Physical Disability Council of NSW
Ordinary People Ordinary Lives

Submission for the NDIA

**Information, Linkages and Capacity Building
Commissioning Framework – Consultation Draft**

22 April 2016

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Who is the Physical Disability Council of NSW?

The Physical Disability Council of NSW (PDCN) is the peak body representing people with physical disabilities across New South Wales. This includes people with a range of physical disability issues, from young children and their representatives to aged people, who are from a wide range of socio-economic circumstances and live in metropolitan, rural and regional areas of NSW

The objectives of PDCN are:

- To educate, inform and assist people with physical disabilities in NSW about the range of services, structure and programs available that enable their full participation, equality of opportunity and equality of citizenship
- To develop the capacity of people with physical disability in NSW to identify their own goals, and the confidence to develop a pathway to achieving their goals (ie: self-advocate).
- To educate and inform stakeholders (ie: about the needs of people with a physical disability) so they are able to achieve and maintain full participation, equality of opportunity and equality of citizenship.

Overview:

The Physical Disability Council of NSW (PDCN) appreciates the opportunity to comment on the application of the Information, Linkages and Community Building Commissioning Framework - Consultation Draft for people with physical disabilities receiving individually funded packages through the NDIS (National Disability Insurance Scheme), and for people with disabilities who are not receiving individualised funded packages but are able to receiving information, linkages and capacity building through the NDIS ILC tier.

The Australian Government's Productivity Commission Report: Disability, Carers and Support identifies the following three tiers and the approximate number of people needing the different levels of service provision within the NDIS:

- Tier 1- Facilitation of social participation targeting the whole Australian population,
- Tier 2- Provision of information, linkages and capacity building targeting four million people with disability and 800,000 of their primary carers, and
- Tier 3- Provision of individualized funded packages to people with severe to profound disability. [1]

Based on these projected estimates, the number of people accessing information, linkages and referrals is quite considerable and illustrates that there will still be significant demands on service provision even for this group of people. The Information, Linkages and Capacity Building - Commissioning Framework is built on the assumption that all government departments are legally aware of their obligations and responsibilities, and are subsequently providing services within this Human Rights framework. PDCN is not convinced that government departments nationally provide the same degree of access and inclusion, or that they have the

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[1] Australian Government- Productivity Commission (2011) Disability, Care and Support, Page 160

skills and resources to target people not receiving individualised funded packages but still with significant need.

With this insecurity people with disability with significant needs, but those not entitled to a funded package will not necessarily have access to home and community supports or advocacy services previously available through state government disability services.

Background information:

To improve the understanding of the term tier 2 supports, the Disability Reform Council replaced this term with the following acronym; ILC; Information, Linkages and Capacity Building. This was done to better describe the kind of strategies included in this group of services and to provide greater clarity. The objectives of the ILC are similar to those outlined in the following legislation and policies:

- UN Convention on the Rights of Persons with Disabilities
- National Disability Insurance Scheme Act 2013
- National Disability Strategy 2010- 2020

The ILC Commissioning Framework- Consultation Draft describes the relationship and interconnections between those programs included in the ILC, to supports provided to people with disability in receipt of an individualised funded packages, and then to broader programs aimed at creating an accessible inclusive community. This includes community awareness and capacity building programs and supports that target local, state and commonwealth government departments, non- incorporated bodies, for profit and not for profit organisations.

The ILC Commissioning Framework identifies the following five activity streams that target mainstream and universal services, services provided by smaller community organisations including profit and not for profit service providers, NDIA employees and people with disability.

