



AUSTRALIA

RESEARCH
ADVOCACY
CURE



NDIS Provider & Worker Registration Taskforce

APRIL 2024



What is MS?

Multiple Sclerosis (MS) is the most acquired neurological disease in younger adults around the world with over 2.8 million people affected. More than 33,300 Australians live with MS and over 7.6 million Australians know someone or have a loved one with this potentially debilitating disease.

Symptoms vary between people and can come and go; they can include severe pain, walking difficulties, debilitating fatigue, partial blindness and thinking and memory problems. For some, MS is characterised by periods of relapse and remission, while for others it has a progressive pattern of disability. MS robs people of quality of life, primarily driven by the impact of MS on pain, independent living, mental health and relationships.

MS Australia is Australia's national multiple sclerosis (MS) not-for-profit organisation that empowers researchers to identify ways to treat, prevent and cure MS, seeks sustained and systemic policy change via advocacy, and acts as the national champion for Australia's community of people affected by MS.

MS Australia represents and collaborates with its state and territory MS Member Organisations, people with MS, their carers, families and friends and various national and international bodies to:

- Fund, coordinate, educate and advocate for MS research as part of the worldwide effort to solve MS
- Provide the latest evidence-based information and resources
- Help meet the needs of people affected by MS

Associate Professor Des Graham
President

Rohan Greenland
Chief Executive Officer

NDIS Provider & Worker Registration Taskforce

MS Australia welcomes the opportunity to provide a submission to the NDIS Provider and Worker Registration Taskforce. Over the past nine years, MS Australia has actively advocated on behalf of people living with MS for improvements to the NDIS.

We have drafted a range of submissions relating to the NDIS, including four submissions to the *NDIS Review*:

- [Submission to the NDIS Review](#) – December 2022
- [NDIS Quality & Safeguarding Framework](#) – May 2023
- [Pricing & Payment Approaches in the NDIS Market](#) – July 2023
- [What we have heard report – submission on solutions](#) – August 2023

This submission draws on the experiences and expertise of MS Australia's [Lived Experience Expert Panel](#) (LEEP) and our state and territory [Member Organisations](#). The LEEP is a panel of people who either live with MS or are a carer for someone living with MS who provide MS Australia with expert advice to inform our advocacy work. Our Member Organisations are registered NDIS providers and deliver a range of supports and services to people living with MS including support coordination, plan management, allied health, accommodation, respite, social support and in-home care. Some Member Organisations also support people living with other neurological conditions including stroke, Parkinson's disease, Huntington's disease, acquired brain injury and Motor Neurone disease.

MS Australia Recommendations

- The introduction of compulsory NDIS provider registration with exemptions for organisations providing equipment, online services, repairs and maintenance
- The NDIA work with rural and remote providers and participants to establish an alternative provider and worker registration model for regions MMM 5-7.
- The NDIA establish a tiered provider registration model that includes:
 - A simplified registration process for sole providers who deliver low-risk, person-centred and flexible supports for a small number of clients
 - A simplified registration process for providers that have already undergone professional registration, audit and/or compliance processes that aligns with the NDIS requirements
 - Reducing the complexity and administrative burden of all registration levels including the provision of more comprehensive guidelines on the NDIS Practice Standards and best practice examples
 - Reducing the costs of a NDIS audit, including set pricing for NDIS auditors and free processes for lower registration tiers. Auditors should also be required to have training and experience in the disability sector
 - Providing an appropriately staffed helpline, comprehensive training and information materials, webinars and a community of practice
 - A review of the NDIS Quality and Safeguards Commission complaints and mandatory reporting processes
 - Embedding a strong culture in the NDIS Quality and Safeguards Commission of continuous improvement and positive engagement with providers

- The introduction of compulsory worker registration including:
 - A free, accessible and easy to navigate registration process with information available in multiple languages
 - A tiered approach to registration based on the supports delivered
 - A staged approach to implementation and support for workers to onboard

Provider Registration

MS Australia welcomes the recommendations of the NDIS Review to improve the NDIS provider registration process and reduce the risk of harm to people with disability. It is also crucial that any new registration process upholds the right for people with disability to determine their own best interests and to have choice and control in the providers they use.

Compulsory Registration

MS Australia recognises that the introduction of compulsory registration for NDIS providers is a complex issue. People living with MS have a diverse range of experiences with NDIS providers, both positive and negative, and consequently have differing views on compulsory registration and the requirements that should be put on providers. Many people living with MS are either choosing supports from unregistered providers or only have the option of unregistered providers. For plan managed NDIS participants with MS, 79% of the providers delivering their supports are unregistered¹.

On balance, MS Australia supports the introduction of compulsory registration for providers as registration provides safeguards for NDIS participants, minimises actual and potential harm and mitigates fraud. It ensures the delivery of high-quality and safe supports and ensures equality across the Scheme. MS Australia recommends the below exceptions to compulsory registration:

- Organisations providing equipment and/or online services. People living with MS use these companies to purchase cooling mats, incontinence products and supports and assistive technology. These companies are unlikely to engage with any NDIS registration processes and people with disability will have limited choice as a result. This exemption should not apply to organisations that provide specialised supports that require one-on-one contact and ongoing interaction with participants.
- Organisations providing repairs and maintenance such as wheelchair and assistive technology maintenance.
- Rural and remote providers (see below for further detail).

