



Australian Government

National Archives of Australia

Records Authority

2022/00152800

**NATIONAL DISABILITY INSURANCE
SCHEME QUALITY AND
SAFEGUARDS MANAGEMENT**

NDIS Quality and Safeguards Commission

2022



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INTRODUCTION

The NDIS Quality and Safeguards Commission (NDIS Commission) and the National Archives of Australia have developed this records authority to set out the requirements for keeping or destroying records for the core business of NATIONAL DISABILITY INSURANCE SCHEME QUALITY AND SAFEGUARDS MANAGEMENT. It represents a significant commitment on behalf of the NDIS Commission to understand, create and manage the records of its activities.

This authority is based on the identification and analysis of the business of the NDIS Commission. It takes into account the agency's legal and organisational information management requirements, and the interests of stakeholders, the agency and the National Archives.

The authority sets out those records that need to be retained as national archives and specifies the minimum length of time that temporary records need to be kept. This authority gives the NDIS Commission permission under the *Archives Act 1983*, for the destruction of the temporary records described after the minimum retention period has expired. Retention periods for these temporary records are based on: an assessment of business needs; broader organisational accountability requirements; and community expectations, and are approved by the National Archives on the basis of information provided by the agency.

As changes in circumstances may affect future information management requirements, the periodic review of this authority is recommended. All amendments must be approved by the National Archives.

APPLICATION OF THIS AUTHORITY

1. This authority is to be used to determine how long records must be kept. Records are matched to the relevant core business and records class in the authority.
 - Where the minimum retention period has expired and the records are not needed for NDIS Commission business they should be destroyed as authorised in this authority.
 - Records that have not reached the minimum retention period must be kept until they do.
 - Records that are identified as 'retain as national archives' are to be transferred to the National Archives for preservation.
2. This authority should be used in conjunction with general records authorities such as:
 - [Administrative Functions Disposal Authority \(AFDA\) Express Version 2](#) issued by the National Archives to cover business processes and records common to Australian Government agencies; and
 - [General Records Authority 31 - Destruction of source or original records after digitisation, conversion or migration](#) (2015).
3. The normal administrative practice (NAP) provision of the *Archives Act 1983* gives agencies permission to destroy certain records without formal authorisation. This usually occurs where records are duplicated, facilitative or for short-term use only. NAP does not replace arrangements agreed to in this authority but can be used as a tool to assist in identifying records for destruction together with an agency's records authority or authorities, and with *AFDA Express Version 2*. The National Archives recommends that agencies develop and implement a NAP policy. Advice and guidance on destroying records as a normal administrative practice and on how to develop a NAP policy is available from the National Archives' website at www.naa.gov.au.
4. Records that are reasonably likely to be needed as evidence in a current or future judicial proceeding or are subject to a request for access under the *Archives Act 1983*, the *Freedom of*

Information Act 1982 or any other relevant act must not be destroyed until the action has been completed.

5. Records subject to a disposal freeze must not be destroyed until the freeze has been lifted. Further information about disposal freezes and whether they affect the application of this authority is available from the National Archives website at www.naa.gov.au.
6. Where the method of recording information changes (for example from an analogue system to a digital system, or when information is migrated from one system to a new system) this authority can still be applied, providing the records document the same core business. The information must be accessible for the period of time prescribed in this authority. The NDIS Commission will need to maintain continuing access to the information, including digital information, for the periods prescribed in this records authority or until the information is transferred into the custody of the National Archives.
7. In general, retention requirements indicate a minimum period for retention. The NDIS Commission may extend minimum retention periods if it considers that there is an administrative need to do so, without further reference to the National Archives. Where the NDIS Commission believes that its accountability will be substantially compromised because a retention period or periods are not adequate, it should contact the National Archives for review of the retention period.
8. Records identified as 'retain as national archives' class in this authority have been determined to be part of the archival resources of the Commonwealth under section 3C of the *Archives Act 1983*. The determination of Commonwealth records as archival resources of the Commonwealth obliges agencies to transfer the records to the National Archives when they cease to be current and, in any event, within 15 years of the records coming into existence, under section 27 of the *Archives Act 1983*.
9. Records in the care of agencies should be appropriately stored, managed and preserved. Agencies need to meet this obligation to ensure that the records remain authentic and accessible over time. Under Section 31 of the *Archives Act 1983*, access arrangements are required for records that become available for public access including those records that remain in agency custody.
10. Appropriate arrangements should be made with the National Archives when records are to be transferred into custody. The National Archives accepts for transfer only those records designated as national archives. Records created digitally after 1 January 2016 can be transferred in digital formats only.
11. Advice on how to use this authority is available from the NDIS Commission information manager. If there are problems with the application of the authority that cannot be resolved, please contact the National Archives

CONTACT INFORMATION

For assistance with this authority or for advice on other information management matters, please contact National Archives' [Agency Service Centre](#).

