



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



**GOVERNMENT OF  
WESTERN AUSTRALIA**

# **Quality and Safeguards Working Arrangements for transition to the NDIS in Western Australia**

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# Glossary

Term	Definition
<b>NDIS</b>	National Disability Insurance Scheme
<b>NDIA</b>	National Disability Insurance Agency
<b>WA</b>	Western Australia
<b>The State</b>	Western Australia Department of Communities, Disability Services
<b>COAG</b>	Council of Australian Governments
<b>Registration Group</b>	The NDIS Price Guide describes items that can be funded through a participant's plan. To ensure that providers do not need to register to provide individual support items, the support items have been grouped into 'Registration Groups' where the Quality and Safeguards requirements to provide the supports are similar.
<b>Support Cluster</b>	The Western Australia Department of Communities, Disability Services Support Clusters and Price Framework provides information about the types of funded disability supports and associated prices that may be paid for those supports identified in a person's plan. The framework is organised into support clusters which outline services associated with types of disability related support.
<b>DSPP</b>	Disability Services Provider Panel
<b>DSS</b>	Department of Social Services
<b>ADE</b>	Australian Disability Enterprise
<b>DES</b>	Disability Employment Service
<b>myplace</b>	The NDIS provider portal is a secure website developed for providers to view and manage their services.
<b>Service provider</b>	Disability Sector Organisation that has been through the WA registration process and has been accepted onto the DSPP under the terms of a Head Agreement.
<b>Participant</b>	A person who is a participant in the NDIS.
<b>Potential provider</b>	An organisation that may apply for registration status.

# 1. About the Working Arrangements

This document is appended to, and is to be read in conjunction with Schedule F of the Bilateral Agreement between the Commonwealth and Western Australia for Transition to the National Disability Insurance Scheme (NDIS) in Western Australia.

## 2. Context

All governments have agreed that quality and safeguards standards are important to effectively support the phasing of large numbers of participants into the NDIS, including vulnerable and high-needs cohorts. NDIS participants in Western Australia (WA) and the community need to be confident that NDIS registered providers are capable of delivering services that are high quality and safe. These working arrangements provide a foundation for strong, robust quality and safeguards arrangements during transition to the NDIS.

## 3. National Framework for Quality and Safeguards

WA will continue to work with the Commonwealth and jurisdictions on the implementation of a national NDIS Quality and Safeguarding Framework as endorsed by Council of Australian Governments (COAG) on 9 December 2016.

The parties agree that existing WA and Commonwealth Government's quality and safeguards arrangements for programs or activities transitioning to the NDIS will continue to operate during transition until full scheme implementation on 1 July 2020.

## 4. Purpose

This document sets out the agreed roles and responsibilities of the Western Australia and Commonwealth Governments and the National Disability Insurance Agency (NDIA) in maintaining quality disability supports and strong safeguards for participants in WA during the transition to the NDIS.

These Working Arrangements are agreed between the NDIA, the Commonwealth of Australia and the WA Government.

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

These arrangements will be in place during the transition to the full implementation of the NDIS from 1 July 2018 to 30 June 2020, subject to Ministers' decisions to

implement components of the national [NDIS Quality and Safeguarding Framework](#) at an earlier date.

## 5. Background

On 12 December 2017 the Commonwealth and Western Australian governments agreed that Western Australia will join the nationally delivered National Disability Insurance Scheme (NDIS). The Transition to a National Disability Insurance Scheme in Western Australia ([Bilateral Agreement](#)) signed by both parties replaced the previous agreement signed in January 2017.

From 1 July 2018, the National Disability Insurance Agency (NDIA) assumes responsibility for the delivery of the NDIS in WA. The NDIS will continue to be implemented on a geographic basis by NDIA and as per the [transition schedule](#), will be fully rolled out across WA by 2020.

## 6. Guiding Principles

The NDIA is working to ensure high quality services for people with disability that enable choice and control. The strength of the existing Western Australia (WA) quality and safeguards system within the WA disability sector is recognised and will be maintained.

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

The Commonwealth and WA governments, and the NDIA, will work collaboratively and ensure that there are appropriate levels of safeguards for individuals, particularly where risk is identified. They will ensure that these safeguards are proportionate and risk-based.

### 6.1 Individual safeguards

NDIS plan development and implementation will identify and support natural safeguards. NDIS plans identify participant goals and aspirations, unique risks and appropriate safeguards for each individual, and is developed on a presumption of capacity, unless there is evidence to the contrary.

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

The decisions of planners and participants in relation to the management of plans is guided by legislative provisions, which form the basis of NDIA practice guidance, conversation tools and information sheets for participants. It is the responsibility of the NDIA to determine the reasonable and necessary supports in a participant plan.

The NDIA requires planning support coordinators to support their rationale for decisions and has review and quality audit arrangements in place to support best practice, ongoing quality assessment of plans and a culture of continuous improvement to benefit participants and enhance scheme performance.

## **6.2 Self – Management**

Under WA's [Self-Management of Funded Supports Policy](#) the participant, or their representative, is responsible for assessing and monitoring the quality of services they purchase, and for taking all reasonable steps to ensure that appropriate safeguards are in place and the rights of the person with disability are upheld at all times.

It is the responsibility of the NDIA to ensure that participants who choose to self-manage some or all of the supports in their plan understand the risk implications and their responsibilities and expectations of self-managing NDIS funds.

Further information on the responsibilities of NDIS participants who choose to self-manage are published on the [NDIS website](#).

The NDIS has developed a number of resources to assist participants when choosing a provider or employing a support worker.

