



Arts Access Australia

Response to NDIS Costs -  
Productivity Commissions Issues  
Paper, February 2017

*Arts Access Australia*

September 2017

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Attachment A: AAA NDISWG Terms of Reference

Attachment B: AAA NDISWG September 2017 Discussion Paper

## **1. Introduction**

The National Disability Insurance Scheme (NDIS) is a new scheme designed to change the way that support and care is provided to people with profound or severe permanent disability. The scheme is currently being rolled out across Australia.

The Productivity Commission is undertaking a review of NDIS costs which will help inform the final design of the full scheme. The study will examine factors affecting scheme costs in light of the benefits and impacts of the scheme on the lives of people with disability, and Australians more generally.

The Commission has released an Issues Paper to assist individuals and organisations to prepare submissions to the study. Arts Access Australia is pleased to make a submission on the points raised in the Issues Paper.

## **2. About Arts Access Australia**

Arts Access Australia (AAA) is Australia's national peak body for arts and disability. We work to increase national and international opportunities and access for people with disability as artists, arts-workers, participants and audiences.

Established in 1992, AAA is a disability-led company limited by guarantee. Our CEO and at least 50% of our board members identify as a person with disability.

AAA provides three main services:

- Information and Advice
- Research and Advocacy
- Leadership and Development

AAA adopts an inclusive approach and works across all disability types, all age groups, and all art forms and across all states and territories of Australia.

## **3. AAA NDIS Working Group (NDISWG)**

The AAA NDIS Working Group was initially established in 2014 to gather information about the operation of the NDIS through the trial period in Tasmania, South Australia, Victoria, New South Wales; and as the full scheme rolled out across Australia from July 2016. Terms of Reference are at ATTACHMENT A of this submission.

AAA and its NDISWG have been advocating for alignment between the NDIS and the National Arts and Disability Strategy (NADS) since 2011. The following [general] issues have been identified as emerging issues and concerns:

- Lack of progress and clear across government strategy for Arts in the NDIS - i.e. interface between the NDIS and NADS
- Limited engagement and consultation with artists with disability on the NDIS and its design
- The Arts are not valued in the NDIS – nor fully understood
- How the NDIS will ensure the quality of Arts Programs, and safeguard artists in the new free market based approach
- The sustainability of arts and disability programs and organisations, particularly professional arts programs
- Access and support at the regional level.

More information on these emerging issues and concerns is at ATTACHMENT B.

It should be noted that the AAA NDISWG is working collaboratively with the Department of Communications and the Arts (DCA) and the Australia Council to address issues of concern regarding the NDIS and the Arts and Disability Sector. The DCA has a strong desire to work with arts and disability organisations to gather evidence, find solutions, and deliver outcomes. It is committed to raising the profile of the NADS in the NDIS. The Australia Council is also committed to working with the AAA NDISWG and has undertaken to attend meetings of the working group on a regular basis. AAA is appreciative of this focus and assistance.

#### **4. Scheme Costs**

*Are there any cost drivers not identified that should be considered in the study? (Page 10).*

The Productivity Commission has sought feedback on whether there are any cost drivers not identified in the Issues Paper that should be considered in the Study. AAA submits there are gaps in the provision of professional arts programs. We are concerned that the NDIS does not include supports for emerging, professional career and employment pathways in arts – only community participation and therapy.

AAA notes that pricing schedules do not cover the cost to employ professional artists to run the programs, that is, the cost to employ these artists to run a program is higher than the cost of individuals/organisations running local recreational arts based program. There is also a gap between recreation and medical pricing schedules.

AAA recommends further exploration of the cost of professional arts practice is needed, as this could lead to increased package costs for artists seeking professional careers in the arts.

## **5. Scheme Boundaries**

Access to the scheme and the scope of services provided under the scheme are key components of scheme costs. Scheme boundaries define the type of services that are funded through the Scheme, what's funded by the NDIS and those provided outside the Scheme by mainstream services.

As stated, the arts are poorly defined in the NDIS, and there is a lack of understanding and clarity about what constitutes quality programs and supports from community participation through to professional career and employment pathways in the arts.

