



2023-24 ACT
PRE-BUDGET
SUBMISSION

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About National Disability Services

National Disability Services (NDS) is the peak body in ACT and Australia for non-government disability service providers. NDS has more than 1,100 members nationally. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Commonwealth governments. We have a diverse and vibrant membership, comprised of small, medium, and larger service providers, supporting thousands of people with disability. Our members collectively provide the full range of disability services, from supported independent living and specialist disability accommodation, respite and therapy to community access and employment. Our platform of National Disability Practitioners has over 15,000 individual members across all aspects of the disability workforce.

NDS is committed to improving the disability service system to ensure it better supports people with disability and their families and carers, and to building a more inclusive community. NDS has a deep commitment to supporting the implementation of a successful NDIS and is supporting service providers across ACT as they work to thrive within the contemporary landscape.

We are grateful to the ACT Government for the opportunity to provide input to assist in the process of shaping the ACT 2023-24 Budget.

Executive Summary

Disability service providers in the ACT continue to operate in a highly complex environment. There is a sense that deteriorating economic conditions are having a significant impact on the sector; our recent State of the Sector Report 2022¹ found that sixty-seven per cent of respondents in the ACT and NSW believe that conditions have worsened, and 36 per cent expect to make a loss in the coming year. Award changes, inflation, tight NDIS pricing and rising costs of compliance are having a significant impact on the economic viability of many organisations, with anecdotal reports indicating that some are considering mergers and acquisitions.

The State of the Sector Report 2022 also found that few organisations plan to deliver new types of services in the year to come, even though approximately 80 per cent were unable to meet the demand for services over the course of the last 12 months. In many cases, this is a direct result of workforce shortages. The sector has long been plagued by skills shortages, though these issues have been severely exacerbated by a low unemployment rate, low levels of migration, and struggles with retention. As the sector emerges from a period of extreme stress following the COVID-19 pandemic, organisations are grappling with retaining their fatigued workforce, who they rely upon to ensure continuity of supports for Canberrans with disabilities, while also trying to attract skilled workers in a highly competitive market.

Shortages of allied health professionals and individuals with specialised skills in providing supports to participants with complex needs are particularly acute and are having significant impacts on the availability and quality of supports.

The complexity of the regulatory environment is also a significant pain point for ACT disability service providers. Intersecting and often duplicative regulatory oversight from both the national and territory levels contribute to a system which is extremely difficult to navigate.

The 2023-24 financial year is poised to bring significant change to the disability landscape at the national level, with the once-in-a-decade review of the NDIS, the final recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of people with disability and a renegotiation of the NDIS Bilateral Agreement between the Commonwealth and the States and Territories. It will be essential that ACT disability service providers, as experts in the provision of services to people with disability, are able to input into these important reviews and reforms and respond effectively to any changes that result.

As the 10 year ACT Disability Strategy is developed and implemented, securing financial support and improvements required for all people with disabilities, including those outside the NDIS, and for providers on the ground in ACT is now. This work must be a priority for the ACT Government in 2023–24.

¹ See <https://www.nds.org.au/about/state-of-the-disability-sector-report> for full report and factsheet outlining key findings

The 2023-24 budget presents an opportunity for the ACT Government to support the sustainability, viability, quality, and safety of disability services to drive positive outcomes for people with disabilities. The development of the ACT Wellbeing Framework also has the potential to drive better outcomes across key areas for people with disabilities.

To support the ACT Government to deliver its budget outcomes, NDS makes the following recommendations:

Priority 1: Support a resilient and skilled disability sector delivering safe and high quality services

- 1.1 Provide targeted funding to address critical disability workforce supply and skills shortages
- 1.2 Invest in Zero Tolerance initiatives to prevent violence, abuse, and neglect toward people with disability including support for the sector to implement the Disability Royal Commission recommendations
- 1.3 Invest in improving sector emergency and disaster management and response
- 1.4 Support high quality services and a strong NDIS

Priority 2: A more inclusive ACT community

- 2.1 Create employment opportunities for people with disability
- 2.2 Address the significant unmet housing needs for people with disability

The ACT disability sector context

Almost 19.4% of the ACT community live with disabilities². This equates to over 80,000 people.

As the first jurisdiction to transition to the NDIS, the ACT continues to make a significant investment in the NDIS. At the end of March 2023 there were 10,060 active ACT participants in the Scheme³. Even at full scheme the NDIS was not designed to meet the needs of all people with disability or to meet all the needs of its participants, therefore, it is essential that investment in the development and growth of quality disability services across all sectors is a focus for the Territory budget as the 10 year ACT Disability Strategy is finalised and implemented.

Concerningly, NDS's State of the Disability Sector Report⁴ based on the 2022 Annual Market Survey reflected a sector less confident than ever in its capacity to operate within current NDIS pricing and funding approaches.

