

Australian Government Productivity Commission
Level 12
Collins Street
Melbourne VIC 3000

24 August 2018

Dear Sir / Madam,

Submission Regarding National Disability Agreement Review

Thank you for giving Sylvanvale Foundation the opportunity to participate in the National Disability Agreement Review.

By way of background, Sylvanvale Foundation (Sylvanvale) has been a provider of supports to people with intellectual disability for more than 70 years in NSW. It began as a grass roots parent run organisation when a group of Sutherland Shire parents came together because they had a mutual interest in better outcomes for their children. In this case it was educational outcomes for children with intellectual disability, with the parents starting and maintaining a school.

While our heartland is in the Sutherland Shire our footprint extends across Sydney and up into the Blue Mountains. We provide a range of supports for people with moderate to severe intellectual disability who may also have complex health or behavioural needs. These supports are delivered in the community, at home or at one of our sites. They include accommodation, therapy; both physical and clinical, community access, employment opportunities at a range of Sylvanvale businesses, and skills and capacity building supports.

Sylvanvale has worked tirelessly with government and other organisations to improve the opportunities for people with disability to be connected to and physically part of their communities. This has included transitioning people from boarding houses and government operated accommodation facilities into the community. We are currently working with a range of young adults who while they have an intellectual disability also have complex support needs because they have a psycho-social disorder, have experienced trauma in their lives, or have had contact with the criminal justice system. Regardless we have worked alongside them to create the best opportunities for them to become part of the local community and to acquire the skills they need to lead 'an ordinary life.'

Because of this Sylvanvale, has been an ardent supporter of the National Disability Insurance Scheme given its very real potential to put people with disability at the front and centre of their own lives. This, coupled with individualised funding, presents the opportunity for participants to gain real purchasing power in order to exercise choice and control over the provision of supports delivered to them.

General Issues related to the NDA

The NDIS does not exist in a policy vacuum. Nor can it exist without overarching legislation that underpins a commitment for all stakeholders, including all governments, to work in partnership to improve outcomes for people with disability. With a focus on an inclusive society where all citizens are enabled to fulfil their potential. This creates a crucial role for the NDA going forward as the champion nationally for policy and reform directions that are about building an evidence base around what works in disability policy, enhancing

the role played by families and carers, models for employment of people with disability and innovative models for people with complex needs. Such reforms need to be driven nationally in order to leverage existing agency work at government level and to uplift the funding provided by the NDIS for such cohorts of participants. Noting that the NDIA may not have the capacity or the remit to undertake this national coordination piece.

It is a given that the NDA cannot remain as is given that the disability landscape has changed so dramatically with the advent of the NDIS. For those states and territories that have transferred all their funding and clients to the NDIS the NDA has a relevance in ensuring that legacy functions are captured. It must also ensure that gaps in service provision created because of the absence of a major disability player in a state or territory can be mitigated by a body charged with developing and supporting a national framework of ongoing reforms for people with disability.

For jurisdictions such as NSW that have ceded all disability supports to the Commonwealth via the NDIS there is an acute need for a re-shaped NDA. It would have as part of its mandate ensuring the continuity of care across critical portfolios such as health, justice and housing, and to identify interface and legacy issues that left unmanaged may result in sub optimal outcomes for people with disability.

With regard to interface issues there are two separate but related issues, those related to 'programs' for people with disability, and those related to the work of other government agencies. In relation to government agencies the NDIA is strident in its view that it will not fund the work of other agencies. The clearest example being participants admitted to hospital and hospital staff requesting that disability support workers undertake shifts at the hospital. Even if the participant has 1:1 funding available the NDIA's view is that this should not be used to support the work of NSW Health's staff.

In terms of programs again the rhetoric is around the NDIA not having responsibility for programs (now called supports) that should be funded by other agencies. An example of this is the 'Community Justice Program' which the NDIA is deconstructing in order to determine which components it will fund. The success of this program for offenders who have a disability has been in its ability to offer wrap-around supports to people who have come in contact with the criminal justice system. It ensures they are supported to attend court, meet their parole conditions, have suitable accommodation and receive supports that build their capacity to live an independent life. The NDIA view continues to be that should participants enter the prison system their plan is suspended and can only be re-started on exit from what is a facility run by another agency.

The issues at stake here are multi-faceted as no provider can have an accommodation place that has no revenue stream attached. The loss of wrap around supports including specialist case management (sometimes delivered by government or other NGOs) places the participant at risk.

The interface issue is one that remains oblique to service providers who have no lens into what conversations or indeed negotiations are being undertaken by the NDIA in regard to resolving ongoing interface issues.

A role for a revised NDA in this space is clear in terms of developing national policy and reform directions that are underpinned by research and an evidence base, and seeks to enhance the life choices for people with disability.

There are legacy issues around disability programs whose clients are yet to transition into the NDIS, and issues for individuals who for a variety of reasons are also yet to transition. Then there is the much larger piece around the coordination of the work of other government agencies who must now respond to the

needs of people with disability who require their support. The chief among these being NSW Health, Housing, Transport, Attorney General's and FACS itself (DoCS). To not coordinate this effort and to leave each portfolio to undertake a piecemeal response is to risk bringing an already strained system to breaking point.

