



SCIA's Submission to NDIS Quality and Safeguarding Consultation Paper

Introduction

SCIA supports the development of a nationally consistent Quality Framework for the NDIS. This said there needs to be a balance struck between having safeguards in place to protect participants in the scheme and giving people the real choice and control that is envisaged under the NDIS.

On balance SCIA believes less regulations and safeguards are suitable for participants who manage their own plans. Yes, less regulation and safeguards probably increases the risks for participants— but their freedom of choice and a solid corrective domain to deal with complaints and take “real” action against offenders, will balance this.

It should be noted that the Commonwealth Government provides financial assistance to many people where it does not prescribe a structured regulatory approach and allows people to make real choices with their funding – the NDIS should recognise and foster this approach in its own regulatory framework.

Participants need access to high-quality information that can give them the tools to choose the best providers of their supports. This is not an easy task but one which must be pursued. SCIA believes that there needs to be a continuation of the recurrent block funding for specialist disability services that exist for advocacy and information; services that have a track record and history on providing quality information and advocacy for people with disability. SCIA's work in this area is used as a prime example. There is currently some uncertainty as to whether these services will continue to receive recurrent block funding as the NDIS progresses and matures. SCIA believes the services must be maintained and, advocacy support in particular, independent of the NDIA.

Note: SCIA currently receives funding through the National Disability Advocacy Program (NDAP) to provide individual and systemic advocacy. SCIA is often sought out to address issues related to discrimination, lack of access to buildings and the built environment, transport, the workplace and education, health and medical services and service provision issues. With the rollout of the NDIS, SCIA and the wider disability sector anticipate that there will be an increase in the need of both individual and systemic advocacy services.

Issue 1: National Disability Insurance Agency (NDIA) provider registration

SCIA considers that there needs to be a tiered and risk assessment approach to provider registration. It needs to be based on:

- i. The size of the provider organisation
- ii. The risk associated with the service (eg whether it is a service such as supply of equipment, gardening and home maintenance service or personal care service – the latter which would be much higher level of risk to the person with disability)

SCIA supports the current NDIA requirement to keep a register of providers who are approved to provide supports to participants. However, the level of provider registration should be tiered to allow the inclusion of small providers who will never be able to meet independent quality evaluations which larger providers can meet.

SCIA proposes that a tiered approach something like that listed below be considered:



- Providers employing up to 10 employees comply with Option 2 of the NDIA Paper re Provider Registration
- Providers employing 11-50 employees comply with Option 3 of the Paper
- Providers employing 50+ employees comply with Option 4 of the Paper

SCIA considers that independent oversight is necessary for services providing supports that carry higher risks for participants such as assistance with self-care and similar – as alluded to in Option 3 of the NDIA Paper.

Within this suggested tiered approach (or even as an alternative) it is suggested that all NDIA participants using NDIA to manage their services would have the option to spend a percentage of their plan with unregistered providers (or balance part of their plan managed by NDIA and part self-managed) – this would allow engagement of some providers who are known to the client but not willing or able to seek registration. A typical scenario would be where a participant is able to employ someone directly outside the specialist disability services domain to work as a carer or in some other capacity.

Issue 2: Systems for handling complaints

SCIA considers there should be various levels to handle complaints:

- i. Initial complaint to the service provider if possible – most lower level complaints should be able to be dealt with in this forum, especially as larger providers will require formal complaints handling processes
- ii. Concept of a NDIA complaints line for help and information (not vested with authority to investigate/resolve issues)
- iii. Formal body such as Ombudsman office which receives higher level formal complaints – but any such body must “have the power” to take action against service providers. Perhaps the most efficient way is to use existing state structures rather than create yet another Commonwealth agency – but make these nationally consistent in their approach. The NDIA should consider the current state based systems already in place such as the Ombudsman to continue in its role for complaints, grievances, etc. within the national framework, but be vested with greater authority to resolve issues – in this scenario each state and territory Ombudsman has the power within its own domain/jurisdiction. (It is worth noting that the NSW Ombudsman’s jurisdictional reach has been extended to look into complaints within the Hunter trial sites – complaints that deal with service providers, not the NDIA.)

Key Issue: Any complaints body must be able to deal with formal complaints in a timely manner.

The NSW Legislative Council 2010 inquiry Services provided or funded by the Department of Ageing, Disability and Home Care (ADHC) made the following recommendation on a complaints procedure:

Recommendation 47 –

That the NSW Government establish an independent organisation to:

- monitor the quality of disability services provided and funded by ADHC
- handle complaints about the provision of services (for issues that are not within the responsibility of organisations such as the NSW Ombudsman)



- monitor compliance with the NSW Disability Service Standards and the Disability Services Act 1993 through providing accreditation to organisations that provide disability services in accordance with the standards.

SCIA considers that the reasoning is just as valid with the NDIS if we are to get the processes correct and appropriately weighted to ensure the rights and grievances of participants are protected. For complaints of a more serious nature, having an independent body to investigate is important. Considering we are dealing with a new national framework to oversee a new system of care provision, we want to ensure the correct level of scrutiny is applied.

Issue 3: Ensuring staff are safe to work with participants

SCIA proposes a tiered approach to this issue which allows an individual choice and risk approach by scheme participants combined with some level of mandatory checks for some types of higher risk services (personal care, respite services, etc.) on employers.

SCIA supports Victoria's approach which has a register of people barred from working in state-funded disability accommodation services, based on their convictions or past work history. This should be extended nationally.

Issue 4: Safeguards for participants who manage their own plans

The current arrangement for participants who manage their own funding and plan is adequate in recognition of flexibility, choice and control and dignity of risk. However extra supports must be available to assist people make the right choice and ensure that resources are put in place to provide information and training to participants wanting to manage their own plans and funding. This would include accountability requirements, employer responsibilities, work health and safety.

Note: Currently within the NSW system, when a participant is approved for direct funding, there is not a great deal of available support and training to assist with the added responsibility. This needs to be improved in a national scheme.

Issue 5: Building participants' capacity

If, as the literature suggests, "The NDIS aims to position participants as active consumers" then SCIA proposes that avenues be put in place to allow for participant feedback to provider services, especially when policy changes are made.

Also, if participants experience unacceptable levels of service provision they must have access to, and information about, an NDIA complaints system. Corrective processes would include ensuring participants have access to information about their rights and responsibilities, and how to take the appropriate action through a complaints process to get the issues addressed.

The NDIA must acknowledge the right of participants to seek advocacy services to pursue matters.

It is important that there are adequate levels of staff training and education at all levels of service (within the NDIA and the service providers) on rights and responsibilities to ensure they have up-to-date information on advising participants.

SCIA also believes some kind of online review forum (like tripadvisor) could be useful for disability product or service providers. We don't think this should be extended to general service providers e.g. gardeners – reviews about those kinds of providers belong wherever they currently exist in the broader community and it's not up to the NDIS to create a forum for review of all services paid for under the scheme, rather to fill a gap around reviews of specific disability product/service providers that are not currently addressed.