The NDIS market and operating environment

The disability sector is going through a period of substantial change which is challenging the ongoing viability of some service providers in our Territory. The NDIS policy environment is uncertain, with the largest review of the Scheme since its inception currently underway. The NDIA has continued to reduce costs, particularly in Supported Independent Living (SIL), and this is leading to significant concern around service provider sustainability. In the lead-up to the negotiation of bilateral agreements with all States and Territories the time for action on securing the financial support and improvements required for people with disability and for the providers on the ground is now. This work must be a priority for 2023-24.

These challenges are exacerbated by the ever-evolving regulatory framework operating within the sector. A complex national framework is putting pressure on already stretched finances and is pushing some providers to consider whether it is worthwhile to remain registered. NDS is aware that some new providers are choosing to remain unregistered as a result of the significant costs associated with audits, the implementation of new Practice Standards, and other quality and safeguarding obligations that apply to registered NDIS providers, but which do not apply to unregistered providers. The State of the Sector Report found that only 39% of providers were confident that the NDIS Quality and Safeguards Framework supports the quality of services or outcomes. In addition, only 11% of providers think that NDIS pricing and regulation are conducive to providing innovative services that respond to participant needs.

² 4430.0 Disability, Ageing and Carers, Australia, 2018 Australian Bureau of Statistics, State tables for ACT

³ NDIS Quarterly Report - <https://www.ndis.gov.au/about-us/publications/quarterly-reports>

⁴ NDS State of the Disability Sector can be accessed at <https://www.nds.org.au/about/state-of-the-disability-sector-report>

Quality and Safeguarding

NDS is seeing shifts in the market for disability services, which are expected to continue and accelerate. As new providers without extensive experience in the provision of community services continue to enter the market, it is perhaps more important than ever that the sector has access to strong guidance and leadership around promoting safe, high quality services and the prevention of abuse. There is currently widespread community concern about the need for high quality services, with the Disability Royal Commission shining a light on instances of malpractice and increased public discourse around the extent to which transactional or market-based systems can deliver the best quality care for vulnerable cohorts.

Investment in continuous improvement and prevention activities is required. Key initiatives such as the NDS Zero Tolerance program are currently not funded. Furthermore, the current community discussion about consent in intimate relationships and sexual harassment in workplaces has relevance to our sector, and arguably calls for some explicit work building on the Zero Tolerance framework.

Workforce

The disability workforce has been under pressure for a number of years and the ability to recruit, train and retain a skilled workforce remains the biggest concern for providers, not only in the ACT but across the country. Shortages of allied health staff and behaviour support practitioners remain significant. However, even more concerningly the State of the Sector Report showed that the number of providers reporting that disability support worker jobs are now moderately to extremely difficult to fill has risen from 68% to 83% in just 12 months.

The implementation of the NDIS National Workforce Plan 2021-2025 and Local Jobs Program initiatives are aimed at attracting new entrants to the care and support sector. However, it is unlikely that one approach or strategy alone will address the range of interconnected factors which are impacting attraction, recruitment and particularly retention in the sector.

The [NDIS National Workforce Plan: 2021 – 2025](#)⁵ suggests that the NDIS and associated sectors will lose approximately 213,000 workers by 2025. Attracting new workers to grow the workforce is only an effective strategy if a significant proportion of these workers remain in the sector. Training, upskilling and professional learning and development are key to retaining a workforce that can adapt to meet the changing and varying needs of NDIS participants. Providers have noted the importance of ongoing training of their existing workforce across key areas of quality and safeguarding including incident reporting, restrictive practices, and positive behaviour support.

⁵ See the NDIS National Workforce Plan 2021-2025 at https://www.dss.gov.au/sites/default/files/documents/06_2021/ndis-national-workforce-plan-2021-2025.pdf, p.10

The challenge of providing existing workers with training opportunities in terms of availability of suitable opportunities, and the cost of paying and backfilling staff to attend training is significant. Whilst these issues are recognised in the [NDIS National Workforce Plan: 2021 – 2025](#)⁶ no funding for funding or provision for training has been identified in the plan. Similarly, the cost and pricing models used by the NDIS to determine funding include little allowance for training and support and supervision.

Successful implementation of any attraction, recruitment and retention strategies will rely on the sector to develop strategic, long term workforce planning, cultural transformation, leadership skill development and capability yet providers consistently report that these are areas that they need support to build capacity.

Future steps

Through the development of the 10 year ACT Disability Strategy, the ACT Government has an opportunity to promote policies and initiatives which incorporate new ways of working to better support the ACT community.

The disability sector plays a critical role within the ACT community services sector, contributing to local communities, adding social capital, and forming part of the network of social supports that strengthen community wellbeing. It does important work to promote inclusion and fulfilment in the lives of the 80,000 people in ACT who live with disabilities and plays a significant part in promoting wellbeing for their families and informal carers.

