



Safeguards for participants who manage their own plans

All NDIS participants will be able to choose their providers of support. Some participants may also decide to manage the supports in their plan for themselves, ask someone else to do it for them (a plan nominee) or use a registered plan manager.

Any of these plan management choices are regarded as self-management. This contrasts with the situation where the National Disability Insurance Agency (NDIA) and the participant have agreed that the NDIA will be responsible for purchasing and managing their supports.

People who choose to have the NDIA manage their plans for them will have the protection of using registered providers, including any staff-vetting requirements, complaints processes, controls on the use of restrictive practices and other measures agreed by governments.

Currently, under the *National Disability Insurance Scheme Act 2013*, self-managing participants can choose to receive their supports from anyone they wish, whether or not they are a registered provider of NDIS supports. A key question for those who manage all or some of their own supports is what, if any, quality and safeguard protections should apply.

Options for establishing safeguards for participants who manage their own plans

Many participants will be able to manage the administrative and financial aspects of their own plan — but would be more confident if they knew some quality and safeguard measures existed to protect them. Three broad options could be considered to assist those who self-manage their plan:

Option 1: building the capacity of participants to manage their own risks

Under this option, people would be free to choose the support provider they want, without any restrictions (as is currently the case for self-managing NDIS participants in trial sites). However, extra support would be available to help people make good choices and manage risk when choosing providers and managing their plan.

Participants would be able to choose between registered providers and the additional assurances that process may bring, and unregistered providers who have not been through the checks associated with registration.

Option 2: prohibiting certain providers from offering supports

This option would provide an extra level of safety for people who choose to purchase supports from non-NDIA-registered providers. This would involve setting up a mechanism that provides information about unethical or unsafe individuals and organisations.

The information could be reported to a central source, assessed and a decision made about whether to prevent the individuals or organisations from providing supports to NDIS participants.

The scope of such a scheme would be limited to people and organisations that provide certain supports which can involve an increased risk of harm to participants. It would not duplicate existing schemes, such as those in the health sector.

Option 2a: negative licensing scheme

All providers, including unregistered ones, would be subject to the proposed NDIS Code of Conduct (see the fact sheet on NDIA Provider Registration).

Providers who do not behave in a way that is consistent with the code could be prohibited from offering further supports.

The scheme could apply to all disability-related supports (regardless of whether they were paid for using NDIS funds), or it could be limited only to supports purchased with NDIS funds.

Option 2b: creation of an excluded persons or barred persons scheme

Under this option, employers would be required to report an employee whose behavior has endangered the wellbeing and safety of participants.

The reports would be investigated and people found unsuitable to work in the sector would be placed on an excluded-persons list.

Those who intend to employ individuals in certain roles would have to consult the excluded persons list before engaging an individual.

A self-managing NDIS participant would be able to check the list, but it would not be mandatory nor would it be mandatory that they report on employees.

Option 3: participants required to use a provider approved or screened by the NDIA

Under the NDIS legislation, self-managing participants can choose to receive supports from anyone they wish, regardless of whether they are registered with the NDIA.

This option would change that. Participants would still choose whoever they want to provide their supports, but that person or provider would have to be registered with the NDIA.

Participants who self-manage could choose their own support provider even if they are not registered with the NDIA but that provider would then need to go through a process to be registered. The NDIA can register a provider for just that participant.

In order to obtain registration, the NDIA could require providers to, at a minimum, have a police check so that the participant is aware of any criminal history prior to engaging them to provide their supports.

Option 3a: separate registration process with limited conditions

Under this approach, the NDIA would set up a separate registration process for providers who self-managing participants wish to engage to deliver their supports — but who are not already registered.

The NDIA would make it a condition of funding for providers of certain types of supports that, if they are not fully registered, they would need to obtain approval to be on this second, more limited, list.

Instead of the standard registration process, these providers would need to pass a background check based on a screening for criminal history to ensure their history does not suggest they pose a risk to NDIS participants. They would also be required to abide by the NDIS Code of Conduct.

Option 3b: registration

A further option would involve a requirement for all NDIS participants to procure supports from providers registered under the NDIS.

There would be no difference in the registration conditions imposed between the supports purchased by those who manage their own plans and supports procured by the NDIA on behalf of participants. (See factsheet on *NDIA Provider Registration*).

Option 3c: individuals to be employed have been screened:

It would be against the law for a person to offer certain types of supports to NDIS participants without having a clearance from the relevant authority.

Workers would be required to obtain individual clearances, such as police checks, or checks for working with children or vulnerable people, before being able to work with people with disability in some support types.

Questions

- Should people who manage their own plans be able to choose unregistered providers of supports on an 'at your own risk' basis (Option 1), or does the NDIS have a duty of care to ensure that all providers are safe and competent?
- What kind of assistance would be most valuable for people who want to manage their own supports?