

**Submission: Queensland Productivity Commission:
Summary Report - NDIS Market in Queensland**

QDN

QUEENSLANDERS WITH DISABILITY NETWORK
NOTHING ABOUT US WITHOUT US

Submitted to the Queensland Productivity Commission
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About Queenslanders with Disability Network (QDN)

Queenslanders with Disability Network (QDN) is an organisation of, for, and with people with disability. The organisation's motto is "nothing about us without us". QDN operates a state-wide network of over 2,000 members and supporters who provide information, feedback, and views from a consumer perspective to inform systemic disability policy and disability advocacy.

QDN also operates 21 Peer Support groups across a range of metropolitan, regional, and rural and remote locations in the state, run by people with disability for people with diverse disabilities. members and supporters who provide information, feedback, and views from a consumer perspective to inform systemic disability policy and disability advocacy.

QDN undertakes a range of work activities and projects as outlined on QDN's web-site and detailed in our latest 2019-2020 Annual Report. Our systemic advocacy work encompasses a range of responses – from community campaigns, formal submissions, evidence to commissions and inquiries, and membership of roundtables and working groups around national, state, and local government legislative and policy initiatives.

QDN's work is focused on the rights and full social and economic inclusion of people with disability, along with areas of key importance identified by Queenslanders with disability – the National Disability Insurance Scheme (NDIS), improving mainstream services that people with disability rely on every day, including health, housing employment and transport, and the impact of COVID-19.

Introduction

Queenslanders with Disability Network (QDN) welcomes the Queensland Productivity Commission's Summary Report - the NDIS market in Queensland and supports the overall direction of the key recommendations. Given the initial stages of roll-out and transition of the NDIS in Queensland and the significant investment by the Queensland Government with the scheme, it is timely that this review is being undertaken.

QDN provides this submission with some further information highlighting some of the key issues and impacts from the lived experience and perspective of Queenslanders with disability.

The NDIS in Queensland has had a significant impact on the lives of over 80,000 Queenslanders with disability to date, with another 10,000 to enter the scheme. For many people it is the first time in their life that they have accessed disability support. However many Queenslanders with disability continue to experience challenges with not only access to the scheme but also challenges as participants across varying aspects of the scheme which result in poorer outcomes. Additionally, people continue to experience ongoing challenges with the interface between mainstream government services and the NDIS.

It is critical going forward that the Queensland Government continues in the important role they have as an investor and partner in the NDIS to ensure it delivers for Queenslanders with disability. It is also critical going forward that the Queensland Government continues to work with the Commonwealth to find workable

solutions to improve the interface issues and ensure that it is a 'joined up' system that delivers a seamless and streamlined process to people with disability no matter what mainstream system they are accessing.

QDN acknowledges the extensive work that has been undertaken at State and Commonwealth levels to address the scheme processes and implementation challenges that are being experienced by participants, families/carers, providers and the systems that interact with them. It is important that the solutions and way forward continue to respond to the feedback and perspectives of people with disability, families and providers to deliver on the intention and foundations of the NDIS with people with disability in the drivers seat. A thriving, diverse and strong market is critical to the success of this and ensuring people get quality supports and can achieve social and economic participation.

QDN welcomes the opportunity to make this submission to provide the feedback on the draft report recommendations from the perspective of people with disability, to share learnings, insights and recommendations to help shape the way forward.

NDIS investment in advocacy

QDN supports the investigation of NDIS provision of advocacy supports to assist participants to navigate NDIS processes and decision appeal processes as recommended in the report, however, it is important that this continues to be separate and independent and meets the growing needs of people with disability to access advocacy.

The QPC report states advocacy supports are required in the early years of the scheme funding for these supports should be redirected once participants are familiar with the scheme. It is QDN's firm position, that the need for advocacy supports is not one that diminishes. Indeed, independent individual and systemic advocacy play a permanent key role in ensuring the voices of people with disability are heard in any system. It is a fundamental right of the end users of a service system to have access to independent and systemic advocacy as they navigate and receive services in that system so that when the services delivered do not meet the legislative and operational requirements and expectations, that participants have access to someone who can represent their interests without conflict or prejudice. This is also reflected in *Chapter 1 Part 2.4.13 of the NDIS Act 2013* and enshrined in human rights instruments.

QDN members rely on independent advocacy to navigate complex government systems and ensure they have access to quality, safe and inclusive services, both NDIS and mainstream. Effective independent individual and systemic advocacy leads to improved educational and employment outcomes, more responsive health and housing services, and provides opportunities for greater social inclusion.