This lack of understanding of the arts and poorly defined scheme boundaries makes the services harder to navigate for artists with disability and they may not find the supports they need.

*Is the range and type of services proposed to be funded under the Information, Linkages and Capacity Building (ILC) program consistent with the goals of the program and the NDIS more generally (Page 17).*

Currently, the arts are classified under recreation and community participation and therapy options in the NDIS. As stated previously, there is a lack of recognition of professional career and employment pathways in the NDIS. As a result, there is a need for a clear definition of what arts programs are supported by the NDIS and those that are provided outside the scheme by mainstream services.

There is also a risk of gaps in services between the NDIS and mainstream services. AAA submits that more research is required to map what services are available in arts and disability sector and mainstream services.

If professional career and employment pathways are defined as the scope of mainstream services, then there is real concern that artists with disability may not find the supports they need in the community.

We believe there are emerging concerns about the lack of accessible mainstream services that support artists with disabilities. Foresight is needed to bridge the envisioned gap between what's funded by the NDIS and those provided outside the scheme by mainstream services.

*What, if anything, can be done to ensure the ILC and LAC initiatives remain useful and effective bridging tools between services for people with disability? (Page 17).*

Capacity building for LAC's and other NDIS staff is required to increase understanding of the art and disability sector and quality arts programs and support across all levels of engagement from community participation through to professional career and employment pathways in the arts.

AAA submits that Quality Standards are also required, to ensure referral to quality programs.

## **6. Planning Processes**

The Commission's Issue Paper submits that robust planning processes and assessment tools, and sufficiently skilled and impartial planners, are important for the ongoing financial sustainability of the scheme. AAA NDISWG is concerned about the lack of understanding and value of the arts amongst NDIS planners and Support Coordinators, and what constitutes quality arts practice from community participation, through to professional career employment pathways.

The NDISWG would like to draw attention to the following resources to assist in the planning process:

- Art & You A Planning Guide (Arts Access Vic), the Art Finder resource (Arts Access Vic);
- The Reasonable & Necessary Website – helping people identify and express their needs (Access2Arts, SA)

*Are the criteria for participant supports clear and effective? Is there sufficient guidance for assessors about how these criteria should be applied? Are there any improvements that can be made, including where modifications to plans are required? (Page 21)*

In relation to this question, we submit there are no clear guidelines for arts in the NDIS, and that clear and effective criterion for determining participant supports is essential.

There is a need to ensure the distinctiveness of the arts are represented in the NDIS, such as specific examples of arts and cultural engagement, and professional career and employment pathways are included in planning guides.

We suggest that more success stories that demonstrate how artists with disability have navigated the NDIS and self-managed own funds, so they can choose their own mentor, and negotiate pricing are needed. An example of this success can be found in [Open Cage Ensemble](#).

To meet appropriate and effective inclusion of arts in the NDIS, capacity building for planners, support coordinators and LAC's is needed to increase the understanding of the art and disability sector, and quality arts programs and support across all levels of engagement from community participation through to professional career and employment pathways in the arts.

## 7. Marketing Readiness

*Will the workforce be ready? (Page 22)*

The Issues Paper identifies the difficulties in recruiting speech therapists, occupational therapists and psychologists. The AAA NDISWG would like to highlight the need for Professional Artists also, and that pricing schedules do not cover the cost to employ Professional Artists to run professional arts programs. AAA believes this need which will provide inclusion and opportunity, is equally important as therapy to outcomes.

*Will Providers be ready? (Page 24)*

AAA would like to raise the issue of the adequacy of price caps set by the NDIA. These may not be attractive to providers, and there are questions about the adequacy of prices to reimburse existing providers for the costs of providing supports (NDS 2016). As such, providers may find it difficult to maintain or increase the scale/range of supports to match expected demand in the full scheme.

The arts and disability sector has many small-scale arts and disability programs and there is evidence these programs are already struggling to maintain services. The arts and disability sector has been providing people with disability with participatory and professional opportunities for arts engagement for more than four decades. The sector plays a critical role in delivering social and community, health and wellbeing and economic benefits to people with disability. These programs are currently in jeopardy.

