



ACT Division

**Submission to the
ACT Budget Consultation
2019-2020**





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About National Disability Services

National Disability Services (NDS) is the peak industry body for non-government disability services. NDS has an Australia-wide membership of over 1000 non-government organisations, and for-profit and government associate members, that support people with all forms of disability. Our members collectively provide the full range of disability services - from accommodation support, respite and therapy to community access and employment.

In the ACT, NDS represents more than 60 disability services who provide a significant proportion of NDIS-funded services to people with disability in the region. These services include supporting those who live with profound and severe physical or mental conditions or impairments that result in a need for high levels of support.

NDIS transition is still all-encompassing for services

The ACT Division of National Disability Services (NDS ACT) welcomes the opportunity to make this submission to the consultation process for the ACT Budget 2019-2020.

As the peak body representing the interests of the non-government disability services industry, NDS ACT has witnessed the impact of the National Disability Insurance Scheme (NDIS) in the ACT across the disability support sector.

This has been all-encompassing for many of our members since 2014, when the ACT became the first jurisdiction in Australia to commence full transition into the scheme.

While the community, the disability sector and government agencies at all levels may have hoped that the trial phase of the NDIS transition would have provided enough time and capacity for any teething problems in the scheme to be addressed, the reality of scheme rollout has been vastly different.

Based on this experience, many have revised the anticipated timeframe required for the NDIS to reach maturity to at least 10 years of transition, meaning that the ACT disability sector will endure the strain of the NDIS reform for several years to come.

Impact of transition issues are accumulating over time

The cumulative impact of the prolonged NDIS transition is already being felt by disability support services in the ACT.

For some organisations, the only way to ensure they deliver high quality services that meet their own standards and mission has been to supplement the insufficient funds available under the NDIS with other funding sources. This includes dipping into the cash reserves that they had built up under previous funding arrangements over several years through good financial management. However as many of these funding sources are finite and are no longer available under the NDIS, there is a real risk of more organisations withdrawing from particular service types and creating market failures in the ACT. The potential impact on NDIS participants relying on these markets for support services in order to live a good life should not be underestimated.

The role of the ACT Government remains vital

While the national scheme provides a level of consistency of support for eligible people with disability through individual packages and other funded supports, the continuing role of state and territory governments in supporting their citizens living with disability, and ensuring the strength of the local service system will always remain.

NDS ACT wishes to acknowledge the work already done by the ACT Government to ensure ongoing support for people living with a disability, their families and carers, and the disability sector that supports them. The investment by the ACT Government in the 2018-19 Budget for a number of measures that address issues and gaps in the current rollout of the NDIS in the ACT is particularly welcomed.

This includes the Integrated Service Response Program, which provides for two additional positions within the Office for Disability that will work across ACT Government directorates and with the National Disability Insurance Agency (NDIA) to provide short-term coordination support for people with disability who have high or complex needs, and additional funding to assist where people are at risk of falling through the gaps that currently exist in the NDIS transition and at the interface between disability supports and other portfolios such as health, justice and other community services.

***Recommendation 1:** The ACT Government commits to annual funding of \$1.8m for the Integrated Service Response Program over the forward estimates, to prevent people with disabilities falling through gaps in the service system*

Initiatives from the NDIS parliamentary inquiry need funding

Additionally, the ACT Legislative Assembly's inquiry into the implementation, performance and governance of the NDIS in the ACT has examined several issues experienced by the ACT disability sector and the people it supports. The inquiry is due to report by the end of the sitting calendar year on 29th November 2018.

The wealth of knowledge that has been gathered by the ACT Parliament from NDS and other key stakeholders in the disability service system through this process needs to be considered when developing the ACT Budget for 2019-2020. For example, the NDS ACT submission identified 28 recommendations for the ACT Government,¹ many of which require immediate attention and investment in the 2019-2020 ACT Budget.