1. Information, Linkages and Referrals
2. Mainstream Services and Capacity Building
3. Community Awareness and Capacity Building
4. Individual Capacity Building
5. Local Area Coordinators

Activity streams

PDCN believes that the current headings of the activity streams referred to in the Commissioning Framework are too similar and consequently may be easily confused with each other. To eliminate this misunderstanding it is recommended that the existing headings are changed to add clarity, by substituting these headings with titles that combine both the objective of the activity stream and to whom the activity stream is targeting:

Existing heading of Activity Stream		Recommended heading of Activity Stream
1. Information, Linkages and Referrals	>>>	1. Information, Linkages and Referrals for people with disability (and their carers?)
2. Mainstream Services and Capacity Building	>>>	2. Capacity Building of Mainstream Services
3. Community Awareness and Capacity Building	>>>	3. Awareness and Capacity Building of community services
4. Individual Capacity Building	>>>	4. Capacity Building of people with disability
5. Local Area Coordinators	>>>	5. Local Area Coordinators

Whilst the ACT and Commonwealth governments are still planning the pending implementation of the trial ILC, it is understood that service providers in the ACT are having difficulties with forward planning. These difficulties and insecurities may also impact on the capacity of people with disability participating in the trial ILC with learning, interacting with others and taking risks.

Activity Stream 1- Information, Referrals and Capacity Building includes a selection of activities that include processes that connect people with disability, their families and carers with appropriate disability, community, universal and mainstream supports. This program is currently available through programs provided by disability-specific organisations and also through whole of population programs where the program may have been adapted to be more inclusive or particularly responsive to people with disability. Examples of programs included in this Activity Stream include:

- Web-based supports such as the PDCN I'm Okay: Emergency Readiness for People with Disability
- Peer support and experience sharing including the 'Mentors Matter' program aimed at supporting students with disability whilst attending secondary mainstream education, and CDAH's peer to peer mentoring
- Telephone information such as the 'National Relay Service'
- Fact sheets showing how a government department has incorporated greater accessibility and inclusion.

Where provision of information is a core business it is fundamental that there is a clear separation between the service providing the information and the service recipient having the ability to independently select the most appropriate information without being influenced by the service provider.

Activity stream 2- Mainstream Services and Capacity Building includes the obligations of base-line services and mainstream service systems. Additional

funding is only available to building the capacity of mainstream service beyond that ordinarily expected. This is built on the following premise:

> *"The introduction of the NDIS does not shift the responsibilities of mainstream and universal services in ensuring greater accessibility and inclusion, nor is the NDIS a funding source for mainstream services. As such the NDIS can identify and inform areas where governments, in implementing the National Disability Strategy, should focus effort to ensure accessible mainstream supports, programs and community infrastructure."* [2]

Proceeding the adoption of the Disability Discrimination Act (DDA) in 1992, DDA Standards for Transport, Accessibility and Education have been also adopted and the Australian Human Rights Commission (AHRC) has provided instruction on the preparation of Disability Action Plans. Even with this input there are considerable differences between different states, industries and regulatory frameworks. PDCN believes that with these inconsistencies it is inevitable that different service providers will have different eligibility, resources and varying modes of service delivery. To reduce the impact of inconsistencies between different services, different community building programs need to be available.

Annual grants within this category may include participation in the development of a high levelled publication documenting national trend indicators based on the six outcome areas of the National Disability Strategy or feeding this into the Productivity Commission annual report on government services.

Recommendation 1: To reduce the impact of inconsistencies between different types of services, it is important that a broad range of different capacity building programs need to be available.

Recommendation 2: That ILC funding also be allocated towards research and publications showing the development of the ILC outcomes, and links to the NDS and Productivity Commission.

Applicants accessing Activity Stream 3 - Community Awareness and Capacity Building funding include community supports comprising of not-for-profit and for-profit organisations, partnerships, and non-incorporated bodies. The Commissioning Framework stresses that all Australian governments, non-government organisations, businesses and the wider community have a role to play in enhancing access and inclusion. As some local councils already conduct Community Awareness programs, PDCN would like to clarify whether local councils will still able to access additional Activity Stream 3 funding for Community Awareness programs.

In small community organisations funding may be sought to enhance human resource development aimed at increasing understanding of the needs of people

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[2] Information, Linkages and Capacity Building Commissioning Framework – Consultation Draft page 14

with disability in markets where supply has traditionally been weak. Programs within this sector may include:

- Community activities in which people with disability can participate

- Consulting with, or incorporating the views of, people with disability, their families and carers in the provision of community activities and other goods and services; and

- Investing in product design and technology to facilitate the inclusion of people with disability in the community.

