

Submission to the ACT Budget Consultation 2020–2021



ACT Division





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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.

The ACT Division of National Disability Services (NDS ACT) welcomes the opportunity to make this submission to the consultation process for the ACT Budget 2020–2021.

As the peak body representing the interests of the non-government disability services industry, NDS has witnessed first-hand the impact of this prolonged transformation of the disability services sector on providers across the ACT and has worked collaboratively with providers and the ACT Government to assist in building a sustainable disability sector that is able to provide quality supports to all Canberrans with disability.

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ACT enters full scheme, but NDIS transition is far from over

At the start of the 2019/20 financial year, the ACT entered full scheme arrangements for the National Disability Insurance Scheme (NDIS) under its new bilateral agreement with the Federal Government.

But for NDS members in the ACT who have been immersed in the tribulations of the NDIS trial since it arrived in Canberra in 2014, this pivotal event went largely unnoticed.

Although the community, the disability sector and government agencies at all levels may have hoped that the trial and rollout phases of the NDIS transition would have provided enough time for any teething problems in the scheme to be addressed, the current implementation trajectory indicates that it will be another half-decade before the scheme reaches maturity and fundamental design issues are fully addressed. This means that the ACT disability sector will endure the strain of the NDIS reform for several years to come.

Within this context, this year's ACT Budget 2019/20 included a significant commitment from the ACT Government for \$45.5 million in new funding initiatives to maintain its existing disability supports as the ACT entered into the full scheme arrangements.

While NDS ACT wishes to commend this commitment from the government, this year's budget included no new money to assist the non-government disability sector to deal with the ongoing challenges experienced as a result of the prolonged transition to the new world of the NDIS. The NDIS transition is far from over, but the funding available to support the transition is starting to dry up.

Cumulative impacts of prolonged transition start to bite

The cumulative impacts of the prolonged NDIS transition are becoming more apparent as time progresses, with services starting to withdraw from unsustainable markets.

Shortcomings in the NDIA's pricing strategy and cost models have resulted in significant shortfalls in revenues for service providers that are committed to delivering high quality services within existing NDIS price caps.

For some organisations, the only way to ensure they deliver quality supports 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, service providers are feeling increased financial pressures, with some beginning to withdraw from the delivery of particular support types and creating market failures.

The increasing potential impact on NDIS participants relying on these markets for support services in order to live a good life should not be underestimated.

Ongoing ACT Government responsibilities becoming clearer

With the ACT marketplace for disability supports maturing throughout the 5 years of NDIS trial and rollout and the full scheme bilateral arrangements now in place, the ongoing role of the ACT Government in supporting the lives of Canberrans with disability is becoming clearer.

With the disability community entrenched in the all-encompassing NDIS transition process, it has been easy to lose sight of all the other contributions that the ACT Government makes to improving the lives of people with disability every day. Canberrans with disability rely on a complex web of mainstream and specialist services and supports, including ACT health services, community services, education, employment programs, housing, transport, and the justice system – in addition to any supports they receive through national initiatives like the NDIS.

But the strength of the local service system, including the availability of quality mainstream services and the interface between each of these service systems with the specialist disability supports available under the NDIS, disability employment, and other initiatives, both remain as key local responsibilities that the ACT and other state/territory governments must retain.

Supports needed to navigate multiple NDIS interfaces

The separation of specialist disability supports into a nationally consistent scheme has increased the complexity in the systems that people with disability in the ACT need to navigate to meet their ordinary needs, from both the NDIS and mainstream services provided by the ACT Government. For many, navigating such complexity requires additional assistance from those with specialised knowledge and skill, and the capacity to walk beside them as they negotiate this complex web. The capacity of the emerging market for Support Coordination in the ACT also requires investment to meet the needs of the Canberra community.

The ACT Government response to the Legislative Assembly's committee inquiry into the implementation of the NDIS in the ACT noted its advocacy to the NDIA and Commonwealth ministers regarding the gap in supports available for people with disability who are not eligible for the NDIS to connect with mainstream services and community supports, as a result of the current Local Area Coordination partner arrangements nationally.

While NDS commends the ACT Government's advocacy in this area, the responsibility for supporting people with disability at the interface with ACT mainstream services cannot solely rest within the NDIS. Accessing Canberra's mainstream services for people with disability should not require access to an individual funding package. Time-limited projects addressing pre-specified focus areas that are eligible for Information, Linkages and Capacity Building grants from the NDIA are also not suited to the ongoing needs of Canberrans with disability.

