

Response to the NDIS Quality and Safeguards Framework

Introduction

Queensland Council of Social Service (QCOSS) welcomes the National Disability Insurance Scheme (NDIS) Quality and Safeguards Draft Framework and the opportunity to provide feedback. The need to ensure our social service systems protect rather than further disadvantage Queenslanders is core to the vision of QCOSS.

The Shut Out Report (2009), the Productivity Commission Report on Long Term Disability Care and Support (2011) and scholarly research (Robinson & Chenoweth, 2011 & 2012; Epstein-Frisch, van Dam, & Chenoweth, 2006) confirm that abuse and neglect of people with disability are symptomatic of a poorly resourced, fragmented, crisis driven system, and a history of institutional care.

QCOSS reports (Indicators of Poverty & Disadvantage, 2013; Registry Week Report, 2015) provide data that indicates having a disability is strongly associated with poverty, homelessness, unemployment, domestic and family violence, incarceration and other manifestations of disadvantage.

The Qld Public Advocate (2014) further states that the 113,000 Queenslanders with a decision making impairment (54% having mental illness and 26% having an intellectual impairment) are amongst the most disadvantaged members of our community.

The issues and life circumstances of people with disability are often complex and highly dependent on a human service system that works well, is accountable for its outcomes to individuals and community, and keeps people safe from abuse and exploitation.

The National Disability Insurance Scheme is the largest social service reform since Medicare and offers a vision of social and economic well-being for people with disability. QCOSS strongly supports the principles and intent of the NDIS and will work to ensure policy and program design and implementation are inclusive of people who experience poverty and disadvantage.

The United Nations Convention on the Rights of Persons with Disability

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) has served as an important catalyst in the global shift from viewing persons with disabilities as objects of charity, medical treatment and social protection towards viewing people as full and equal members of society. The convention, specifically Articles 8, 16 and 19, provide clarity and a level of detail which is useful in operationalizing the principles and intent of the NDIS.

Article 8 - Awareness-raising

1. States Parties undertake to adopt immediate, effective and appropriate measures:
 - a. To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
 - b. To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;
 - c. To promote awareness of the capabilities and contributions of persons with disabilities.

Article 16 - Freedom from exploitation, violence and abuse

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.
3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.
4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.
5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Article 19 - Living independently and being included in the community

1. States Parties to this Convention recognise the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:
 - a. Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
 - b. Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
 - c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

The National Disability Strategy 2010-2020

The National Disability Strategy 2010-2020 was endorsed by the Council of Australian Governments in February 2011 and a plan developed across all levels of government to improve the lives of people with disability, their families and carers. The vision of the strategy is for 'an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens'. While the NDIS represents a significant step forward for many people with disability, the Strategy remains a key policy driver for improving access to mainstream services and support for all people with disability. A stronger emphasis, alignment and accountability towards the six priority areas for action (rights protection, justice and legislation, economic security, personal and community support, learning and skills, health and wellbeing) and their nominated outcomes will add to the developmental structure of the quality and safeguard framework proposed.

In order to implement an effective Quality and Safeguards Framework it is important that human rights based principles and the establishment of natural safeguards be at the centre of all approaches. Additionally, the framework should apply a strengths-based approach and outcomes focus to implementation, building on the resources and capabilities within the sector. Although it is important to have protective measures in place, the focus of the framework should be of a

developmental nature, including a focus on building citizenship and supporting strong relationships between people with disabilities and others within our communities.

Understanding the impact of delivering services in a market environment

A number of social service reform agendas, including but not limited to the NDIS are driving a shift to market (or market-like) conditions where funding can be used more flexibly to meet need. Within an agreed plan that takes into account individual circumstances, need and goals, funding may be used for universal, specialised and even informal sources of support. While there has been limited discussion around the value of building capacity in existing services versus inviting new entrants into the market, it is clear individuals (customers) will be finding supports in a market, or more-market like environment in the future. The question of whether existing customer protection mechanisms will be sufficient to protect customers with high and complex needs is yet to be fully examined.

While NDIS pilots are well underway in several locations, there remains insufficient data on the consequences, intended or otherwise, of creating a more open market for disability service provision.

Key recommendations

1. The UN Convention on Rights of Persons with Disability be used as the benchmark for interpreting and operationalising the principles and intent of the NDIS, with regard to quality and safeguards.
2. Key performance indicators pertaining to quality and safeguards be imbedded in each of the six priorities of the National Disability Strategy 2010-2020.
3. Comprehensive engagement and public debate occur around the question of quality and safeguarding of vulnerable people in the market (or market-like) conditions created through policy reform, in the context of universal and specialised human service delivery

References

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About QCOSS

The Queensland Council of Social Service (QCOSS) is the state-wide peak body for individuals and organisations working in the social and community service sector.

For more than 50 years, QCOSS has been a leading force for social change to build social and economic wellbeing for all. With almost 600 members, QCOSS supports a strong community service sector.

QCOSS, together with our members continues to play a crucial lobbying and advocacy role in a broad number of areas including:

- sector capacity building and support
- homelessness and housing issues
- early intervention and prevention
- cost of living pressures including low income energy concessions and improved consumer protections in the electricity, gas and water markets
- energy efficiency support for culturally and linguistically diverse people
- early childhood support for Aboriginal and Torres Strait Islander and culturally and linguistically diverse peoples.

QCOSS is part of the national network of Councils of Social Service lending support and gaining essential insight to national and other state issues.

QCOSS is supported by the vice-regal patronage of His Excellency the Honourable Paul de Jersey AC, Governor of Queensland.

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