Response to NDIS S10.

Mainstream and specialised services need to be specifically referenced and defined as to what is in and what is not.

Fundamentally the NIDS was established to support the lives of people with a lifelong severe – profound disability, with reasonable funding to provide necessary supports to achieve this. In general, reasonable is defined by costs over and above the costs that a person without a severe – profound disability would incur to support a particular aspect of their life.

With respect to early childhood development and care

1. Childcare fees that represent standard childcare fees are the responsibility of the carer / family. For children with additional needs attending mainstream services the increased costs necessary to include the child are funded by the IDF (Inclusion Development Fund). Specialised programs are excluded from accessing the IDF. For specialised services the costs over and above mainstream care to address the early learning and care needs of a child with a severe – profound disability represents necessary supports to increase the child’s level of functioning towards that of other children of a similar age, and to provide safe care to support the child’s carers / family to maintain their caring role (and their right and need to access 50 hours of safe and quality care that addresses their child’s developmental needs).
2. Necessary supports for a specialised early learning and care for a child with severe-profound autism (SPA) include:
   1. Physical space: floor area is 2-3 times that required by standard mainstream services (increased staff numbers and supporting sensory and behavioural challenges).
   2. Increased staff ratios to learn (mainstream childcare provides for a ratio of 1:11): The Best Practice Guidelines for a child with SPA include:
      1. 20 hrs per week
      2. Minimum adult to child ratio of 2:6 (compared with 1:11 in mainstream childcare)
      3. Staff autism experienced with 80% minimum of 2 years’ experience
      4. Multi-disciplinary team including Speech, Occupational and Behavioural Therapy with hours of support reflective of SPA (5-6 hrs per week) as compared to children with moderate autism (3 hours per week, NDIS Consultation paper: Interventions for children on the autism spectrum, March 2021, description Level 4).
      5. Autism specific content
3. Costs associated with safe care for children with SPA (ratio of 1:4 compared with mainstream childcare 1:11)

Relevant documents include:

1. Article 23, UN Charter of Rights of a Child: *“Parties recognise the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child’s condition and the circumstances of the parents or others caring for the child”*
2. NDIS Agreement, Early Childhood: *“In early childhood, the agreement specifies that the NDIS is broadly responsible for:*
   1. *Early interventions that are likely to increase the child’s level of functioning towards that of other children of a similar age without which the child is likely to require NDIS funded supports in the future.*
   2. *Supports required due to a child’s impairment, including supports that enable families and carers to sustainability maintain their caring role”.*
3. Inclusion Development Fund and Specialist Services (3.2.1): ‘*Services specifically designed to meet the needs of children with ongoing high support needs are considered specialist services. By their nature****, specialist services have inherent capacity and capability to include children with high******ongoing needs.*** *Additionally, as generally all the children enrolled at a specialist service have ongoing high support needs, the environment does not provide an opportunity for the inclusion of children with additional needs in a mainstream care environment with their typically developing peers, which is the key objective of the program. Given this, specialist services are not eligible for assistance under the program.”*

The NIDS by proposing to not support specialised services to provide appropriate staffing ratios over and above mainstream childcare to address developmental needs (as defined by the Guidelines for Good Practice) and care needs is in breach of the UN Charter of Rights for a Child and the NDIS early childhood agreement.

Similarly, a child attending special school should have access to on-site after school care equal in hours to their mainstream peers, with the NDIS addressing the increased costs to ensure safe care over and above the costs associated with a mainstream service.

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