



ATSIDNQ

Aboriginal & Torres Strait Islander
Disability Network of Queensland

National Disability Insurance Scheme (NDIS) – Code of Conduct Discussion Paper

Aged and Disability Advocacy Australia (ADA Australia) and the Aboriginal and Torres Strait Islander Disability Network of Queensland (ATSIDNQ) have prepared a joint response to the discussion paper *National Disability Insurance Scheme – Code of Conduct Discussion Paper*.

About ADA Australia

Aged and Disability Advocacy Australia is a not-for-profit, independent, community based advocacy and education service with more than 25 years' experience in supporting and improving the wellbeing of older people and people with disability.

ADA Australia provides advocacy support to recipients of Queensland Community Care Services. ADA Australia also receives funding under the National Aged Care Advocacy Program (NACAP).

Headquartered in Brisbane, ADA Australia has regional offices in Cairns, Townsville, Mackay, Rockhampton, Hervey Bay, Toowoomba, and the Gold Coast and is active in providing advocacy services in metropolitan, regional, rural and remote communities across Queensland.

ADA Australia provides the auspice for the ATSIDNQ.

About the ATSIDNQ

The ATSIDNQ is a growing network of over 500 Aboriginal and Torres Strait Islander people with disability, their families, carers and supporters.

The Network offers a culturally safe space for members to connect, share and raise awareness of issues they are facing. The Network gives members the opportunity to celebrate their strengths, share their stories and contribute to the conversation about disability in positive ways. The Network employs Indigenous staff who work with members to understand the variety of issues Aboriginal and Torres Strait Islander people with disability face and ensure this information is fed back to government policy makers.

Response to the Discussion Paper

ADA Australia and the ATSIDNQ welcome the development of a NDIS Code of Conduct.

Overall, ADA Australia and the ATSIDNQ are supportive of the proposed Code of Conduct and the introduction of the NDIS Quality and Safeguards Commission (the Commission).

ADA Australia and the ATSIDNQ recommend that consideration be given to the following points:

- **Education**

ADA Australia and the ATSIDNQ are pleased to see that a compulsory orientation module addressing the NDIS Code of Conduct will be introduced for registered providers delivering supports, and all registered workers engaged in the delivery of NDIS funded supports.

ADA Australia and the ATSIDNQ recommend that

- the requirements for this compulsory education be linked to the NDIS quality assurance processes.
- registered providers be required to provide workers with refresher training on the NDIS Code of Conduct on an annual basis. This measure would assist in addressing gaps associated with staff turnover.
- Provider and staff education be delivered by an independent body to ensure consistency of message.
- Education delivery to be flexible in responding to the cultural needs of various organisations and workers.

ADA Australia and the ATSIDNQ are supportive of the proposal that unregistered providers will be subject to the Code of Conduct if they are receiving NDIS funding for their services.

ADA Australia and the ATSIDNQ consider it essential that all NDIS participants have access to education on their rights and the NDIS Code of Conduct. ADA Australia suggests that this type of education will be particularly important for self-managing participants who will be responsible for informing unregistered providers about their obligations under the Code of Conduct.

To ensure maximum participation, education delivered to NDIS participants should be free, available in a range of formats and flexible in meeting the diverse needs of participants.

ADA Australia and the ATSIDNQ also recommends that participant education be delivered by an independent body. This will ensure consistency of message and remove the conflict of interest associated with service providers delivering this information.

- **Advocacy**

ADA Australia and the ATSIDNQ have concerns about the following statements made on page 12 of the Discussion Paper

“in the first instance people should contact their relevant service provider to make complaints. All providers are required to have complaint management systems in place and most complaints can be quickly and effectively resolved with the provider.

“In cases where the problem is not resolved by the relevant provider, or when the person does not feel comfortable talking to the provider about the problem, complaints should be directed to the Commission.”

The concerns that ADA Australia and the ATSIDNQ have with regards to this statement are as follows:

- In ADA Australia’s experience, many care recipients are reluctant to lodge a complaint with their service provider for fear that they will lose their service, be seen as a whinger, or be treated differently as a result of their complaint. There are also many who require practical support to lodge a complaint, such as people experiencing language, cultural or literacy barriers.
- Aboriginal and Torres Strait Islander participants residing in smaller communities may be particularly reluctant to make complaints to service providers where kinship and blood ties exist.
- Many Aboriginal and Torres Strait Islander people do not feel comfortable talking to Government officials, and are unlikely to contact the Commission without appropriate supports.
- In ADA Australia’s experience, most consumer complaints are not “quickly and effectively resolved” by simply lodging a complaint with the provider.

ADA Australia and the ATSIDNQ maintain that it is essential that NDIS participants have access to independent individual advocacy support when making complaints to both service providers and the Commission.

ADA Australia and the ATSIDNQ note that in Queensland, a significant block of disability advocacy funding (under the Queensland Community Care Program and Disability Programs) will disappear in 2019 and will not be picked up by the NDIS. This loss of funding will present as a major problem to people with disability post 2019 and will create further disadvantage, particularly for Aboriginal and Torres Strait Islander people with disability.

ADA Australia and the ATSIDNQ also recommend that the consideration be given to the model of individual advocacy funded under the National Disability Advocacy Program (NDAP). Historically NDAP funding has been unplanned, recurrent funding which is not necessarily based on economies of scale or efficient models of service delivery. ADA Australia and the ATSIDNQ suggest that Advocacy funding in the disability sector should go to an open market tender similar to the tender process recently finalised for the National Aged Care Advocacy Program.

- **Aged Care Complaints Commissioner (ACCC)**

ADA Australia recommends that the ACCC be consulted on the establishment of the NDIS Quality and Safeguards Commission.

ADA Australia suggests that there are a number of practices adopted by the ACCC that would align well with the NDIS Quality and Safeguards Commission. These include:

- A close working relationship with the National Aged Care Advocacy Program (NACAP). The provision of advocacy support through NACAP assists in alleviating pressures on the ACCC. As such, ACCC often refers cases to NACAP services and vice versa, ensuring that the work of the ACCC is not bogged down in lower level complaints and concerns. NACAP services also assist care recipients through the ACCC conciliation process and supports care recipients to follow up with service providers following conciliation to ensure agreed outcomes have been actioned.
- A commitment to providing feedback on systemic issues to government.

- **Supporting Diversity**

The Discussion Paper notes that the obligations in the Code of Conduct are broad to account for the diversity of ability and diversity of race, ethnicity, disability, age, sexuality, gender identity, intersex status and relationship status.

ADA Australia and the ATSIDNQ are concerned that this broad approach will see diversity considerations overlooked. As it is, the only references to diversity within the Code of Conduct are within one or two of the case studies.

ADA Australia and the ATSIDNQ recommends that a separate section, specifically focusing on obligations to respect and support diversity be incorporated into the Code of Conduct. This will assist in ensuring that there is no misunderstanding about the conduct required when providing care and services to people from diverse backgrounds.

ADA Australia and the ATSIDNQ also suggest that the Commission employ designated Liaison Officers that can work specifically with people from diverse backgrounds. This will assist in increasing the accessibility of the Commission.