Additionally, while State and Commonwealth funding for self-advocacy capacity building and peer-support networks is important, it does not replace the need for independent individual and systemic advocacy. Self-advocacy and peer support networks support people with disability to speak up and represent themselves. However, self-advocacy is not appropriate, acceptable or safe in all environments for all people. This is where independent individual and systemic advocacy plays a crucial role.

Advocacy assists local, state and commonwealth governments to improve their services and understand their obligations to uphold the rights of people with disability. By improving the efficiency and

effectiveness of mainstream services, independent disability advocacy has a significant cost benefit to governments measured at \$3.50 return for each \$1 of funding¹.

In addition to increasing access to mainstream services, independent advocacy also improves the quality of formal and informal safeguards, ensuring people with disability understand and can exercise their rights. This is particularly important in the context of the current Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Improving access of eligible people to the NDIS

There are a range of locally based responses that have been delivered in Queensland to address the specific needs of this state and the cohorts who have experienced most disadvantage in a 'one size fits all' approach to accessing the scheme. QDN acknowledges the innovative and responsive work that has occurred in Queensland across a number of targeted projects including the current Commonwealth and Queensland Government's collaboration to provide an approach to provide people who experience additional challenges, complexity and marginalisation these are used to inform the design of future approaches and resources and also the Indigenous NDIS Pilot Project of National Significance delivered by UIH.

(The Commonwealth and Queensland Government Collaboration refers to the Targeted Outreach Project QDN is delivering in partnership with QCOSS, and Aged and Disability Advocacy through the Aboriginal and Torres Strait Islander Disability Network of Queensland and the Assessment and Referral Team in Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships)

QDN supports the inclusion of evidence of these outcomes of state based and local responses to improving access of eligible participants to be considered by Disability Reform Ministers around national outreach strategies. In the Queensland context, it is important that these are led by the specific cohorts including Indigenous led, led by people from marginalised and hard to reach cohorts, people with intellectual disability, people with psychosocial disability and people from Culturally and Linguistically diverse backgrounds. .

Improving NDIS plan creation

QDN sees that it is critical that definitions are not used as prescriptive instruments that are interpreted and used in ways that deviate from the intention of the legislation and the scheme. QDN members continue to raise concern about the inference that everyone with disability in Australia is attempting to get access to an unreasonable level supports and the implications this has on public perception. People with disability need a system and process in place that enables them to identify their individual needs and goals that leads to NDIS plans that enable people to achieve social and economic participation and greater independence. QDN

¹ Disability Advocacy Network Australia, *Independent Cost Benefit Analysis of Australia's Independent Disability Advocacy Agencies*, [Canberra: 2017], p. 1.

https://www.pc.gov.au/data/assets/pdf_file/0016/222136/subpp0371-ndis-costs-attachment1.pdf

continues to raise concerns about the planned implementation of Independent Assessments as part of the solution to address the equity and probity issues around 'reasonable and necessary' supports. QDN members who are currently participating in the current trial have raised a number of concerns about their experiences, how the information will be used to create the plan, the gaps in information collected through the Independent Assessment process and the lack of safeguards in place for right of appeal to these decisions and processes.

Improving plan utilisation

Queensland's official transition to NDIS Full Scheme arrangements only took place on 1 October 2020 so is clearly some years from maturity. Approx. 50% of participants in Queensland have never previously accessed funded disability supports and will take time to gain confidence navigating scheme. Combined with thin market and lack of availability of choice it will take time for full utilisation to occur (Queensland was sitting at 69% consistent with other state/territories as at 30 September 20 Quarterly Report).

Self-management and plan management continue to be mechanisms that can enable NDIS participants, particularly in locations where there are thin markets to be able to access services and supports and maximise their plan utilisation. However, the significant complexity and administrative burden, as well as the lack of knowledge and skills of individuals and families with disability is an ongoing barrier that needs to be addressed.

Feedback from QDN members and stakeholders regarding support coordination continues to be varied, with many members reporting that they do not receive the support they need from their Support Coordinator to understand their plan and how to implement it. The importance of this function both for participants in linking them to appropriate services and for the function of referral and increasing the flow of customers for NDIS registered providers, along with improving plan utilisation levels cannot be underestimated. There is a lack of sector skills, knowledge and experience to deliver quality support coordination, and a significant undersupply. There is a need for specialisation to support people planning for and improving outcomes, especially in areas such as housing (including for SDA, ILO and SIL), and employment.

Improving market information to assist participants and providers with planning

QDN acknowledges the importance of improving access to market information for both participants and providers. Whether it is to access market information about disability service providers, housing options or allied health services, it is critical that people with disability can access information.

