National Disability Insurance Scheme

Quality and Safeguarding Consultation Paper

Vision 2020 Australia Response

April 2015

Contents

General Comments

Vision 2020 Australia welcomes the opportunity to provide feedback to the Department of Social Services (the Department) on the Quality and Safeguarding Framework consultation for the National Disability Insurance Scheme (NDIS), and commends the Department for the attention paid to this important aspect of disability services provision. A national approach to quality and safeguarding is integral to the structure of the NDIS, ensuring that people are kept safe from harm as well as providing quality supports, choice and control to participants.

Vision 2020 Australia broadly supports the submissions put forward by our member organisations, namely Vision Australia and Guide Dogs Australia, who provide services and supports to people who are blind or vision impaired. The eye health and vision care sector strongly supports the philosophy of the NDIS and applauds the Department for their intent to transition to a culture that actively promotes independence, choice, and control; and intends to build on individual strength and capacity. For eligible consumers, including those who are blind or vision impaired, the NDIS will be essential to maintaining a high quality of life, independence and participation within the community.

In January 2013, the Vision 2020 Australia Low Vision and Rehabilitation Committee (now known as the Vision 2020 Australia Independence and Participation Committee) provided a submission to the Council of Australian Governments (COAG) NDIS Joint Taskforce in response to the NDIS Regulation Impact Statement inquiry. In this submission, Vision 2020 Australia supported the third option put forward, asking for 'choice limited only in higher risk circumstances.' This option was preferred because it facilitated greater choice for individuals while still promoting competition and regulating higher risk services such as orientation and mobility (O&M) training, guide dogs and registered health professions such as optometry and ophthalmology. Vision 2020 Australia remains committed to supporting the dignity of NDIS participants by promoting consumer control and choice, while ensuring practices that carry high level of risk are appropriately regulated with quality controls and safeguards.

Vision 2020 Australia has responded to selected questions below.

Vision 2020 Australia

Established in October 2000, Vision 2020 Australia is part of VISION 2020: The Right to Sight, a global initiative of the World Health Organisation and the International Agency for the Prevention of Blindness. Vision 2020 Australia is the peak body for the eye health and vision care sector, representing around 50 member organisations involved in: local and global eye care; health promotion; low vision support; vision rehabilitation; eye research; professional assistance and community support.

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1 Part 1: Proposed Quality and Safeguarding framework for the NDIS

Vision 2020 Australia strongly supports the philosophy of the NDIS Quality and Safeguarding Framework, particularly the intention to ensure that participants are given choice and control over their supports. We also support the concept that people should be able to take reasonable risks to achieve their individual goals when accessing lower risk services such as cleaning and gardening home help and transport. However, Vision 2020 Australia argues that there should be higher standards imposed for higher risk services such as O&M training, guide dogs and registered health professions such as optometry and ophthalmology, ensuring appropriate protections for individuals who require these services.

In January 2013, COAG put forward four market options in a Regulation Impact Statement (RIS) with various impacts and regulatory repercussions for disability service consumers and providers. Vision 2020 Australia supported the third option put forward, asking for 'choice limited only in higher risk circumstances'. This option was intended to ensure that individuals are able purchase low risk disability services from any provider (including mainstream services), whether or not these meet minimum quality assurance and service standards. However, for higher risk support more critical to well-being and daily living requirements there would be additional quality and safety requirements for providers. This option was preferred because it facilitated greater choice for individuals while still promoting competition and regulating higher risk services. Vision 2020 Australia remains committed to supporting the dignity of NDIS participants by promoting consumer control and choice, while ensuring practices that carry a high level of risk are appropriately regulated with quality controls and safeguards.

1.1 Providing information for participants

Vision 2020 Australia applauds the Department for recognising that without access to high-quality, meaningful and credible information about support options and providers, it will continue to be difficult for people with a disability to exercise choice and control.

1.1.1 What are the most important features of an NDIS information system for participants?

The most important feature of an NDIS information system is accessibility. All information should be produced in a range of alternative formats as per best practice and should be made accessible to all consumers. These formats would include braille, electronic text, audio and large print and where possible, all efforts should be undertaken to ensure these formats are available at the same time as other formats rather than upon request. Vision 2020 Australia recommends that the Department seeks expert advice from specialist groups on best practices and guidelines, as this information already exists within the broad disability service provision sector.