AUTHORISATION

Records Authority 2022/00152800

Notice of authorisation

Person to whom notice of authorisation is given:

Tracy Mackey
Commissioner
NDIS Quality and Safeguards Commission
121 Henry Street
Penrith
NSW 2750

Purpose

Authorises arrangements for the disposal of records in accordance with section 24(2)(b) of the *Archives Act 1983*.

Determines records classed as 'retain as national archives' in this records authority to be part of the archival resources of the Commonwealth under section 3C of the *Archives Act 1983*.

Application

All records relating to NATIONAL DISABILITY INSURANCE SCHEME QUALITY AND SAFEGUARDS MANAGEMENT.

Authority

This authority gives permission for the destruction, retention or transfer to the National Archives of Australia of the records described. This authority will apply only with the consent of the agency currently responsible for the business documented in the records described.

This document has been authorised through a digital workflow (R518982022).

Authorising Officer	Date of issue
Yaso Arumugam Assistant Director-General, Government Data & Policy National Archives of Australia	6 th of June 2022

NATIONAL DISABILITY INSURANCE SCHEME QUALITY AND SAFEGUARDS MANAGEMENT

The core business of improving the quality and safety of supports and services received by people with disability. It includes developing and overseeing a nationally consistent regulatory and registration system for workers and providers, ensuring compliance with the relevant legislation (currently the *National Disability Insurance Scheme Act 2013*), and strengthening the skills and knowledge of National Disability Insurance Scheme (NDIS) providers, workers, and people with disability through the provision of advice, education, and training. Also includes providing leadership in relation to behaviour support for people with disability, and monitoring changes in the NDIS market.

The core activities include:

- developing, implementing, and reviewing policies, strategies, frameworks, standards, procedures, and guidelines, including instruments signed by the Commissioner;
- registration of NDIS providers, including assessing applicants, monitoring and renewing registrations, and approving quality auditors;
- provision of NDIS market oversight by identifying, monitoring, and responding to changes in the NDIS market, which may indicate emerging risks or service shortfalls, and developing an audit strategy and program;
- administering the NDIS worker screening system, including establishing and maintaining a worker screening database;
- leadership and oversight of behaviour support and restrictive practices (i.e. any practice or intervention that has the effect of restricting the rights or freedom of movement of a person with disability) by registered NDIS providers including assessing the suitability of practitioners against a capability framework and reviewing providers' behaviour support plans and monthly reports on restrictive practices;
- management of complaints and concerns arising out of, or in connection with, the provision of supports and services delivered by all NDIS providers (registered and unregistered), including providing advice to the complainant and if necessary undertaking a resolution process e.g. conciliation or requiring the NDIS provider to undertake remedial action;
- overseeing the management of the handling of reportable incidents (e.g. death or serious injury of a person with disability, abuse or neglect of a person with disability, unlawful sexual or physical contact with, or assault of, a person with disability, the use of a restrictive practice that is not in accordance with an authorisation) by registered NDIS providers, including receiving notifications of reportable incidents involving NDIS participants and determining an appropriate course of action e.g. referring the incident to another state or territory body or carrying out an inquiry;
- regulating the quality and safety of supports and services by conducting compliance, investigations, and enforcement actions when providers and/or workers are not meeting their obligations, including establishing compliance programs, exercising investigation powers, enforcing compliance such as variation of registration, and taking protective actions in serious cases of non-compliance; and
- engaging with stakeholders, such as providers and participants, key industry bodies, national, state, and territory bodies and regulators, specialist behaviour support practitioners, and grant recipients, to positively influence the practice of NDIS providers and workers.

The performance of the core business is supported by **general activities** such as:

- negotiating, establishing and implementing agreements and contracts, including joint ventures;

- providing and receiving advice;
- planning, conducting and facilitating audits;
- delegating powers and authorising actions;
- managing and participating in committees, forums, meetings and other bodies;
- planning and reporting;
- evaluating and reviewing existing programs, services, processes, products, standards, etc; and
- identifying, assessing, and managing risks.