## **6.3 Legislative safeguards**

Providers in Western Australia must operate in accordance with a range of Commonwealth and State legislative requirements. Legislation that is particularly relevant to providers include:

- Disability Services Act 1993
- Disability Services Act 1986 (Cwlth)
- National Disability Insurance Scheme Act 2013 (Cwlth)
- National Disability Insurance Scheme (Registered Providers of Supports) Rules 2013 (Cwlth)

## **6.4 Service provider quality assurance and safeguards**

Western Australia's existing quality and safeguards system is designed to measure, monitor and continually improve the quality of funded, and directly provided, disability services to achieve enduring positive outcomes for people with disability, their families and carers living in WA.

Under the quality system, service providers must demonstrate continuous service improvement consistent with the principles and objectives of the [Disability Services Act 1993](#) and comply with the [National Standards for Disability Services](#) as part of WA's service quality requirements.

# 7. Overview of WA Quality and Safeguards Framework

## 7.1 Existing WA quality and safeguarding arrangements

To ensure that people with disability have a choice of quality service providers, the WA Disability Services Commission trading as the Department of Communities has a perpetually open Disability Service Provider Panel (DSPP) request process. This process establishes the suitability of a potential provider to deliver services under a Head Agreement, to people with disability, including people with psychosocial disability.

The DSPP Request for Registration has five parts. These are:

- Part A        Registration Information
- Part B        Key Head Agreement Details
- Part C        Application Guide
- Part D        Registration Application Form
- Part E        Regional Application Form

The Head Agreement describes the terms and conditions of being on the DSPP such as the quality, safeguarding, compliance and accountability requirements that Service Providers must meet.

The State Party reserves the right to make changes to the Head Agreement to align with the requirements of the National Disability Insurance Scheme to ensure a nationally consistent model of service delivery. Where changes are made to the Head Agreement, the State Party will issue a notice under Section 26 of the General Provisions. By continuing to provide services to individuals pursuant to Orders, the Service Provider will be deemed to have agreed to the amended terms and conditions of the Head Agreement.

Through undertaking the registration process, potential service providers can apply to offer services to people with disability in WA and must demonstrate compliance with quality standards before they can be registered to provide disability services.

The quality and safeguards system consists of two stages (registration and post-registration) and integrates:

- self-assessments, independent quality evaluation and follow up action; for compliance with quality standards;
- specifically includes safeguarding; and
- complaints handling and serious incident reporting.

The evidence required to demonstrate compliance with quality standards before DSPP registration is based on the type of services the potential provider is intending to deliver, the level of risk in relation to the type of services to be offered, the size of the



potential provider, and consideration of the potential provider's current participation in WA's Quality System (if relevant).

A potential provider must also demonstrate capability to deliver the service applied for by responding to the relevant qualitative criteria under [WA's Support Clusters and Price Framework for Disability Services](#).

WA reserves the right to reject any application that does not properly address, or meet to WA's satisfaction, any evaluation criterion or other requirements contained in DSPP registration documentation.

WA also reserves the right to revoke a service provider's DSPP registration and terminate a service provider's Head Agreement if the terms and conditions of their registration (including compliance with the quality standard requirements) are not met.

Service providers must also comply with any amendments to the Quality System as the NDIS is rolled out across WA.

## **7.2 Mental Health Service Providers**

The existing WA quality and safeguarding arrangements apply to all service providers, including providers of services to people with psychosocial disabilities.

Service providers on WA's DSPP providing services to people with psychosocial disability must also comply with the National Standards for Disability Services. Where a service provider is also a mental health service provider additional oversight is provided by the [National Safety and Quality Health Services Standards](#) and the [WA Mental Health Outcomes Statements](#), through the Mental Health Commission.

## **7.3 Potential Provider Assessment through Registration**

WA's DSPP registration process is designed to assess quality, safeguarding, compliance and accountability systems prior to service delivery. Participation in the open-ended tender DSC0702016 is mandatory. The document is available at [the tenders website](#).

### **7.3.1. Cost of DSPP registration**

There is no charge or fee payable by potential providers who apply to register to deliver services through the DSPP registration process. Furthermore, there are no fees or charges applied to the service provider by Disability Services for the undertaking of an independent quality assessment should it be required as part of the registration process.

## **7.4 Requirements for service provision**

All potential providers applying for DSPP registration must meet WA's Quality Standards for Registration.

The registration application document requests evidence by support cluster to assess qualitative criteria related to potential providers experience in the types of services they are registering to provide.

There are exceptions for certain service providers, who may be eligible for a streamlined registration process (refer to section 9.3).

Under WA’s State Supply Commission’s requirements, each response is assessed by professionals in the fields with expertise in the respective support cluster. Applications with insufficient evidence will be rejected. Final approval for DSPP registration rests with the Disability Services Assistant Director General and Board of the Disability Services Commission.

The WA Department of Communities, Disability Services quality standards requirements for potential providers are tiered to ensure registration is proportionate to the level of risk associated with the type of support offered and the needs of the participants supported. This is consistent with the Proportionality Principle of the NDIS Quality and Safeguarding Framework.