The Issues Paper highlights concerns raised about the quality of services provided by new entrants (NDS 2016). Concerns have also been raised to the NDISWG about large organisations with no previous experience in delivering quality arts and disability programs entering the market and offering time filling activities at a cheap rate while claiming this is high quality work.

If the NDIS aims to provide participants with access to quality services using a market-based approach, a quality framework and standards for art programs/projects that support people with disability are required. The framework and standards should be developed in consultation with the Arts and Disability Sector, as well as with artists with disability.

In relation to 'thin markets', AAA NDISWG members have also expressed concerns about accessible arts and disability supports and un-met demand in rural and remote areas.

*Are prices set by the NDIA at an efficient level? How ready is the disability sector for market prices? (Page 26)*

AAA submits the prices set by the NDIA are not adequate and, in relation to our sector, do not cover the costs of employing professional artists as mentioned above.

*How ready are providers for the shift from block-funding to fee-for-service?  
(Page 26)*

As stated, the evidence suggests that existing arts and disability programs are struggling to meet costs to run quality professional arts programs, and that some long-standing arts and disability organisations have already folded.

In Victoria for example, the vast majority of programs are being delivered in local communities, with support from Local Government and other community infrastructure such as neighbourhood houses. With Local Government appearing to signal their intention to not register as NDIS providers, many of these programs have been advised that the support they have been relying, in some cases for decades, is likely to be withdrawn.

In addition, in Victoria, a precursor to NDIS was the Mental Health recommission, which moved funding for community mental health services from block funding to individual funding from 2015. The result in Victoria was the closure of all 15 arts and mental health programs, including those run by recommissioned organisations, with organisations citing an incompatibility between the new individualised funding model and the arts programs.

We are concerned that this pattern will now be repeated across the arts and disability sector, which we believe is an unintended, but nonetheless, disastrous consequence for people with disabilities.

*Will participants be ready? (Page 26)*

For some, entering the scheme, determining a plan of supports, finding providers, and negotiating services will be daunting and difficult, and perhaps especially for self-managed participants. AAA NDISWG members have expressed the need for more support for artists with disability to self-manage funds. While there have been some success stories, the journey has been difficult, and this 'has ramifications for the wellbeing of participants and future scheme costs'.

*How well-equipped are NDIS-eligible individuals (and their families and carers) to understand and interact with the scheme, negotiate plans, and find and negotiate supports with providers. (Page 26)*

Effective tools have already been developed to support artists with disability:

- Art & You A Planning Guide (Arts Access Vic), the Art Finder resource (Arts Access Vic);
- The Reasonable & Necessary Website – helping people identify and express their needs (Access2Arts, SA)



However, we submit that artists with disability need more support to self-manage funds. For example:

- Opportunities for mentoring and peer support from other artists with disabilities who have successfully navigated the NDIS, as well as gathering stories from the field.
- Capacity building and more support for artists with disability, their families and carers to self-advocate for arts in their individual plans, navigate the NDIS and access the best support they can.
- Concerns have also been raised around the vulnerability of artists with disability in the new free market based approach, with questionable business models and collaborations between service providers, and non-disabled and disabled artists emerging.
- Support, guidance and safeguarding for artists with disability engaging in co-design and new enterprise and business model arrangements.

## **8. Governance and administration of the NDIS**

Administration of the Scheme is critical to its effectiveness. Continuous improvements will deliver better outcomes for participants and substantial savings. AAA NDISWG submits measures are needed to underpin good governance, and this will be critical to the ability of the NDIS to provide services to people with disabilities over the long term.

As noted, State and Territory Governments provide mainstream services and offer support to those unable to access the NDIS. They also play a role in regulating, and ensuring the quality of the suppliers that enter the market. This role will be important in the roll out of the NDIS and AAA NDISWG submits that consultation with organisations such as AAA is needed to inform regulation and quality assurance.