MS Australia recommends the introduction of compulsory NDIS provider registration with exemptions for organisations providing equipment, online services, repairs and maintenance.

Rural and Remote Australia

The application of compulsory provider and worker registration is likely to face a range of challenges in rural and remote regions. Access to providers and workers in these regions is limited and the unregistered providers currently operating will struggle with the provider registration process outlined by the NDIS Review. Issues include long distances, increased costs, lack of staff, population decline and high turnover, limited education and training options and poor internet and mobile communications.

MS Australia recommends that the NDIA should work with providers and participants in rural and remote areas to establish a more appropriate model for provider and worker registration. Examples of rural and remote exemptions can already be found in the aged care sector. For example, in 2023 the Department of Health and Aged Care introduced a requirement for all residential aged care services to have a least one registered nurse onsite and on duty at all times. In the process of

developing and implementing this policy the Department received feedback that this model was unworkable in rural and remote locations. As a result, they introduced an [exemption](#) for services that are located in Modified Monash Model (MMM) regions 5-7 and have no more than 30 operational places.

Alternative options should be developed for those located in MMM regions 5-7. The MMM is a model that is widely used in health and aged care programs to distribute funding, allocate staffing and determine pricing. It is also used as part of the NDIS pricing arrangements and schedule.

MS Australia recommends that the NDIA work with rural and remote providers and participants to establish an alternative provider and worker registration model for regions MMM 5-7.

Four Tier Registration Model

MS Australia supports the introduction of a tiered registration process as outlined by the NDIS review. This allows for a proportionate approach based on the supports being delivered and the size of each organisation. It provides an opportunity for providers of all levels to be part of the NDIS and provides a degree of accountability to all providers and encourages ethical practices. In developing a tiered process, the NDIA should consider a number of factors outlined below.

Sole workers/providers

Some people living with MS like the flexibility of self-managing their plan with 17% of all NDIS payments to participants living with MS going to self-managed participants². For these participants direct employment of unregistered support workers/sole providers provides a high level of flexibility, a wider choice of workers and more options in regional areas.

Outlined below are two case studies from MS Australia LEEP members who self-manage plans and use unregistered workers/providers:

Case Study – Brigette

Brigette lives with MS and has a self-managed NDIS plan. Through this plan she pays an unregistered sole provider to deliver supports.

The supports vary due to the changing nature of Brigette's MS symptoms and include:

- Ironing clothes
- Chopping vegetables for dinner
- Changing sheets and hanging out washing
- Walking the dog
- Other miscellaneous activities as required

This provider has a police check and Working with Children check (NSW) and provides similar supports for other people with disability.

The direct employment of this worker provides Brigette with complete flexibility and allows her to change the level of support according to how she is feeling day to day. The provider is very flexible and able to change the times she visits and the level and type of activities. There are no cancellation fees, change in workers or heavy administrative burden.

Brigette has built a respectful relationship directly with this sole provider and considers them a trusted friend.

Case Study – Leanne

Leanne lives with MS, has a self-managed NDIS plan and lives in a regional town. Leanne has low to moderate support needs.

Leanne accesses household cleaning services as part of her plan and has experience with both a NDIS registered provider and an unregistered provider:

- **Registered provider:** due to the high turnover of staff and lack of NDIS registered workers in the area the provider was only able to provide one staff member for cleaning. When Leanne was not satisfied with the work of this person the provider was not able to provide any other options.
- **Unregistered provider:** following her experience with a registered provider, Leanne directly engaged a cleaning company. She is now visited by a regular cleaner who she has selected and who provides her with a high-quality service. Leanne has not disclosed to this company she is a NDIS participant and believes this has resulted in more reasonable pricing for this service.

Leanne is concerned that the introduction of compulsory registration would limit the range of services and workers she can access, especially in a regional town.

It is essential that people with disability can still access these kinds of flexible workers, while also ensuring there is some level of accountability. A tiered registration process should take account of these providers who deliver low-risk, person-centred and flexible supports for a wide range of people with disability. This may include the option for these providers to invoice participants directly instead of the NDIS.

Complementary Registration/Accreditation

There are a range of NDIS providers that already undergo other professional registration, audit and/or compliance processes including aged care providers and APRHA practitioners. The tiered registration process should recognise these processes and ensure providers do not have to undertake duplicate work.

Many of our Member Organisations are registered against multiple accreditation standards including the NDIS, Aged Care, National Standards for Disability Services and CoACT (disability employment). There is significant duplication across these standards, especially the NDIS and aged care, which focus on the same themes. The same type of care and services, clinical risks, safeguarding strategies, staff skill set and organisational governance requirements are consistently delivered across both. They also have strongly aligned principles of human rights, dignity of risk, and person-centred care. Whilst the requirements of the accreditation standards are incredibly similar, they also have unique requirements that are required to be met to meet the individual set of standards. This creates issues and duplications for our members, as they need to ensure that the uniqueness of individual accreditation requirements are fully met. This leads to resource implications and additional burdens on organisations and has a significant impact on administrative functions including HR, Learning and Development, policy development and reporting requirements.