## 7.5 Quality Standards Criteria for Registration on DSPP

Potential providers applying for DSPP registration are required to comply with quality standards as prescribed by the category of applicant:

Category	Type of applicant	Quality requirements
<b>Category 1</b> (Maximum of 4 weeks’ timeframe <sup>1</sup> )	Aids, equipment, communication assistance and coordination supports	Code of Conduct Feedback and Complaints System Compliance with Work, Health and Safety Legislation A potential provider prescribing equipment must meet Australian or ISO standards, whichever is the highest standard.
<b>Category 2</b> (Maximum of 8 weeks timeframe <sup>1</sup> )	Qualified Allied Health Professionals (Early Childhood Intervention (ECI) Therapy & Behaviour Support Services are high risk and must meet Category 3 evidence)	Code of Conduct Feedback and Complaints System Compliance with Work, Health and Safety Legislation Details of professional organisation registration/membership
<b>Category 3</b>	All other applicants	Must meet one of the following 3 conditions:

<sup>1</sup> Timeframes are indicative only and will vary based on applicant circumstances

Category	Type of applicant	Quality requirements
(Maximum of 8 weeks timeframe <sup>1</sup> )		<p><b>Condition 1:</b> National Standards for Disability Services 1-6</p> <p>WA Quality Evaluation Report</p> <p>Code of Conduct</p> <p><b>Condition 2:</b> National Standard 6 Compliant – Other applicable quality standard</p> <p>Assessed as meeting an applicable Quality Standard</p> <p>Accreditation Document</p> <p>Code of Conduct</p> <p><b>Condition 3:</b> National Standard 6 WA Independent Quality Assessment</p> <p>Self-Assessment (Standard 6)</p> <p>Third Party Report by nominated (approved) Quality Assessor</p> <p>Code of Conduct</p>

## 7.6 Service provision in regional and remote areas

Sustainable and viable service delivery by registered service providers in rural and remote areas is of paramount importance to the successful transition to the NDIS. It is crucial to ensure that potential providers have the infrastructure, governance, local service delivery model in place within the NDIS cost parameters to commence service delivery with NDIS participants in an acceptable timeframe.

As a result, all potential providers, seeking to provide services in regional and remote areas, are required to undergo a two-step process. They must first complete and submit Part D of the DSPP registration application. Once DSPP registration approval has been attained, regional applicants are required to complete Part E of the DSPP registration application to demonstrate capability and capacity to deliver sustainable services.

Providers already registered on the DSPP that are seeking to expand and provide services in regional areas, are required to complete Part E: Regional Section which must be requested from [registration@communities.wa.gov.au](mailto:registration@communities.wa.gov.au).

The regional and remote service delivery locations this requirement applies to are:

- Kimberley [Broome, Derby-West Kimberley, Halls Creek, Wyndham-East]
- Pilbara [Ashburton, East Pilbara, town of Port Hedland, Roebourne]
- Goldfields-Esperance [Coolgardie, Dundas, Esperance, Kalgoorlie-Boulder, Laverton, Leonora, Menzies, Ngaanyatjaraku and Ravensthorpe]

- Midwest-Gascoyne [Carnamah, Carnarvon, Chapman Valley, Coorow, Cue, Exmouth, Greater Geraldton, Irwin, Meekatharra, Mingenew, Morawa, Mount Magnet, Mullewa, Murchison, Northampton, Perenjori, Sandstone, Shark Bay, Three Springs, Upper Gascoyne, Wiluna and Yalgoo]
- Great Southern [Albany, Broomehill-Tambellup, Cranbrook, Denmark, Gnowangerup, Jerramungup, Katanning, Kent, Kojonup and Plantagenet Woodanilling]

## 7.7 Alternate Accreditation

For the purpose of registration quality standards requirements include relevant accreditations / certifications of other industry standards that potential providers already have in place to reduce the administrative burden and need for duplicate reporting.

Applicable Standards include but are not limited to:

- National Standards in Mental Health Services (2010);
- Accreditation by the Australian Aged Care Quality Agency
- Accreditation standards such as ISO 9001 Quality Management through agencies such as JAS-ANZ
- Human Services Standards (Standards) (Victoria)
- Human Services Quality Framework (Queensland)
- NSW Disability Services Standards
- NDIS Practice Standards

## 7.8 Contract Management Post – DSPP Registration

Service providers are contractually linked to quality, safeguarding, compliance and accountability systems through the DSPP registration process. In addition, contracts with service providers set and enforce funding parameters established through the [WA Support Clusters and Price Frameworks](#) and the [NDIA Price Guide](#).

Legally enforceable Head Agreements are actively managed by departmental contract managers.

The Head Agreement specifies WA Quality System requirements include:

- Annual Self-assessment;
- Annual Complaints handling report; and
- Independent Quality Evaluation at least three-yearly, dependent upon risk-assessment.

Other requirements include:

- Serious Incident reports within 7 days (see Section 12.1);
- Notifiable incident reports, within 7 days (see Section 12.2);
- Declaration of Service Agreement Compliance by 31 October each year;
- Disability Access and Inclusion Plan (DAIP) by 31 May each year; and
- Audited annual financial reports by 31 October each year.

## **7.9 All Standards Desktop Review**

Twelve months after DSPP registration Category 3 service providers undergo an independent desktop-review of policies and procedures against all of the National Standards for Disability services. The independent desktop-review is arranged by The State as an ongoing-requirement. There is no cost for the service provider.

## **7.10 Annual Self – Assessment**

Category 3 service providers are required to complete an annual self-assessment every April which requires service providers to:

- identify where their service is meeting the National Standards for Disability Services;
- identify gaps in current policies, and procedures; and
- report progress on any areas that required service improvement as identified in their last Quality Evaluation report(s); and
- report the number and nature of complaints for the previous 12 months.

## **7.11 Independent quality evaluation**

Independent quality evaluators assess service providers for compliance with the National Standards for Disability Services, based on policies and procedures and Indicators of Practice. Each Standard is assessed separately. Independent quality evaluation is conducted on at least a three-yearly schedule at no cost to service providers.

Under the General Provisions of the Head Agreement the State reserves the right to undertake an independent quality evaluation and/or a forensic audit of a service provider at any time.

# **8. Commonwealth providers**

## **8.1 Arrangements for existing Commonwealth program 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;

- 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.