*Do existing administrative and governance arrangements affect (or have the potential to affect) the provision of services or scheme costs? What changes, if any, would improve the arrangements? (Page 28)*

As stated, AAA is of the view that more effective co-ordination is needed between the NDIS and NADS. We are still hoping that the “NDIS will help build a system where the recommendations of the Cultural issues were raised and the Minister’s Council National Arts and Disability Strategy could more effectively implemented”. (2012 Making it real video created to support *Every Australian Counts* campaign).

We are seeking clarity on how the DCA will engage with the NDIA to ensure the distinctiveness of the arts are represented and accommodated in the NDIS; to ensure quality standards of arts programs in the NDIS; and to ensure artists with disability reach better outcomes at all levels of community participation through to professional career and employment pathways in the arts.

How can outcomes be reflected in the NADS? For example, what Key Performance Indicators could be included in the NADS to ensure the NDIS supports access to quality arts programs for people with disability?

*To what extent do the existing regulations provide the appropriate safeguards and quality controls? Can these arrangements be improved? (Page 28)*

Members of the NDISWG have expressed concerns about the vulnerability of artists with disability in the new free market based approach. Concerns have been raised about questionable business models and collaborations between service providers, and non-disabled and disabled artists emerging in response to the free market.

There is a need for more guidance and safeguarding for artists with disability engaging in co-design and new enterprise and business model arrangements.

One of the roles of the NDIA is to provide market stewardship (oversight of the development of the NDIS marketplace). According to the NDIA's Market Approach Statement of Opportunity and Intent, this involves:

- The effectiveness of market stewardship initiatives are questionable and there is evidence to suggest that existing suppliers are not getting the support they need "to mature at an appropriate and sustainable rate". (Page 29)
- Long standing arts programs are struggling and there is concern that more will close and the quality and integrity of arts and disability programs will diminish. People with disabilities will not have access to quality art programs.
- As stated in this submission, concerns have been raised about questionable business models arising between non-disabled and disabled artists.

In addition, if the NDIS aims to provide participants with access to quality services in the market-based approach – a quality framework and standards for art programs/projects that support people with disability are required. This framework and standards need to be developed in consultation with the Arts and Disability Sector as well as artists with disability.

AAA suggests there is a need for a regulatory body to monitor quality standards for Arts and Disability programs, including monitoring the implementation of DAP and DAIPs. The NDIA also needs to work with the DCA to establish and define the interface between the NDIS and NADS.

## **9. Paying for the NDIS**

AAA submits that achieving financial sustainability will require the continuous monitoring of both participants' outcomes and costs. Economic and social impact studies will be needed to define and measure financial sustainability of the NDIS.

We are also of the view that the NDIA's risk management practices should be publicly available in the interests of transparency and accountability.

## 10. Summary of AAA submission

AAA is pleased to present this submission to the Commission. Through it, we have argued for better co-ordination between the NDIS and the NADS. We have also submitted strongly on the need for quality framework and standards for art programs/projects that support people with disability. This framework and standards need to be developed in consultation with the Arts and Disability Sector as well as artists with disability.

We have raised concerns the capacity of LAC's and other NDIS staff in relation to the Art and Disability Sector and quality arts programs, and thus the lack of knowledge and awareness needed to support artists with disability accessing the NDIS, across all levels of engagement from community participation through to professional career and employment pathways in the arts.

Concerns have also been expressed on:

- the need for clear guidelines for arts in the NDIS, and clear and effective criterion for determining participant supports
- adequacy of price caps set by the NDIA, as it relates to the Arts and Disability Sector
- the vulnerability of artists with disability in the new free market based approach, with questionable business models and collaborations between service providers, and non-disabled and disabled artists emerging
- the sustainability of long standing arts programs and how this might impact on artists with disability and their planning and supports under the NDIS
- thin markets - accessible arts and disability supports and un-met demand in rural and remote areas
- regulation and monitoring to ensure the quality of the suppliers entering the market as the NDIS is rolled out. Consideration could be given to establishing a regulatory body to monitor and regulate quality standards for Arts and Disability programs, including monitoring the implementation of DAP and DAIPs.