



# **National Disability Agreement Review**

**Submission to the Productivity Commission**

## About the Submitter

JFA Purple Orange is the social policy arm of the Julia Farr Association Inc. We are a non-government, social profit organisation that conducts research and engages in dialogue with people with lived experience of disability to develop policy and practice. Our work is anchored on the principles of Personhood and Citizenhood.

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## 1. Summary and recommendations

The National Disability Agreement (NDA) is a high-level agreement between Australian Governments to work in partnership to improve outcomes for people living with disability. While it has been in place since 2009, there is little evidence of the impact it has had over this time. Furthermore, the substantial changes in the disability policy area over this time, including the development of the National Disability Strategy (NDS) and the National Disability Insurance Scheme (NDIS) have somewhat overtaken the NDA and brought into question the ongoing relevance of the current NDA.

A complete review of the disability reform framework is required to ensure all levels of government work together and are held accountable to improving outcomes for people living with disability in Australia.

### 1.1. Recommendations

#### Recommendation 1

The review of the NDA should be done together with the review of the NDS and taking into account the NDIS bilateral agreements.

#### Recommendation 2

Consideration should be given to developing one main agreement among state, territory and federal governments that drives disability reform in Australia, under which more specific agreements, strategies and plans would sit.

#### Recommendation 3

All agreements, strategies and plans need to be consistent and linked and include clear purpose and scope statements.

#### Recommendation 4

Agreements between Australian governments need to include specific accountabilities, in terms of targets and performance indicators for all people living with disability.

#### **Recommendation 5**

Outcomes measures for families and carers of people living with disability should be removed from the scope of the NDA and included in a separate agreement to ensure appropriate attention and focus.

#### **Recommendation 6**

Disability agreements between Australian governments need to include specific commitments to strategic investment in advocacy and self-advocacy services.

#### **Recommendation 7**

Mainstream agreements and strategies need to include accountability around driving the disability reform agenda as well as performance measures to progress outcomes for people living with disability.

#### **Recommendation 8**

There should be one reporting line to COAG on the progress of disability outcomes in Australia. This reporting should include a breakdown of major reform areas such as the NDIS.

#### **Recommendation 9**

A comprehensive and transparent schedule of reporting on disability outcomes should be developed and monitored by a panel of stakeholders.

#### **Recommendation 10**

The outcome measurement framework for the NDA (and other disability reform documents) needs to include both transactional and transformational benefits for people living with disability.

## 2. Introduction

JFA Purple Orange welcomes the opportunity to contribute to the Productivity Commission's review of the National Disability Agreement.

JFA Purple Orange is the social policy agency of the Julia Farr group, a trio of social profit, non-government organisations based in South Australia, working to improve the life chances of people living with disability. JFA Purple Orange and its predecessor organisations have been involved with the disability community, older people and other vulnerable groups for more than 130 years.

We are an independent, non-government organisation that fosters innovation, shares useful information, and promotes policy and practice that support and improve the life chances of people living with disability.

JFA Purple Orange is not a service provider – we deliver research, evaluation and information services anchored upon the stories and experiences shared by people with a lived experience of disability and others in their lives. As such, we feel we are well-positioned to offer comment.

## 3. About our values

The work of JFA Purple Orange is anchored on the principles of *Personhood* and *Citizenhood*. As set out in our Model of Citizenhood Support<sup>1</sup>, a good life is characterised by such valued roles (termed Citizenhood) and by the decisions we make (termed *Personhood*). A good life largely depends on the availability of life chances – the assets and opportunities available to a person.

Unlike formal citizenship of a country, Citizenhood is a dynamic experience: it can rise and fall depending on a person's circumstances. The extent to which any person can naturally take up Personhood and Citizenhood is influenced by the presence of circumstances that can

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<sup>1</sup> Williams, R. (2013), *Model of Citizenhood Support: 2nd edition*, Julia Farr Association Inc, Adelaide.

adversely impact on the person's capacity to build authorship of their own lives and to take up valued roles in community life and the economy.

The model can be used to consider how best to shape an investment in a person's life chances, and what types of return on that investment one might then look for. We would welcome the opportunity to meet with you to discuss in more detail how a model like Citizenhood might be used to map future work and investments in the NDS and the NDIS, and how this might then be reflected in agreements between Australian governments.