MS Australia has also received feedback from people living with MS that the allied health providers they receive supports from are choosing to not maintain their NDIS registration. This is due to the significant cost and time burden associated with the process. Given that these providers also undergo a comprehensive AHPRA accreditation process, they should not be required to undertake duplicate processes and be deterred from NDIS registration. It is crucial that these allied health providers are not lost from the NDIS system.

Current Processes

In implementing a four-tiered registration process, the NDIA should be aware of the issues with the current registration and audit processes.

Our Member Organisations have found the current registration, audit, mandatory reporting and complaint processes to be inconsistent, complex, subjective and not supported with appropriate materials and information. The NDIS Quality and Safeguards Commission (Commission) provides little support to providers that request assistance, with most directed to the inadequate published resources. There is limited clarity on what is required against quality indicators and advice from the Commission is not timely, accurate or consistent. They have also found complaint processes, especially in relation to workers, to be cumbersome, delayed and superficial. This can lead to staff with concerning behaviours continuing to work within the industry.

Our Member Organisations have found the process of mandatory reporting promotes an accusatory and blame based response. Current mandatory reporting processes and follow ups from the Commission generally focus on a 'fault finding' activity instead of a 'fact finding' activity, which should have at its core, a model of improvement.

The current process of using external auditors results in audits from organisations that are completely removed from the disability sector, are inconsistent and do not align with the goals of the Commission. Audit processes should be undertaken by appropriately trained and qualified auditors as currently done in the health and aged care industries. As audits are undertaken by private companies, and prices are not strictly controlled by the Commission, they can be very costly for providers. MS Australia has received feedback from the disability sector about small providers receiving recent audit quotes of \$10,000-\$15,000. Auditors also charge for travel and accommodation to complete the current Stage 2 site audit, adding an additional expense unless a local audit can be arranged.

Our Member Organisations have also advised there is considerable cost and time associated with undergoing the registration process and adhering to compliance regulations. There is a high administrative burden in ensuring registered providers meet all the quality and safeguarding requirements. The hidden costs of registration include hundreds of unbillable hours dedicated to documentation such as policies and procedures, risk assessments and support plans as well audit processes and training staff to ensure compliance.

As part of implementing a new NDIS provider registration model, the Commission should provide access to an appropriately staffed helpline, comprehensive training and information materials, webinars and a community of practice. They should also review their complaints processes, and mandatory reporting and seek to engage more positively with providers with a strong focus on continuous improvement.

MS Australia recommends that the NDIA establish a tiered provider registration model that includes:

- A simplified registration process for sole providers who deliver low-risk, person-centred and flexible supports for a small number of clients
- A simplified registration process for providers that have already undergone professional registration, audit and/or compliance processes that aligns with the NDIS requirements
- Reducing the complexity and administrative burden of all registration levels including the provision of more comprehensive guidelines on the NDIS Practice Standards and best practice examples.
- Reducing the costs of a NDIS audit, including set pricing for NDIS auditors and free processes for lower registration tiers. Auditors should also be required to have training and experience in the disability sector.
- Providing an appropriately staffed helpline, comprehensive training and information materials, webinars and a community of practice.

- A review of the NDIS Quality and Safeguards Commission complaints and mandatory reporting processes
- Embedding a strong culture in the NDIS Quality and Safeguards Commission of continuous improvement and positive engagement with providers

Worker Registration

MS Australia supports the introduction of a national disability support worker registration scheme including a code of conduct, minimum standards, worker screening and professional development. This aligns with MS Australia's recommendation to the NDIS Review to professionalise the disability workforce. Currently, the disability workforce is made up overwhelmingly of part-time, untrained and low paid support workers. There are high rates of turnover and casualisation across the sector. Professionalising the disability workforce makes it an attractive career prospect and would ensure that people with disability are provided care and services by trained motivated and experienced professionals.

MS Australia also recognises the high level of unregistered support workers who deliver services to people living with disability and those that deliver low risk supports such as gardening and cleaning services. Any worker registration scheme should consider how best to on-board these workers without interruption to services and seek a proportionate approach based on the supports delivered

MS Australia recommends the introduction of compulsory worker registration including:

- A free, accessible and easy to navigate registration process with information available in multiple languages
- A tiered approach to registration based on the supports delivered
- A staged approach to implementation and support for workers to onboard

Reference

¹ National Disability Insurance Scheme (2023). *Multiple sclerosis dashboard 0 30 June 2023*. Retrieved from: <https://data.ndis.gov.au/reports-and-analyses/participant-dashboards/multiple-sclerosis>

² National Disability Insurance Scheme (2023). *Multiple sclerosis dashboard 0 30 June 2023*. Retrieved from: <https://data.ndis.gov.au/reports-and-analyses/participant-dashboards/multiple-sclerosis>