Cross references to Administrative Functions Disposal Authority (AFDA) Express version 2

For developing and executing contracts under seal or deeds, including signed joint venture contracts under seal, use CONTRACTS UNDER SEAL/DEEDS.

For preparing and delivering addresses (speeches and presentations), use EXTERNAL RELATIONS.

For providing advice, recommendations and formal reports to the portfolio minister or government (including the National Disability Insurance Agency or its Board) on the performance of the Commission's core functions, use EXTERNAL RELATIONS.

For liaising with the national accreditation body (Joint Accreditation System of Australia and New Zealand) to inform the Commissioner's decision relating to the approval of 'approved quality auditors', use EXTERNAL RELATIONS.

For financial transactions, including charging fees in accordance with legislative instruments made by the portfolio minister, use FINANCIAL MANAGEMENT.

For activities associated with all aspects of training (external/internal) available to Commission's staff, use PERSONNEL MANAGEMENT.

For the production and dissemination of published documents, such as list of approved quality auditors, research reports, brochures, bulletins, provider alerts, factsheets etc., use PUBLICATION.

For input into the development or review of Commission-specific legislation and associated rules, use STRATEGIC MANAGEMENT.

For the development and implementation of an operating model supporting an efficient and consistent decision-making, use STRATEGIC MANAGEMENT.

For system upgrades and enhancements, use TECHNOLOGY and INFORMATION MANAGEMENT.

Cross references to other general records authorities for common business activities

For grant programs of financial assistance to a person or entity, use General Records Authority (GRA) 28 - GRANT MANAGEMENT.

Cross references to other agency-specific records authorities

For the delivery of the National Disability Insurance Scheme (e.g. providing individualised plans for people with disability, coordinating service bookings, payments, and access to plans for providers, investigating allegations of fraud, managing complaints about the NDIA or participant plans), research related to disabilities, and other functions performed by the National Disability Insurance Agency (NDIA), use the NDIA's records authority 2017/000158559.

NATIONAL DISABILITY INSURANCE SCHEME QUALITY AND SAFEGAURDS MANAGEMENT

Class no	Description of records	Disposal action
62973	<p>Records documenting:</p> <ul style="list-style-type: none"> • instruments signed by the Commissioner (e.g. NDIS Code of Conduct, NDIS Complaints Management and Resolution, NDIS Incident Management and Reportable Incidents, NDIS Registration and Practice Standards, NDIS Restrictive Practices and Behaviour Support). Includes preliminary drafting instructions, major drafts, stakeholder engagement, supporting research, correspondence and briefs; • high-level policies (e.g. Compliance and Enforcement Policy, national policy for NDIS worker screening), frameworks (e.g. NDIS Quality and Safeguarding Framework, Regulator Performance Framework, Positive Behaviour Support Capability Framework), programs (e.g. National Implementation Program, national compliance programs), plans (e.g. National Engagement Plan), strategies (e.g. audit and market oversight strategy), Practice Standards and Quality Indicators (modular set of requirements on rights and responsibilities for participants, governance and operational management, provision of supports, skills descriptors, verification etc.), information packs (e.g. Provider Information Pack), and guidelines (e.g. NDIS (Quality Indicators) Guidelines, Regulated Restrictive Practices Guide, NDIS Procedural Fairness Guidelines). Includes final versions, major drafts, stakeholder engagement, supporting research, correspondence and briefs; • policies, plans, strategies and other guidance material relating to child sexual abuse incidents and allegations involving children and young people (i.e. people under 18 years old) with disability receiving NDIS supports and services. Includes final version, major drafts, stakeholder engagement, supporting research, correspondence and briefs; • public version of the NDIS Provider Register, containing details about registered current and former NDIS providers (active and inactive). Register includes information such as: <ul style="list-style-type: none"> ○ name of person or entity ○ ABN ○ address of the principal place of business ○ the period for which the registration is in place ○ the class of supports or services the person or the entity is registered to provide 	Retain as national archives