As part of local council planning responsibilities a long-term strategy is prepared and this is built on the social and economic needs of the community. This overarching strategy is supported by a Delivery Program prepared every four years containing strategies to be implemented and an Operational Plan prepared and reviewed annually. These plans identify how a Council intends on achieving community outcomes, and how these outcomes will be measured. The following social justice principles need to be applied by local councils and the ILC:

- *Equity* - fairness in the distribution of resources, particularly for those in need
- *Rights* - equality of rights established and promoted for all people
- *Access* - fair access for all people to economic resources, services and rights essential to their quality of life, and
- *Participation* - opportunity for all people to genuinely participate in the community and be consulted on decisions which affect their lives. [3]

Recommendation 3: That Activity Stream 3 funding still be available to local councils already conducting community awareness programs particularly located in rural and remote locations.

Recommendation 4: That the four social justice principles be applied by the ILC framework

Activity Stream 4 - Individual Capacity Building includes programs aimed at enhancing the skills of the individual person with disability. This funding stream provides programs aimed at increasing personal awareness, selection and choice. Funding will be made available for support courses, groups and organisations to facilitate self-advocacy and decision making, facilitate mentoring and peer support.

A large proportion of the ILC budget will go towards the funding of LACs for the implementation of the following initiatives:

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[3] Local Government Association NSW (2015) Information, Linkages and Capacity Building Policy Feedback form

- Direct, innovative and flexible assistance for participants with less complex needs to help them connect to their local community and put their individually funded packages into action
- Short-term assistance for people with disability who are not eligible for the NDIS to identify and help them to find community-based activities or resources relevant to their needs
- Strengths-based community development and mainstream service partnership activities that benefit all people with a disability. [4]

PDCN believes that the ILC Commissioning Framework needs to consider adding the following terms to the glossary with the following definitions to ensure greater clarity and understanding:

- BILATERAL AGREEMENT - Refers to a reciprocal arrangement or contract between two parties where each promises to perform an act in exchange for the other party's act.

- PHILANTHROPY – The planned and structured giving of time, information, goods and services, voice and influence, as well as money, to improve the wellbeing of humanity and the community. [5]

- SOCIAL CAPITAL - Includes the links, shared values and understandings in society that enable individuals and groups to trust each other and so work together.

- SYSTEMIC ADVOCACY - To influence the policies and procedures of governments and agencies responsible for providing supports for people with disability and their families/carers.

Recommendation 5: That the ILC Commissioning Framework include definitions on the following in the glossary:

- **Bilateral Agreement**
- **Philanthropy**
- **Social Capital**
- **Systemic Advocacy**

The ILC Commissioning Framework refers to the review of the Council of Australian Governments (COAG) Applied Principles and Tables of Support. As it is relevant to the contents of this document, PDCN would recommend the ILC

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[4] Australian Government- National Disability Insurance Agency (2015) Information, Linkages and Capacity Building Commissioning Framework- Consultation Draft
[5] Philanthropy Australia- Glossary of Terms http://www.philanthropy.org.au/tools-resources/glossary/

Commissioning Framework reference the current version of the COAG Applied Principles and Tables of Support (2015). [6]

<u>Systemic advocacy</u>

It is understood that COAG has agreed that systemic advocacy, legal review and legal representation will not be included as part of the NDIS. For people with disability not in receipt of an individualised funded package the availability of different types of services may not necessarily be available. With these changes, the probability of no complaints mechanism or systemic advocacy puts people not receiving individualised funded packages at increased risk.

PDCN believes that significant issues such as the availability of accessible affordable accommodation are unlikely to be resolved before the full roll out of the NDIS, and hence need disability peak organisations to continue advocating on behalf of all people with disability.