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

## **8.2 Arrangements for existing Commonwealth service providers transitioning to the NDIS**

Existing Commonwealth service 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 addition, the service provider must agree to the NDIA's Terms of Business for Registered Providers, which includes the requirement to comply with all applicable Commonwealth, State and Territory laws and any other relevant requirements including relevant quality and safeguard laws and Quality Assurance and Safeguards Working Arrangements. 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.

Existing Commonwealth service providers are not required to seek DSPP registration unless they seek to expand the scope of their services (services that are not part of their existing Commonwealth funding agreement).

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

Existing Commonwealth funded service providers, who wish to expand their service delivery to new NDIS Registration Groups, will need to apply directly to the NDIA for registration of expanded scope. Expansion of scope will be subject to compliance with the Western Australian quality and safeguards arrangements, including registration on

the DSPP. These providers will effectively become new NDIA service providers for the expanded services.

## **8.4 Arrangements for Commonwealth Employment Services (Australian Disability Enterprises and Disability Employment Services)**

### **8.4.1. Existing Employment Services**

Existing Australian Disability Enterprises and Disability Employment Services will be required to continue to meet their obligations against their funding arrangements with the Department of Social Services (DSS) to maintain certification against the National Standards for Disability Services.

### **8.4.2. New Employment Services**

New providers of employment services (NDIS Registration Groups “Assistance to Access and Maintain Employment” and “Specialised Supported Employment”) must provide evidence of a contract with a certification body for provision of certification to the National Standards for Disability Services. Provider registration with the NDIA may be revoked if the provider cannot provide evidence of a certificate of conformity within 12 months of registration date.

NDIS participants will 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.

## **8.5 Existing State providers of employment services**

Existing service providers, registered on the WA DSPP to deliver the equivalent of NDIS registration groups “*Specialised Supported Employment*” and “*Assistance to Access or Maintain Employment*” are evaluated independently against all National Standards for Disability Services Standards.

For the purposes of assessment of suitability for registration as an NDIS registered provider of supports, evidence of a current DSPP service agreement including approval for WA Support Cluster 4 is required. The State retain responsibility for the quality and safeguards of these service providers.

There will be no new State (DSPP registered) providers of “*Specialised Supported Employment*” or “*Assistance to Access or Maintain Employment*”. All new providers of employment services must meet Commonwealth quality and safeguards requirements as detailed at 8.4.2.

It is recognised that WA Support Cluster 4 also allows for provision of low-level employment supports that are outside the NDIS registration groups “*Specialised Supported Employment*” or “*Assistance to Access or Maintain Employment*”.

Potential providers will register under the equivalent NDIS registration group “Participate community” on providing evidence of DSSP service agreement for Cluster 4. The quality and safeguarding requirements will be retained by the State.

## **8.6 Commonwealth Continuity of Support Arrangements**

During the transition to full scheme, Western Australia and the Commonwealth will 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, and Western Australian policies relating to restrictive practices.

Further detail about the quality and safeguards arrangements for the Continuity of Support Programme during transition in Western Australia are outlined under the administrative arrangements for Continuity of Support as referred to in Schedule D of the [Bilateral Agreement](#) between the Commonwealth and Western Australia for the transition to an NDIS.

# **9. NDIA Registration process for providers of disability supports in Western Australia**

## **9.1 Requirements for NDIS registration**

Under the National Disability Insurance Scheme Act 2013 (the NDIS Act), responsibility for NDIS registration lies with the Chief Executive Officer (CEO) of the NDIA. In order for a service provider to obtain NDIS registration:

- the CEO (or their delegate) must decide if the service provider meets the criteria set out in the NDIS Act and Rules. In particular, the CEO has to be satisfied that the supplier has the experience and capacity to deliver the support type/s they are registering to provide;
- the service provider must agree to the NDIA’s Terms of Business for Registered Providers, which includes the requirement to comply with all applicable Commonwealth, State and Territory laws and any other relevant requirements including relevant quality and safeguard laws and Quality Assurance and Safeguards Working Arrangements. The NDIA’s Provider Registration Guide to Suitability lists the qualifications, approvals, experience and capacity requirements for particular support types.



## 9.2 NDIA Provider Registration application

Providers registering with the NDIA must complete an ‘intent to register’ via the *myplace* provider portal.

As part of the registration process, potential providers must declare that the people in their organisation are appropriately skilled to deliver the Registration Groups they are applying to deliver. The NDIA [Provider Registration Guide to Suitability](#) describes the requirements for professional qualifications, professional association membership and experience.

In Western Australia, NDIS providers must comply with relevant WA and Commonwealth legislation. Providers must meet the mandatory requirements for registration on the WA Disability Services Provider Panel (DSPP) and submit evidence to the NDIA of a current DSPP service agreement to enable assessment of suitability for NDIS registration as a provider of supports.

Application for registration on the WA DSPP should be commenced as soon as service providers have nominated the NDIS registration group/s they wish to deliver; DSPP registration is informed by the provider’s NDIS registration group/s application/s.