Class no	Description of records	Disposal action
	<ul style="list-style-type: none"> ○ any conditions the registration is subject to ○ if the registration is suspended, information about the suspension ○ if a compliance notice is in force, information about the compliance notice ○ if the person or entity has given an enforceable undertaking, information about the undertaking ○ if the person or entity or key personnel is subject to a banning order, information about the banning order ○ any other matter prescribed by the NDIS rules; ● provider or worker case files that include matters related to serious non-compliance, complaints or reportable incidents (i.e. death or serious injury of a person with disability, abuse or neglect of a person with disability, unlawful sexual or physical contact with, or assault of, a person with disability including children or young people with disability) and enforcement actions, or attract considerable official or public interest, are precedent setting, or lead to legislative or policy review. Includes provider or worker case files which relate to serious incidents, allegations or complaints involving supports and services received by children and young people with disability. Case files may include information such as: <ul style="list-style-type: none"> ○ application to become a registered provider of supports and services ○ supporting evidence and background checks ○ applicant self-assessment against relevant requirements ○ applicant's selection of an approved quality auditor ○ outcome of audit submitted to the Commission ○ assessment and evaluation of application against the relevant criteria ○ written notice of decision to register ○ certificate of registration ○ compliance against the conditions of registration ○ review of decision (if any) ○ behaviour support plans submitted by provider or practitioner (if applicable) 	

Class no	Description of records	Disposal action
	<ul style="list-style-type: none"> ○ reports on the use of regulated restrictive practices for each participant with a plan, submitted by providers (if applicable) ○ complaints (if any) ○ investigation into alleged non-compliance and/or related suitability issues (if any) ○ reportable incidents (if any) ○ inquiry into issues connected to complaint or reportable incident (if any) ○ findings ○ administrative decisions e.g. registration decision, post non-compliance reminder, warning letter, remedial action instructions (if any) ○ compliance actions (if any) ○ enforcement actions (if any) ○ referrals to law enforcement agencies and regulatory authorities of alleged compliance breaches (if any) ○ court notifications (if any); <p><i>[For all other provider or worker case files, use class 62974.</i></p> <p><i>For unsuccessful and withdrawn applications for registration, use class 62975.]</i></p> <ul style="list-style-type: none"> ● list of approved quality auditors. Includes information such as name, contact details, ABN, and address of the principal place of business; ● public version of the list of NDIS Behaviour Support Practitioners. Includes information such as practitioner name, contact details, and location; <p><i>[For the assessment and determination of suitability of practitioners to deliver specialised behaviour support services, use class 62975.]</i></p> <ul style="list-style-type: none"> ● NDIS worker screening database (NWSD), containing an up-to-date record of persons who, under the NDIS screening laws, have been found not to pose a risk, or pose a risk, to people with disability. Includes information such as: <ul style="list-style-type: none"> ○ a Unique National Identifier (UNI) ○ personal information about screening applicant ○ withdrawn applications ○ clearance decision ○ interim bar decision ○ suspension decision 	

Class no	Description of records	Disposal action
	<ul style="list-style-type: none"> ○ exclusion decision ○ period decision is in force for ○ monitoring advice and disclosure of information to state and territory worker screening units. <ul style="list-style-type: none"> • relational datasets/data stores holding data relating to regulatory business (e.g. provider and participant datasets, complaints management and resolution database, reportable incidents including unauthorised restrictive practice, NDIS Worker Screening Check, compliance and investigations data store, behaviour support data store); • preparedness and response products, such as alerts and newsletters, to inform and support NDIS providers in the delivery of safe, quality supports and services in the event of a major emergency (e.g. the COVID-19 pandemic, natural disasters); <p><i>[For all other factsheets, newsletters, quick reference guides, orientation modules, handbooks, process blueprints, posters, operating procedures, etc., use class 62978.]</i></p> <ul style="list-style-type: none"> • advice provided or received by the Commission on significant or controversial issues with far reaching social or economic implications. Includes high-level advice relating to sexual abuse incidents and allegations involving children and young people with disabilities, received from or provided to government agencies and other bodies, including advice provided as part of investigations and inquiries; • high-level agreements or memoranda of understanding (MoUs) with stakeholders (e.g. inter-governmental agreement on worker screening for NDIS) which establish significant partnerships or other cooperative arrangements in relation to the core business. Includes signed versions, records of negotiations, correspondence and associated protocols; • high-level internal and external committees, working groups, and other bodies relating to the core business, where the agency provides the secretariat, is the Australian Government's main representative or plays a prominent or central role (e.g. the Disability Sector Consultative Committee, NDIS Commission Industry Consultative Committee, Compliance and Enforcement Committee). Includes records of establishment, final version of minutes, associated reports, and supporting documentation such as briefing notes and discussion papers; • high-level meetings, conferences, and international engagement related to the core business; 	