In operating in this digital world, QDN continues to raise the issue of equity of access to information for participants given the barriers to digital inclusion that people with disability experience. QDN continues to receive feedback from members which has increased during COVID-19 of the issue that digital literacy and the ability to access web based information and resources is a significant barrier for people with disability in terms of knowledge and skills, coupled with lack of access to devices and data. Given the presence of internet access in life, this is a vital issue to be addressed to enable people to have real and informed choices, and consumer rights and protection in how market is developing. To deliver an effective and functioning digital market information for both providers and participants, people with disability and families/carers will need access to devices, affordable data and training and skill development to navigate and access the information in the marketplace.

Market and Workforce Recommendations

QDN provides the following feedback broadly in regards to recommendations which relate to market development and workforce.

Queenslanders with disability want to ensure that we have a thriving, quality NDIS market that delivers quality and safe supports, ensuring choice and control.

The quality of services delivered by the market heavily rely on the training, skills, knowledge and experience of the workforce. QDN members continue to raise the need to invest in the development and training of the disability workforce. It is the fastest growing workforce in Australia, and this means that there is a significant percentage of the workforce who come with no experience, skills or knowledge in supporting people with disability. QDN members report varying levels of quality of supports being delivered and with limited supply of quality workers, this impacts upon participant choice and control as well as access to quality services.

A contemporary, effective and quality disability workforce also has to develop, learn and grow as new practices, approaches and supports emerge that are critical in people's lives. One example of this is in the disaster preparedness, response and recovery area. QDN has been working with University of Sydney, Community Services Industry Alliance and Department of Communities, Housing, and Digital Economy to make disaster preparedness, response and recovery more inclusive of people with disability across both natural disasters and pandemics. This has included person-centred emergency individual plans for people with disability so they can be prepared, increase their self-reliance, understand their risk and increase their safety in a disaster, emergency or pandemic. Critical to the success of this is a workforce who can effectively support NDIS participants to develop their individual plans. At this point in time, without adequate resourcing, planning and support, workers and the industry can not invest what is needed in this space to deliver quality supports.

Workforce development needs to include people with disability. It is a partnership across people with disability, families, disability providers, community and health services and the State. However, leadership is needed to deliver quality outcomes and QDN supports the Queensland Government's leadership in this space. It is important that measures and recommendations in this report with a focus on market development include critical areas of support worker development, supports coordination, Allied Health, and Vocational and Educational Training eligibility.

It is important that these recommendations can address shortages in the workforce supply, including allied health however QDN acknowledges the importance of this to be done in a way that the delivery of allied health services whether by qualified professionals or assistant role has some clear safeguards in place.

With regards the deregulation of the market and pricing, it is important that this is closely monitored and that unintended consequences for NDIS participants are not experienced when economic instruments are applied in a human service system. QDN's position is that information about price / market deregulation must be provided to participants by an independent party to enable people's understanding and provide a level of consumer protection. There must be independence and transparency in the price setting and price regulation through the NDA Pricing Reference Group.

With regards to digital market information on demand and supply for SIL and SDA, QDN recognises that it is important that this does not become a recreation of the 'demand management' approach to individual residential placements that existed in the previous system and safeguards and considerations are given to this in the design of this system.

Restrictive Practices

Clarity and efficiency in restrictive practices regime

QDN supports that there should be appropriate safeguards and monitoring contained in the legislative and system reform required to streamline or reform the current restrictive practices regime. For private providers developing Positive Behaviour Support Plans, particularly where they involve seclusion and containment, there should be additional layers of accountability and consistency with NDIS Quality and Safeguards Commission definitions and practices. This is a very specialised field and QDN sees that it is critical that a quality workforce is in place to deliver these services. With regards to removing the statutory monopoly and short term timeframe of Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships to continue to prepare PBSPs and remain a provider of last resort, QDN supports that Government remains an ongoing provider of last resort as a safeguard for market forces which may have negative impacts on service supply for this cohort who are already experiencing challenges in accessing services, supports and housing in this current regulated market.

Conclusion

QDN supports the Queensland Productivity Commission inquiry and work in this area and looks forward to continuing to work with the Queensland Government, National Disability Insurance Agency, Commonwealth Government and allies to ensure that the voice of people with disability is strong and part of the conversations to deliver an internationally leading disability sector that achieves real outcomes for people with disability. It is a critical point in time to ensure that the NDIS continues to grow and be shaped by people with disability, families/carers and industry to co-create the solutions that are needed to take this scheme forward to its next stage of implementation that honour the intentions of the scheme and work for people with disability.