## 9.3 NDIS Registration Groups

NDIS Registration Groups for which membership of the WA DSPP is required to assess suitability for registration as an NDIS provider of supports is stated in the table below:

<b>NDIS Registration Group</b>	<b>DSPP membership required</b>
Accommodation/Tenancy Assistance [Accommodation/Tenancy]	Yes
Assistance Animals	Yes – streamlined assessment process
Assistive Equipment-Recreation	Yes – streamlined assessment process
Assistive Products – Personal Care/Safety	Yes – streamlined assessment process
Assistive Products – Household Task	Yes – streamlined assessment process
Assistance in Coordinating or Managing Life Stages, Transition and Supports [Assist-Life Stage, Transition]	Yes
Assistance with Travel/Transport arrangements [Assist-Travel/Transport]	Yes
Communication and Information Equipment	Yes – streamlined assessment process
Community Nursing Care	Yes
Custom Prostheses and Orthoses [Custom Prosthetics]	Yes – streamlined assessment process
Daily Personal Activities	Yes
Assistance with daily tasks in a group or shared living arrangement [Daily Tasks/Shared Living]	Yes

<b>NDIS Registration Group</b>	<b>DSPP membership required</b>
Development of Daily Living and Life Skills [Development-Life Skills]	Yes
Early Intervention Supports for Early Childhood [Early Childhood Supports]	Yes
Exercise Physiology and Personal Well-being Activities [Ex Phys Pers Training]	Yes
Group and Centre Based Activities [Group/Centre Activities]	Yes
Hearing Equipment	Yes – streamlined assessment process
Hearing Services	Not available for registration
High Intensity Daily Personal Activities	Yes
Home Modification Design and Construction [Home Modification]	Yes – streamlined assessment process
Household Tasks	Yes
Innovative Community Participation	Yes
Interpreting and Translation [Interpret/Translate]	Yes
Participation in community, social and civic activities [Participate Community]	Yes
Personal Mobility Equipment	Yes – streamlined assessment process
Management of Funding for Supports [Plan Management]	Yes
Specialised Disability Accommodation	Yes – streamlined assessment process
Specialised Driver Training	Yes
Specialised Hearing Services	Not available for registration
Specialised Positive Behaviour Support [Behaviour Support]	Yes
Specialised Support Coordination [Support Coordination]	Yes
Therapeutic Supports	Yes
Vehicle modifications	Yes – streamlined assessment process
Vision Equipment	Yes – streamlined assessment process

The streamlined assessment process requires DSPP registration against Quality Standards Category 1 (see 7.5) and is completed within a maximum of 4 weeks from submitting a complete application for DSPP registration.

## **9.4 Revocation of NDIS service provider registration**

### **9.4.1. DSPP registered providers**

The State has responsibility for monitoring DSPP registered service providers' ongoing compliance with WA's quality and safeguards arrangements. A service provider may have its DSPP registration/service agreement terminated/suspended if the State

determines that a service provider has not maintained compliance with WA's quality and safeguarding requirements.

Circumstances where a service provider has its DSPP registration/service agreement terminated/suspended may provide grounds for the NDIA to revoke NDIS provider registration in accordance with the [NDIS Act](#).

A service provider may also elect to give three months'-notice of an intention to cease their Head Agreement with the Department of Communities, Disability Services.

#### **9.4.2. Commonwealth providers (includes existing employment support providers)**

A service provider may lose its status as a Commonwealth approved NDIS provider if:

- the Joint Accreditation System of Australia and New Zealand (JAS-ANZ) withdraws certification; or
- the Commonwealth terminates the Funding Agreement.

#### **9.4.3. New employment services providers**

The NDIA has responsibility for ensuring that new service providers offering employment services have received, or are in the process of gaining certification by an accredited Certification Body against the National Standards for Disability services.

Circumstances where a provider fails to obtain certification, or has certification revoked by a Certification Body, may provide grounds for the NDIA to revoke NDIS provider registration in accordance with the [NDIS Act](#).

#### **9.4.4. NDIS service provider revocation process**

Where circumstances provide grounds for the revocation of a NDIS registered provider of supports, the NDIA may follow the revocation process outlined in the NDIS Act (s 72, NDIS Act).

Where a NDIS registered provider of supports notifies the NDIA in writing that it no longer wishes to be approved as a registered provider of supports, the NDIA may follow the revocation process outlined in the NDIS Act (s 72, NDIS Act).

The NDIA, WA and Commonwealth governments recognise the importance of open and timely communication about the ongoing compliance of providers. The parties will, in accordance with relevant legislation, maintain a practice of sharing information about providers and enable the most appropriate responses and timely actions to be taken by the parties in the event there are grounds for the revocation of a providers NDIS registration.

## **10. Complaints**

All parties to these arrangements have a role in managing complaints under the NDIS. Complaints will be managed on the premise of:

- recognising complaints are an important opportunity to improve the quality of services and parties have a responsibility to work together to achieve the best possible outcomes for participants;
- sharing information, supported by a referral process between parties to ensure a coordinated response;
- supporting resolution at the local/provider level wherever possible; and
- supporting the rights of participants and their representatives to take complaints to independent dispute resolution bodies.

All NDIS registered providers are required to maintain a clear and accessible complaints handling and dispute resolution process under the [NDIA Terms of Business for Registered Providers](#).

Commonwealth approved NDIS providers must comply with complaints processes contained in existing funding agreements.

## 10.1 Commonwealth complaints systems during transition

Any person who is not satisfied with their service provider's internal complaints and disputes mechanisms can contact the [Complaints Resolution and Referral Service](#). Find more information about the service at online at <https://www.jobaccess.gov.au/complaints/crrs>.

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

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

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

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

## 10.2 WA complaints systems during transition

WA service providers are required to have a participant grievances and complaints policy and procedure, in accordance with the Disability Services Act (1993) and National Standards for Disability Services Standard 4.

The State will have a role in managing complaints lodged about:

- WA DSPP registered disability providers when made by NDIS participants, their family, carers or advocates or guardians; and
- WA directly delivered disability services.

### 10.2.1. Consumer Liaison Service

The WA Department of Communities Consumer Liaison Service supports people with disability, their families and/or advocates, including NDIS participants, to address the concerns that they may have about services provided by Disability Services.

Complainants are encouraged to raise their concerns directly with their local service in the first instance, such as a Manager. If concerns remain unresolved or are more complex, then the matter can be referred to the Consumer Liaison Service.

