



Bob Buckley

By email: foi+request-11826-xxxxxxx@xxxxxxxxxx.xxx.au

Dear Mr Buckley,

Freedom of Information Request No. (24) - 24/25 - (1)
Notice of Decision on Access under the *Freedom of Information Act 1982* (Cth)

I refer to your email received by the NDIS Quality and Safeguards Commission (**Commission**) on 2 August 2024, in which you requested access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to:

“Documents relating to the paper published on NDIS Quality and Safeguards Commission website - Behaviour Support Plan Quality: Summary results to December 2021 dated 16/8/2022:

1. *the development and disposition on this reports (including but not limited to information about why the report cannot now be found on the Commission's website),*
2. *actions and outcomes resulting from the report, including but not limited to strategies, policies and programs to improve the quality and implementation of behaviour support plans for NDIS participants ... and outcomes of those strategies, policies and programs, and*
3. *communication with people and entities outside the Commission about the report and the consequent strategies, policies and programs.”*

I am an officer authorised under section 23 of the FOI Act to make decisions regarding access to documents and this letter sets out my reasons for decision on access to documents in scope of your request.

Decision

The Commission has located **15** documents, comprised of **136** pages, that fall within the scope of your freedom of information (**FOI**) request.

I have decided to grant **full access** to all 15 documents. The documents are set out in the Schedule of Documents at Attachment A to this decision. I am refusing access to paragraph three, communication with people and entities outside the Commission about the report and the consequent strategies, policies and programs of your request on the grounds that documents do not exist.

The table at Attachment A summarise my decision as it applies to the documents covered by your request.

In reaching my decision I have relied on the following material:

- the terms of your FOI request
- the FOI Act
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).

Reasons for Decision

Section 24A – Requests may be refused if documents do not exist

Section 24A relevantly provides that:

- 1) *An agency or Minister may refuse a request for access to a document if:*
 - (a) *all reasonable steps have been taken to find the document, and*
- 2) *the agency or Minister is satisfied that the document:*
 -
 - ii. *does not exist.*

The NDIS Commission Practice Quality Division conducted searches for documents relevant to the scope of your request, we were not able to locate any documents related to paragraph three of your request because the feedback and consultation on the publications and strategies are mostly conducted with selected participant and provider organisations, with the details of consultations outlined in the acknowledgement sections of each published documents.

The NDIS Commission’s Practice Quality Division also regularly consults with members of the Senior Practitioners Practice Leadership Group that includes representatives from State and Territory authorisation bodies and the National Disability Insurance Agency.

In relation to the first paragraph of your request “Behaviour Support Plan Quality: Summary results to December 2021 dated 16/8/2022” is still available on our website under tab “Understanding behaviour support and restrictive practices - for providers” and the heading, Quality of Behaviour Support Plans (BSPs) – results of a national audit.

Regarding the second paragraph of your request, several strategies and publications on the NDIS Commission website related to improving quality and supports are also available on our website. The documents are copies sourced from our website, with the exception of Documents 6, 8 and 12, which are not publicly available online.

All other documents you have requested are publicly available, and I have provided direct links to these documents in the attached Table A for your convenience.

FOI Disclosure Log

In accordance with the requirements of section 11C of the FOI Act, the Commission is required to publish details of information released under the FOI Act, subject to certain exemptions.

I am satisfied that none of the exceptions at section 11C apply and that details of the document disclosed to you as part of your FOI request will be published on the Commission's FOI disclosure log.

For further information about the Commission's FOI disclosure log please refer to our [website](#).

YOUR REVIEW RIGHTS

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal Review

Under section 54 of the FOI Act, you may apply in writing to NDIS Commission for an internal review of my decision by another NDIS Commission officer. The internal review application must be made within 30 days of the date of this letter. The request should be addressed to FOI@ndiscommission.gov.au. Where possible please attach reasons why you believe review of the decision is necessary.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: Using the [OAIC smartform](#)

Email: foidr@oaic.gov.au

Post: GPO Box 5288 Sydney NSW 2001

More information about Information Commissioner review is available on the website of the [Office of the Australian Information Commissioner](#).

FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. Complaints can be lodged in one of the following ways:

Online: Using the [OAIC smartform](#)

Email: foidr@oaic.gov.au

Post: GPO Box 5288 Sydney 2001

More information about complaints is available on the [Office of the Australian Information Commissioner website](#).

If you are not sure whether to lodge an Information Commissioner review or an Information Commissioner complaint, the website of the [Office of the Australian Information Commissioner](#) has more information.

Contact

If you wish to discuss my decision, please contact the FOI Team on email at FOI@ndiscommission.gov.au

Yours sincerely,

A handwritten signature in black ink that reads "Deepika M." in a cursive, slightly slanted script.

Deepika Thimapuram

Assistant Director – Freedom of Information

Legal and Internal Integrity Division

NDIS Quality and Safeguards Commission

30 August 2024



FOI Request No. (24) - 24/25 - (1)

FOI Decision
SCHEDULE OF DOCUMENTS

Doc No.	Pages	Date	Description	Decision / Exemption
1	1-8	16 August 2022	Behavioural Support Plan Quality Behaviour Support Plan Quality Public Paper (ndiscommission.gov.au)	Full access
2	9-19	July 2023	Position Statement: Practices that present a high risk of harm to NDIS participants (July 2023) Position Statement (ndiscommission.gov.au)	Full access
3	20-33	July 2023	Evidence-Informed Practice Guide (July 2023) Evidence Informed Practice Guide (ndiscommission.gov.au)	Full access
4	34-39	July 2023	Interim and Comprehensive BSP Checklists (July 2023) Interim Behaviour Support Plan Checklist (ndiscommission.gov.au)	Full access
5	40-41	October 2023	Publication of Policy Guidance: Developing Behaviour Support Plans (October 2023)	Full access

			Document template - portrait layout (ndiscommission.gov.au)	
6	42-45	October 2023	Publication of Regulated Restrictive Practices (RRP) Summary and Protocols (October 2023)	Full access
7	46-75	July 2023	BSP Template Review Summary of Findings July 2023 Behaviour Support Plan Template Review (ndiscommission.gov.au)	Full access
8	76-90	December 2023	Comprehensive Behaviour Support Plan 2023	Full access
9	91-94	January 2024	Publication of Participant Fact Sheet – What to expect if your provider uses restrictive practices [Plain English and Easy Read] (January 2024) Participant fact sheet 6: What to expect if your NDIS provider uses Restrictive Practices (ndiscommission.gov.au)	Full access
10	95-113	May 2024	Publication of Easy Read: High risk practices (May 2024) What are high-risk practices? (ndiscommission.gov.au)	Full access

11	114-116	July 2024	Publication of Policy Guidance: Working within your knowledge, skills, and experience (July 2024) Document template - portrait layout (ndiscommission.gov.au)	Full access
12	117-129	January 2024	Interim and Comprehensive V3	Full access
13	130-131	December 2023	Policy Guidance: The safe reduction and elimination of regulated restrictive practices Document template - portrait layout (ndiscommission.gov.au)	Full access
14	132-134	July 2024	Publication of Policy Guidance: Working within your knowledge, skills, and experience (July 2024) Document template - portrait layout (ndiscommission.gov.au)	Full access
15	135-136	November 2023	Policy Guidance: Developing Behaviour Support Plans (November 2023) Document template - portrait layout (ndiscommission.gov.au)	Full access