***Recommendation 2:** The ACT Government works with the ACT Parliament's Health, Ageing and Community Services Committee to ensure provisions are made within the ACT Budget 2019-2020 for initiatives identified through the current inquiry into NDIS implementation²*

¹ The National Disability Services ACT submission to the inquiry is available at https://www.parliament.act.gov.au/_data/assets/pdf_file/0004/1190497/Submission-35-National-Disability-Services.pdf

² See also Recommendations 4, 5, 10, 11 & 12 below, which expand on priorities identified in the NDS ACT submission to the ACT parliament's NDIS inquiry

Whole of Government approach to planning for inclusion

Disability inclusion requires whole of government and whole of community support and action, rather than being seen as the responsibility of one directorate or sector.

Every unit and directorate across the ACT Government needs to be aware of how their work impacts on people with disability and consider initiatives that may improve accessibility and inclusion.

***Recommendation 3:** Chief Minister's directorate and the Office for Disability works with each directorate in the ACT Government to develop a comprehensive disability inclusion action plan in 2019, including key deliverables to be publicly reported on annually and with funding for new initiatives to be incorporated into the ACT Budget 2020-21*

Increased capacity needed to comply with new regulations

The new quality and safeguarding arrangements being rolled out in the ACT and nationally represent a positive move by governments to maintain and promote levels of quality across the disability service system and to safeguard against inappropriate and harmful practices. However the regulatory burden placed on providers that are already struggling to maintain service viability within current funding and resource constraints has been underestimated at both national and territory levels. This is evident in the expectation that providers have existing capacity to meet the requirements of new regulations for the development, implementation and ongoing reporting against Positive Behaviour Support Plans required under the new ACT *Senior Practitioner Act 2018*.

NDS ACT members delivering services that are particularly affected by the new regulations estimate that an average of 10 staff hours per week are being allocated to implement the new requirements created by local arrangements in the ACT. These activities are not factored in to NDIS pricing models. Meeting these requirements while maintaining quality services will be difficult without additional resources.

***Recommendation 4:** The ACT Government allocates \$360,000³ to support organisations that facing resourcing challenges to meet the additional regulatory requirements in the ACT*

NDIS funding is not available for highly valued local services

The community-based disability support sector in the ACT developed over several decades, with citizens across the capital territory dedicating their own time and other resources to meet the needs of people with disability in their communities.

³ Total estimated cost based on average of 10 hours per week for staff member at SCHADS 6 across 10 organisations facing regulatory stress

However some of these long-standing services that are demonstrably valued by the ACT community do not fit within the pre-defined models for funding available via individual packages or Information, Linkage and Capacity Building grants under the NDIS.

For example, Pegasus Riding for the Disabled which has received significant volunteer and funding support from the ACT community has identified a \$240,000 critical funding shortfall, which is currently being supplemented through insecure and insufficient philanthropic sources.

In addition, changes to school disability transport arrangements and the lapsing of transitional funding support available from Transport Canberra has created an additional \$42,000 cost-burden (not including \$35,000 co-contribution from Variety Children's Charity) on the service in providing transport for 3 schools it services each week.

Recommendation 5: The ACT Government consider funding for services that do not meet the NDIS funding guidelines, but provide services that are viewed by the ACT community as essential

NDS ACT is uniquely placed to support the NDIS transition

The complexity of the disability support sector in the ACT has increased significantly with the creation of the national scheme. Both government and community sectors in the ACT increasingly need to work together to ensure that the substantial ongoing funding contribution from the ACT Government to the national scheme delivers on its promise for people with disability in the capital territory.

As a division of the national peak body, NDS ACT is in a unique position to ensure that issues identified in the ACT rollout of the NDIS are addressed at both local and national levels, and that the local disability sector is aware of and supported as changes continue to be announced nationally.

However, the size and importance of this task has increased throughout the NDIS trial phase and will continue over the several years that remain within the anticipated transition timeframe for this reform.

NDS ACT appreciates the current investment from the ACT Government for NDS ACT core programs, however this does not fully cover the cost of our activities, nor does it provide sufficient capacity for NDS ACT to meet the expectations from the disability sector, ACT government directorates, or the broader ACT community.

