



Brotherhood
of St Laurence

Working for an Australia free of poverty

Fulfilling the potential of Partners in the Community

Response to the NDIS Review report *What we have heard:
moving from defining problems to designing solutions to build
a better NDIS*

August 2023

Summary

The Brotherhood of St. Laurence is an NDIS Partner in the Community for Local Area Coordination and early childhood in Victoria. This submission draws on research, knowledge and practice across our organisation, and forums involving 340 of our employees working at the coalface of delivery of the NDIS. It addresses the following six questions posed in the report released by the NDIS Review in June 2023, spanning five of the ten priority areas for improvement identified by the Review (NDIS Review 2023):

- What services and supports should be available to people with disability outside the NDIS and who should provide them? ***(Priority Area 2: A complete and joined up ecosystem of support)***
- How can reasonable and necessary be more clearly defined so that there is a shared understanding between participants and the Agency and participants have certainty about future funding? ***(Priority Area 3: Defining reasonable and necessary)***
- How can the scheme build goals that nurture connections to local community? ***(Priority Area 7: Achieving long term outcomes)***
- How can funding be better used to help people with disability prepare for, join, or stay in employment? What needs to change to make this work better? ***(Priority Area 7: Achieving long term outcomes)***
- What skills and knowledge does a Partner in the Community need to be able to assist someone to navigate the NDIS? ***(Priority Area 8. Help accessing supports)***

- What should the NDIS do to get the right balance between choice and control, the dignity of risk, and supporting people with disability to be safe? (**Priority Area 10: Participant safeguards**)

There are two common threads through these questions.

The first is that the paradigm shift necessary to sustain the NDIS insurance model—inclusion of Australians with disability in the community to improve their outcomes and reduce, delay or prevent them needing to access individual NDIS funding—has not been realised.

The second is the unintended and growing fallout of the NDIS purchasing model. The model has commodified almost every aspect of social and economic activity for people with disability, and also driven up both NDIS costs and costs of living for millions of Australians with disability without NDIS funding packages.

This submission charts a course for NDIS Partners in the Community (PITC) to play in key role in driving the social and systemic change needed to address those issues. It complements a number of related policy submissions we have made this year, including:

- a submission to the NDIS Review from the University of Melbourne – Brotherhood of St. Laurence research partnership, which explored challenges and opportunities in Tier 2 of the NDIS (Olney 2023);
- our submission on the Early Years Strategy, which called for clear and closer ties between the Early Years Strategy, Australia’s Disability Strategy 2021–2031 and the NDIS (BSL 2023a:11);
- our submission to the Productivity Commission Inquiry into Early Childhood Education and Care, which called for inclusion for children with developmental delay or disability in mainstream settings, to provide effective early intervention, reduce reliance on individualised NDIS supports and improve child outcomes (BSL 2023b:1); and
- our submission to the Review to Inform a Better and Fairer Education System, which emphasised the importance of inclusion in education (BSL 2023c).

Our recommendations in this submission reflect lessons from our practice within the existing NDIS structure. We appreciate that both the NDIS ‘tiered’ structure and the LAC and early childhood partner models will be subject to critical examination in the Review. As a result, some of our recommendations may be overtaken in that process. In that event, we would welcome the opportunity to engage further with government after the Review’s final report is handed down.

Our recommendations are listed by Priority Area below:

Priority Area 2: A complete and joined up ecosystem of support

There is a need for, and evidence of demand for, the following changes:

- ‘No wrong door’ for Australians with disability and their families to find and access the services and support they need. This calls for information channels and navigation

support informed by lived experience of disability; skilled and engaged workers in frontline and strategic roles; connected and accessible baseline supports outside individualised NDIS plans that promote independence; financial security; and quality of life and inclusion for people with disability from early childhood. It must be underpinned by robust and timely shared data across government on the service and support landscape and the needs of service users with disability.