In the current environment the temptation to water down, replace or do without a nationally recognised agreement around disability is to weaken the structure of the system going forward. The NDA is the vehicle for picking up the threads of the disability system left behind as states and territories transition their clients, and dollars into the new system. It will be up to the NDA to sift through what remains in order to strengthen the remaining legacy structures and architecture. It is in this way that the NDIS will become woven into the fabric of Australian society as other key agencies and players have their roles legitimised by agreement and by law.

Response to specific questions raised in Issues Paper

In relation to specific questions raised in the Issues Paper, please note the following:

Section 2 Background to the Study – Figure 1 The Policy Architecture Supporting the NDA

A question was asked as to whether the representation of the policy architecture adequately captured all relevant policy areas and was anything missing. It is Sylvanvale's view that within the National Agreements that form part of the architecture while there are agreements that cover the work of departments such as Housing and Education there is only one that covers portfolio functions (the IGA on Federal Financial Relations) but no such agreement that mandates the capture and exchange of information and data, and that going forward an agreement should exist within the policy architecture that captures this area to enable comparison of outputs and the construction of the evidence base around outcomes.

Section 3 – the Commission's Task and Approach – Figure 2 A Possible Framework for Assessing the NDA

A question was asked whether anything was missing from the proposed framework and criteria and it is Sylvanvale's view that while the 'assessment lens' and the 'context' are appropriate considerations the flow diagram 'overall objective of disability policy' is limited in that it requires an 'evaluation and recalibration' function added to the diagram and a function that is around defining the supports or services that will deliver the required outcomes and against which performance indicators can be developed. The 'supports or services function' fits between 'outcomes' and 'performance indicators'.

Section 4 Assessing the NDA – Objectives, outcomes and outputs of the NDA

The objectives, outcomes and outputs of the NDA are both relevant and consistent. They sit squarely over the top of the NDS and the NDIS. With the NDS occupying the values space between NDA and the NDIS which is itself the embodiment of the policy and values pieces.

The NDA's outcomes should not be aspirational they should be achievable and measurable over a specified period of time, with defined performance measures linked to outputs. The measures should be quantitative around numbers and percentages of people in the target population assisted for each of the outputs and where possible be linked to outcomes around the impact of each on the lives of people with disability.

Section 4 Roles and Responsibilities of Governments

The roles and responsibilities of governments have experienced a seismic shift since the advent of the NDIS. With the landscape for legislation and policy making impacted by the phasing of transition into the NDIS, and the legacy issues created because the conditions

under which each state or territory enters the Scheme. There is a clear role for the NDA in assigning responsibilities for all disability services between governments (both inside and outside of the NDIS), particularly where gaps or legacy issues have been identified. This cannot be left to the interplay of government forces as might be the temptation when contemplating market forces as it would challenge the notion of citizenship, and the supposed equality of all citizens with the process lending itself to creating a sub class of people with disability.

Section 4 – The NDAs Performance Framework

From a not for profit perspective the issue with all performance reporting at a government level is that it is often impenetrable to the reader who cannot discern whether this is a deliberate or tactical measure to evade questioning. It is all very well for government agencies to be able to demonstrate that their performance measures are tied to the delivery of government policy, and intrinsically linked to agency imperatives around deliverables to specified target groups. Within reporting frameworks there needs to be disaggregation of data to jurisdictional and support type to allow comparison and rebalancing of outputs and targets. There must also be accountability to the people impacted by, or in receipt of supports and services defined by the government initiative or reform. Public reporting against indicators should not be the only measure of how governments are held accountable for policies and actions. There needs to be a level of accountability achieved via public scrutiny and commentary that allows people with disability, their families and carers to ask questions of their elected representatives or the agencies that deliver supports.

Section 4 - A national performance reporting framework for disability

At this juncture it would be premature to say that a coherent national performance reporting framework could be contemplated in any other than a theoretical sense while anticipating the future shape of the disability landscape after 2020. To do so would require a protracted period of consultation both with end users of the system; people with disability, and providers and governments in order to agree the top level performance measures and a raft of sub measures. The three highest measures in the NDA include one related to families and carers being well supported (though without set targets) with the NDIS having no measure at all for families and carers. It may be possible to set an overarching NDA data set that both the NDS and NDIS contribute to while maintaining individual data sets pertaining to their target audiences. To do so may require some recalibration of existing datasets for NDS and the NDIS in relation to families and carers. Plus the addition of new datasets around market and workforce as they relate to providers in order to get supporting information on the sustainability of the NDIS going forward.

Going Forward

It is Sylvanvale's view that there is a crucial role to be played by a refreshed and revised NDA as part of the contemporary disability landscape. The overarching role for such an Agreement would be to coordinate the disability environment (both inside and outside of the NDIS) and to act as the key accountability mechanism around the setting and achieving of outcomes for people with disability.

The three policy outcomes that as a provider we view as crucial to retain or insert into a revised NDA are:

- Supporting the role of families and carers as they directly care for a family member, or assisting families to maintain contact and ties with a member being supported by a service provider outside the family home;
- To take stewardship of the system where gaps in provision of supports are apparent, where there are interface issues or where there is evidence of market failure; and
- Support the capacity of providers whether they be for profit or not for profit to deliver financially sustainable services that are of a consistently high standard into the future.

Yours faithfully,

Leanne Fretten
Chief Executive Officer

AFFILIATED SERVICES