## **4. Background**

The National Disability Agreement (NDA) commenced in 2009 and sets out objectives, responsibilities, performance indicators and policy directions signed by all Australian Governments designed to enhance the quality of life for people living with disability, their families and carers. The NDA is part of a broader set of policies and agreements in the disability reform space, a policy area that has undergone significant changes in recent years. While the NDA was updated in 2012, the endorsement of the ten-year NDS in 2001 and then the roll out of the NDIS from 2013 have significantly changed the disability policy landscape since that time.

### **4.1. Terms of Reference**

The Productivity Commission has been asked to review the NDA, focusing on:

- the relevance of its objectives, outcomes and outputs in the current policy context;
- the roles and responsibilities of Governments under the agreement;
- progress against the performance framework of the NDA, and the extent to which it has improved outcomes for people, including the performance benchmarks and indicators, and associated timeframes and reporting responsibilities; and
- whether the agreement needs updating in light of these considerations and the introduction of the NDIS and NDS.

The Productivity Commission is to have regard to current reform priorities, including the NDIS rollout and its interface with mainstream services, and the implementation of the NDS.

It is also to have regard to the responsibility for ensuring that people with disability have access to government services, and the development of agreed performance measures.

This submission makes a number of comments in relation to the points noted above.

## **5. Who or what is in charge?**

There are currently multiple of agreements, strategies, plans and legislation driving disability reform in Australia. From our analysis, there is no clear hierarchy in which these documents sit, nor are there clear narratives around how they all work alongside and with each other. The result of this confusion is that it is difficult to track progress or hold governments accountable for progress (or lack thereof) in this space. This is particularly evident in relation to the NDS, the NDA and the NDIS (through the bilateral agreements).

### **5.1. The confusion between the NDS, the NDA and the NDIS**

Even though the NDS sets the context for the NDIS, it has become overshadowed by the NDIS, which has taken up a lot of stakeholder attention in terms of bilateral agreements, scheme design, scheme implementation, and the drama of the numbers – how many people join the scheme, over what time frame, and at what cost.

This is also true of the NDA. There is no clear narrative around the purpose of the NDA and how it intersects with the other national agreements. In our view, the NDA is underpowered and, just like the NDS, the NDA performance has been overlooked due to the attention given to the NDIS. The NDIS is primarily about the provision of funded supports to eligible participants. By themselves, these funded supports will not systematically deliver disability reform to the broader disability community. It is the NDS and the NDA that should be assertively and loudly leading this, but it is hard to see any real evidence of this occurring.

As a result, there is now a question around “who or what is in charge?” It is not clear whether the NDA sits above the NDS and NDIS, alongside them or completely separately. The outcome of this lack of clarity is a lack of accountability for managing and reporting on disability progress in Australia. In order to resolve this confusion, there needs to be a review of the whole disability policy landscape.

The NDS is due to end in 2020. In light of this, on 20 November 2017 the Council of Australian Governments (COAG) Disability Reform Council agreed to:

*“commence work on disability reform post-2020 and the development of a new national disability framework. This includes bringing forward the formal evaluation of the Strategy from 2021 to 2018 to strategically review the current strategy and make recommendations for a new framework. The Council agreed to the proposed approach, milestones and timeframes for developing a new national disability framework and supporting action plan for beyond-2020”.*<sup>2</sup>

While a review of the NDS is out of the scope of this present review, it is our opinion that these reviews need to be done together. Looking at either the NDS or NDA in isolation risks further fragmentation of disability reform in Australia.

#### **Recommendation 1**

The review of the NDA should be done together with the review of the NDS and taking into account the NDIS bilateral agreements.

#### **Recommendation 2**

Consideration should be given to developing one main agreement among state, territory and federal governments that drives disability reform in Australia, under which more specific agreements, strategies and plans would sit.

#### **Recommendation 3**

All agreements, strategies and plans need to be consistent and linked and include clear purpose and scope statements.

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<sup>2</sup> COAG Disability Reform Council (2018), *COAG Disability Reform Council Communique April 2018*, page 2.

## 5.2. Purpose and scope

While the NDA does not include a specific purpose statement, the agreement notes that it was established to;

*“Affirm the commitment of all governments to work in partnership, and with stakeholders including people with disability their families and carers, to improve outcomes for people with disability and to clarify roles and responsibilities”.*<sup>3</sup>

The scope of the NDA covers all people living with disability and their carers, however it only covers specialist disability services in relation to this group. The establishment of the NDIS bilateral agreements overlaps with this scope and creates confusion around roles and responsibilities.