- A clearer, collaborative and constructive relationship between Australia’s Disability Strategy, Information, Linkages and Capacity Building (ILC, formerly Tier 2) activity under the NDIS and DSS, and NDIS PITCs. This should be underpinned by a stronger rights-based intergovernmental agreement for disability inclusion, and whole-of-government commitment, investment, performance measures, shared goals and mechanisms to address entrenched marginalisation of people with disability and to drive inclusion of people with disability in services and activities available to all other Australians.
- Inclusion within mainstream settings for children with developmental delay or disability, to provide effective early intervention, reduce reliance on individualised NDIS supports and improve child outcomes (BSL 2023b:1).
- Flexible and broad supports for children with disability and developmental delay in schools, with inclusion as an overarching aim (BSL 2023c:3).
- Scope for some people (especially those with psychosocial disability) to have multiple care plans per year, to expand access to allied health and other health and disability support services.

Priority Area 3: Defining reasonable and necessary

Greater clarity about what the NDIS will fund could be achieved through:

- joint training and resources for PITCs and NDIA delegates on what is deemed reasonable and necessary by the Agency, and how to discuss that with people with disability and their support networks
- a centralised reasonable and necessary Advice Team at the Agency
- ensuring that ‘universal’ services required for daily living are accessible, affordable and available to people with disability of all ages without the long waiting times or prohibitive costs that drive people to the NDIS
- expanding the page on the NDIA website ‘Would we fund it?’ to show *ineligible* services, and to explain the difference between everyday or personal expenses and disability related expenses
- explaining that what is ‘reasonable and necessary’ is not the same for everyone, with examples.

Priority Area 7: Achieving long term outcomes

To improve outcomes for Australians with disability and reduce their need for intensive supports over time, there is much to be gained by

- reviving the original concept and aims of Tier 2 support and local capacity building through Local Area Coordinators (LACs), with a new name that signals its purpose;
- supporting PITCs and advocacy organisations to help people with disability and their families understand and navigate changes to the NDIS as the scheme evolves;
- hybrid service models and labour market interventions to increase employment for people with disability at different life stages. These need to be underpinned by strategic collaborative investment and policy action across state, territory and Commonwealth governments to address structural and systemic labour market disadvantage;
- a full employment objective inclusive of people with disability, commitment to job quality, and targeted trials of new social and economic development strategies;
- increased investment and capacity building for LACs to directly employ people with disability in significant numbers in local communities across the country, in both client-facing and strategic roles. This represents a dual investment in meeting Australia's obligations as a signatory to the UN CRPD, by promoting inclusion in the community and creating jobs for marginalised jobseekers.

Priority Area 8. Help accessing supports

Partners in the Community are now an established, experienced, national, street-level platform for people with disability to access disability-related support and advice. Realising their potential requires:

- equipping and resourcing PITC so they can play a critical role, as originally intended, in capturing local intelligence and trends, joining the dots between service systems, identifying service gaps, providing advice to government on required action and investment, and building community capacity and social capital to improve outcomes for people with disability and reduce pressure on the NDIS.

Priority Area 10: Participant safeguards

Achieving a balance between choice and control, dignity of risk and safety for people with disability requires:

- more accessible training and resources, including practical support from PITCs embedded in local communities. This would assist people with disability and their support networks to understand how the NDIS works, where it sits in the service and welfare landscape, who is responsible for what in that environment, and their rights and entitlements as equal citizens; and
- a review of the NDIS Quality and Safeguards Commission, its operation and mandate as it relates to Australia's obligations under the UN CRPD and the more specific concept of dignity of risk.

1 The Brotherhood of St. Laurence and the NDIS

The Brotherhood of St. Laurence (BSL) is a social justice organisation working alongside people experiencing disadvantage to prevent and alleviate poverty across Australia. Our mission is to pursue lasting change, to create a more compassionate and just society where everyone can thrive.