The ACT government is recognising the importance of people with disabilities in its commitment to Australia's Disability Strategy and development the ACT Disability Strategy. With its focus on positive community attitudes and behaviours; creating liveable communities; supporting access to meaningful employment and improving access to mainstream services through better systems and processes, the Plan provides an opportunity for ACT to continue to build a strategy to drive greater inclusion of people with disability at every level and in every context in the ACT.

However, to fully realise this opportunity, NDS calls for the ACT 2023-24 Budget to recognise the importance of the disability sector and to provide funding to address the pressing operational challenges and build its resilience. NDS's role in supporting the sector and maintaining two-way information flow and connections between the disability sector and the territory government is critical to ensuring success.

We call on the government to continue working to make this a truly inclusive place, for all members of the ACT community.

⁶ See the NDIS National Workforce Plan 2021-2025 at https://www.dss.gov.au/sites/default/files/documents/06_2021/ndis-national-workforce-plan-2021-2025.pdf, pp: 16, 17 26-28

Recommendations

Priority 1: Support a resilient and skilled disability sector delivering safe and high quality services

1.1 Provide targeted funding to address critical disability workforce supply and skills shortages

There is an issue of supply of appropriate skilled workers within the disability sector, with discussion of workforce demand needing to double in coming years. Worker shortages are now reaching crisis levels, as the demand for services continues to grow. This is particularly critical in relation to therapists, behaviour support practitioners, and skilled disability support workers.

There are also significant issues with the skills of the ACT disability workforce. Despite various attempts to address this, there continue to be disjunctures between the training sector and disability services, with ongoing problems in the applicability of some accredited training programs to the needs of the sector. The NDIS Disability Support Worker Cost Model allows for very limited training and supervision of workers.

NDS is continuing to hear of widespread and deep concerns about the resilience and mental health of the workforce. This has continued as we have moved into the post-pandemic operating environment. Disability providers report they are currently trying a range of strategies to build the mental resilience of their workforce but are seeking more effective strategies and guidance.

NDS is calling for an ACT Disability Workforce Plan to address disability services supply, skills and supports. This would need to sit within the frame of the [NDIS National Workforce Plan 2021-2025](#).

The disability workforce sits within a complex ecosystem of factors, and any effective strategy to address its issues will need to be wide ranging, comprehensive and multifaceted, and involve multiple government and sector stakeholders.

It is recommended that the ACT Disability Workforce Plan be led by the sector, in partnership with government, to ensure it addresses the areas of critical need for the disability workforce. NDS would like to see the ACT Disability Workforce Plan include funding for:

- Establishment of a project to develop disability sector workforce planning across the ACT. Such an initiative would help address recruitment, retention, support, and supervision issues impacting the sector.
- Funding to build supervision and leadership capability for the disability sector including an ongoing alumni network to continue leadership development opportunities and reflective practices.

Such funded initiatives will build skills and knowledge in local organisations to address the

ongoing workforce shortages for disability support workers and other key staff in ACT and ensure that disability providers are able to capitalise on the outcomes of initiatives aimed at attraction and retention such as More Jobs More Care.

1.2 Invest \$30,000 in Zero Tolerance initiatives to prevent violence, abuse, and neglect toward people with disability including support for the sector to implement the Disability Royal Commission recommendations

The work of the Disability Royal Commission will significantly impact the disability sector. As the Commission comes to a close this year and releases its recommendations, disability service providers and Government will be required to invest in new structures and systems not only to ensure compliance, but continuous improvement in how supports are delivered and managed.

NDS has worked proactively with the Performance Improvement & Central Restrictive Practices Team to increase engagement with the sector around the restrictive practices authorisation process and resources available and to build sector capacity. It will be important for the ACT disability sector to understand the new processes and work toward the goal of complying with and enabling the reduction and elimination of the use of restrictive practices.

The [NDS Zero Tolerance initiative](#), which continues to offer a suite of resources to build capacity within the sector to provide high quality disability services that are free from violence, abuse and neglect. The Zero Tolerance Framework outlines practical actions and provides a suite of functional and portable resources that service providers can use to address abuse, neglect, and violence toward people with disability.

The need for the application of the Zero Tolerance framework was highlighted during COVID outbreaks in ACT, when some providers may have increased restrictions during shutdown periods that may be identified as regulated restrictive practices. Furthermore, the Disability Royal Commission's [Statement of Concern: The response to the COVID-19 pandemic for people with disability](#), also identified that the wellbeing of people with disability was identified as a growing concern.

Zero Tolerance resources, with their focus on embedding good practice, require periodic review and development. The resources also need to continue to be actively promoted across all disability services, including to the many new and inexperienced organisations entering the market in recent years. People with disabilities are significantly more likely to experience violence and abuse within their intimate relationships when compared to the general population⁷. However, there are a significant lack of targeted resources to support the sector to lead discussions with people with disabilities around healthy relationships and consent.