For example, a recent survey of 219 individuals with Autism Spectrum Disorder or their carers found that 1 in 5 respondents did not intend to apply for NDIS funding, while a consistent “theme of confusion and feelings of being overwhelmed in accessing and navigating the complex and multi-jurisdictional system, including NDIS, health, education, justice, housing and employment” was expressed throughout.

***Recommendation 1:** The ACT Government invest in training and capacity building for support coordinators to assist people with disability to navigate the complexity of the mainstream ACT service system, outside of the NDIS.*

***Recommendation 2:** The ACT Government directly fund services that assist vulnerable groups to navigate the complexity of the NDIS and mainstream support systems in the ACT.*

Emergency response capacity needs increased commitment

NDS welcomes the continuation of the Integrated Service Response Program (ISRP) in the 2019/20 financial year. The ISRP provides for two positions within the Office for Disability that assist with coordination, connection and emergency funding for people with disability with high and complex support needs that are not currently being met by the NDIS and other service systems.

However, the 2019/2020 Budget included a significant reduction in the allocation of emergency funding for the provision of services where no other supports are available for a person with disability in crisis, albeit with unfunded commitments that additional funding would be made available to ensure that people’s eligible emergency needs will be met. This reduction in overall funding for the program occurred just as the disability sector and community began to understand the scope of the ISRP and demand for its supports was beginning to increase. As such, NDS is concerned about the ongoing capacity of the ISRP to meet the potential increase in demand for supports over the coming years.

The need for the Integrated Service Response Program is not going to diminish until both the NDIS and ACT Government support systems are able to demonstrate that they have the capacity to ensure people with disability will not fall through the gaps between service systems. As this will not happen until the backlog of implementation issues with the NDIS are remedied in the coming years, the disability community in the ACT would welcome a commitment from the ACT Government to funding for the program over the 4-year forward estimates.

***Recommendation 3:** The ACT Government reviews the current staffing capacity of the Integrated Service Response Program to meet demand for its critical supports, and increase the 2.0 full time equivalent staffing allocation, if required.*

***Recommendation 4:** The ACT Government commits annual funding to the Integrated Service Response Program over the 4 year forward estimates, to prevent people with disabilities falling through gaps in the service system throughout the ongoing transition to the NDIS.*

Funds needed to sustain NDS ACT & meet sector demand

NDS appreciates the current investment from the ACT Government for NDS ACT core activities. However, current funding levels only contribute approximately 77% of the total costs required to deliver its services to the ACT disability community. In order to meet the needs of the ACT disability sector since the commencement of the NDIS trial, NDS has cross-subsidised the ACT Manager role to increase its capacity to 1.0 FTE.

Despite this additional investment, the NDS ACT Manager role has been unable to meet the demands for NDS's valued contributions to the effective functioning of the ACT disability services sector and the broader ACT community services industry.

As a division of the national peak body, these demands include ensuring that issues identified in the ACT implementation of the NDIS are addressed at both local and national levels, and that the local disability sector is informed and supported whenever changes occur at the national level within the NDIS program and policy settings.

The benefits derived by the local ACT community from NDS's work are deserving of additional investment from the ACT Government. Within the full scheme NDIS environment, it will be increasingly important for the ACT government and the disability sector 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 territory.

***Recommendation 5:** The ACT Government increase the NDS ACT core funding grant by \$60,000 per annum to ensure sustainability at current levels, and provide additional funding for 1.0 FTE project worker to increase the staffing and program capacity for NDS ACT to support the ACT disability sector.*

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 ACT *Senior Practitioner Act 2018*.

Funding for the development of Positive Behaviour Support Plans are not always included in the plans for participants that need them. NDS ACT members continue to allocate substantial staffing hours for this work that is not recovered through the NDIS.

In addition, service providers are currently allocating significant staff time to participate in Positive Behaviour Support Plan approvals processes that require them to discuss the

appropriateness of the use of restrictive practices by other disability service providers. Potential commercial conflict of interest concerns need to be addressed, as well as the ongoing sustainability of the current resourcing arrangement for this model of plan approval.