Our approach is informed directly by the people experiencing disadvantage and uses evidence drawn from our research, together with insights from our programs and services, to develop practical solutions that work.

BSL is an NDIS Partner in the Community (PITC), contracted by the National Disability Insurance Agency (NDIA) to deliver Local Area Coordination (LAC) and early childhood support in Victoria across the North Eastern Melbourne, Hume Merri-bek, Brimbank Melton, Western Melbourne and Bayside Peninsula areas. Our work in that arena is characterised by continuous improvement and learning at both organisation and system levels, based on what we observe, experience and monitor at the front line of implementing the NDIS and intersecting programs and services.

2 Leveraging the potential of Partners in the Community

Since 2013, the NDIS has changed the lives of many Australians with disability and their families for the better. However, the social change underpinning its insurance-based model—**inclusion of people with disability in mainstream social and economic activity, supported by local information, linkages, capacity building and community capital to maximise their outcomes at every life stage and minimise lifetime costs**—has not been realised (Olney, Mills & Fallon 2022; D’Rosario 2023; Wilson et al 2021; JSCNDIS 2021:53; Victoria Legal Aid 2022; Olney & Devine 2022; Soldatic et al. 2021; Brotherhood of St Laurence & Mission Australia 2020).

The existing disability support ecosystem is failing Australians with disability, creating a ‘cliff’ between the support available to NDIS participants and those outside the scheme. It is also failing to address the economic risks for every level of government that are associated with people with disability and their families being unable to find or afford the services and support they need. If they exhaust their personal and financial resources, they will require significantly higher levels of intervention and investment in areas like the NDIS, health, housing, justice, aged care and welfare.

We recognise the critical importance of higher-level scheme design questions in the NDIS Review, and addressed these in a separate submission to the Review dated 3 May 2023 (Olney 2023). We are aware that many issues arising from contested, blurred and shifting boundaries between the responsibilities of the NDIS and other service systems lie outside the direct control of the NDIS and its agents, its Minister, and the Department of Social Services. Consequently, we understand that the NDIS Review must be both strategic and tactical in identifying key leverage points where it can influence the broader policy landscape to promote inclusion for people with disability in both the short and long term. **PITC is one of those key leverage points.**

As an NDIS PITC, BSL is part of a national, community-level platform for people with disability to access disability-related support and advice (NDIS 2023). Agency priorities, participant volumes, resourcing, and key performance indicators have kept our efforts focused on people who are eligible for NDIS Individual Funding Packages, helping them to access the scheme and create and implement annual funding plans. However, PITC should play a broader, critical role in capturing local intelligence and trends, identifying service gaps, and building community capacity and social capital to reduce pressure on the NDIS and improve outcomes for all Australians with disability. That potential is unfulfilled, hampered in part by limited resources, and in part by shifting and competing government priorities in implementing the NDIS (Olney 2022; Olney, Mills & Fallon 2022; Wilson et al. 2021).

This submission draws on our research, knowledge and practice, and forums involving 340 of our employees working at the coalface of NDIS delivery, many of whom are people with disability, participants of the scheme or care givers for family members with disability. We address six questions posed in the report released by the NDIS Review in June 2023, spanning five of the ten priority areas for improvement identified by the Review (NDIS Review 2023). Each question touches on the importance of local knowledge, local networks and community capital in maximising outcomes for Australians with disability, **both inside and outside the NDIS**, and ensuring the sustainability of the NDIS. Our aim in addressing these questions is to chart a course to realise the full potential of PITC.

What services and supports should be available to people with disability outside the NDIS and who should provide them? (Priority Area 2: A complete and joined-up ecosystem of support)

Over the last ten years, the NDIS purchasing model has commodified almost every aspect of social and economic activity for people with disability. This has had unintended consequences for NDIS costs. It has also impacted on living costs for millions of Australians with disability who do not have NDIS funding packages.