### 5.2.1. People living with disability not eligible for the NDIS

While the NDIS bilateral agreements cover funding arrangements for NDIS participants, there are many people living with disability who require assistance but aren't deemed eligible for the NDIS. It is important that such people can get the support they need, and don't fall between the cracks. The NDIS bilateral agreements state that, unless otherwise agreed, the responsibility of governments to provide services to people not covered by the NDIS remains. However, there continues to be a lack of clarity around who has responsibility for providing supports to this group.

This is already being played out in respect of people living with psychosocial disability, where for example the person's state/territory service they used to access has been defunded based on that state/territory's assumption that the service will be picked up as part of the NDIS market, through individual purchasing decisions.

#### **Recommendation 4**

Agreements between Australian governments need to include specific accountabilities, in terms of targets and performance indicators for all people living with disability.

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<sup>3</sup> COAG (Council of Australian Governments) (2009), *National Disability Agreement*, page 2, Canberra.

### 5.2.2. Families and Carers

The extent to which families and carers are included in the scope of the NDA is unclear. While the stated objective of the NDA includes carers, the agreement does not clearly articulate who has responsibility for the provision of support services for this group. Carers are not specifically considered as part of the NDIS.

The carer population in Australia is broader than people who care for people living with disability. Carers are unique and valuable members of our community with varying circumstances and needs. Including outcome measures for carers of people living with disability as part of the NDA results in a dilution of strategies aimed at supporting carers as a cohort. In our view, the current inclusion of carers in the NDA is not benefiting the cohort as they are overshadowed by the focus on people living with disability.

Carers and families of people living with disability may be better serviced through targeted approaches to support outcomes, along with other carer groups. We are aware that there is currently work underway by the Commonwealth Government in relation to the implementation of the Integrated Carer Support strategy, however it is not clear whether there is a Commonwealth and state/territory agreement in place in relation to this group.

#### Recommendation 5

Outcomes measures for families and carers of people living with disability should be removed from the scope of the NDA and included in a separate agreement to ensure appropriate attention and focus.

### 5.2.3. Advocacy

Given the nature of the experience of disability, there remains a deep need for advocacy and self-advocacy services. However, investment in advocacy is variable across Australia's governments and there is currently a lack of clarity in the roles and responsibilities of governments in relation to the funding of advocacy services.

Advocacy is of central importance to disability reform, but its value can be partially obscured because of the adversarial nature of some transactions between the advocacy sector and government. While such frank feedback, if properly constructive, is a necessary yet sometimes painful part of the process, there is another aspect to systemic advocacy that

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might be regarded as ‘partners in policy’. As an extension of the concepts of consultation and co-design, ‘partners in policy’ can refer to systemic proactive work whereby government works with the advocacy sector to contribute to the development of social policy.

#### **Recommendation 6**

Disability agreements between Australian governments need to include specific commitments to strategic investment in advocacy and self-advocacy services.

#### **5.2.4. Migration of disability policy reform into mainstream service agreements**

The vision of the NDS is “an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens”.<sup>4</sup> In order to achieve this, there needs to be a community-wide shift in attitudes towards people with disability. Disability is a natural part of human diversity and communities need to ensure that they fully include people living with disability in all aspects of life.<sup>5</sup>

While some people living with disability need specialist supports, and it is essential to have these specialist supports in place, it is equally important that mainstream services and facilities that are part of ordinary Australian life are accessible to and welcoming of people living with disability.

There is a risk that the focus on the NDIS might inadvertently lead to mainstream programs and services feeling less of an imperative to take responsibility for driving outcomes for people living with disability, on the basis that disability is taken care of somewhere else.

To mitigate this risk, governments might avoid crafting separate documents detailing disability inclusion policy, and instead install such policy into every mainstream policy document. This would mean that services such as education, health, housing, public transportation, employment, etc, are hard-wired for inclusive practices.

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<sup>4</sup> COAG (Council of Australian Governments) (2011), *National Disability Strategy 2010-2020*, Canberra.

<sup>5</sup> Australian Local Government Association (2016), *Disability Inclusion Planning – A Guide for Local Government*, Canberra.

For example, the provision of employment services and income support are Commonwealth Government responsibilities for all Australians, including people living with disability. There is no need to cover these responsibilities specifically in the NDA. Ensuring that these universal services adequately support people living with disability should be the responsibility of the relevant Commonwealth agency that also has carriage for ensuring these support services meet the needs of other Australians.