***Recommendation 6:** The ACT Government provides funding for the development of Positive Behaviour Support Plans that are not included in an NDIS participant's budget.*

***Recommendation 7:** The ACT Government ensure that the secretariat administration and staff participation for Positive Behaviour Support Plan approval panels is appropriately funded.*

Training passports for the ACT community services industry

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 barrier identified throughout NDS's Workforce Impact Collective project is the capacity of organisations to release staff to attend courses.

This issue is particularly apparent in the capped price 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, such as the training passport proposed under the 'ACT Community Services Industry: Workforce Data and Community Needs Analysis'¹ commissioned by the ACT Industry Strategy Steering Group, would 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.

ACT community service provider reporting already required under the ACT portable long service leave scheme could form the basis of a streamlined ACT portable training passport scheme.

***Recommendation 8:** The ACT Government develop an ACT training passport, with funding available for disability and community sector workers to undertake recognised training courses, including course fees and the costs for organisations to backfill their roles while undertaking training activities.*

¹ See 'ACT Community Services Industry: Workforce Data and Community Needs Analysis' at p32 <https://www.actcoss.org.au/sites/default/files/public/publications/Workforce%20Data%20and%20Community%20Needs%20Analysis%20-%20April%202019.pdf.pdf>

A disability action & inclusion plan for each NDIS interface

NDS applauds the ACT Government's commitment within the new Disability Justice Strategy to developing Disability Action and Inclusion Plans for each government directorate.

As noted in last year's submission, 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; and every 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 9:** The ACT Government directorates consider including the relevant recommendations in the remainder of this submission in the Disability Action and Inclusion Plans developed by each directorate.*

Foster public and private disability employment options

The Inclusion in Employment Project conducted by the Canberra Business Chamber focuses on ACT businesses supporting an inclusive community while meeting some of their skills and labour requirements by engaging with people with disabilities who are willing and capable of working.²

The ACT disability community would welcome a continuation of the partnership between the Canberra business community and the ACT disability community that foster meaningful employment options for people with disability.

***Recommendation 10:** The ACT Government fund continued partnership between the Canberra business community, people with disability and their supporters, to foster increased options for people with disability to access employment.*

The ACT Public Service should be a leader in creating meaningful employment opportunities for people with disability and fostering inclusive office environments that benefit everyone. This would be achieved through each directorate setting ambitious targets for disability employment; specific programs to support people with disability employed in ACT directorates;

***Recommendation 11:** The ACT Government and each individual directorate:*

- (a) set ambitious targets for disability employment and report against these each year;*
- (b) implement specific programs to foster disability inclusive workplaces; and*
- (c) provide additional support for people with disability employed in ACT directorates, where required (n.b. costs could potentially be offset by the new supported employment pricing framework being implemented under the NDIS from early 2020)³*

² See <https://www.canberrabusiness.com/business-support-programs/i-need-staff-inclusion-in-employment-project/>

³ See <https://www.ndis.gov.au/understanding/supports-funded-ndis/supported-employment>

Students with disability in the ACT need a Ticket to Work

The ACT Future of Education Strategy recognises that 'Meeting student wellbeing and learning needs requires teachers to collaborate with families, community and human service providers. Through this schools become inclusive learning communities that support all children and young people to learn.'⁴

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.

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 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.⁵

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 12:** 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 gaps 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. While recent changes to the NDIS Price Guide have resulted in a range of disability-related health supports being funded through NDIS plans, the need for

⁴ See 'The Future of Education: An ACT education strategy for the next ten years' at p5 https://www.education.act.gov.au/_data/assets/pdf_file/0015/1231080/Future-Of-Education-Final-Strategy_Web.pdf

⁵ See http://www.tickettowork.org.au/research_evaluation/study-shows-long-term-benefits-supporting-young-australians-disability-prepare-work/

ACT Government programs capable of preventing people with disability from falling through the remaining gaps at this key interface remain vital.

The Community Assistance Support Program (CASP) provides a critical 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 13:** 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*

A significant change under the full scheme arrangements for the NDIS in the ACT was the transition of funding for Rehabilitation, Aged and Community Care services delivered by ACT Health. These services are no longer funded as in-kind supports by ACT Health, but are now charged to the NDIS on a fee for service basis.⁶

Service providers have expressed ongoing concerns that these services must remain fully funded by ACT Health for people in the Canberra community that are not currently accessing funds for these services through NDIS individual packages.