Access to community and informal supports, mainstream activity and service systems outside the NDIS is critical to delay, prevent or reduce the need for people with disability to seek individual funding through the scheme (Productivity Commission 2017, p 2). People with disability have the right to access universal, publicly funded services available to other citizens. Yet their costs of living are rising (PWDA 2023), affordable community supports are contracting (Wilson et al. 2021, p. 19), and they remain marginalised in the labour market (Olney & Devine 2022). Also, ‘universal’ services—including health, education and training, housing, employment services, justice, housing, transport—continue to be largely inaccessible or non-inclusive (Brotherhood of St Laurence & Mission Australia 2020, p. 8).

Current approaches to directing people with disability to ‘mainstream’ activities and service systems, online or through PITCs do not adequately factor in their entrenched disadvantage in those systems. This includes extra living costs, administrative burden of navigating the

disconnected service ecosystem, and the risks and future costs associated with people with disability and their families being unable to find or afford the services and support they need.

Internal forums involving 340 members of our NDIS workforce revealed:

- Insufficient equipping and resourcing of LACs to connect people with disability and their families to appropriate services outside the NDIS, or to provide case management
- observed shifting of responsibility and costs between service systems, and significant service gaps
- shrinking access to community supports and activities driven by changes to funding models, eligibility criteria and/or the market
- people's unequal capacity to navigate multiple and complex service systems
- a need for services outside the NDIS to understand what the NDIS can and cannot fund, and for whom, and clearer accountability across jurisdictions to fill service gaps
- reluctance among some people with disability to engage with mainstream supports, due to previous negative experiences
- persistently limited access to employment, work experience and volunteering opportunities.

Recommendation:

There is a need for, and evidence of demand for:

- 'no wrong door' for Australians with disability and their families to find and access the services and support they need. This requires clear information channels, skilled and engaged workers in frontline and strategic roles, access to foundational supports outside individualised NDIS plans that promote inclusion from early childhood, independence, financial security and quality of life, robust shared data on the service and support landscape and the needs of service users, and navigation support informed by lived experience of disability;
- a clearer, collaborative and constructive relationship between Australia's Disability Strategy, Information, Linkages and Capacity Building (ILC, formerly Tier 2) activity under the NDIS and DSS, and NDIS PITCs. This needs to be underpinned by a stronger rights-based intergovernmental agreement for disability inclusion, and whole-of-government commitment, investment, performance measures, shared goals and mechanisms to address entrenched marginalisation of people with disability and to drive inclusion of people with disability in services and activities available to all other Australians;
- inclusion within mainstream settings for children with developmental delay or disability, to provide effective early intervention, reduce reliance on individualised NDIS supports and improve child outcomes (BSL 2023b:1)
- scope for some people (especially those with psychosocial disability) to have multiple care plans per year, to expand access to allied health and other health and disability support services.

How can reasonable and necessary be more clearly defined so that there is a shared understanding between participants and the Agency and participants have certainty about future funding? (Priority Area 3: Defining reasonable and necessary)

Defining and applying definitions of 'reasonable and necessary' is complex for a number of reasons:

- Participants' individual needs and circumstances vary, so what is deemed 'reasonable and necessary' for one participant may differ from another.
- If 'reasonable and necessary' is defined in a highly prescriptive manner, it could encourage rent-seeking and cherry picking through the preferencing of 'approved' services over what may be more appropriate or effective for participants.
- Participants' understandings of 'reasonable and necessary' are shaped by a number of factors, including comparisons of services provided to other participants, the advice and opinion of health professionals, and personal experiences and judgements.

While these factors make precise definition challenging, lack of clarity can hinder participants' ability to navigate the system and understand what service options may be available. Some families are afraid to spend their NDIS plans in case they purchase something not considered reasonable and necessary; others look for ways to spend their package regardless of their goals. More clarity would assist with making this more straightforward, acknowledging the need to leave scope for choice and control.

