

29th April 2015

National Disability Insurance Scheme
Quality and Safeguards Consultation Team
(submitted online at <https://engage.dss.gov.au/ndis-qsf/submission/>)

Re: Proposal for a National Disability Insurance Scheme Quality and Safeguarding Framework

To Whom It May Concern:

Disability Sport & Recreation is pleased to contribute to the consultation process for a *National Disability Insurance Scheme Quality and Safeguarding Framework*. Our submission outlines the key considerations within this framework we believe are necessary to give participants and their families the best opportunity to take part in sport and recreation and so they have a positive experience first time and every time.

Disability Sport & Recreation is the health promoting peak body for the disability sport and recreation sector in Victoria. Our mission is to provide and promote positive health outcomes for Victorians with disability through participation in sport and recreation. We operate on and advocate for person-centred approaches to participation. As part of our commitment to equity and access, membership is free. Only individual members who identify as having a disability can vote on constitutional matters. As a charitable organisation, we'll help any Victorian who identifies as having a disability to take part in sport and recreation, regardless of how their disability is acquired or whether or not the person is receiving any type of funded supports.

We welcome all opportunities that help remove the barriers and instead enable Victorians with disability to take part in sport and recreation. The National Disability Insurance Scheme can reduce economic barriers for participation, but there is also an opportunity to include sport and recreation in the discussion so more people with disability can get involved and enjoy the health and social benefits of taking part. Sport and recreation also provides much needed informal respite for carers. And some sport and recreation activities can be enjoyed together.

We are keen to discuss the matters raised in this submission in more detail, or to provide additional information to the National Disability Insurance Agency.

Sincerely



Rob Anderson
Chief Executive Officer

Encl:

Infographic: Disability Sport & Recreation (who we are and what we do)
Link to Annual Report 2013-2014: <http://annualreport2014.dsr.org.au/>

Submission by Disability Sport & Recreation to:

Proposal for a National Disability Insurance Scheme Quality and Safeguarding Framework

1. Building Participant's Capacity

1.1. Disability Sport & Recreation (DSR) supports a consumer-driven model to help participants decide the type of sport or recreation programs they'd like to take part in now, or in the future. Publishing a list of accessible, inclusive sport and recreation services online gives participants an understanding of *what is possible*. DSR has developed *Score!* an online directory of sport and recreation services in Victoria, searchable by disability-type and location at www.scoredsr.org.au *Score!* went live on 3rd December 2014 and currently has a total of 1,080 users including Victorians with disability, sport and recreation service providers and programs, and people who are part of a support network of a person with disability.

1.2. A key component of *Score!* is that Victorians with disability can rate services and comment on programs they've experienced through the website. The comments and ratings are published on the website after approval by our moderator. These ratings and comments trigger eligibility for the first consumer-lead accreditation program in the sport and recreation sector called *Top Score!* If Victorians with disability consistently rate the program highly, eligibility is triggered. If a consumer posts negative feedback about their experience at sport or recreation program, and the service provider responds publicly on *Score!* and takes appropriate action to remedy the situation to the consumers satisfaction, then eligibility may still stand. In this way, the voice of Victorians with disability drives change where it is needed.

At the time of submission, no providers have reached eligibility for accreditation as more promotion of the website is required so that Victorians with disability use it. However, the accreditation procedure is in place. Providers will be vetted by DSR before accreditation status is awarded. Accredited providers can then display a logo that shows they have reached the *Top Score!* consumer standard. Accredited services are monitored by DSR and positive feedback must continue to ensure status is maintained. Accredited providers will also be distinguished on the *Score!* website, and anyone can filter search results to show only sport and recreation programs with *Top Score!* status. We hope *Top Score!* will give Victorians with disability confidence about choosing the right sport or recreation program.

1.3. Despite the social inclusion value and health benefits, we are concerned that participation in sport and recreation is not being properly considered as an option when a participant's plan is developed. It's often a case of *what you don't know, you don't know*. This might be that a participant doesn't know what kind of sport or recreation activities are even possible for them. It might be that the disability planner doesn't ask the participant about sport or recreation activities. Sometimes carers are concerned about risk of injury through sport or recreation. Many health professionals don't "prescribe" sport and recreation as an aid to increase strength, mobility, independence and for good mental health.

Research (Shields N & Synnot A 2010) shows that for Victorian children with disability, there is disconnection between service providers, parents don't know what appropriate programs are available, and for those children who are taking part many aren't doing the type of program they'd really like to be doing. Finding the right sport or recreation activity based on an individual's needs, goals, interests and ability takes considerable research time and industry expertise. As people's health conditions change, or their interests, skill level or place of residence changes, so does the need to reassess sport and recreation programs that are suitable.

1.4. We're continuing to develop resources to show what is possible in sport and recreation for Victorians with disability to inspire participation. This video tells the story of three young Victorians with disability:

<https://www.youtube.com/watch?v=1DpXmWVzfJo> (4 mins 25 seconds)

1.5. The annual Victorian Disability Sport & Recreation Festival (www.dsrf.org.au) is a week-long celebration of International Day of People with Disability. The Festival is a market-place of accessible, inclusive, sport and recreation which showcases the range of opportunities available for Victorians with disability.

Highlights of the 2014 Festival can be viewed here:

<https://www.youtube.com/watch?v=YP0ZnZOcodc> (2 mins 37 seconds)

1.6. Publishing information on what sport and recreation opportunities are available on *Score!* and educating health professionals about their role in promoting sport and recreation through our *Rehabilitation to Recreation* program are some of the ways we currently contribute to the capacity building effort.

