

Joint Standing Committee on the National Disability Insurance Scheme – Inquiry into Market Readiness

Leadership Plus Submission – March 2018

Leadership Plus sees many examples of issues of concern within each of the areas covered by the Market Readiness Inquiry, of particular concern to us, and closely related to each other, are the following critical items in the Terms of Reference:

- g. the provision of housing options for people with disability, with particular reference to the impact of Specialist Disability Accommodation (SDA) supports on the disability housing market;
- h. the impact of the Quality and Safeguarding Framework on the development of the market;
- i. provider of last resort arrangements, including for crisis accommodation.

We are finding among our clients that the intersection of these issues demonstrate most critically areas where the market model that the NDIS is pursuing has yet to adequately provide for people with disability:

- People with complex needs, are unable to find services even though they have the necessary NDIS funding. We have clients who have the funding that is deemed appropriate by the NDIS, and yet are unable to secure service providers willing to provide the service. This is indicative of failure for the market to provide the service (or market failure in a more general sense in that the price of the necessary supports is not adequate to attract providers).

Examples are:

- Agencies unwilling to provide services for participants with complex needs, in particular residential services - funded participants having to go without services for extended periods due to unavailability of providers.
- Agencies not able to provide the coverage of services even when willing to take on participants (e.g. not having sufficient staff to fill shifts). We have clients who have

Huang

Huang is a 56 year old man who lives with quadriplegia. With twice daily support for his personal care needs from two attendant carers, he lives with his sister in the family home. The two service agencies providing attendant care have been struggling for some time to roster appropriately trained staff, in part due to Huang's complex support needs, but also due to the shortage of properly trained workers, a systemic issue for the sector. Because Huang's shifts couldn't be filled, he ended up in hospital while a new agency was sought. Our agency was involved helping to get the hospital to allow day release, which had been initially available then refused in a different ward.

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spent extended periods in hospitals due to inability of providers to supply workers for necessary shifts. This results in limited and inappropriate supports, and of course costs to the health system which are already provided for in the NDIS.

This indicates that the market for providing this service is not adequate – providers are neither training workers nor paying sufficiently to attract them, and participants are left without the supports they need.

- Existing Supported Residential Services clients not qualifying for SDA, and SDA arrangements not yet being fully understood by providers and hence unable to provide suitable services

- Insufficient recognition of crisis accommodation requirements. There are situations where people with disability are in need of urgent accommodation:
 - As a result of processes in the transition to the NDIS, where existing client arrangements are not extended due to the advent of the NDIS, and no alternative process is available.

- Absence of suitable provider of last resort services. Where there are complex needs, funded packages and no providers willing to support the participant, there is no mechanism to ensure that the participant is able to be supported.

The consequences of this can be very serious for participants. For example, participants with mental health and behavioural issues have been refused accommodation by providers, and have ended up in detention and otherwise falling into the justice system. This situation would be avoidable were there a suitable provider of last resort arrangement in place.

- Quality and safeguarding failures
 - As yet unclear enforcement standards on service providers with regard to commercial practices :
 - Participant is paying provider A for day activity services, which are subcontracted to provider B. No specification is available to the participant as to what services are provided for the money paid, and requests to provide it are not responded to
 - Agencies charging participants for clarifying the content of invoices to participants
 - Providers not staffed for adequate service provision due, apparently, to prices not reflecting the cost of funding the skills necessary to provide the service, insufficient staff training etc. Safeguarding and quality auditing ought to prevent this occurring but service quality is not adequately protected

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Recommendations:

In order to improve the market readiness of the NDIS, we suggest the following:

1. Formalise provider of last resort provisions, including:
 - a. clear pathways for participants, ability to notify the NDIA and for support in accessing providers where the market does not provide suitable services
 - b. processes to ensure that services can be provided, with providers pre-identified and pre-funded for complex needs participants.
2. Specific funding for crisis providers, responsive and appropriate access provisions, staffing and assistance within the NDIA to support crisis situations.
3. Greater NDIA oversight of service providers, including ensuring appropriate commercial practices for registration as a provider
4. Rapid deployment and enforcement of safeguarding standards, including easy and responsive reporting and investigation

About Leadership Plus

Leadership Plus is a disability advocacy organisation based in Melbourne. We have particular expertise in acquired brain injury and with culturally and linguistically diverse communities

Our mission is to advocate for individuals, ensure human rights and influence social change so that all people with disability may:

- ❖ Exercise choice
- ❖ Have opportunity to reach their full potential
- ❖ Participate socially and economically

Leadership Plus promotes individual choice, the right to personal development and social and economic participation for people with disability. We believe that everyone benefits from living in an inclusive society that supports diversity.

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