Determining what is reasonable and necessary for the NDIS to fund requires a nuanced understanding of people's needs and circumstances. Despite this, there is no strategic or coordinated effort across government or the NDIA to understand the wide-ranging and shifting needs of Australians with disability over their life course, and the capacity of governments, civil society, business and individuals – including people with disability themselves – to meet those needs at different times and in different places.

LACs are uniquely positioned to shed light on this underexamined, high-risk and complex policy environment, which is shaping the life course of some of Australia's most marginalised citizens with far-reaching social and economic costs. They are also well placed to help people with disability understand and navigate changes to the NDIS as the scheme evolves.

Our internal NDIS workforce forums called for more publicly available specificity/clarity about what is 'reasonable and necessary' from a range of angles, including:

- defining the respective roles of the NDIA and PITS in explaining what is reasonable and necessary to participants, why assessment of what is reasonable and necessary will vary according to their individual needs and circumstances, and managing participants' expectations (noting that there is some progress on this front with the 3P Improvement Initiative);
- moving from discretionary to more transparent decision-making processes, and providing plain language guides, tools, videos and clear examples (including case studies) of what

will and will not be funded by the NDIS for the Agency, LACs, early childhood partners, plan managers, advocacy organisations, and participants and their families;

- more information about the service landscape outside the NDIS, and who has authority/responsibility to address gaps in service systems outside the NDIS being addressed;
- more guidance for PITCs to support people with multiple and complex needs who may be bounced between service systems;
- countering misinformation in online forums, among support coordinators, or from service providers to participants;
- a clear breakdown of benefits and value for money of different types of supports and frequency/levels of supports;
- opportunities for partners to spend a day in the Agency as professional development and vice versa, or to interact more directly with delegates.

Primarily, this requires government and the NDIA to clearly explain what NDIS will fund. That cannot occur in isolation. It must be part of a broader process of meaningful negotiation with people with disability and their support networks; increased investment in supports outside the NDIS; transparent rules and processes in NDIS planning; mechanisms to manage risks of cost shifting, rent seeking and perverse incentives in NDIS markets; and scope at the frontline of delivery of the NDIS to address the varied needs and circumstances of all people with disability at different life stages and in different contexts.

Recommendation:

Greater clarity about what the NDIS will fund could be achieved through:

- joint training and resources for PITCs and NDIA delegates on what is deemed reasonable and necessary by the Agency, and how to discuss that with people with disability and their support networks
- a centralised reasonable and necessary Advice Team at the Agency
- ensuring that ‘universal’ services required for daily living are accessible, affordable and available to people with disability of all ages without the long waiting times or prohibitive costs that drive people to the NDIS
- expanding the page on the NDIA website ‘Would we fund it?’ to show *ineligible* services, and to explain the difference between everyday or personal expenses and disability related expenses
- explaining that what is ‘reasonable and necessary’ is not the same for everyone, with examples.

How can the scheme build goals that nurture connections to local community? (Priority Area 7: Achieving long term outcomes)

There is some overlap between this question and the question posed under Priority Area 2 about what services and supports should be available to people with disability outside the NDIS and who should provide them.

Our internal workforce forums revealed the following challenges and opportunities in building goals that nurture connections to local community:

- People with disability and their families are not always aware of options open to them in developing their goals.
- The planning process, coupled with the inconsistency and precariousness of community supports, encourages people to focus on services that can be purchased with NDIS funding in setting goals.
- Communities are not always welcoming or open to understanding or adapting to meet the needs of people with disability, or understanding what people with disability can offer.
- Some people with disability have had poor experiences in the community in the past, and need support to reengage in community activity.
- It is critical for NDIS partners to be visible and active in the community to raise awareness of local connections and opportunities for inclusion of people with disability, but this is difficult under current contractual arrangements.

Recommendation

To improve outcomes for Australians with disability and reduce their need for intensive supports over time, there is much to be gained by

- reviving the original concept and aims of Tier 2 support and local capacity building through LACs, with a new name that signals its purpose;
- supporting PITCs and advocacy organisations to help people with disability and their families understand and navigate changes to the NDIS as the scheme evolves.

