information to help buy or sell a home, either at auction or by private sale,
- real estate agent or conveyancer licence checks,
- information about buying 'off the plan' from a developer,
- information on all aspects of living in a strata or community scheme, including management and administration, and solving disputes,
- information about residents and operators rights and responsibilities in retirement villages,
- factsheets to help builders understand their responsibilities in the building and subdivision certification process,
- information on product safety laws that apply to retailers, wholesalers, manufacturers and importers, and electrical and gas appliances approvals required prior to sale.

For more information, see:

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

[www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)

[www.bpb.nsw.gov.au](http://www.bpb.nsw.gov.au)

[www.productsafety.gov.au](http://www.productsafety.gov.au)