***Recommendation 14:** ACT Health allocate sufficient funding to ensure Rehabilitation, Aged and Community Care services remain freely available to people with disability that are not currently accessing funds for these services under the NDIS.*

Building connections for Aboriginal people with disability

The ACT Government response to the Legislative Assembly committee inquiry into NDIS implementation in the ACT acknowledged that people with disability from the Aboriginal and Torres Strait Islander community are often less connected with disability services.

The NDIS Outreach Program delivered by Gugan Gulwan Youth Aboriginal Corporation during the NDIS trial provides a useful precedent for the development of culturally appropriate programs in partnership with the Aboriginal community.

However, the needs of Aboriginal and Torres Strait Islander people with disability in Canberra need to be better supported, including through access to mainstream and specialist disability services that are culturally safe, and Aboriginal community controlled services such as Gugan Gulwan and Winnunga Nimmityjah Aboriginal Health Service.

***Recommendation 15:** The ACT Government work with the ACT Aboriginal and Torres Strait Islander Elected Body and the local Aboriginal community to develop and fund a targeted and culturally sensitive model to support Aboriginal and Torres Strait Islander people with disability to access appropriate mainstream and specialist disability services.*

⁶ See <https://www.health.act.gov.au/services/rehabilitation>

Targets for 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.

Last year, NDS ACT welcomed the release of the ACT Housing Strategy, particularly commitments to create minimum accessibility standards for new dwellings; develop an accessibility and universal design rating system for real estate advertising; and design and deliver purpose-built housing for people with disability, including through co-investment options in Specialist Disability Accommodation under the NDIS model.⁷

The lack of apparent progress in each of these areas over the past 12 months has resulted in growing concern amongst disability and housing providers that this ambitious agenda will not be realised.

***Recommendation 16:** The ACT Government implement a rating scheme for accessibility and universal housing design.*

***Recommendation 17:** The ACT Government set targets for enrolment of new and existing properties owned by Housing ACT in Specialist Disability Accommodation to improve accessibility.*

The ACT Government response to the Legislative Assembly committee inquiry into the implementation of the NDIS in the ACT broadly supported the re-introduction of a housing advisory service and noted that 'this will be considered in the context of future ACT Budgets'.

NDS ACT has recently partnered with Rights and Inclusion Australia (RIA) to develop the ACT Housing Initiatives Project, with funding via the Affordable Housing Innovation Fund available until 30 June 2020. The RIA project will provide a useful launching pad for an ongoing commitment to a housing advisory service funded through the ACT Budget in 2020/21.

***Recommendation 18:** The ACT Government fund a housing advisory service for people with disability and their families, that builds upon the work delivered under RIA's ACT Housing Initiatives Project*

Funding co-produced expectations for ACT Carers Strategy

NDS ACT notes feedback from members and carers that the current funding allocations are insufficient to meet the expectation created by the ACT Government throughout the co-production process for the ACT Carers Strategy. This includes funding to address the

⁷ See ACT Government (2018) *ACT Housing Strategy* at pp20, 32 & 40:
https://www.act.gov.au/data/assets/pdf_file/0004/1265638/ACT-Housing-Strategy-2018.pdf

mental health impacts on the families and carers of people with disability from having to navigate the complexity of the NDIS and mainstream support services.

Recommendation 19: 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

Increasing inclusion in child and family safety responses

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.

NDS stakeholders have previously 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.

NDS ACT welcomes the inclusion of frontline worker training in this year's ACT Disability Justice Strategy. The training will ensure that all ACT Public Service staff will be trained to recognise and respond to domestic and family violence, and should include content to overcome unconscious bias in providing supports to people with disability.

Recommendation 20: The ACT Government commit to making refuge housing stock more disability accessible.

Testing innovative and efficient accessible transport models

Funding for participant transport under the NDIS remains a significant concern for NDS and its members in the ACT. While work within the NDIA and through Disability Reform Council processes have moved towards a new approach to transport funding, the results of these processes have not yet addressed these concerns. NDS will continue to advocate on NDIS measures that will get the settings for transport back on track, however there are opportunities to improve the availability of transport options for people with disability that fall within the scope of the ACT Government.

Under-utilisation of disability accessible vehicles within fleets operated by disability and community transport providers has been identified by NDS as a key area for potential innovation in the participant transport space, by combining expertise in fleet management with the voluntary pooling of vehicles among disability service providers in a location.

Recommendation 21: The ACT Government provide funding to test innovative and efficient fleet management models involving disability service providers and community transport providers.

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