1.1.2 How can the information system be designed to ensure accessibility?

Content and information made available to consumers of the NDIS should be created in ways that support and maximise accessibility. Vision 2020 Australia notes that the Australian Government has endorsed the Web Content Accessibility Guidelines (WCAG) version 2.0 AA rating for all government websites. Vision 2020 Australia recommends that the Department develop information relating to the NDIS in accordance with these guidelines, considering the varied needs of users, and plan for accessibility from the outset; noting that not all people who are blind or vision impaired access information in the same way and that many individuals have a preferred format. Vision 2020 Australia also encourages the Department to involve organisations in the eye health and vision care sector in the development of an information sharing system, to ensure expert knowledge on accessibility needs is available and utilised.

1.1.3 What would be the benefits and risks of enabling participants to share information, for example, through online forums, consumer ratings of providers and other means?

Vision 2020 Australia considers it important for participants to be able to share information through various channels, such as online forums and consumer rating facilities, to ensure individual choice and control is supported by available information. Vision 2020 Australia encourages the Department to ensure, where possible, that the information contributed by participants is made accessible and that these information sharing channels are developed according to the Web Content Accessibility Guidelines version 2.0 AA. It is important for the Department to take into account that not all people who are blind or vision impaired access information in the same way and that many individuals have a preferred format.

1.2   Building natural safeguards

Vision 2020 Australia maintains that it is critical to develop and build the capacity of participants for self-direction and self-advocacy by on building personal support networks and assisting people to connect with mainstream and community-based supports; particularly for people who may otherwise be isolated. Vision 2020 Australia notes that many organisations in the eye health and vision care sector provide services to empower people who are blind or vision impaired. In March 2015, Vision 2020 Australia responded to the NDIS Information, Linkages and Capacity Building (ILC) policy framework consultation. Vision 2020 Australia recommended that services covered under the ILC framework should include those that cannot reasonably be individualised, such as library services, assistive technology helpdesks and volunteer programs such as peer support and social activities. These types of services assist in building both individual and community capacity for information gathering and decision-making.

1.2.1 Are there additional ways of building natural safeguards that the NDIS should be considering?

It is the position of Vision 2020 Australia that the Department should ensure that the ILC framework covers services that are not able to be reasonably individualised, such as library services, assistive technology help desks and volunteer coordination.

People who are blind or vision impaired currently have access to programs such as peer support, library services and social activities, which are often unfunded and delivered by volunteers through specialist disability support organisations. These programs build community support, foster social inclusion and increase the capacity of individuals to engage in community life and to make informed choices.

Vision 2020 Australia recognises the critical role these programs play in empowering individuals and building community, and contends that the importance of such community-building supports must not be lost in the transition to individual support plans. Ensuring support for local service providers to deliver these programs will contribute to the natural safeguards, which are a vital prerequisite for individuals to make informed choices. Additionally, strategies can be developed to embed these safeguarding programs in national programs as well as at the local level.

1.2.2 What can be done to support people with a limited number of family and friends?

Volunteer programs and services such as peer support, personal and social activities contribute to social inclusion, creating a base of support and information. This knowledge base increases the capacity of both the community and the individual to make informed choices about their support needs. This can be furthered by support for national service providers to develop national strategies together with key partners.

1.3　Service level safeguards – support for service level capacity building

Vision 2020 Australia notes the importance of ensuring that providers have capacity to protect participants by providing high quality services, and applauds the Department for committing to work with providers to help them improve and ensure service quality and use best practice.

1.3.1　What kind of support would providers need to deliver high quality supports?

The NDIA should provide best practice guidelines to providers and work with providers on continuous quality improvement.

The eye health and vision care sector has a large number of volunteers who deliver crucial, unfunded services. The eye health and vision care sector would be strengthened by the provision of training for volunteers about the broader disability sector and about how to respond to the needs and respect the rights of participants. It is the position of Vision 2020 Australia that the volunteer workforce should be supported and strengthened through the provision of workplace training and mentorship.

Additionally, Vision 2020 Australia recommends that a regulatory mechanism should be implemented to ensure organisations can be audited and improved if not performing adequately. For example, this mechanism may be triggered by a certain number of complaints about a provider, or by the occurrence of a serious issue that needs to be investigated. This would ensure that the sector can be confident that participants are directed to service providers that are adhering to guidelines and regulations.

1.4　Oversight function

Vision 2020 Australia notes that while good mechanisms for monitoring and review currently underpin the NDIS, there is potential for the system to be improved by non-biased, expert oversight by an independent body. Vision 2020 Australia encourages the Department to include specialised knowledge about conditions including blindness and vision impairment as part of an oversight function to ensure that the individual needs of people who are blind or vision impaired are considered.

