



care DIGNITY  
respect  
change HOPE

A place for quality and quality  
in its place

Submission in response to:

Proposal for a National Disability  
Insurance Scheme Quality and  
Safeguarding Framework

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[www.anglicare.asn.au](http://www.anglicare.asn.au)

## Anglicare Australia

Anglicare Australia is a network of over 40 independent local, state, national and international organisations linked to the Anglican Church and which share values of service, innovation, leadership and the belief that every individual has intrinsic value. Our services are delivered to one in 45 Australians, in partnership with them, the communities in which they live, and other like-minded organisations in those areas. In all, over 13,000 staff and more than 7,000 volunteers work with over 600,000 vulnerable Australians every year delivering diverse services, in every region of Australia.

Anglicare Australia has as its Mission “to engage with all Australians to create communities of resilience, hope and justice”. Our first strategic goal charges us with reaching this by “influencing social and economic policy across Australia...informed by research and the practical experience of the Anglicare Australia network”.

## A place for quality and quality in its place

The commencement of the National Disability Insurance Scheme was a defining moment for Australia's social justice legacy. It took principles of agency, person-centredness and trust and built a system that enhanced them rather than diminished them with overly burdensome regulation and protocol that sought to 'protect' people from themselves. Whilst an insurance based scheme generally seeks to minimize it, the NDIS affords people the *dignity of risk*. And we need to remember that as we move forward in designing a system wrapping around the NDIS to assure the highest quality standards are met and the most appropriate safeguards are in place.

In preparation of this response, Anglicare Australia conducted workshops with the network membership to understand how the quality and safeguarding framework fit with their understanding of the NDIS and the way forward. As a result, Anglicare Australia will be making general comments in regard to the framing and direction of the Framework rather than responding to each of the sets of questions.

Overall, Anglicare Australia is pleased that the discussion around quality and safeguarding is being had. It is an important aspect of protecting the system against the disparate and fragmented approach to service delivery in the disability support sector that led to the implementation of the NDIS. However, Anglicare Australia does have concerns that the approach taken steers too much toward the direction of safeguarding, and not nearly enough toward quality. This may be in part due to an ill-defined intent of the framework.

### What is the intent?!

In the consultation paper the need leading to and the principles underpinning a quality framework have been well mapped out. Less well mapped out is the intent of the quality framework. After demonstrating that we need a framework, there is a less than adequate description of what a framework might be. It states that it will "be designed to give participants choice and control over their supports and allow people to take reasonable risks to achieve their goals." In effect, it has the same goal as the NDIS, but still, what is it and what will it do?

The framework will be "risk based". Ok, but what is it and what will it do?

The framework will "target those areas where the dangers are greatest and the consequences of harm most severe." Fair enough, but what is it and what will it do? And in regard to protecting against dangers, how will it be determined which is an acceptable risk and which isn't and how does it fit with the concept of dignity of risk and the supports that "allow people to take reasonable risks to achieve their goals"? The risk is that the balance is too heavily on the side of paternalistic safeguards and too light on quality which runs the further risk of overlaying the risk *averse* systems of the past. We could also discuss the use of the word "allow" here which we feel has overtones not conducive to the NDIS but is perhaps not the forum to do so.

At this point, this framework is more about safeguards than quality. It is taking a risk-based approach to protect an investment. It does not seek to embellish or embody those hallmarks of the NDIS for which it is lauded. At least not yet.

In Anglicare Australia's view, a quality and safeguarding framework:

- Ensures that the NDIS achieves the standards of service to the Australian population that it was designed to achieve; and
- Ensures that the integrity of the system and those who access it is maintained.

Without a clear purpose for the framework it becomes subject to scope creep. Tinkering at the margins shifts the boundaries until the original intent becomes lost in the detail. A clearly delineated intent or purpose— what the framework seeks to achieve— is absolutely necessary in guiding the ensuing conversation. And it is a good conversation to be having.

## Too much too soon?

In reading the paper with its associated options for oversight and regulation it gave reason to pause and consider where we are at with the NDIS that we might know that the proposed options are warranted. We each have our own experiences in the implementation of the NDIS launch sites but as far as Anglicare Australia is aware, no preliminary findings have been made available through the evaluation framework nor has the National Disability Insurance Agency published any administrative data that would allow the public to develop a position on any of the preferred options. This may be in part because we just don't know yet how the application of the systems and processes will settle and as such we do not know yet how to regulate them or safeguard them. In short, we do not yet know enough about the work we do now so it is too early to be talking systemic processes.

As part of our approach to the development and application of evidence informed/based best practice, Anglicare Australia supports a number of special interest networks within the broader network of members. These networks provide an opportunity for network members across the country to come together to challenge, support and lead each other in the pursuit of best practice. A primary activity of the networks is to take stock of current practice and policy issues and how these impact on or should be incorporated into the delivery of services to those who need them. The most recent network to commence is the Clinical and Care Governance network.

### ***Clinical and Care Governance in the Anglicare network***

The Clinical and Care Governance Network covers a wide range of services with people of all backgrounds and circumstances, with varying levels of responsibility and engagement with service users. In that context then the notion of risk, and even of the definition of an incident for reporting, appears very different for profoundly disabled or frail and aged people in residential care compared to active young people accessing youth services or those living independently with episodic mental illness.

