NDIS National Quality and Safeguarding Framework Consultation

Submission



**222 Bank Street**

**South Melbourne VIC 3206**

April 2015

Arts Access Victoria

A designated lead organisation for arts and culture in Victoria, Arts Access Victoria is the state’s peak body for arts and disability and a key member of the Arts Industry Council of Victoria (AICV). Established in 1974, Arts Access Victoria is dedicated to an ambitious agenda of social and artistic transformation for people with a disability, the communities in which they live, and the arts sector in which they aspire to participate without barriers. The organisation achieves this vision through: disability led advocacy; the delivery of outstanding community arts and cultural development programs for people with a disability; professional development programs for artists with a disability aimed at securing employment outcomes and best practice industry development initiatives that drive the engagement of organisations across the arts, disability and community sectors.

Background

As Victoria’s peak arts and disability organisation, our major focus is the development of the arts and cultural sector to increase opportunities for people with a disability to become engaged as artists, arts workers and audiences. Our experience has been that most arts and cultural organisations, irrespective of their governance arrangements, operations and resources, have limited experience of Quality Assurance systems of the type that is the subject of this consultation. The primary focus of arts and cultural organisations is to seek quality in the pursuit of artistic and creative outcomes for individuals and communities, and more recently, to collect and provide evidence of their cultural, social and economic impact for dollar investment.

The notion that cultural participation is a right of citizenship is one that is embedded throughout the arts community. Whether it is the International Covenant on Economic, Social and Cultural Rights or the UN Convention on the Rights of Persons with Disabilities, the arts are where we expect to find communities that openly embrace inclusion.

Unlike ‘traditional’ disability support services, arts and disability programs across art forms (theatre, dance, literature and visual art) have always been designed around person centred models, with a focus on career pathways for artists with disability and mental health issues, employment in the arts as artists or administrators, or enabling creative aspirations and cultural participation for people with a disability. This type of activity takes place largely within an arts and cultural setting which sits outside the disability services sector, for example, through local art programs, within cultural venues (libraries, theatre, galleries), through festivals, workshops, public programs and in education settings, and through the independent work of individual artists, writers and producers. Because of this, the arts and disability sectors are ideally placed to embrace the potential of NDIS to deliver greater community inclusion.

Despite a forty year track record of providing outstanding arts and cultural programs to Victorians with a disability, only recently (in the last six years) has Arts Access Victoria become familiar with quality frameworks. Prior to the establishment of the DHS Quality Framework and requirement for DHS funded organisations to be externally audited, we, as with other arts and disability organisations, had no formal quality assurance policies and procedures to support this undertaking.

It is our belief that the Victorian arts and cultural sector lacks adequate understanding of contemporary issues relating to disability and the implications of the NDIS, and that there is currently a huge disconnect between the quality and risk management systems and compliance frameworks within which it currently operates and those outlined in the *NDIS National Quality and Safeguards Framework* consultation.

In this context Arts Access Victoria maintains:

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| 1. **There is a need for greater awareness of disability and mental health issues within the arts sector and what these issues mean for arts and cultural organisations, for audience development and creative innovation;** 2. **There is a need for arts-specific capacity building to support the planned inclusion of people with disability and mental health issues as audience, employees and artists in the arts and cultural sector;** 3. **There is a great need for capacity building work to support the arts and cultural sector to meet challenges in a way that generates the best outcomes for artists and audiences with disability and to increase their participation in arts and cultural life – for example, by creating internships, mentorships, creative development opportunities and employment for people with disability in the arts;** 4. **There is support for the development of a consortium of arts sector leaders in arts and disability that is industry led and draws on the combined experience of the arts and disability sector.. This leadership will ensure the engagement of the broader arts industry;** |

A Quality Framework for Arts and Disability

In most cases, a quality framework for arts and disability sits on the ‘light touch’ end of the regulatory/safeguards continuum outlined in the *NDIS National Quality and Safeguarding Framework*. Victorian organisations in receipt of Victorian Department of Human Services funding, including Arts Access Victoria, already comply with, and are audited against, a tightly regulated set of requirements as funded disability service providers.

