



**NDIS Quality
and Safeguards
Commission**

Open Letter to Platform Providers Operating in the NDIS Market

Regulating NDIS Providers delivering platform-based services.

Dear NDIS Providers delivering platform-based services,

Following the recent announcement by the Hon Bill Shorten, Minister for the National Disability Insurance Scheme for [Stronger registration to begin for NDIS Sector](#), I am writing to NDIS Providers delivering platform-based services (Platform Providers) to let you know about:

- Recent actions of the NDIS Quality and Safeguards Commission (NDIS Commission) that effect Platform Providers;
- My expectations about the information Platform Providers should be providing to their participants about their services;
- The regulatory activities that will be taking place to respond to the NDIS Commission's [Own Motion Inquiry into how Platform Providers operating in the NDIS market](#) Insights Report (the Inquiry) and advice to Government by The NDIS Provider and Worker Registration Taskforce (the Taskforce).

On the 4 September 2023, the NDIS Commission released the [Own Motion Inquiry into how Platform Providers operate in the NDIS market](#) (the Inquiry) Insights Report. The Inquiry, that was based on the experience of participants, showed that innovation in the digital age can support an improvement in the lives of people with disability.

However, the Inquiry also showed that more was needed to be done to safeguard participants and improve service quality in this part of the NDIS Market. This includes addressing worker suitability checks, providing clarity over how Platform Providers operate in the NDIS market, improving safety of participants personal information and addressing the overpricing of services offered through Platform Providers. It also showed that Platform Providers need to do more to reflect the human rights framework that embodies the purpose of the NDIS.

On the 16 September 2024, the Minister announced that the Commonwealth Government will progress registration of Platform Providers under the current registration model as part of a transition to the new mandatory registration arrangements.

Since the release of the Inquiry and Taskforce advice, the NDIS Commission has

- Continued to engage with Platform Providers, other regulators (including the Australian Competition and Consumer Commission (ACCC), Fair Work Commission and Fair Work Ombudsman) and collaborate with the NDIA to progress issues identified in the Inquiry.
- Developed a [participant guide to Platform Providers](#) resource in consultation with people with disability.
- Commenced an evaluation to understand the effectiveness of the NDIS Commission's regulatory settings in promoting quality and safety for participants using Platform Providers. This evaluation will focus on the impact of the Inquiry and corresponding regulatory action.

From my perspective, there is more that Platform Providers must do to support NDIS participants to make well-informed decisions about the services they engage. I expect that platform-based services:

- **Actively inform** NDIS providers delivering services and supports via their platforms of their NDIS Code of Conduct obligations.
- Explain what platform-based services are delivered for the nominated price. To do this effectively, Platform Providers should be clear about their role and responsibilities (starting with why they are (or are not) a party to the service contract).
- Alert NDIS Participants to the practice of NDIS providers and workers increasing their hourly service fee to accommodate their platform related charges. **NDIS participants should not be paying their own as well as their provider's platform fees from their NDIS funded plans.**
- Acknowledge the NDIS Worker Screening Clearance as the only formally recognised background screening check for the NDIS. It is best practice for all NDIS Providers to engage with this background check.
- Ensure all platform users are aware of the NDIS Commission's regulatory role and are informed they have a right to contact the NDIS Commission to make a complaint.

All Platform Providers are required to adhere to the [NDIS Code of Conduct](#) including acting with integrity, honesty, and transparency and promptly taking steps to raise and act on concerns about matters that might have an impact on the quality and safety of supports provided to people with disability.

Following the Inquiry, the Taskforce advice and the Government's intention to register all Platform Providers as a priority market, I am also considering taking these additional regulatory actions:

- Compelling Platform Providers to give existing and potential users information about (and prepared by) the NDIS Commission.
- Requiring Platform Providers to inform the NDIS Commission of any person's excluded from their platform.
- Establishing a Platform Provider industry group to achieve the following;
 - a) Set service benchmarks.
 - b) Take collective action to improve the quality and safety of supports provided to NDIS participants.
 - c) Explore areas for collaboration to the improve the quality and safety of supports provided by Platform Providers
 - d) Facilitate dialogue between the NDIS Commission and Platform Providers on new and emerging trends in the industry and their impact on quality and safety of supports.

I will continue to monitor the quality and nature of information Platform Providers services share with NDIS Participants.

I urge all Platform Providers operating in the NDIS market to work with the NDIS Commission and I strongly encourage you to take action. Platform Providers who do not address the matters set out above should expect further formal engagement.

Michael Phelan APM
A/g NDIS Commissioner