Younger people with disability living in aged residential care facilities but unable to access NDIS funds will be even less able to access the support, and advocacy skills of services skilled in providing systematic advocacy.

PDCN agrees with the following opinion included in the CRPD Civil Society Report on Australia which reinforces the need to provide input as part of the review cycle of each of the disability standards, and would recommend mechanisms remain in place to address state and nationwide issues at a systemic level, and that the NDAP program, of which it is indicated will take up the role of systemic advocacy, legal review and legal representation, is adequately funded in order to do so.

> 'Attempts to address systemic discrimination through the development of disability standards in relation to transport, education and access to premises have failed to address systemic discrimination. The standards have placed de facto limitations on people's rights as prescribed within the DDA. There is no incorporation of adequate and appropriate enforcement mechanisms outside the individual complaints process.' [7]

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[6] Australian Government- Council of Australian Governments (2015) Applied Principles and Tables of Support

[7] People With Disabilities (2012) Disability Rights Now- CRPD Civil Society Report on Australia

Priority investment areas:

In summary the ILC Commissioning Framework identifies the following five Investment Areas and then describes the relationship between these and the Activity Streams discussed in the previous section:

- Specialist or expert
- Cohort- focused
- Multi- regional
- Remote/ Rural
- Delivery by people with disabilities for people with disabilities

PDCN acknowledges the selection of these priority areas, particularly the focus on rural and remote locations, as many people with physical disability live in rural and remote locations, and with the ability to isolate more than one indicator at one time.

Outcomes:

Section 4 of the ILC Commissioning Framework- Consultation Draft identifies the following nine outcomes to determine the effectiveness of different ICL interventions:

1. People with disability have capacity to exercise choice and control in pursuit of goals.
2. Independence and social and economic participation of all is promoted.
3. Informal support and care arrangements are upheld and nurtured.
4. Participants can access unfunded supports and individual funding is provided at the optimal time.
5. High-quality, effective and efficient disability support, is available including ILC activities.
6. People with disability have appropriate support during their lifetime, including early intervention.
7. People with disability, their families and carers shape supports and services.
8. Increased community/mainstream awareness of how to support people with disability.
9. Interests of people with disability are faithfully represented in policy/infrastructure design. [8]

Whilst PDCN appreciate the problem with making these statements too prescriptive, we find these statements too broad.

PDCN feel these may determine the effectiveness of the way ILC is delivered, but not necessarily the acquisition of practical daily living skills and capacity.

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[8] National Disability Insurance Scheme (2015) Information, Linkages and Capacity Building Commissioning Framework- Consultation Draft

Addressing the five consultation draft questions

Question 1 of the ILC Consultation Draft addresses questions regarding the proposed outcomes for the ILC and the best ways to measure them:

PDCN is in favour of outcome based measurements as these should determine the effectiveness of the intervention - rather than only considering the target group, how the intervention will be delivered, or the costs involved in delivering the intervention.

Difficulties may arise when collecting and collating outcomes due to the inconsistency in program delivery per state or across Australia, in isolating what particular ILC program resulted in achieving the desirable outcome, when is a long term outcome measured as being successful, or has the outcome been a consequence of a mainstream or a universal service? Additional difficulties in interpreting and defining intangible outcomes such as an increased access to justice may also be hard to quantify over time.

In addition, innovative programs may set out to achieve a particular outcome, however through good processes and regular evaluation may find that the initial outcome expected was unachievable, or that a different, but equally worthwhile outcome may be obtainable through a shift in program design and PDCN recommend that the ILC framework and those assessing programs encourage innovation, be flexible, responsive to, and accepting of, changes within ILC program design to allow for best outcomes

Recommendation 6: PDCN suggest that in measuring outcomes the service should in some instances need only to contribute to the achievement of an outcome, and that collaboration between services should be encouraged when working to achieve an outcome.