Arts Access Victoria:

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| 1. **Maintains a quality assurance system is an important part of providing choice for people with disability. However, we believe that to ensure quality - participant aspirations, outcomes and experience must be an overt part of the framework;** 2. **Argues that a quality framework must provide for a range of settings (non-disability) and a range of services (arts, cultural, sporting, recreational, health and community) for real choice to be available to people with disability and mental health issues;** 3. **Supports a quality framework that provides a continuum of regulatory requirements to align with community expectations regarding general safeguards in mainstream settings, and to be commensurate with the service/program being provided;** 4. **Supports a national framework, rather than a state-based or state-aligned framework;** |

For Arts Access Victoria, the establishment of an in-house quality assurance system built a greater understanding of the regulatory and compliance environment within which we operate. It facilitated a whole of organisation conversation about the interdependencies between the different parts of our organisation.

It has allowed us to identify, articulate and document our strengths, namely:

* our processes to support the empowerment of individual artists within our program,
* the creative strategies we use to ensure our practice is led by the needs and aspirations of participants, and
* the way our programs contribute to significant change in the lives of participants and their communities.

It has also provided a lens through which we have been able to identify weakness and plan for continuous improvement.

The *NDIS National Quality and Safeguarding Framework* Consultation presents an opportunity for us to reflect on the question ‘’what part of the existing QA system / landscape do we value the most?”

It is our view that:

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| 1. **A new national framework as outlined is skewed towards safeguards rather than principles that steer organisations to deliver positive individualised outcomes for people with disability and mental health issues. This is especially the case with those organisations that sit outside the disability service and mental health sectors, such as arts and culture organisations;** 2. **Arts and disability organisations have always operated on an individualised person-centred basis, with programs built around the personal aspirations and goals of participating artists. Arts and disability, as a sector, has a proven and enviable record of realising the aspirations of the participants, across art forms;** 3. **A new national framework must focus on ‘quality’ as it relates to participant aspirations, goals and outcomes and avoid a focus on system and process compliance to the detriment of the person with disability ;** 4. **A quality accreditation process must have, at its core, participant satisfaction, along the lines of the National Disability Standards;** |

Cost and Resource Impost and Non-Disability Support

As with most cultural organisations, Arts Access Victoria started from a relatively low base of knowledge and experience of quality systems. In preparing for the new Victorian requirements, we found we had to invest a significant amount of resources, both financial and human, to the development of policy and procedures, as well as workforce development to support their implementation.

We estimate this process cost us in excess of $60,000. We received no additional funding to support the development of our quality system, nor for the ongoing costs of annual auditing, a cost which has to be taken from our operations budget. For the vast majority of community arts and cultural development organisations, having to find and potentially redirect this level of investment, is a crippling proposition. Arts Access Victoria is a small organisation. We and the sector more broadly, simply do not have the resources to allocate to this without impacting on resources available for our core business.

It appears that the capacity of organisations to resource this quality assurance work has (once again) not been factored into policy development, and the development of a national quality framework. The very real challenge for Arts Access Victoria, and other organisations like us, is that we are expected to find the resources within existing budgets. Given the pressures on small to medium arts organisations such as ours, this is a tremendous challenge.

Arts Access Victoria advocates that:

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| 1. **The costs faced by organisations to operate within the new framework must be quantified, on an organisation by organisation basis, with a one-off grant made available to establish and develop the requisite systems and processes;** 2. **Templates and other resources should be developed and provided to organisations to support their transition to the new framework and ongoing compliance. Resources must be specific to an industry, especially for those organisations providing services to people with disability or living with mental health issues, that sit outside the disability services sector (for example, arts and culture service providers);** 3. **The NDIA should engage directly with organisations from sectors outside disability to understand their specific requirements, and develop relevant sector-specific resources. This will go some way to compensating organisations outside the disability sector for the extensive support provided to disability organisations, disability industry and peak bodies such as National Disability Services;** 4. **NDIA should work in collaboration with non-disability peak bodies and industry representatives to activate those sectors to participate in the NDIS through the provision of services to people with disability or living with mental health issues, thereby increasing their participation in the community;** |

WORKFORCE

Workforce is a major issue. As a cultural organisation, Arts Access Victoria employs artists to lead and develop the work with participants. We find we need to invest an enormous amount of time developing in these artists an understanding of quality systems and key concepts such as ‘evidence’, as well as translating our ‘art speak’ into a language that can be understood within a disability standards framework.