Class no	Description of records	Disposal action
	<ul style="list-style-type: none"> • high-profile stakeholder engagement, negotiation, and consultation with national, state and territory agencies and regulators, and peak provider and participant advocacy bodies; <p><i>[For all other stakeholder engagement and consultation with people with disability, their carers, advocates, behaviour support practitioners, professional associations, universities etc., use class 62978.]</i></p> <ul style="list-style-type: none"> • high-level reports relating to the core business (e.g. quarterly reports provided to disability ministers in each jurisdiction, national dashboard, reports in relation to inquiries, market oversight reports and briefs, engagement and communications report). Includes final versions, major drafts and associated documentation which relate to these reports; <p><i>[For formal reports prepared and submitted to the portfolio minister or government on the performance of the Commission's functions, use EXTERNAL RELATIONS.</i></p> <p><i>For other reports relating to the core business, use class 62978].</i></p> <ul style="list-style-type: none"> • high-level or major research, analysis and review on matters that are controversial, subject of extensive debate, involve the use of innovative techniques, or represent a significant contribution to the body of knowledge (e.g. into behaviour support to reduce risk and eliminate restrictive practices), conducted or commissioned by the Commission in relation to the core business. Includes final research outcomes, statistical modelling and trend analysis, and supporting research datasets and associated information; • major internal reviews of the core business, including reviews relating to the process of handling of sexual abuse incidents and allegations involving children and young people with disabilities. Includes final reviews, major drafts, stakeholder engagement, and supporting documentation; and • significant education campaigns and training products and materials (e.g. self-assessment tools for the use of behaviour support and the reduction and elimination of restrictive practices), and final versions of training material developed for auditors, national, state, territory and key industry bodies and regulators. Includes master set of education and training materials relating to sexual abuse incidents and allegations involving children and young people with disabilities. 	

Class no	Description of records	Disposal action
62974	<p>Records documenting provider or worker case files, other than those covered in class 62973. Includes provider or worker case files documenting supports and services received by children and young people with disability.</p> <p><i>[For training certificates/letters of completion of the mandatory NDIS Commission worker orientation module, use class 62976.]</i></p>	Destroy 100 years after action completed
62975	<p>Records documenting:</p> <ul style="list-style-type: none"> • the practitioner suitability assessment process. Includes: <ul style="list-style-type: none"> ○ application to be considered suitable as an NDIS behaviour support practitioner ○ practitioner suitability assessment documents ○ request for additional information ○ notice of decision (written notification) ○ review ○ reconsideration ○ revocation. • unsuccessful and withdrawn applications for registration as an NDIS provider. Includes supporting documentation and reviews of decisions. 	Destroy 50 years after action completed
62976	<p>Records documenting:</p> <ul style="list-style-type: none"> • provision of NDIS market oversight. Includes monitoring and analysing trends and systemic risks, and advising and sharing information with stakeholders. <p><i>[For development of audit and market oversight strategy, training materials for quality auditors, and market oversight reports, use class 62973.]</i></p> <ul style="list-style-type: none"> • arrangement and delivery of NDIS Commission training (i.e. worker orientation program and auditor training) Includes: <ul style="list-style-type: none"> ○ training calendars and attendance lists ○ training requests and notices ○ registration forms ○ end of session trainer reports and statistical reports on training ○ letters of attendance/completion. 	Destroy 10 years after action completed
62977	<p>Records documenting provision of routine advice and assistance, and management of general enquires from stakeholders, on the work of the Commission or in connection with the provision of supports and services delivered by NDIS providers.</p> <p><i>[For complaints received in relation to the provision of supports and services delivered by specific NDIS providers and/or workers, use classes 62973 or 62974.]</i></p> <p><i>[For call centre recordings, use class 62978.]</i></p>	Destroy 5 years after action completed

Class no	Description of records	Disposal action
62978	Records documenting: <ul style="list-style-type: none">• routine operational administrative tasks supporting the core business; and• NDIS quality and safeguards management activities, other than those covered in classes 62973 – 62977.	Destroy 7 years after action completed