1.4.1　Should there be an independent oversight body for the NDIS?

Vision 2020 Australia believes that an oversight function for the NDIS that is independent of the NDIA, and separate to Government, could add value to the scheme as a whole. The benefit of an oversight body as is outlined in the proposal is in its ability to provide satisfactory outcomes for participants, greater flexibility and increased efficiency. Any oversight body should not increase red tape for participants or for providers, to make sure that the scheme works as efficiently as possible to achieve systemic outcomes for people with a disability and carers.

1.4.2　What functions and powers should an oversight body have?

An oversight body should have the power to:

- Enforce binding decisions which providers would be legally obliged to implement and award compensation to participants where necessary;
- Independently monitor, assess and report on the NDIS market; and
- Undertake an educative role, working with providers to translate learnings into improved organisational performance and also wider market practice.

2 Part 2: Detail of key elements of the Quality and Safeguarding Framework

2.1 NDIA provider registration

Vision 2020 Australia supports the need for a balance between participant choice and ensuring that providers registered by the NDIS will offer high-quality and safe supports. Vision 2020 Australia agrees that once a person or organisation has been registered by the NDIA, they must then adhere to a code of conduct that the NDIA requires of all registered providers. Vision 2020 Australia also notes that many of our members currently adhere to the guidelines set out by the Australian Charities and Not-for-profits Commission (ACNC) Not-for-Profit Register, ensuring that much of the information required for a service provider registration process through the NDIS will be readily available, reducing the burden on organisations.

2.1.1 Considering the options described above, which option would provide the best assurance for both providers and participants?

Vision 2020 Australia supports option three - adding an independent quality evaluation for certain providers of supports - with the proviso that the only providers subject to the more rigorous scrutiny of an independent evaluation would be those who deliver high risk services. Providers of these high risk supports, which are considered integral to wellbeing and daily living requirements, should be required to meet a higher standard than providers of a service that is considered low risk.

2.1.2 Should the approach to registration depend on the nature of the service?

Yes. Vision 2020 Australia believes that individuals should be able purchase low risk disability services from any provider (including mainstream services), at their own risk. This ensures that individuals retain their right to choice and control of the services and supports they receive. However, for high risk supports that are more critical to well-being and daily living requirements, such as O&M training, guide dogs and registered health professions such as optometry and ophthalmology; there would be additional quality and safety requirements for providers.

2.1.3 How can the right balance be reached between providing assurance and letting people make their own choices?

The approach described above will facilitate greater choice for individuals while still promoting competition and regulating higher risk services. This means that for low risk services, where there is a minimal risk towards that person's well-being and daily living, participants are able to make an individual choice. Individuals seeking supports, which have a more critical impact on their well-being and daily life, and therefore a higher risk, will be able to have confidence that the service provider is monitored to ensure compliance with regulations and standards. For low risk services, Vision 2020 Australia supports allowing participants to choose to access independent review if they are unsatisfied with the complaint resolution offered by their service provider.

2.2   Systems for handling complaints

Vision 2020 Australia holds that the dignity of choice facilitated by the NDIS must be balanced by a safeguard which provides appropriate complaint mechanisms for participants. Vision 2020 Australia supports option two as presented in the consultation paper: establishing internal and external complaints handling mechanisms. It is noted that a mechanism exists thorough the Australian Administrative Appeals Tribunal to resolve complaints against decisions made by the NDIA. In addition to this, Vision 2020 Australia suggests that a complaints system for both NDIS and My Aged Care, overseen by the Department of Social Services, would be an appropriate way of ensuring consistency in the complaints process. Vision 2020 Australia further suggests that an external complaint handling mechanism should take the form of a national disability services commission, modelled on the Victorian Disability Services Commission (VDSC).

2.2.1   How important is it to have an NDIS complaints system that is independent from providers of supports?

Vision 2020 Australia contends that an independent non-partisan complaints system is essential for the fair and just resolution of complaints that may not be appropriately addressed by providers' internal complaints mechanisms. Vision 2020 Australia holds that this is necessary to ensure that participants feel safe in making a valid complaint and assured that there will be no repercussions for doing so. Additionally, there is a need to support clients using providers who have entered the NDIS marketplace without a strong internal complaint mechanism.

2.2.2   Should an NDIS complaints system apply only to disability-related supports funded by the NDIS, to all funded supports, or to all disability services regardless of whether they are funded by the NDIS?