As we work predominantly with a casualised workforce, typical of our sector, Arts Access Victoria has had to find additional resources to pay such staff to attend training and professional development relating to quality assurance, in which they had no former grounding. This is a time consuming and expensive process. Overall, we found the process of developing a quality assurance system to be an onerous one, lacking in clarity and parity.

Arts Access Victoria argues strongly that:

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| **The *National Quality and Safeguarding Framework* should not be a one size fits all. The system must be tiered, with requirements that are commensurate with the nature of the service and that reflect the setting in which that service is provided. This aligns absolutely with a person’s right to choose their support and services, and it takes into account the informal (community) as well as formal services;** |

Building Capacity

The intersection between consultations for the NDIS Information, Linkages and Capacity Building and the National Quality and Safeguarding Framework is most obvious in the area of capacity building. A whole of community response is required to support a person with disability navigating and making choices within the new service and support marketplace. The NDIA expects that people with disability and mental health issues will be making most of their choices in community settings, such as a community centre, a community arts program, local council or community health centre. This assumption begs the question, “How equipped are these community groups and organisations to welcome people with disability and mental health issues into their programs, classes, activities and services?”

As a peak body responsible for supporting Victoria’s arts and cultural organisations to be inclusive of people with disability and mental health issues, Arts Access Victoria knows just how challenging this process can be. It requires time, understanding, resources, advocacy and support – and most importantly, an industry champion. The issue of ‘Quality’ must be framed to resonate equally with informal service providers as well as the formal service sector. It is the view of Arts Access Victoria that the informal service sector, including funded and unfunded organisations, registered and non-registered providers, must understand how and where a quality framework fits in their planning and service provision. These aspects remain very unclear in both the NDIS discussion paper and consultation process.

The expectation that organisations in sectors not already engaged in quality assurance processes will be able to readily accommodate these new requirements needs to be carefully interrogated. An overly prescriptive framework will act as a deterrent to organisations that will sense they do not have the confidence or capacity to manage a quality assurance process within their organisation. This is certainly the case for the arts sector, and different strategies are required to bring these organisations - this tier of community – on board. To activate the informal community sector, Arts Access Victoria asserts that industry peak bodies can play an immensely important role. A peak body or industry group has the infrastructure (relationships, leadership, linkages, and connections) necessary to equip community to be inclusive of people with disability or mental health issues and to build quality into their business as usual in a way that ensures excellent outcomes for participants, in line with the national framework.

It is vital that industry peak bodies are involved and funded to support organisations to develop these competencies by providing a range of capacity building tools and initiatives, as a sector initiative.

It is the experience of Arts Access Victoria that sectors sitting outside disability are, by and large, left to their own devices to interpret frameworks and develop quality assurance resources that suit their operating environment and service context. For example, there is very little support provided in the way of models and templates that we can use in an arts and community context. The little we are able to source does not adapt readily to the context of our work as a cultural organisation. We found we needed to do a lot of work to reflect the different processes that we engage in, to support our participants.

Beyond this, there is a need to equip those in the Quality Assurance workforce, such as auditors who operate primarily in the disability sector, to understand how these frameworks may be applied in a range of sectors, not just the disability sector. Applying rigid or narrow interpretations of quality frameworks only further alienates organisations operating outside the disability sector and reinforces the sense that this work is not for them.

To this end, Arts Access Victoria urges NDIA to:

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| 1. **Engage an arts peak body or industry group to activate the informal arts and cultural sector to ensure excellent outcomes for participants in line with the national framework;** 2. **Fund the development of resources and templates that reflect non-disability operating environments and program providers in consultation with the relevant peak or industry body;** 3. **Work closely with a representative group from the arts and community development sector to develop processes, resources and templates to support people with disability to exercise choice in a community cultural setting;** 4. **Encourage innovative responses to quality assurance. For example, organisations within a sector being supported to share resources, employ a Quality Officer across like organisations, or share policy and procedures or auditors;**      1. **Work closely with a representative group from the arts and community development sector to build the capacity of the sector to be accessible and inclusive of people with disability and mental health issues;** 2. **Fund the development of a capacity building model that builds mainstream service capacity in a way that overtly facilitates cultural and attitudinal change, not simply compliance. Pilot the model for national roll out;** 3. **Ensure auditing organisations provide training to auditors on auditing against standards across a range of sectors.** |

