



Activ Foundation Inc.
ARBN 060 921 271
Members' liability limited
ABN 11 553 592 765

NDIS QUALITY AND SAFEGUARDING FRAMEWORK

Submission: Activ Foundation Inc.

Acting Chief Executive Officer: Danielle Newport

Date: 28th April 2015

NDIS QUALITY AND SAFEGUARDING FRAMEWORK

Introduction

A review committee consisting of senior managers within Activ Foundation Inc (Activ), met to formulate a considered response to the consultation paper provided on the National Quality and Safeguarding Framework. Some senior representatives from Activ also attended the two sector consultation workshop sessions held on 10 April 2015. The following response is the combined and consensus viewpoint from Activ.

Need for a National Quality and Safeguards Framework (page 12 of 112)

- Discussion within the review committee highlighted the need for sufficient flexibility within the Quality and Safeguards Framework to adjust to the requirements of different jurisdictions and regions.
- It was considered that if WA had a separate Quality and Safeguards Framework, then this would create complications when interacting with service organisations and customers transferring from other states and territories.
- It would also be difficult to compare quality outcomes across the different jurisdictions.
- Activ firmly supports the need for a National Quality and Safeguarding Framework.

Principles (page 13 of 112)

- The consensus was Activ agrees with and supports the principles as outlined in the consultation document.

Elements of the Framework

- It was observed by the review committee that the three elements of the Quality and Safeguards Framework namely the developmental, the preventative and the corrective elements need to be in place and to work together in harmony and close co-ordination.
- The measures that need to be in place will be multiple and comprehensive.

Information for Participants (page 22 of 112)

- It was discussed that generally there were no concerns with the open provision of information.
- Provisions should be made to ensure that organisations such as Activ are able to respond to negative feedback, and to acknowledge/ mobilise positive feedback (e.g. similar to customer feedback forums on Trip Adviser).
- There was a lack of support for a 'one stop' shop for the provision of all information, as having demonstrated limited success in the recent past.

- The review committee supported the provision of multiple sources of information and the use of multiple media channels to inform and support the different types of disability and the customers impacted
- **Safeguards (page 25 & 27 of 112)**
 - Discussion was held around current relationships with Local Area Coordinators (LAC) vs the lack of relationships with planners (National Disability Insurance Agency, NDIA).
 - Advocacy and Individual Advocacy – these functions need to be formalised to safeguard people living with disabilities and needs to sit outside of organisations/ service providers to encourage and maintain a high level of due diligence.
 - It is recommended that growths funds are made available to support the expansion of advocacy organisations, both for individual and systemic advocacy.
 - Competition drives quality when participants have a choice; high quality in services is measured by effective outcomes for people living with disabilities.
 - The person with disability will choose the high quality service provider.
 - Individualised funding and the portability of funds acts as the final authority and safeguard for people living with disabilities.

Oversight Body (page 32 of 112)

- The overall consensus was that there was no need for an oversight body, but the structure would need to be changed within NDIA so that it can be held accountable.
- One recommendation is the CEO of the NDIA could be made responsible to Federal Minister, not to the Board of the NDIA. This would assist to control the potential for a perceived conflict of interest within the NDIA.
- It would also reinforce the role of the Federal Parliament via the Federal Minister to act as an oversight function for the agency.
- Another oversight function would be the reinstatement of the Disability Commissioner on the Human Rights Commission to manage and resolve infringements of the human rights of individual people living with disabilities.
- The enactment of these two relatively cost efficient safeguards would diminish the need for a separate, new and costly oversight body.

Registration Options (page 46 of 112)

- There was significant debate within the review Committee between option 2 and option 3. Whilst option 3 was recommended, it was considered that option 2 created more flexibility of choice for participants.
- The argument against option 3 was; how can we encourage freedom of choice but restrict people's options? The concern raised around option 2 was that reduced barriers to entry could open up the opportunity for exploitation of people living with disabilities.

- It was also noted that the market would dictate and eventually eliminate disingenuous service providers, and that advocacy organisations could act as a mechanism for reducing exploitation of people living with a disability (see Safeguards above).
- To comply with option 3, service providers would be required to comply with all requirements under option 1 and 2, plus they would participate in a quality evaluation that would focus on the participant's experience of the service they have received.
- The assessment would be conducted independently of both the NDIA and the service provider.
- The quality assessment, once completed, would be required to be made public on the website of the service providers.

Complaints (page 56 of 112)

- It was noted that option 2 was close to what is currently in place, though this may be difficult for some service providers.
- Discussion related to the CRRS (Complaints Resolution Referral Service) which is a national complaint information hub that currently exists and is accessed by people living with disabilities. This service may be maintained into the future.
- The consensus of the committee was in favour of a hybrid option, combining option 2 and option 3b.
- The process would need to encourage a receptive complaints culture within the service providers and encourage the process of mediation and negotiation, supported by individual and systemic advocacy.
- The consensus of the review committee was for a Disability Complaints Office, independent of the NDIA to be established to respond to complaints that cannot be resolved between the service provider and the participant.
- This would be a national agency, with a local office and take the place of Health and Disability Services Complaints Office (HaDSCO) within WA.

Ensuring staff are safe to work with participants (page 65 of 112).

- Option 3 was favoured, with the combination of some support from option 4.
- In this option, a screening agency would assess the potential risk a person poses.
- Checks would be conducted on potential employees, drawing on broader information than police checks and assess whether the potential employee would be a suitable person for future employment within the disability sector.
- The screening agency would make a recommendation regarding employing or not employing the person.
- It was proposed that the employer has the ultimate accountability, with the final decision on employment to be made the responsibility of the Chief Executive Officer of the disability sector organisation.

Safeguards for participants who manage their own plans (page 73 of 112).

- Option 1 was favoured, with built-in mechanisms (e.g. employment clearance card similar to the National Police Clearance/ Working with Children's Check) to ensure ease of assessing service provider risk.
- The capability of the person living with disabilities to manage the risks involved would need to be assessed.
- There would be the attempt to build the capacity of participants to manage their own risk.
- Ultimately participants would be free to choose between registered providers and the additional assurance that process may bring, or unregistered providers who have not been through the checks associated with registration.

Restrictive Practices (page 81 of 112)

- There was a strong negative response to the adoption of option 1, a voluntary code of practice and guidelines. This has been demonstrated as not providing sufficient protection in the past.
- Option 3 was highly favoured, with the ability to have some elements of option 4.
- This option proposed a specific panel of qualified people who work for the service provider, that would be legally permitted to authorise a positive behaviour support plan, which may include the use of restrictive practices.
- The members of the panel would be assessed for competence and experience and approved for this purpose.
- Records and minutes of the process and outcome would need to be maintained and retained, for external review if required.

Mandatory Reporting (page 84 of 112)

- Support provided for increased transparency via the serious incident reporting process, as currently exists.
- It was considered that option 3 would be too onerous; option 2 was favoured by the review Committee.
- If option 3 was adopted for the previous issue (Restrictive Practices), then this would also provide support option 2 for this particular issue.
- There was no clear support for the proposal for mandatory reporting, apart from the serious incident reporting process outlined above.
- It was considered that the consultation questions used in the workshop on this issue were poorly constructed and framed.

Summary and Conclusion

To summarise, the internal review committee in Activ is in favour of adopting the National Quality and Safeguarding Framework. Activ recommend maintaining the watchful balance between risk and the imposition of a highly regulatory framework by

adopting the middle ground (either option 2 or option 3 as outlined above), for the majority of the areas of review.
Thank you for the opportunity to provide comments and feedback.