Recommendation 6: The ACT Government provide an additional \$180,000 per annum to increase the staffing and program capacity for NDS ACT to support the ACT disability sector during the NDIS transition

Persistent workforce issues need ongoing, holistic approaches

NDS ACT acknowledges the investment of the ACT Government in workforce development programs across the community services industry. While this important work will have a significant impact on the sustainability of the community services industry generally, and the disability sector specifically, a persistent issue identified through discussions with stakeholders is the capacity of organisations to release staff to attend courses.

This issue is particularly apparent in the fee-for-service market under the NDIS, where service pricing models do not sufficiently account for training costs and overheads for the disability support workforce. However, an holistic approach to skills development across the community services industry will have significant benefits to the disability support workforce, particularly those whose work crossover into other mainstream community services (including child protection and aged care sectors) and allied health sectors.

***Recommendation 7:** The ACT Government provide scholarships for disability and community sector workers to undertake recognised training courses, including tuition fees and the costs for organisations to backfill their roles while undertaking training activities*

People with disability deserve better access to justice

NDS ACT commends the work across the ACT Government to develop a new Disability Justice Strategy. Disability support services bear witness to a number of barriers experienced by the people they work when interacting with current civil and criminal justice systems.

Issues for people with disability at the interface between disability and justice systems need to be supported through programs that incorporate knowledge and expertise from both fields.

For example, embedding qualified solicitors within disability support services is likely to have benefits for both legal and disability practitioners, and the people with disability they work with. Programs could be developed based on the health justice partnerships model⁴ or the volunteer solicitors programs offered by the NSW Intellectual Disability Rights Service⁵

***Recommendation 8:** The ACT Government allocate \$150,000 for a trial program to embed legal practitioner expertise within a disability support organisation working with people with disability that are currently or at risk of interacting with justice system*

⁴ See healthjustice.org.au

⁵ See idrs.org.au/volunteers

Students with disability in the ACT need a Ticket to Work

NDS ACT recognises the benefits when young people with disability remain engaged in education and are supported into open employment through a coordinated approach. Both the young people themselves and the ACT community receive social and economic benefits when this occurs.

Ticket to Work is an initiative facilitated by NDS around Australia, which leverages the power of cross-sectoral collaborative partnerships to improve employment outcomes for young people with disability.

Ticket to Work prepares young people for the world of work and provides them with an open employment pathway in their transition from school through a combination of vocational/career development opportunities and early contact with work environments.

While young people with disability are more likely to disengage from school and experience social isolation, Ticket to Work participants reported higher levels of school completion and post-school qualifications, as well as job satisfaction, independence and social participation.⁶

Under the Ticket to Work model, a local intermediary plays a critical role in bringing together all relevant stakeholders and developing a strong local network that is able to support the needs of the student transitioning to employment. Stakeholder networks include students with significant disability and their schools, parents and carers; disability employment service providers; registered training and group training organisations; and local employers.

***Recommendation 9:** The ACT Government provides \$66,000 over three years (\$22,000 annually) for a local intermediary to support the ACT Ticket to Work stakeholder network*

Bridging the gap between disability and health funding

The ongoing development of the NDIS funding parameters is resulting in shifting boundaries between disability supports funded by the NDIS and health services funded by the ACT Government. For example, services are reporting that supports that were funded under individual NDIS packages in previous years are being removed from support plans at the annual review, or NDIS guidelines are being revised to remove the ability for disability support services to assist their participants during hospital visits. As a result, participants are increasingly reliant on health services to be responsive to their needs and fill gaps in their service provision.

⁶ See <http://www.tickettowork.org.au/research/study-shows-long-term-benefits-supporting-young-australians-disability-prepare-work/>

The Community Assistance Support Program (CASP) provides a vital bridge between the health system and other sectors, including disability services. The current guidelines allow providers to deliver flexible responses to the needs of their clients. However the funding capacity under CASP is not always sufficient to address emergency situations.

***Recommendation 10:** The ACT Government works with Community Assistance Support Program providers to confirm the funding increase required to ensure people with disability do not fall through the gaps in the system, particularly in emergency situations*

The NDS ACT submission to the ACT parliamentary inquiry into the implementation of the NDIS contained a number of recommendations to improve the health and disability interface,⁷ which should be incorporated into ACT Budget measures for 2019-2020.

