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| Adequate staffing for NDIS participants |
| Guidance for supported residential services |
| OFFICIAL |

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Proprietors of supported residential services (SRS) who deliver National Disability Insurance Scheme (NDIS) funded services to residents must ensure that there is adequate staffing to deliver each aspect of each service. This guidance sets out compliance expectations in relation to staffing for SRS proprietors who deliver NDIS funded services.

# Adequate number of appropriately trained staff

Under the *Social Services Regulation Act 2021*, the *Social Services Regulations 2023* and the *Social Services (Supported Residential Services) Regulations 2024*, proprietors must meet certain minimum requirements for staffing. This includes making sure that there are adequate number of appropriately trained staff employed in the SRS.

It is important that staff members are equipped with the necessary knowledge and skills to support residents. Residents who are also NDIS participants often have high support needs, and benefit from having support staff with relevant qualifications (for example, Certificate III in Disability) or experience working with people with disability. Depending on the number of residents at the SRS and their individual support needs, proprietors may need to employ additional staff to meet each resident’s needs in a timely manner and in accordance with their support plan.

# Minimum staff requirements

Under the Act and the Regulations, proprietors must ensure that there is an adequate number of staff members on duty at all times in the SRS as shown in the table below.

**Minimum staff requirements under Part 7 of the Social Services (Supported Residential Services) Regulations 2024**

| **Monday to Friday****7am to 7pm** | **Saturday and Sunday****7am to 7pm** | **All other times** |
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| a qualified personal support coordinator for a period of not less than 38 hours per week with not less than 2 hours worked on each day | at least one qualified (certificate III or higher) staff member for a period of not less than 15.2 hours with not less than 3.2 hours worked on each day | at least one staff member on duty who has current first aid and cardiopulmonary resuscitation training and is able to respond to any first aid or emergency issue |
| at least one staff member on duty who has current first aid and cardiopulmonary resuscitation training and is able to respond to any first aid or emergency issue | at least one staff member on duty who has current first aid and cardiopulmonary resuscitation training and is able to respond to any first aid or emergency issue | other staff (personal support and ancillary) as necessary to ensure the personal support needs of residents are fully met in a timely way in line with their support plans |
| other staff (personal support and ancillary) as necessary to ensure the personal support needs of residents are fully met in a timely way in line with their support plans  | other staff (personal support and ancillary) as necessary to ensure the personal support needs of residents are fully met in a timely way in line with their support plans  |  |
| at least one personal support staff member for every 30 residents or fraction of 30 residents | at least one personal support staff member for every 30 residents or fraction of 30 residents |  |

SRS staff who are undertaking one of the roles listed above cannot provide NDIS services at the same time. These SRS roles support the health and wellbeing of all residents of an SRS. By providing SRS and NDIS services simultaneously, the other residents have limited access to the support they need and are paying the SRS for. Dual service provision also impacts the relevant NDIS participant as they may not receive the level of individualised support they are entitled to under the NDIS, especially if that support is shared with other residents. Proprietors must arrange additional staffing to deliver NDIS funded services to residents and cannot use the SRS minimum staff requirement roles for this purpose.

# Rostering arrangements

Under regulation 40 of the Social Services (Supported Residential Services) Regulations 2024, proprietors must maintain an accurate and up to date record of staff rosters. Importantly, these staff rosters must include information about the days, times and number of hours to be worked by each employee during the roster period and the capacity in which the employee is rostered.

Where a proprietor delivers both SRS and NDIS funded services to residents, rostering arrangements should clearly outline the staff supports for each service. While proprietors may choose to employ SRS staff members to deliver NDIS funded services, there should be no overlap or duplication between the relevant rosters. SRS and NDIS supports must be delivered as separate, distinct services.

If an SRS uses its rostered staff to deliver NDIS funded services and SRS services at the same time, it will fail to meet the required staffing availability to other residents and will be non-compliant under the Act and Regulations. Where a resident requires and is entitled to receive NDIS services, the proprietor must roster additional staffing or arrange for external service delivery.

# Compliance and enforcement

The Social Services Regulator administers the Act and the Regulations, and monitors compliance by SRS proprietors to ensure they meet their obligations.

The Social Services Regulator may take regulatory action where an SRS does not have adequate processes in place to separate its SRS and NDIS supports.

Where relevant, the Social Services Regulator will notify NDIS of non-compliance matters so that they may consider regulatory action.

For more information about the Social Services Regulator and its regulatory approach, visit the Social Services Regulator’s webpage <https://www.vic.gov.au/social-services-regulator>.

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