How can funding be better used to help people with disability prepare for, join, or stay in employment? What needs to change to make this work better? (Priority Area 7: Achieving long term outcomes)

Persistent unemployment and underemployment of people with disability is a significant risk to the sustainability of the NDIS.

As young people with disability transition from school, enabling them to find decent work has both private and public value. Exclusion from the labour market at that critical point can have lifelong consequences and significant costs. It is also a human rights issue, under the UN Convention on the Rights of Persons with Disability (UN CRPD). Initiatives intended to improve employment outcomes for young Australians with disability are not streamlined within or across

government jurisdictions, business and philanthropy, although there are recent moves in government to address that (DSS 2023).

Overall, of the 2.1 million Australians with disability aged 15–64 years—11 per cent of the working age population—just 290,000 are NDIS participants. In 2018 (the most recent available data), 53.4 per cent of Australians with disability aged 15–64 years were participating in the labour force and fewer than 50 per cent of Australians with disability were employed, which is significantly below the rates for Australians of working age without disability (BSL 2022a:16; Olney & Devine 2022). More must be done to expand opportunities for the 1.8 million people with disability outside the NDIS to find and keep work, to strengthen their financial and personal wellbeing, and to reduce the likelihood that they will need individualised support from the NDIS. It is equally important to ensure that NDIS participants have access to decent and secure work to maintain their wellbeing.

Within the entire working age cohort, the prevalence of disability rises sharply as people age, and lines between chronic health conditions and disability begin to blur. Research and labour market data suggests that many people aged 50–64 years with disabling conditions with partial capacity to work are unable to find work that suits their circumstances and utilises their skills (Soldatic, Bowman, Mupanemunda & McGee 2021; Olney & Devine 2022). They become enmeshed in the welfare system, struggle to make ends meet on low incomes, and/or become increasingly reliant on their families and precarious informal support networks. With its current age-related eligibility criteria, the NDIS has created a powerful incentive for these people in these circumstances to apply for NDIS funding before they turn 65, so they can access specialist disability support as they age.

Our advice on necessary reform in this priority area is underpinned by our research and practice focused on addressing labour market disadvantage for people with disability and other marginalised jobseekers (BSL 2022a; Brotherhood of St Laurence & the Centre for Policy Development 2023). With the support of the Paul Ramsay Foundation, we are trialling an evidence-based *Inclusive Pathways to Employment* model focused on blending, braiding and sequencing supports across government and civil society to improve employment outcomes for young people with disability. In addition, BSL is trialling a *Chance for All Disability Employment Pilot* in partnership with ANZ. The pilot seeks to benefit people living with a disability who are wanting to enter the workforce or who are looking to move into more meaningful work.

In line with recommendations from Interim Economic Inclusion Advisory Committee 2023–24 Report to Government, we are committed to a full employment objective with high rates of labour utilisation for people with disability and other marginalised jobseekers, and job quality (Interim Economic Inclusion Advisory Committee 2023:48). We also support the trial and learning of new social and economic development strategies, including as part of the Employment White Paper and Early Years Strategy (Interim Economic Inclusion Advisory Committee 2023:58).

Our internal workforce forums confirmed many of the known barriers to work for people with disability, ranging from poor transitions from school to work to discrimination in the job market and the complexity of systems and processes to be navigated by jobseekers and employers.

There were calls for

- clearer outcome measures for capacity building activity

- more tangible aims and measurable outcomes for School Leaver Employment Supports (SLES)
- more opportunities for young people to access part-time work and volunteering opportunities before leaving school
- improved employment conditions and pay in supported employment
- a streamlined system for equipping people with disability to work, helping them find and keep work, supporting employers and building their capacity to provide disability-confident workplaces, and creating employment for people with disability that utilises their strengths and suits their needs and circumstances.