The Consumer Liaison Officer (CLO) will refer complainants to the relevant registered service provider or an appropriate external complaint mechanism should they be contacted for matters that are not related to a Disability Services provided service.

The contact details for the CLO will be publicly available via the [Department of Communities, Disability Services website](#).

In some circumstances, the NDIA may contact the Consumer Liaison Service directly. In these cases, The State will confirm receipt of the complaint and next steps by return email.

Email: [clo@communities.wa.gov.au](mailto:clo@communities.wa.gov.au)

Telephone: (08) 6167 8333

### 10.2.2. Health and Disability Services Complaints Office (HaDSCO)

The Health and Disability Services Complaints Office (HaDSCO) is an independent Statutory Authority providing an impartial resolution service for complaints relating to health, disability and mental health services provided in Western Australia.

People who contact HaDSCO are encouraged to use their service provider's complaint mechanisms in the first instance. Complaints to HaDSCO can be made about services received, or services they did not receive but believe they should have received.

Where they believe it is necessary, HaDSCO will refer matters concerning service providers to the WA Department of Communities, Disability Services.

Email: [mail@hadsco.wa.gov.au](mailto:mail@hadsco.wa.gov.au)

Country Free Call: 1800 813 583

Telephone: (08) 6551 7600

## 10.3 NDIA complaints system during transition

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

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

Complaints about these matters can be made to the NDIA at [feedback@ndis.gov.au](mailto:feedback@ndis.gov.au). Find more information about this process at [the NDIS website - Feedback and complaints](#).

## 10.4 Complaints Referral Pathway

Type of complaint	Responsibility	Contact point
Complaint about a service provider (registered on the DSP)	Service provider grievance process; then HaDSCO	Email: <a href="mailto:mail@hadsco.wa.gov.au">mail@hadsco.wa.gov.au</a> Country Free Call: 1800 813 583
Complaint about how the WA Government provider has managed a complaint	Disability Services Consumer Liaison Officer  WA Ombudsman	Email: <a href="mailto:clo@communities.wa.gov.au">clo@communities.wa.gov.au</a> Telephone: (08) 6167 8333 <a href="http://ombudsman.wa.gov.au">ombudsman.wa.gov.au</a>
Complaint about how a provider or the WA Government has handled a complaint	HaDSCO	Email: <a href="mailto:mail@hadsco.wa.gov.au">mail@hadsco.wa.gov.au</a> Country Free Call: 1800 813 583 Telephone: (08) 6551 7600
Complaint about a decision to use a restrictive practice without consent	Internal grievance process, then HADSCO	Email: <a href="mailto:mail@hadsco.wa.gov.au">mail@hadsco.wa.gov.au</a> Country Free Call: 1800 813 583 Telephone: (08) 6551 7600
Complaint about a service or support provided by an unregistered provider, including consumer complaints covered by the Australian Consumer Law	Professional bodies such as the Australian Health Practitioner Regulation Agency (AHPRA)  Government of Western Australia, Department of Mines, Industry Regulation and Safety – Consumer Protection	AHPRA Telephone: 1300 419 495 Web: <a href="http://www.ahpra.gov.au...Make-a-complaint">www.ahpra.gov.au...Make-a-complaint</a>  DMIRS Telephone: 1300 304 054 Email: <a href="mailto:consumer@dmirs.wa.gov.au">consumer@dmirs.wa.gov.au</a>
Complaint about an NDIA decision or staff member	NDIA	<a href="mailto:feedback@ndis.gov.au">feedback@ndis.gov.au</a>
Complaint about an NDIA provided service or	NDIA	<a href="mailto:feedback@ndis.gov.au">feedback@ndis.gov.au</a>

Type of complaint	Responsibility	Contact point
support (e.g. planning, Local Area Coordination etc.)		
Complaint about how the NDIA has managed a complaint	NDIA Commonwealth Ombudsman	<a href="mailto:feedback@ndis.gov.au">feedback@ndis.gov.au</a> via online complaint form at <a href="http://ombudsman.gov.au/making-a-complaint">ombudsman.gov.au/making-a-complaint</a>
Complaint about practices regarding treatment under the WA Mental Health Act in a registered psychiatric hostel	HADSCO Office of the Chief Psychiatrist	Email: <a href="mailto:mail@hadsco.wa.gov.au">mail@hadsco.wa.gov.au</a> Country Free Call: 1800 813 583 Telephone: (08) 6551 7600

## 11. Role of the WA Ombudsman

The Ombudsman is an independent officer of Parliament with responsibility to investigate the actions of public authorities including State Government departments, prisons, hospitals, schools and technical colleges, local governments and public universities.

The Ombudsman's office has four principal functions. The office:

- Receives, investigates and resolves complaints about the administrative decision making and practices of the WA public sector, local government and universities.
- Improves public administration for the benefit of all Western Australians through own motion investigations and education and liaison programs with agencies.
- Reviews certain child deaths and family and domestic violence fatalities.
- Undertakes a range of additional functions that fit within the broad category of integrity oversight, including inspections of telecommunications intercepts and investigation of public interest disclosures.

The Ombudsman always observes an independent and impartial approach to the conduct of investigations as well as observing procedural fairness at all times. Information obtained by the Ombudsman in an investigation is confidential. At the conclusion of an investigation, the Ombudsman may make formal recommendations, including to:

- refer the matter to another agency;
- rectify administrative actions;
- vary administrative practice;
- reconsider the law which underpins administrative action; or
- give reasons for a decision.

The Ombudsman will only hear a complaint when other complaint mechanisms have been exhausted. More information is available at [ombudsman.wa.gov.au](http://ombudsman.wa.gov.au).