**Summary of AAV’s Submission:**

1. The arts and cultural sector is unprepared for the implications of the National Quality and Safeguarding Framework and much needs to be done if we are to build the confidence and capacity of this sector to engage with the framework and more generally with NDIS;
2. There is a significant need for arts-specific capacity building to support the planned inclusion of people with disability and mental health issues as audience, employees and artists;
3. We support an approach that is industry led, drawing on the combined experience of the arts and disability sector, as a consortium of sector leaders. This leadership will ensure the engagement of the broader arts industry;
4. A quality assurance system is an important part of providing choice for people with disability. However, we maintain that to ensure quality, participant aspirations, outcomes and experience must be an overt part of the framework;
5. A quality framework must provide for a range of settings (non-disability) and a range of services (arts, cultural, sporting, recreational, health and community) for real choice to be available to people with disability and mental health issues;
6. A quality framework should provide a continuum of regulatory requirements to align with community expectations regarding general safeguards in mainstream settings, and to be commensurate with the service/program being provided;
7. We support a national framework, rather than a state-based or state-aligned framework;
8. A new national framework, as outlined, is skewed towards safeguards rather than principles that steer organisations to deliver positive individualised outcomes for people with disability and mental health issues. This is especially the case for those organisations that sit outside the disability service and mental health sectors, such as arts and culture organisations;
9. A new national framework must focus on ‘quality’ as it relates to participant aspirations, goals and outcomes and avoid a focus on system and process compliance to the detriment of the person with disability;
10. Arts and disability has always operated on an individualised person-centred basis, with programs built around the personal aspirations and goals of participating artists. Arts and disability, as a sector, has a proven and enviable record of realising the aspirations of participants, across art forms;
11. A quality accreditation process must have, at its core, participant satisfaction, along the lines of the National Disability Standards;
12. The costs faced by organisations to operate within the new framework must be quantified, on an organisation by organisation basis, with a one-off grant made available to establish and develop the requisite quality systems and processes;
13. Support templates and resources should be developed and provided to organisations to support their transition to the new framework and their ongoing compliance. Resources must be specific to an industry, especially for those organisations providing services to people with disability and mental health, that sit outside the disability services sector (for example, arts and culture organisations);
14. The NDIA should engage directly with organisations from sectors outside disability, such as the arts and cultural sector, to understand their specific requirements. This will go some way to compensating for the already extensive support provided to disability organisations and disability industry and peak bodies, such as National Disability Services ;
15. The NDIA should work in collaboration with non-disability peak bodies and industry representatives from the arts and cultural sector to encourage this sector to participate in the NDIS through the provision of services to people with disability and mental health issues, thereby increasing their participation in the arts;
16. The National Quality and Safeguarding Framework should not be a one size fits all. The system must be tiered, with requirements that are commensurate with the nature of the service and which reflect the service setting. This aligns with a person’s right to choose their support and services, and it takes into account the informal (community) as well as formal services;
17. An arts peak body or industry group should be engaged to activate the informal arts and cultural sector to ensure excellent outcomes for participants in line with the national framework;
18. The sources and templates that reflect non-disability operating environments and program providers should be funded and developed in consultation with the relevant peak or industry body.
19. NDIA should work closely with a representative group from the arts and community development sector to develop processes, resources and templates to support people with disability to exercise choice in a community cultural setting;
20. Innovative responses to quality assurance should be encouraged. For example, organisations within a sector being supported to share resources, employ a Quality Officer across like organisations, or share policy and procedures or auditors;
21. NDIA should work closely with a representative group from the arts and community development sector to build the capacity of the sector to be accessible and inclusive of people with disability and mental health issues;
22. The NDIA should fund the development of a capacity building model that overtly facilitates cultural and attitudinal change, not simply compliance, and the model piloted for national roll out;
23. Ensure auditing organisations provide training to auditors who primarily work in the disability sector on auditing against standards across a range of sectors.