2. NDIA Provider Registration

2.1. Disability Sport & Recreation supports transparency and accountability for all service providers under the NDIS. Publishing results from either an evaluation or quality assurance system can inform continuous improvement of services and identify trends so that action can be taken where needed. Any accountability mechanism that facilitates participant's choice, control, and delivery of quality sport and recreation services that meets a participant's expectation is supported. We believe that sport and recreation services should not be self-regulated, and that a published quality evaluation or external quality assurance system would be more appropriate. Furthermore, consumer-driven standards must be incorporated.

2.2. Sport and recreation services are delivered in a wide range of settings and by a wide range of providers. The settings can include disability-specific groups, activity-specific groups, *mainstream* groups or a combination of these. The providers include local government, clubs and associations linked to a State Sporting Association, clubs and associations without a corresponding peak organisation, disability service providers, community centres and neighbourhood houses, community groups and student groups, not-for-profit organisations, for-profit or commercial organisations, disability sporting organisations etc. The disparity between settings and service providers, although each offering sport and recreation services, means there is no relevant code of practice or industry standard to work under. Disability Sport & Recreation's *Top Score!* consumer-driven standard (discussed above at 1.2) is part of our solution, and is applicable across the whole sector.

2.3. Sport and recreation services are eligible for registration as a service provider with the NDIS yet many do not have a person-centred focus unless they are funded to do so. There is a risk that registration as an NDIS service provider attaches an *instant expert* status on disability issues to traditionally non-disability sector organisations. At the time of this submission, State Sporting Associations and a small yet diverse range of other sport and recreation services (including DSR) receive state government funding to support Victorians with disability to participate in sport and recreation under Sport and Recreation Victoria's *Access for All Abilities* Program. However, the majority of these service providers are not bound by the *Disability Act 2006* (Vic) and the person-centred focus and rights that come with it. Disability Sport & Recreation is a registered disability service provider and so meets the requirements under that Act. Sport and Recreation Victoria funds sport and recreation services under the "fitness and general health for the people of Victoria" purposes of the *Sport and Recreation Act 1972* (Vic).

This raises many concerns for registration requirements of sport and recreation service providers in Victoria because there is currently very little accountability required in delivering services for people with disability either through industry codes, legislation or through state government funding contracts. There is no legislative framework to embed person-centred practice. There is no requirement to specify how risks are managed. There is no requirement to incorporate participant's feedback or concerns to service delivery. There is no requirement for systems for handling complaints. Reports submitted by funded organisations to deliver sport and recreation services for Victorians with disability are not publicly available, so there is no data for bench-marking, setting standards or changing systems. There is accountability for the State Government and Local Government as public authorities must act in a way compatible with the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

These issues must also be considered by way of VicHealth's funding of sport and recreation services which can be for the purpose of supporting physical activity through sport and recreation either generally amongst groups of people who aren't active enough, or specifically to reach Victorians with disability.

- 2.4.** Under the NDIS a published evaluation or progress under a quality assurance system provides a necessary reference that supports the choice and control purposes of the NDIS.
- 2.5.** Published results under a mandated independent quality evaluation or external quality assurance system should include specific quality indicators or systems of review where a registered service provider is both managing a participant's plan, and delivering the services under that plan. It is possible for a service provider to direct participants to their own programs. In some cases this is entirely appropriate. In many cases it won't be. The possibility was highlighted recently in a *Four Corners* investigation "*The Jobs Game*" (23rd February 2015) when Job Services Australia contractors were being funded to find people jobs and then also being funded to provide them job training. Standards for service providers and their quality reporting, evaluation or accreditation systems should include an indicator or a trigger to identify excessive numbers of participants who are paying for services delivered by the same service provider who is developing or managing the participant's plan. This recommendation is not to undermine the presumption of capacity, but rather intends to ensure service providers are accountable and transparent, and have the participant's best interest as the priority.

3. Systems for Handling Complaints

- 3.1.** Disability Sport & Recreation supports a complaints handling system that is balanced, accessible and responsive to all NDIS participants accessing services or supports regardless of how those services or supports are funded. Services must have appropriate complaints systems in place and it is important for an NDIS complaints system to be independent of service providers. We believe a self-regulation model is not appropriate for sport and recreation services. That participants could also complain to an independent organisation that services could sign up to could provide additional safeguards and promote quality services for NDIS participants.
- 3.2.** Sport and some recreational activities have an additional layer of rules intended to ensure equity among participants. There are rules around age groups, disability classification, gender and the type of equipment that can be used for example. However, in practice the rules often produce an inequitable result for people with disability.
- 3.3.** Even when there are internal policies that allow consideration of individual participation needs, and where formal complaints procedures are followed, the outcomes are not always in the best interests of people with disability. This issue is highlighted in Holly's story. The football club and the coach were happy for Holly to play one age group under Holly's age. However the AFL did not agree. They insist Holly play in a new team according to her age. Yet, the AFL has policies in place allowing flexibility to consider a player's disability. Holly's parents explained the situation and then submitted a formal complaint, but at the time of this submission the AFL's decision stands. Disability Sport & Recreation's Facebook post about Holly on 22nd April 2015 is replicated below:

Holly's story was a shining example of inclusion and how taking a person-centered approach really works for everyone's benefit. Sadly, Holly's story is now one of discrimination, marginalisation and exclusion. She's older than the children she plays footy with, but because of her disabilities, playing with younger kids in a smaller, more inclusive club is what's best for her and her family. We must always work with the individual, look at their abilities and interests and help them achieve the health, wellbeing and happiness they are entitled to. Let the AFL know you want Holly to play the sport she loves, with the team she knows and the coach she trusts. [#lethollyplay](#)

3.4. Holly's story highlights an imbalance of power, and challenges even though formal complaints systems are in place. An advocate or independent organisation that understands the sector or industry could be beneficial for others facing circumstances like Holly's even when family or other support networks are there.