Email: [mail@ombudsman.wa.gov.au](mailto:mail@ombudsman.wa.gov.au)

Country Free Call: 1800 117 000 (toll free from landlines)

Telephone: 08 9220 7555

## 12. Serious and Notifiable Incidents

### 12.1 Serious Incidents

The [WA Disability Services Act 1993](#), Section 25 (4) requires service providers and services provided by the Department of Communities, Disability Services to report any death, significant serious physical injury or psychological harm, an assault (including sexual abuse); or neglect of a person with disability in their care within 7 days of an incident occurring. The intent of the legislation is to safeguard people with disability, and ensure disability service providers and Disability Services have in place sound practices to reduce the occurrence of such incidents.

DSPP registered NDIS providers are required to report serious incidents according to the Department of Communities, Disability Services [Serious Incident Reporting Guidelines](#).

The Department of Communities, Disability Services Consumer Liaison Officer (CLO) receives all Serious Incident Reports (SIR) via the electronic SIR system and directs related follow up accordingly. On direction from CLO, in matters relating to service providers, Disability Services contract management staff have responsibility for following up to ensure appropriate action is taken by the service provider.

The State will notify the NDIA about serious incidents in scope for NDIA action via [WAQUALITY@ndis.gov.au](mailto:WAQUALITY@ndis.gov.au).

The NDIA will confirm receipt, and action taken in response to serious incident notifications by return email. The state will provide notification on finalisation of the SIR, unless the reported incident is of a nature that would impact planning or service delivery immediately, in which case notification would occur as soon as practicable.

For serious incidents that may require intensive remedial action urgently, contact by telephone between senior officers of Disability Services and NDIA may also be necessary.

### 12.2 Notifiable Incidents

Notifiable Incident Reports are required under Section 17 of the [General Provisions for the Purchase of Community Services By Public Authorities 2012](#).

Notifiable incidents include but are not limited to

- the charging of the Service Provider or an Associate with a criminal offence involving a sexual offence, dishonesty or breach of trust or which otherwise may result in imprisonment of that person;



- serious verbal or written complaints received in relation to the Service or in relation to the Service Provider generally; and
- the occurrence of any event which may cause adverse publicity including but not limited to if the Service Provider is contacted by the media for comment on any aspect of the Services or involving a Service User.

Service providers are required to notify Disability Services contract management staff in writing about notifiable incidents within 7 days of occurrence.

The State will notify the NDIA about significant notifiable incidents via [WAQUALITY@ndis.gov.au](mailto:WAQUALITY@ndis.gov.au).

For notifiable incidents that may require intensive remedial action promptly, contact by telephone between senior officers of Disability Services and NDIA may also be necessary.

In response to a Notifiable Incident Report active contract management is undertaken by Disability Services to ensure prompt and appropriate action is taken by the service provider.

## 13. Restrictive practices

Restrictive practices are any type of support or practice that limits the rights and freedom of movement of a person with disability. This includes but is not limited to seclusion, chemical intervention, mechanical intervention, physical and environmental and psycho-social intervention.

The WA Disability Services Act 1993 does not regulate restrictive practices. The Department of Communities, Disability Services has worked with people with disability, families, peak bodies and the WA disability sector to develop a [Code of Practice for the Elimination of Restrictive Practices](#).

Every DSPP Head Agreement with a service provider outlines the contractual obligations to meet the National Standards for Disability Services, including minimising the use of restrictive practices under Standard 1: Rights and Standard 6: Service Management. Each independent evaluation of a service provider or a Disability Services provider focuses on compliance with the Code of Practice under Standard 1 (Indicator of Practice 1.4) and Standard 6 (Indicator of Practice 6.2).

Under the registration process, potential providers are required to provide detail of compliance with the Code under relevant Clusters.

## 14. Child Protection

The Children and Community Services Act 2004 (WA) is the main legislation that governs three service areas:

- Supporting children and young people in the Chief Executive Officer's care;
- Protecting children and young people from abuse; and
- Supporting individuals and families at risk or in crisis.

## 14.1 Working with Children Checks

The Working with Children Check (WWC Check) is a compulsory screening strategy in Western Australia and the Christmas and Cocos (Keeling) Islands.

A WWC Check is required by a person if they engage in certain paid or unpaid work with children, described as 'child-related work' under the WWC Act.

'Child-related work' has a specific definition which is found in section 6 of the WWC Act: Work is child-related work if the usual duties of the work involve, or are likely to involve, contact with a child

Under the WWC Act employers and organisations are responsible for ensuring that:

- all employees, volunteers, students and self-employed people who engage in child-related work have applied for a WWC Check or hold a current WWC Card;
- they validate WWC Cards of any new employees, volunteers or students who already hold current WWC Cards from other child-related work they engage in;
- all current WWC card holders renew their WWC Card before it expires if they are continuing to engage in child-related work;
- they keep records to demonstrate compliance;
- they do not engage a person in child-related work if they know that they have been convicted of a Class 1 offence committed when an adult;
- they do not engage a person in child-related work if they have been issued with an Interim Negative Notice, a Negative Notice or if they have withdrawn their application for a WWC Check; and
- they notify the WWC Screening Unit if they reasonably suspect an employee, volunteer or student has been charged with or convicted of an offence which makes it inappropriate for them to engage in child-related work.

### 14.1.1. Service Provider Requirements

Clause 14.5 of the [General Provisions for the Purchase of Community Services By Public Authorities \(WA\)](#) states:

(a) If the Services to be provided by the Service Provider under the Service Agreement involve "child-related work" (as that term is defined in section 6 of the Working with Children (Criminal Record Checking) Act 2004) (in this clause 14.5, "the Act") then:

(i) all Associates who will undertake "child-related work" must provide to The State Party an assessment notice under section 12 of the Act before they commence work under the Service Agreement; and

(ii) the Service Provider must otherwise at all times comply, and ensure that all Associates comply, with the provisions of the Act.