People with disability deserve a health system that is responsive to their particular health and disability needs. In particular, the ACT Health Directorate needs to increase the capacity of their workforce to respond appropriately to the needs of their patients with a disability.

The Canberra Hospital model of an allocated social worker to assist patients with disability throughout their hospital journey is one that should be replicated across the health system. These positions would provide vital expertise in situations where the disability and health system interface is currently failing. For example, where rehabilitation and support arrangements for patients with disability have not been confirmed due to NDIA guidelines that prevent the development of NDIS support plans in hospitals, on-site disability expertise from these positions would assist in navigating patients through both health and disability support systems. This would streamline discharge processing and could result in cost-efficiencies in the delivery of care for patients with disabilities.

In addition, all health and hospital staff working with people with disability should have a baseline understanding of appropriate responses to the needs of people with disability, including how to assist patients to navigate the NDIS and other disability supports.

***Recommendation 11:** The ACT Government expand the availability of disability support and social workers to assist patients with disability to navigate their journey through the public hospital system*

***Recommendation 12:** The ACT Health Directorate deliver baseline training for all staff in working with people with disability and navigating the interface with the NDIS and other disability supports*

⁷ See pp15-17, NDS ACT submission available at https://www.parliament.act.gov.au/_data/assets/pdf_file/0004/1190497/Submission-35-National-Disability-Services.pdf

Making all housing, disability accessible housing

Housing is a fundamental human need. People with disability require a range of approaches to increase disability access across the ACT housing market to ensure they have sufficient options available across mainstream housing, affordable housing, crisis accommodation, and disability specific accommodation.

NDS ACT welcomes the release of the ACT Housing Strategy 2018. In particular, we value the inclusion of commitments to:

- create minimum accessibility standards for new dwellings⁸
- develop an accessibility and universal design rating system for real estate advertising⁹
- design and deliver purpose-built housing for people with disability,¹⁰ including through co-investment options in Specialist Disability Accommodation under the NDIS model¹¹

The \$100 million in new investment in public housing stock and the community housing sector is a centrepiece of the strategy that should be applauded. Further details on priorities for this funding, procurement processes, and key government accountabilities and reporting arrangements will provide NDS ACT and the broader ACT community sector with a better understanding of how we can best support the implementation of the strategy.

***Recommendation 13:** The ACT Government include details on ACT Housing Strategy funding priorities, processes and key reporting and accountability arrangements in (or prior to) the 2019-2020 ACT Budget*

Increasing inclusion in child and family safety responses

NDS ACT members and stakeholders recognise that people with disability often face difficulties when intersecting with other parts of the community services system that are unfamiliar with disability-appropriate response, particularly in crisis situations.

For example, situations where domestic and family violence services providing crisis support for mothers that are unable to protect their own safety while meeting the needs of their child with disability indicates a significant deficiency in disability support arrangements and the supports available to families and carers.

***Recommendation 14:** The ACT Government to fund key elements of the ACT Carers Strategy, including the provision of support services for the physical and mental wellbeing and safety of families and carers of people with disability*

⁸ See p20, ACT Government (2018) *ACT Housing Strategy* available at https://www.act.gov.au/_data/assets/pdf_file/0004/1265638/ACT-Housing-Strategy-2018.pdf

⁹ Ibid

¹⁰ Id. At p32

¹¹ Id. At p40

NDS ACT stakeholders have also identified issues for women with disabilities experiencing domestic and family violence, particularly where children are also present in the home setting. Additional barriers can be faced by women with disabilities seeking to remove themselves and their children from unsafe home environments where the crisis support system is not disability inclusive. For example, women with disability report feeling that their parenting abilities receive an inappropriately high level of scrutiny from some child protection caseworkers while entering into the domestic and family violence support system.

***Recommendation 15:** The ACT Government commit to making refuge housing stock more disability accessible¹² and develop and deliver training for child and family safety workers to improve their understanding of appropriate responses when supporting people with disability*

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¹² See also 'Making all housing, disability accessible housing' above