

## Information For Providers - What is non-compliance?

Information was modified from the NDIS website:

<https://www.ndis.gov.au/participants/working-providers/what-non-compliance>

### What is non-compliance?

Non-compliance with NDIS rules means not following them. This can be a small mistake or a more serious offence like fraud and it can happen by accident or on purpose.

### There are 6 different types of non-compliance:

1. **Error or mistake** – when someone makes an honest mistake without trying to get something for themselves.
2. **Misuse** – when someone uses funding for supports and services in the wrong way.
3. **Conflict of interest** – is when someone can change a decision to benefit themselves, which makes the decision unfair. A conflict of interest is only non-compliant when it isn't declared or managed properly.
4. **Dishonest or barely honest behaviour ('sharp practice')** – when someone does something that isn't against the law, but they know it's the wrong thing to do.
5. **Fraud** – is a planned dishonest action. Fraud is a crime.
6. **Corruption** – a range of criminal actions like breaking public trust, giving or taking bribes, or unfairly using official power.

**Factsheets from the NDIS website, explains more about non-compliance:**

[What is non-compliance? \(PDF 188KB\)](#)

[Easy read - What is non-compliance? \(PDF 3.6MB\)](#)

[Easy read \(text only\) - What is non-compliance? \(DOCX 54KB\)](#)

### Intentional non-compliance is different to making mistakes

Not all non-compliance is intentional. The NDIA understands that many participants, nominees and providers try to do the right thing, but sometimes make mistakes.

Mistakes do happen. The NDIA wants to help participants, nominees and providers learn how to do the right thing before it escalates and becomes a compliance issue.

If you have made a genuine mistake, the NDIA will work with you to fix it before it becomes a formal compliance matter.

## Helping you do the right thing

Addressing fraud and non-compliance in the NDIS is not just about monitoring, investigating and prosecuting people who do the wrong thing.

The NDIA also wants to help participants, nominees and providers to understand where they might be making mistakes and connect them with the information and resources they need to do the right thing. This includes helping people to identify and report unscrupulous and unethical behaviour.

The NDIA uses a range of strategies to address non-compliance within the NDIS including:

- Education
- Calls to action
- Compliance audits and reviews and
- Reclaiming debts

When deciding what compliance actions to take, the NDIA considers the attitudes, behaviours and actions of the person or business.

For people who are willing to do the right thing, the NDIA aims to make it easy by offering support, education and guidance.

For people who have made a choice to do the wrong thing, the NDIA will use a stronger response.

**The majority of the NDIA compliance work is educating people about how to do the right thing.**

## Where to get help

### For providers

The NDIA have a range of resources to [help providers do the right thing](#) including guidance on:

- Making service agreements
- Records keeping
- Making claims
- Managing conflicts of interest.

The NDIS Quality and Safeguards Commission also has [information and guidance on their website to help providers](#) do the right thing including [NDIS Practice Standards](#) and the [NDIS Code of Conduct](#).