Vision 2020 Australia supports an NDIS complaints system that has the capacity to apply to all disability services, regardless of their funding source. This is important because there is a need to have a holistic perspective on complaints raised about disability service providers. This external mechanism can be modelled on the independent and accessible processes of the VDSC. Additionally, it is important to ensure that there is no duplication of services. Vision 2020 Australia encourages the Department to consider involving specialist knowledge groups in this process, where appropriate, to ensure holistic needs assessment and care planning.

2.2.3   Should there be community visitor schemes in the NDIS and, if so, what should their role be?

It is the position of Vision 2020 Australia that whilst a mechanism should exist to monitor participant wellbeing and assess the quality of service delivery through a range of channels, including community visitor schemes, this function is best delivered in partnership with advocacy groups that have specialised and expert knowledge about participant needs. Where the function of a community visitor scheme is to provide assistance to individuals by in raising concerns on their behalf, as they may be unable or unwilling to make a complaint themselves, specialist and expert knowledge of the needs of that individual is critical to ensuring adequate outcomes.

2.3   Ensuring staff are safe to work with participants

Vision 2020 Australia believes that people with a disability have the right to feel safe and to be safe when accessing supports under the NDIS, and that there is a need to minimise the risk to participants' safety posed by staff or volunteers of disability services. Vision 2020 Australia supports the third option - that of creating a centralised clearance system - but we believe that this more comprehensive clearance system should only be applied to persons engaged to deliver high risk services. We encourage the Department to consider aligning the proposed clearance system with other similar systems, for example, Working With Children Checks and aged care vetting processes, so that providers need only hold one clearance. Creating a nationally consistent system also ensures another layer of protection, ensuring that the likelihood of individuals who pose a threat slipping through the screening net by moving interstate is reduced.

2.3.1 Who should make the decision about whether employees are safe to work with people with disability?

Vision 2020 Australia would welcome the opportunity to provide further input around what circumstances should require a centralised clearance such as a working with vulnerable people check for individuals who are blind or vision impaired.

For lower risk supports, employers should determine the appropriateness of staff and volunteers according to existing procedures for conducting referee and police checks.

For high risk supports there should be guidelines for employers about when clearances are required. These guidelines should take into account circumstances where registered professionals such as optometrists and ophthalmologists are subject to other similar requirements.

2.3.2 How much information about a person's history is required to ensure they are safe to work with people with disability?

Vision 2020 Australia supports the proposal made under option three that a nationally consistent working with vulnerable people check, aligned with existing checks, would capture a wider range of information than police checks do, including spent convictions and non-conviction information such as civil cases, Apprehended Violence Orders and child protection information and orders, and work history.

2.3.3 Of the options described above, which option, or combination of options, do you prefer?

Vision 2020 Australia supports a qualified version of option three. For example, for employers providing certain types of low risk supports could be required to assess potential employees' previous work history, request police checks and undertake referee checks. However, for employers providing services that are considered high risk to individuals who are blind or vision impaired, a centralised check such as the proposed working with vulnerable people clearances would be reasonable. High risk services would include those that are more critical to well-being and daily living requirements.

2.4 Safeguards for participants who manage their own plans

Vision 2020 Australia supports the idea that participants should be able to determine their own best interests, have choice and control, and be equal partners in decisions that affect their lives, to the full extent of their capacity. While individuals should be afforded as much independent choice and control as possible, we recognise the need to have a balance between choice and regulation in order to protect participants from a person they employ who might not have the skills they need to carry out particular tasks safely, or might have a history of violence, theft or fraud.

2.4.1 Should people who manage their own plans be able to choose unregistered providers of supports on an 'at your own risk' basis (Option 1) or does the NDIS have a duty of care to ensure that all providers are safe and competent?

Vision 2020 Australia encourages the Department to implement option two with some provisions- particularly the negative licensing scheme outlined in section 2a. All providers, including unregistered ones, should be subject to an NDIS Code of Conduct and providers whose actions are inconsistent with the Code should be prohibited from offering further supports. For high risk service provision, Vision 2020 Australia supports the proposal that participants should be required to choose from a list of approved, fully vetted services providers to ensure appropriate care. However for lower risk services, we believe that participants who are self-managing their care should be empowered to make their own choice of service provider by being given access to information about service providers.

2.4.2 What kind of assistance would be most valuable for people wanting to manage their own supports?

Participants should be provided with enough information to make an informed choice, regardless of whether they are self-managing their packages or not. This information should be provided in a way that acknowledges that not all people who are blind or vision impaired access information in the same way and that many individuals have a preferred format.