Recommendation 7: that an outcome regarding collaboration/partnerships is established in the ILC Outcomes framework

Recommendation 8: Ensure consistency of measurement whereever possible across all ILC programs

Recommendation 9: Ensure that data collection mechanisms are realistic, timely and manageable

Recommendation 10: Ensure that a mix of outputs and outcomes are recognised as acceptable for an ILC Program, and that long term outcomes can take significant time to achieve. In addition, recognition that there may be a need to measure interim outcomes, or a way of addressing how a program in the shorter term is working towards an outcome, and has a continuum of measurement for this process.

Recommendation 11: In some instances program funding is provided for a reasonable length of time (I.E. 5 years or greater) in order to allow programs to produce effective outcomes

The lack of educational attainment has a negative effect on the employment prospects and level of income for people with disability. In 2009, the unemployment rate for people aged 15 to 64 with reported disabilities was 7.8 per cent, compared to 5.1 per cent for those with no reported disabilities. The median gross personal income per week for people aged 15 to 64 with reported disabilities was $306, compared to $614 for those with no reported disabilities. [9] Although educational attainment would be considered as part of 'Outcome 2 - Independence and social and economic participation of all is promoted', PDCN considers the value of education as having a far reaching impact on all facets of life, not only on Outcome 2.

Due to the importance and time involved in attaining an education, PDCN is unable to understand why it is not referenced in the ILC Policy Framework, or that there is not an outcome particularly about educational attainment.

Recommendation 12: That there is an outcome pertaining to education/employment

Throughout the implementation of the ILC it is important that continued co-design is sought from people with disability, those that support them and the wider community, ensuring programs funded remain relevant and are truly contributing to their needs, and that outcomes sought are those actually desired by the people for whom they are set up.

Recommendation 13: That people with disability are continually involved in co-design and evaluation process throughout the life of the ILC

Question 2 of the ILC Consultation Draft addresses questions regarding preparing the Sector for outcomes-based performance measurement:

One of the biggest challenges facing many organisations that will take up opportunities within the ILC framework will be the move into outcomes based funding and reporting. Historically many organisations are currently funded for outputs, and the shift to outcomes based measurement may be significant, and require training and guidance in order to transition programs successfully to this type of funding.

The ILC Commissioning Framework proposes a tool kit to assist in this transition, however PDCN would go further to recommend the following:

Options for training of the sector in the transition to the ILC, to ensure organisations are equipped with at least a basic understanding of the requirements of outcomes based performance measurement.

In addition, a consistent approach to measurement of outcomes across the ILC framework; templates, tools and examples, to ensure results are collected in the

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[9] Australian Government (2011) Final Report- Review of Funding for Schools

manner required by the ILC would be able to be aligned, no matter what the individual program was that was being evaluated.

Within the outcomes framework it is essential that the ILC ensures there is a means to allow the flexibility to respond to changing need within a program, and any outcomes obtained and allows sufficient time for a program to develop effectively, and be able to achieve the outcomes desired, through long term funding of programs (approx. 5 years)

Recommendation 13: provide training in outcomes based measurement during the ILC transition period to build capacity of the sector

Recommendation 14: include within the 'toolkit' templates, tools and examples of collection approaches

Recommendation 15: ensure a consistent measurement tool for all organisations working within the ILC framework

Recommendation 16: Ensure sufficient time where required (> 5 years) is allowed in order to achieve outcomes

Question 4 of the ILC Consultation Draft addresses questions regarding preparing the sector for the requirements of ILC sourcing process

Historically competitive grants processes and tendering tends to favour larger organisations with the capacity to employ personnel specifically for tender/grants writing purposes, or whom have the financial ability to pay external consultants to write them on the organisation's behalf.

In order to ensure small organisations have the ability to enter the market the NDIA could provide training and/or financial assistance for these organisations in grant writing and tendering so that they can understand and apply to the required process.

In addition, the NDIA should be aware that 'best market value tendering' processes often lead to a loss of local knowledge and expertise, and that in some cases weight be given to local organisations that have built significant relationships within a community, or where additional cost/time may be required to be invested in order to build trust within a community (particularly in the indigenous/CALD populations before a program can begin to contemplate delivering outcomes.