Barriers to work for people with disability include discrimination in education and training, the job market and workplaces; the structure of work; inaccessible infrastructure; lack of affordable, accessible and secure housing in areas where work is available; unmet need for health, mental health and disability-related services; and socioeconomic disadvantage. Another important barrier for people with disability who are only able to work part time or episodically is welfare conditionality, which poses difficulties for people needing regular income and access to concessions to cover extra costs of living with disability. This complex environment demands coordinated responses across government, beyond the disability employment services system and the NDIS.

Recommendations

To improve outcomes for Australians with disability and reduce their need for intensive supports over time, there is much to be gained by:

- hybrid service models and labour market interventions to increase employment for people with disability at different life stages, underpinned by strategic collaborative investment and policy action across state, territory and Commonwealth governments to address structural and systemic labour market disadvantage;
- a full employment objective inclusive of people with disability, commitment to job quality, and targeted trials of new social and economic development strategies;
- increased investment and capacity building for Local Area Coordinators to directly employ people with disability in significant numbers in local communities across the country, in both client-facing and strategic roles. This represents a dual investment in meeting Australia's obligations as a signatory to the UN CRPD, by promoting inclusion in the community and creating jobs for marginalised jobseekers.

What skills and knowledge does a Partner in the Community need to be able to assist someone to navigate the NDIS? **(Priority Area 8: Help accessing supports)**

In assisting people to navigate the NDIS, discussions at our internal workforce forums highlighted the importance of:

- an in depth understanding and appreciation of the experience of people living with a disability, demonstrated empathy with their circumstances and a commitment to enabling them to realise their rights and live with dignity
- understanding links between disability and disadvantage
- communicating clearly and respectfully
- guiding people to help themselves
- countering misinformation
- understanding the local service landscape, and
- the ability to work with a broad range of people, including demonstrated experience / capability working with people with a disability with diverse socio-economic backgrounds, culturally and linguistically diverse backgrounds, and First Nations people.

Recommendation

Partners in the Community are now an established, experienced, national, street-level platform for people with disability to access disability-related support and advice. Realising their potential requires:

- equipping and resourcing PITC so they can play a critical role - as originally intended. This includes capturing local intelligence and trends, joining the dots between service systems, identifying service gaps, providing advice to government on required action and investment, and building community capacity and social capital to improve outcomes for people with disability and reduce pressure on the NDIS.

What should the NDIS do to get the right balance between choice and control, the dignity of risk, and supporting people with disability to be safe? **(Priority Area 10: Participant safeguards)**

Our internal workforce forums revealed the following challenges and opportunities in balancing choice and control and dignity of risk for people with disability:

- Information and education for people with disability and their support networks about how the NDIS works, where it sits in the service and welfare landscape, and their rights and entitlements as equal citizens should be more accessible, and backed by practical, local support when required.
- Mechanisms for complaints should be simplified and streamlined.
- Allegations and responses to provider fraud must be dealt with swiftly, so confidence in the scheme is not undermined.
- Participants should understand and be confident about how they can use their plan, without constant fear of making a mistake. Information about penalties for misuse of funds should be easier to find and understand.

- There are benefits to sharing information about what government services people are accessing, but they must be balanced with a right to privacy.
- The tension between 'choice and control' and 'reasonable and necessary' in the scheme remains unresolved since its trial phase.
- There is inherent tension between Quality and Safeguards mandate and a person's right to make choices about their life, particularly within residential settings.

Recommendation

Achieving a balance between choice and control, dignity of risk and safety for people with disability requires:

- more accessible training and resources. This includes practical support from PITCs embedded in local communities to assist people with disability and their support networks to understand how the NDIS works, where it sits in the service and welfare landscape, who is responsible for what in that environment, and their rights and entitlements as equal citizens; and
- a review of the NDIS Quality and Safeguards Commission, its operation and mandate as it relates to Australia's obligations under the UN CRPD and the more specific concept of dignity of risk.