While there is often some mention of supports for people living with disability in mainstream documents, they are mostly focussed on transactional benefits for this group. For example, the National Education Agreement includes a reform direction aimed at supporting students living with disability focussed on “providing support to students with additional needs.”<sup>6</sup> In contrast, the Reform Direction for Indigenous students is “Closing the Gap in educational outcomes between Indigenous and non-Indigenous students.”<sup>7</sup> Embedding aspirational targets for people living with disability into mainstream agreements is essential to ensure a community-wide response to disability reform.

#### **Recommendation 7**

Mainstream agreements and strategies need to include accountability around driving the disability reform agenda as well as performance measures to progress outcomes for people living with disability.

## **6. Monitoring performance**

The NDS and the NDA are not well-reported, so it is hard to assess how COAG are measuring and judging performance against these plans or, more specifically, against disability outcomes in Australia. The 2018 Report on Government Services (ROG)<sup>8</sup> uses 2015 data to assess progress against the NDA. It is not clear why more recent data is not available for this report. Additionally, the Commonwealth Government undertook to provide two-yearly progress

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<sup>6</sup> COAG (Council of Australian Governments) (2009), *National Education Agreement*, page 11, Canberra.

<sup>7</sup> *ibid*

<sup>8</sup> SCRGSP (Steering Committee for the Review of Government Service Provision) (2018), *Report on Government Services 2018*, Productivity Commission, Canberra.

reports to COAG on the progress of the NDS, but it appears that the last (and only) report was in 2014.

In comparison to other major reform areas such as Closing the Gap in Indigenous Disadvantage, the monitoring of disability reform in Australia appears to be falling behind.

There are currently multiple reporting lines through to COAG on outcomes for people living with disability, either through the Disability Reform Council or the Council on Federal Financial Relations. While it could be thought that having multiple reporting mechanisms may result in greater visibility and tracking around progress, it has in fact made the tracking more difficult to monitor and assess and in the end, less impactful.

The delivery of one report on the progress of disability outcomes in Australia would provide a more accessible and accountable reporting and assessment mechanism. A comprehensive, transparent schedule of reporting should be co-designed with and monitored by a panel of stakeholders. Further, in order to evaluate the impact of disability reform, there is a need for an evidence-based understanding of what constitutes quality of life for people living with disability across Australia.

#### **Recommendation 8**

There should be one reporting line to COAG on the progress of disability outcomes in Australia. This reporting should include a breakdown of major reform areas such as the NDIS.

#### **Recommendation 9**

A comprehensive and transparent schedule of reporting on disability outcomes should be developed and monitored by a panel of stakeholders.

## **7. Measuring outcomes**

Progress needs to be understood by measuring outcomes achieved as a result of the actions covered by the NDA. Some of these outcomes involve ensuring people living with disability access the core supports they need, such as help with personal care, household support and transportation. These benefits might be termed transactional benefits - services that bring an immediate benefit.

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Importantly, other outcomes involve assisting people living with disability to take up valued membership in mainstream community life, as students, workers, neighbours, team mates and so on. These benefits might be termed transformational benefits that address the issues at the heart of the Shut Out report<sup>9</sup> that paved the way for the NDS. Arguably, it is transformational benefits that lie at the heart of the NDIS.

Therefore, in assessing the impact of the NDA, the outcomes measurement framework should include both transactional and transformational benefits. An example of a transformational benefit tool can be found in the Model of Citizenship.<sup>10</sup>

#### **Recommendation 10**

The outcome measurement framework for the NDA (and other disability reform documents) needs to include both transactional and transformational benefits for people living with disability.

## **8. Conclusion**

JFA Purple Orange appreciates the opportunity to provide comment on the Productivity Commission's review of the NDA. The NDA, along with the NDS, is rightly anchored on the goal of valued inclusion in community life, and together they have the potential to create transformational change.

However, they are not making sufficient progress. The disability reform framework needs a significant reboot to bring genuine leadership to the critical issues facing people living with disability. Establishing clear and accountable frameworks for driving disability reform in Australia is essential to ensuring all governments work together to progress change for people living with disability.

We would welcome the opportunity to meet with the Productivity Commission to discuss the submission contents in more detail.

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<sup>9</sup> Australian Government (2009), *SHUT OUT: The Experience of People with Disabilities and their Families in Australia, National Disability Strategy Consultation Report*, National People with Disabilities and Carer Council.

<sup>10</sup> Williams, R. (2013), *Model of Citizenship Support: 2nd edition*, Julia Farr Association Inc, Adelaide.