(b) The State Party may require the Service Provider to immediately remove any Associate from the Premises who does not have a current assessment notice.

(c) A breach of this clause will be deemed an Event of Default which cannot be remedied.

Compliance is checked annually in the service agreement at reporting as per Part B of the Head Agreement – Declaration of Agreement Compliance.

Employees of the service provider without a current Working with Children Check cannot be employed in direct service delivery to children. Breach of this provision is a serious breach which can result in the termination of the service providers DSPP contract.

Service provider policies and procedures around requesting, monitoring and renewing WWC must be in place (under Standard 6: Service management). Compliance with this provision is assessed in the annual self-assessment. Spot checks are undertaken as part of the three-year evaluation cycle, or as part of an investigation following a complaint.

Employees are to be excluded from direct service provision immediately after a service provider becomes aware of non-compliance. Service providers are to report non-compliance as a notifiable incident in writing to the Department of Communities, Disability Services contract manager.

The State will notify the NDIA of any working with children breach via [quality.safeguards@ndis.gov.au](mailto:quality.safeguards@ndis.gov.au).

## 15. Criminal Screening

Clause 14.4 of the [General Provisions for the Purchase of Community Services By Public Authorities](#) states:

- a) The State Party may request the Service Provider, at any time and from time to time, to obtain and provide it with an Australia-wide police clearance in respect of any Associate;
- b) The Service Provider must comply with that request within 30 Business Days of such request;
- c) If any police clearance evidences that any Associate has committed a criminal offence punishable by imprisonment or detention, then the State Party may, without prejudice to its other rights under the Service Agreement, request the Service Provider to promptly remove that Associate from involvement in the Service Agreement; and
- d) If the Service Provider is requested to remove any Associate under this clause, the Service Provider must, at its own cost, promptly remove that Associate from all involvement in the Service Agreement and arrange for a replacement of that Associate.

All service provider employees must provide a current police clearance declaration. Breach of this provision is a serious breach which can result in the termination of the service providers DSPP contract.

Service provider policies and procedures for requesting, monitoring and renewing police clearances must be in place (under Standard 6: Service management).

Compliance with this provision is assessed in the annual self-assessment and spot checks are undertaken as part of the three-year evaluation cycle, or as part of an investigation following a complaint.

An employee without a current police clearance is to be excluded from direct service provision, immediately after a service provider becomes aware of the non-compliance. Service providers are to report non-compliance in writing to their contract manager, Department of Communities, Disability Services.

The State will notify the NDIA of criminal screening breaches via [quality.safeguards@ndis.gov.au](mailto:quality.safeguards@ndis.gov.au).

## 16. Monitoring and compliance

### 16.1 Contact points – monitoring and compliance

Contact point	By whom	To whom	Contact details
Serious or Notifiable incident occurs that presents an immediate risk to a participant(s)	WA Senior Officer	NDIA Senior Officer	<a href="mailto:WAQuality@ndis.gov.au">WAQuality@ndis.gov.au</a>
Termination of DSPP Head Agreement or a service provider giving notice to cease service provision	WA	NDIA	<a href="mailto:Quality.safeguards@ndis.gov.au">Quality.safeguards@ndis.gov.au</a>
Request for advice regarding provider status and registration pathway	NDIA	WA	<a href="mailto:registration@communities.wa.gov.au">registration@communities.wa.gov.au</a> .

## 17. Information Sharing

The NDIA, Western Australian and Commonwealth Governments recognise the importance of open and timely communication about service provider registration including ongoing compliance of service providers, complaints, incidents and care concerns or any other matters as identified in these working arrangements. The parties will, in accordance with their respective operational policies, guidelines and relevant legislation, exchange information as outlined above and maintain a practice of sharing information to enable the most appropriate responses and timely actions to be taken by the parties.

In accordance with their respective operational policies, guidelines and legislative requirements, the NDIA, the Commonwealth, Western Australian Department of Communities, Disability Services, and any other State Government agency, will where possible obtain consent, from the appropriate source, to share information, including information about complaints, incidents and care concerns.

Providers should note that any exchange and disclosure of information between the Western Australian Government, the NDIA and the Commonwealth Government may impact the provider's registration status with the State, Commonwealth and/or the NDIA.

## **18. Monitoring, Reporting and Risk Management**

Parties agree to monitor quality and safeguards arrangements during transition.

The Western Australian Government, NDIA and the Commonwealth will share feedback on relevant complaints, incidents and care concerns relating to NDIS participants, their families and carers.

## **19. Full Scheme Arrangements**

The NDIS Quality and Safeguards Commission (the Commission), a new independent Commonwealth body, will replace these quality and safeguards arrangements from 1 July 2020. The Commission will be responsible for the registration and regulation of NDIS providers in Western Australia.

Any non-compliance of these working arrangements may also affect a NDIS providers' future transfer to the Commission.

## **20. Implementation of these working Arrangements**

During transition to full scheme the NDIA, Western Australian Government and the Commonwealth will work together to implement and give effect to these working arrangements. Particular focus will be in the areas of complaints management, incident management, child safe environments and mandated reporting, and provider registration. These business processes and operational guidelines will be reviewed and refined if necessary, during transition.

## **21. Updating these working Arrangements**

These working arrangements may be updated when and if requirements change. Please note, changes to these working arrangements need to be agreed by all parties; the NDIA, the Commonwealth of Australia and the WA Government.