Competitive tendering processes often also lead to greater competition between organisations, where previously they may have worked collaboratively to assist people with disability. Ensuring that joint tenders or collaboration is welcomed and encouraged, but also allowed for within the tendering process, including allowances made for the additional time it may take in order to develop collaborative partnerships and programs may be necessary.

Recommendation 17: provide training and assistance in tender writing during for organisations that do not have the skills or capacity to do so

Recommedation 18: ensure loss of social capital and knowledge does not occur through competitive tendering process

Recommendation 19: Support joint tenders and collaboration, and where necessary provide extra time frames during tender and roll out to ensure partnerships can be fully established before delivering programs

Question 3 of the ILC Consultation Draft addresses questions regarding how to grow social capital in the sector, particularly volunteering

Currently volunteers provide an active role within specialised disability service provision, and services that facilitate community participation and inclusion.

The Productivity Commission report on Disability, Care and Support state that with the NDIS rollout and an increased variety of service options that consumers will increasingly be interested in the price of the services and supports available, the choices available to them and variations in quality, and that some not-for-profit organisations might attract people with disabilities for tier 3 funded services and supports by using their capacity to engage the community or mobilising their volunteers to provide 'free' supports that promote economic and social participation.

PDCN believes that a number of not-for-profit organisations will maintain their current mode of operation because they have developed a particular niche or expertise, and a strong client base, though funding will be harder to obtain. It should also be recognised the coordination, training and the ongoing improvement of volunteers can come at a significant cost to an organisation, even if the volunteers themselves are not paid!

Social capital in the sector however is much greater than the volunteer workforce alone, and it is critical that the NDIA recognises the value of the social capital that many NGO's already have when accessing the sector. Their long term relationships and both formal and informal partnerships with other NGO's; their knowledge of a region and services and their ability to work independently and with no bias can be an invaluable resource.

Recommendation 20: that the NDIA recognises the existing social capital of many NGO's working within the disability sector currently, and their significant contributions, and rewards and demonstrates strategies for how these organisations can grow and develop further under the NDIS ILC domain.

Recommendation 21: that funding is available for volunteer programs, in order to cover the substantial costs of running same.

Question 5 of the ILC Consultation Draft addresses questions regarding Rural and Remote concerns

Recommendation 11.2 of the Disability, Care and Support inquiry report acknowledges the need for improved funding and resources for Indigenous people with disability commonly living in rural and remote locations.

To assist with the implementation of the ILC in rural and remote localities, PDCN acknowledges additional funding available through the NSW and ACT State and Territory governments. $5 million funding has been announced to assist mainstream and community services with additional costs to comply with NDIS ILC requirements. Through the Transition Assistance Program (TAP) the NSW government has provided the following examples as a guide for services seeking transition funding:

- *Strategy*
- *Governance*
- *Client and Market Focus*
- *Financial Sustainability*
- *People and Capability*
- *Information and Knowledge Management*
- *Business Development, and*
- *Any other initiative.*

Rural and Remote regions often are limited by the availability of services within an area, and the considerable additional costs to deliver any program.

In order to ensure services continue to deliver programs in these regions, or to encourage additional provisions within rural and remote regions, PDCN would recommend that acknowledgement is made of the true costs of service, and allowance is made within funding for the additional costs of program delivery in these regions (on top of the activity only costs.)

In addition where these regional populations are also predominantly indigenous in nature, there is likely to be the need to allow greater time in which to achieve outcomes, as there is often much longer 'lead times' required to begin community engagement in a program.

PDCN would also suggest that funding is directed to developing further an indigenous workforce to help meet these needs in a culturally appropriate manner.

Recommendation 22: That consideration is made when funding rural and remote programs, to take into account the additional costs of delivery in these areas.

Recommendation 23: that additional timeframes are considered when implementing rural and remote programs for indigenous communities, and work is done to build the skilled workforce of indigenous staff.

(This would also be the case in CALD communities)