

Episode 6: Interview with Miranda Bruyniks, Complaints Commissioner, NDIS Quality and Safeguards Commission

John McKenna:

Hi, I'm John McKenna and welcome to the VALID Podcast. I'm talking with Miranda Bruyniks. Hi, Miranda.

Miranda Bruyniks:

Hi John.

John McKenna:

Would you like to tell us your title and who you are?

Miranda Bruyniks:

Hi John. I'm the Complaints Commissioner with the NDIS Quality and Safeguards Commission. The new Commission established to regulate NDIS service providers. We've been in New South Wales and South Australia from the 1st July 2018, and we have just recently, from the 1st July 2019 rolled out to another five jurisdictions. From next year, July, we'll be in Western Australia as well.

John McKenna:

Great. Understanding that the NDIS Quality Commission is an independent agency, could I suggest possibly you've got the words independent and NDIS in the same title, is that going to cause confusion, or what? [laugh]

Miranda Bruyniks:

Yes, I can understand what you're saying when you talk about the term NDIS, because of course we're talking about the National Disability Insurance Scheme being a whole scheme, the Commission is the regulatory body and the NDIA, or the National Disability Insurance Agency, is the body that provides the funding for people's plans. So, it will take some time, I think, before people really understand the roles of all of the players in the NDIS scheme. We are, in fact, talking to people about our role in regulating NDIS service providers, to help with that delineation of roles.

John McKenna:

You've got your website and of course you'll be liaising with advocacy organisations. I presume that you're going to be hitting the road and meeting the people. Can you tell us a bit about that?

Miranda Bruyniks:

Well we've already been doing that, John. The Commissioner, Graeme Head, and a number of us have been out on the road in June. So, there were roadshows in every State and Territory except Western Australia, and we've seen and spoken to about 3,000 people.

John McKenna:

Wow, 3,000!

Miranda Bruyniks:

Yeah. About the NDIS Commission, yes. And the obligations of NDIS providers under the *Act* and the rules.

John McKenna:

Okay, that's great. In 2018, as you've mentioned, the Commission started in New South Wales and South Australia, and continues to expand, which is really great. Are you noticing any particular trends, Miranda, that's perhaps worrying you or we all need to be aware of?

Miranda Bruyniks:

Unsurprisingly a lot of the complaints that we receive are about the quality of services, and I think, you know, that is something that we've been established for, as in terms of looking at how to improve the quality and safety of services across Australia. Our information for the first year is limited to New South Wales and South Australia and it's early days. So, we're putting information together about what sort of issues providers need to be aware of, and the types of themes that are recurring. We call those systemic issues. I think in terms of those trends and issues we'll be able to provide information in the future to help providers.

John McKenna:

As we are all aware when there's a complaint there's really basic steps that need to be taken. Ideally, we look for early resolution, conciliation, investigation and action. So let's presume all those boxes have been ticked and of course there's many other steps. To avoid these problems happening again and again and again, how are you able to give service providers a bit of a heads-up to say "come on, we need to get on the same page here, because these are happening and you need to be aware before the complaint happens"?

Miranda Bruyniks:

The Commission has a number of resources and tools that relate to the Code of Conduct and also what we call our Practice Standards, or our quality practice standards, that providers can use to support and help them establish good service. When we handle complaints, we look at those particular documents and standards for service provision and we are collecting, as I mentioned before, some themes and trends about those particular issues. During the complaint a Complaints Officer can direct a provider to look at that information to support them through the process, and more broadly we are meeting with providers and others through our roadshows and through the communications on our website about the types of things that they should be aware of. So, I think we're addressing a number of broad quality areas and then once we collect more specific information about things that we discover in the next 12 months we'll be able to further those resources and tools.

John McKenna:

Miranda, we hear that the Commission has stronger compliance powers than other previous complaints bodies. Can you tell us a bit more about that please?

Miranda Bruyniks:

John, were a complaint raises serious issues that may be about abuse and neglect, or the provider not meeting their obligations under the *Act* and the rules, the Commission has powers to look into those matters more seriously and we might investigate, or if we have evidence we might move directly to compliance activity, which it could include anything from an infringement notice, civil penalties, compliance notices, moving onto a banning order or a worker, or a termination of a service or a suspension of a service. The important thing is that the Commission has broad tools that we can use proportionately depending on the issue identified. And I think that's very different because you have a Commission that has all of these powers within the same body, and in a lot of States and Territories complaints bodies were often separate to the body that had the powers to manage the service providers. In our context we can move very directly from a complaint to compliance activity.

John McKenna:

Got it. Miranda, in the advocacy space we're hearing from NDIS participants that service providers appear to be increasing their fees with itemised extra charges. Now, we acknowledge that service providers, businesses, need to survive. But what's the Commission's response when hearing about these concerning trends?

Miranda Bruyniks:

I'm glad you've raised that one, John. It's really important that people are, in fact, treated well when they're receiving their services and that includes having clarity and communication about what fees and charges are being applied to the service they're receiving. We know that the NDIA sets fees and charges for particular supports, and we also know that self-managed participants have the capacity to negotiate some of their own fees and rates for service delivery. When we receive a concern about the amount of money someone is being charged for their service, we'll look at the individual arrangements and we'll look at the obligations of the provider in terms of what they are required to do under the *Act*, the rules and the NDIA and whether their practices are in fact meeting those requirements.

John McKenna:

Great. This is John McKenna. You've been listening to the VALID Podcast and it's been fantastic to have Miranda Bruyniks from the NDIS Quality and Safeguards Commission. Hope you've had a good time.

Miranda Bruyniks:

Thanks, John. I have and I'd just like to encourage anyone who has a concern about their NDIS service that is funded by the NDIA, just to give us a call. 1800-035-544 or to contact us on our web form to let us know their preferred form of communication. We'd be very happy to support anyone who's got those concerns.

John McKenna:

Thanks for making time to talk with us.

Miranda Bruyniks:

Thanks John.