3 References

- Brotherhood of St Laurence and Mission Australia 2020, [Submission regarding the National Disability Strategy beyond 2020 – Department of Social Service Stage 2 consultations](#), BSL & Mission Australia.
- Brotherhood of St Laurence and the Centre for Policy Development (2023) [Submission to the Inquiry into Workforce Australia Employment Services](#)
- BSL (2022a) [Submission to the Treasury Employment White Paper consultation](#)
- BSL (2023a) [Submission to the Early Years Strategy, April 2023](#)
- BSL (2023b) [BSL submission to the Productivity Commission Inquiry into Early Childhood Education and Care, May 2023](#)
- BSL (2023c) [Submission to the Review to Inform a Better and Fairer Education System, August 2023](#)
- D’Rosario, M 2023, *Not a one-stop shop: the NDIS in Australia’s social infrastructure*, National Disability Services, Per Capita, Australia, 14 November.
- DSS (Department of Social Services) 2023, [Working together to trial blended payments](#), DSS, Canberra.
- Interim Economic Inclusion Advisory Committee (2023) [2023–24 Report to Government](#)
- JSCNDIS (Joint Standing Committee on the National Disability Insurance Scheme) General Issues 2021 Report, Inquiry into *General issues around the implementation and performance of the NDIS*, JSCNDIS, Canberra
https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Disability_Insurance_Scheme/GeneralIssues/Report_2021.
- NDIS Review 2023, [What we have heard: moving from defining problems to designing solutions to build a better NDIS](#), Australian Government, Canberra.
- Olney, S 2022, [The ticking time bomb at the heart of the National Disability Insurance Scheme](#), Policy Forum, ANU, Canberra.
- Olney S (2023) Finding support outside the NDIS: issues and opportunities in the aims, design and implementation of ‘Tier 2’ of the scheme. Submission to the NDIS Review dated 3 May 2023
- Olney, S & Devine, A 2022, ‘Looking for workers in the lead up to the Jobs and Skills Summit? Here’s half a million’, *Power to Persuade*, 31 August.
- Olney S, Mills, A & Fallon L 2022, [The Tier 2 tipping point: access to support for working-age Australians with disability without individual NDIS funding](#), Melbourne Disability Institute, University of Melbourne.
- Productivity Commission 2017, [National Disability Insurance Scheme \(NDIS\) costs](#), Productivity Commission, Canberra.
- PWDA (People with Disability Australia) 2023, [Submission to the Select Committee on the Cost of Living](#), PWDA.
- Soldatic, K, Bowman, D, Mupanemunda, M & McGee, P 2021, [Dead ends: how our social security system is failing people with partial capacity to work](#), Brotherhood of St Laurence, Fitzroy, Vic.
- Victoria Legal Aid 2022, [Explainer – National Disability Insurance Scheme and market failure](#), Victoria Legal Aid, Melbourne.
- Wilson, E, Qian-Khoo, J, Campain, R, Brown, C, Kelly, J, Kamstra, P, Crosbie J & Knox J 2021, [Informing investment design: ILC research activity – summary of findings](#), Presentation, December, Centre for Social Impact, Swinburne University of Technology, Hawthorn, Vic.

For further information or to discuss this submission, please contact:

<p>Ismo Rama</p> <p>Principal Policy Advisor, Social Policy and Research Centre</p> <p>Email: ismo.rama@bsl.org.au</p>	<p>Associate Professor Sue Olney</p> <p>University of Melbourne – Brotherhood of St. Laurence Principal Research Fellow, School of Social and Political Sciences, University of Melbourne</p> <p>Email: s.olney@unimelb.edu.au</p>
--	--

Brotherhood of St. Laurence
67 Brunswick Street
Fitzroy Vic. 3065

ABN 24 603 467 024
ARBN 100 042 822

Ph. (03) 9483 1183
www.bsl.org.au