Funding for Zero Tolerance would enable the review and further development of the Zero Tolerance initiative.

⁷ <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/justice-and-safety/violence-against-people-with-disability>

1.3 Invest in improving sector emergency and disaster management and response

Events over recent years have tested the emergency planning and management capacity of the disability sector. The COVID-19 pandemic also highlighted how Government emergency management responses can be improved to better support people with disabilities.

We can all agree that people with disability, their support networks, disability advocates and the ACT Government did an excellent job in avoiding what could have been disastrous impacts for those people with disability who are medically vulnerable. Disability service providers played a critical role in this success.

However, this has come at a cost for the sector in terms of accessing and purchasing PPE, pivoting their services to adjust to new ways of operating, increasing their focus on business continuity and managing the impact on staff at all levels in an organisation. NDS has been proactive in supporting the sector to respond and adapt and are committed to continuing this.

The NDIS Quality and Safeguards Commission introduced new practice standards on emergency and disaster management⁸ in 2022 that are aimed at improving provider compliance with their obligations to ensure the health, wellbeing and safety of participants, not only in relation to COVID-19, but also including future emergencies or disasters.

Detailed and effective business continuity plans and processes to assess risk including working with each individual and their supports to identify individual risks and ways to manage these risks will be an ongoing requirement.

Continuing to fund NDS to be proactive in emergency situations would allow the sector to continue to improve its whole of emergency and disaster responses and ensure that relationships between providers and the ACT Government remain strong.

1.4 Support high quality services and a strong NDIS

The ACT government contributes substantial funds to the NDIS and holds power to shape the scheme in the context of the NDIS review and renegotiation of the Bilateral Agreement between the Commonwealth and the ACT on the NDIS. NDS urges the government to use this leverage to push for Scheme settings which drive safe, high quality services provided by skilled, supported workers. The market-based model and investment in NDIS has brought significant benefits to many people with disability, and in particular provided greater choice and control. However, there are people who are faring relatively less well, including those with very complex needs, those in the lower socio-economic deciles and those less able to navigate the complexity of the system.

NDS is also calling on the ACT Government to demonstrate flexibility and openness to invest in 'tier two' supports at the interface between the NDIS and mainstream services.

⁸ NDIS Quality and Safeguards Commission Practice Standards - <https://www.ndiscommission.gov.au/providers/registered-ndis-providers/provider-obligations-and-requirements/ndis-practice-standards-1>

This will include investment to ensure that ACT Government-run systems, including the health, mental health, education, palliative care and justice systems, are accessible and fit for purpose for Canberrans with disabilities. Effective interfaces between NDIS and mainstream funded services not only ensure appropriate services for individuals, but reduce risk to the ACT Government of service gaps and reliance on tertiary and acute responses. While one in five Canberrans have a disability, only a fraction are eligible for the NDIS. There are many people who are ineligible for NDIS funding who also require appropriate disability supports, and a continuing care system. The ACT Government has a significant role to play in ensuring that all Canberrans with disability are empowered and supported where needed to live meaningful lives.

Priority 2: Continue to build an inclusive ACT community

2.1 Create employment opportunities for people with disability

People with disability continue to experience disproportionately low levels of employment at only 52.3% compared to over 82% for the rest of the community. This disparity increases for people with more significant disability. NDS recognises that in this COVID-normal environment, both the state and federal governments are rolling out various initiatives to support people to find jobs. It is critical that such initiatives explicitly include people with disability.

NDS calls for a greater commitment by the ACT Government to enhance employment opportunities for people with disability. There needs to be more work to develop targeted programs and campaigns to support employers in their understanding of the benefits of employing people with disability. Targeted programs would educate, encourage, and support employers in their consideration and hiring of employees with disability.

NDS also calls for the ACT government to procure goods or services from Supported Employment services which produce high quality goods and services while providing supportive and meaningful workplaces for people with significant disability. Procurement from Supported Employment services leverages the government's buying power to deliver social value above and beyond the value of the goods or services being procured. It is recommended that 0.5% of all applicable purchases be committed to supported employment services.

2.2 Address the significant unmet housing needs for people with disability

NDS is an active member of the ACT Housing Solutions Innovation group chaired by Rights and Inclusion Australia. NDS has participated and contributed to the development of their budget submission. To this end we have attached a copy of their submission (with their permission) at annexure 1. This reflects the views of NDS ACT.

Conclusion

NDS calls on the ACT government to recognise people with disability and the disability services sector in its upcoming budget. The sector plays a vibrant and important role within the community services, and its voice needs to be heard, its workforce expanded and supported, and issues of sustainability and quality addressed. The ACT needs to keep working to make this territory truly inclusive for all people with disability and fund the frameworks and initiatives which will achieve this.