Most immediately, as a first step, network members have begun to exchange information on the various technologies, procedures and approaches to quality improvement that are working well for them in these different settings. This is a relatively new conversation for the Anglicare network and we are keen to see where there are lessons or approaches that can be brought across from one setting to another

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and learn from each other how an organisation's various quality and accountability systems can be aligned in the new consumer directed environment.

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From the above example it can be seen that Anglicare network members are in a similar position to the NDIS. We are seeking to improve the quality of services and the quality of outcomes for service users through an investigation of those models and practices that have shown to have had a positive effect. While driven by the pace set by the implementation of the NDIS and Aged Care reforms it is a conversation that walks alongside the development of agencies, not pre-empting the directions agencies take as they improve services to support people, but not lagging behind either, exposing the agency to *undue* risk.

There is a message in that for this conversation too. The conversation around the quality and safeguarding framework should be conducted in parallel with the implementation of the NDIS, not pre-empting its outcomes, nor exposing the scheme to threats that might compromise the integrity of the overall system.

## The transformative approach

What's transformative about this approach to quality?

Again, the NDIS in the progressive and person-centred approach to support sought to be transformative in the change that it affected. The NDIS values webpage signals to the public that "if we are to provide a service that transforms the lives of people with disability, we need to have a transformative way of working together".<sup>1</sup>

The current quality and safeguarding framework harks back to yesterday rather than reaching for tomorrow. The proposals seek to impose structure without a clear purpose or process. Over regulation denies people the dignity of risk and cuts across the notion of self-managed care. And so the focus really should be in this early life of the NDIS on the **Developmental** aspects of the quality and safeguarding framework, leaving the Preventative and Corrective aspects not until later but until more is known. The Developmental aspect best embodies those principles that have come to be associated with the NDIS and is best placed to lay the future ground work for conversations around prevention and regulation.

Anglicare Australia is not ignorant of the fact that systems are in place that are delivering on the promise of the NDIS and that those systems need protocols to protect people from harm. The balance must be struck however in providing adequate protections for people while the system grows. A balance between getting it in place and getting it right!

As it stands it seems that the discussion has moved too quickly to too narrow options. The conversation needs to continue to evolve and allow practice to determine the path. Anglicare Australia suggests an iterative conversation around quality and safeguards: commencing with the quality framework and establishing those parameters that will frame quality service, quality process and quality outcomes. There are general consumer protections already in place that can support that process and over time transitioning into those conversations around regulation when the drive toward quality or existing consumer protections aren't enough.

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<sup>1</sup> <http://www.ndis.gov.au/document/1396> accessed 12 May 2015

## The wheel

Comments from the Anglicare network focused on the idea of not re-creating the wheel. There are general consumer protections already in place that could sufficiently fill the void until such time as more information is at hand to make informed decisions around need for and the process of protecting consumers and regulating the sector. As the sector develops and the NDIS matures more will be known about those aspects which are truly unique for the disability sector. Resources should be invested in the development of those systems rather than creating a mirrored system to sit over the top of an existing one.

This is not to suggest that the development of these systems should be reactive, and formed in a crisis setting but rather, an iterative conversation between the department, consumers and the sector, using the evidence the Department has at its disposal, including anecdote and grey literature.

## Quality Outcomes

As noted above, Anglicare Australia takes the view that the consultation paper has progressed too quickly to too narrow a view of quality. Moreover, though quality is billed as a headliner, the content of the paper and subsequently the direction of the framework is more in the direction of safeguards and protections. The question that the NDIS seeks to answer is: at the end of the day, has a person made for themselves a better life? The focus on personal outcomes for people and how these are achieved through quality and continuous improvement processes is absent. The Aged Care sector has progressed further down this path with the development and piloting of quality indicators including in the first tranche of indicators a quality of life/consumer experience measure. Without any point of reference in a Quality Framework we have to ask, how are we determining quality?

## Where is the NDIA?

If this consultation paper focused only on the Safeguarding Framework, the advice around an iterative process and building in the time to allow the NDIS to mature and build an evidence base would be the same, however, the proposed framework would be closer to what it says it is addressing. However, even in that regard there is a notable absence and that is the broader role of the National Disability Insurance Agency.

As the agency tasked with the governance of the NDIS it seems that it should have a greater prominence in the discussion around a framework that seeks to mimic, or in the very least support, the role of the Agency. And if they are not the same then again, this comes back to identifying the intent/purpose of the framework to differentiate it from the NDIA. However, assuming that the two are mutually agreeable then it would follow that the role the NDIA has in implementing, enforcing, regulating the framework should be apparent. Will the NDIA adopt the roles of funder, regulator and innovator? In which case there are concerns around function ambiguity and transparency.

## Final general comments

The disability sector is poised on the cusp of radical change, now is not the time to be limiting the scope of opportunity by regulating too heavily. The conversation around quality and safeguards is a welcome one and presents an opportunity for a dynamic discussion moving forward.

A way forward: identify what the framework is to achieve and then determine a strategy to address that goal...together. Much of the work on this framework to date seems to have been done behind closed doors.

Let's not lose the philosophy and intent of the NDIS in processes reminiscent of the past. The NDIS is an opportunity to find a respectful and transformative way of working together.