



Arts Access Australia

NDIS Working Group

Emerging Issues & Concerns Discussion Paper September 2017

1. Introduction

This paper was created to review the work of Arts Access Australia (AAA) and the NDIS Working Group and identify emerging issues and concerns with the implementation of the NDIS.

2. Emerging Issues & Concerns 2017

2.1. *Lack of progress and clear across government strategy for Arts in the NDIS - i.e. interface between the NDIS and NADS*

AAA is still “looking forward to seeing how the NDIS and NADS work together to support better arts and cultural outcomes for everybody.” (2011 Submission in response to the draft report on Disability Care and Support and the NDIS).

We are still waiting for a reality where 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).

There is still a need for clear strategy in the NADS to engage with the NDIS to ensure access to quality arts programs and better outcomes for artists with disability.

2.2. *Limited engagement and consultation with artists with disability*

Concerns have been raised that there is not enough involvement of artists with disabilities in the consultation and design of the NDIS. There are some success stories, however the journey has been difficult; artists with disability need more support to self-manage funds for example.

2.3. *The Arts are not valued in the NDIS – nor fully understood*

The Arts are not identified in the NDIS, therefore there is nothing guiding practice and support.

AAA submits the arts are more than recreation, and there is no clear support for professional career and employment pathways in the Arts and access to professional arts practice that supports people to progress their engagement along a pathway from participation, emerging, professional and artistic career.

Not all art is therapy, and there are concerns about the medicalisation of the arts, and that service clusters are based around the medical model. For example arts and disability organisations providing early childhood support programs require a therapist to be involved, which is not necessary in an arts context.

There is a lack of understanding amongst NDIS planners and Support Coordinators of professional career and employment pathways in the Arts and what constitutes quality arts practice from participation, emerging, professional and career pathways.

2.4. How the NDIS will ensure the quality of Arts Programs, and safeguard artists in the new free market based approach.

Concerns have been raised that organisations with no previous experience in delivering quality arts and disability programs will offer time filling activities at a cheap rate and claim that this is high quality work. Concerns have also been raised on questionable business models and collaborations between service providers, and non-disabled and disabled artists emerging in response to the free market.

There is a lack of accessible mainstream arts programs that support artists with disability and a need for more supported arts places. Artists with disability and their carers need support to find quality mainstream programs and those that are not registered with the NDIS.

There is also a lack of clarity on who is responsible for regulating standards and quality of arts programs in the NDIS.

2.5. The sustainability of arts and disability programs and organisations, particularly professional arts programs.

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 gap between historical block grants and individualised funding models under the NDIS, means professional arts organisations are struggling to meet costs to run quality professional arts programs.

Pricing schedules under the NDIS do not cover the cost to employ professional artist to run the programs. That is, the cost to employ a professional artist to run a program is higher than the cost of persons doing a local recreational art based program. There is also a gap between recreation and medical pricing schedules.

Even with new business models and new efficiencies, the gap in current block funding and forecast NDIS income does not align. There are concerns about how arts and disability programs will attract enough funds to run professional arts programs and maintain the level of artistic professionalism. Some long-standing arts and disability organisations have already folded.

2.6. *Regional Access & Support*

From a regional perspective, accessing services and support is always more expensive and this is sometimes missed in funding models and when negotiating packages, because people can't access the same services or quality of services.

The NDISWG is also concerned about the long-term response to variation in fees for services in remote and regional areas.

3. **Targeting our Action – what we are seeking in response to our concerns.**

3.1. *Clear across government policy and strategy for Arts in the NDIS - i.e. interface between the NDIS and NADS.*

There needs to be clarity on how the DCA will engage with the NDIA to ensure the distinctiveness of the arts are represented and accommodated in the NDIS, as outlined in 3.3 below.

- How the departments will work together to support and empower individual artists with disability as outlined in 3.2 below.
- How the DCA will support quality standards of arts programs in the NDIS, to ensure artists with disability reach better outcomes at all levels of participation, emerging, and professional; as outlined in 3.4 below.
- How the departments will work together to sustain quality arts and disability programs as outlined in 3.5 below.
- How this will be reflected in the NADS, for example what KPIs could be included in the NADS to ensure the NDIS supports access to quality arts programs for people with disability.

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 are also committed to working with the AAA NDISWG and have undertaken to attend meetings of the working group on a regular basis. AAA is appreciative of this focus and assistance.

3.2. *More engagement and empowerment of individual artists with disability in the NDIS, including:*

Increased consultation and consumer engagement strategies that include artists with disability in all aspects of NDIS systems' planning and design are required. Opportunities are needed 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, is needed. Work has already done in this regard by:

- 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).

3.3. *Capacity building in the NDIS to increase understanding of the arts across all levels of engagement from community participation through to professional career and employment pathways in the arts.*

Capacity building is needed for planners, Support Coordinators and LAC's 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;

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, professional career and employment pathways are included planning guides.

More success stories that demonstrate how artists with disability have navigated the NDIS, self-managed own funds, so they can choose their own mentor, and negotiate pricing would be helpful. There are some good results, for example [Open Cage Ensemble](#).

3.4. *Quality Standards and Monitoring of inclusive Arts Programs and Practices*

There is a need for a Quality Framework and Standards for art programs/projects that support people with disability, developed in consultation with the Arts and Disability sector, as well as artists with disability.

The appointment of a regulatory body to monitor quality standards for Arts and Disability programs, including monitoring the applications of DAP and DAIPs is needed.

Support, guidance and safeguarding for artists with disability is needed who may be engaging in co-design and new enterprise and business model arrangements.

3.5. *Action to stop the loss of quality arts and disability programs*

More support is needed for quality Arts and Disability programs that support emerging, professional, career and employment pathways for artists with disability.

Equally, more support for quality arts and disability programs and organisations to sustain best practice, navigate the change to NDIS, and develop new business models and monitoring and evaluation systems to gather data on individual outcomes is needed.

There is also support needed for arts and disability organisations to fund the gap between NDIS pricing schedules and costs to run professional arts programs and maintain a high level of artistic professionalism.

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.

3.6. *More support for regional and remote artists with disability to access quality arts programs*

Thin markets exist in regional and remote areas - accessible arts and disability supports and un-met demand.

4. **WHAT AAA and the NDIS Working Group can offer**

AAA NDISWG offers a forum to engage and consult with artists and arts workers with disability and key arts and disability organisations. We can also work with the NDIS 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 planning guides.

We can also work with the DCA to ensure the NDIS supports access to quality arts programs for people with disability that is including KPIs for NDIS in the NADS. As a peak body for the Arts and Disability Sector we can assist in information gathering and sharing, and promotion of opportunities for artists and arts organisations.

With additional resources we can:

- Manage disability-led research and development projects, for example
 - Scoping and mapping the arts and disability sector
 - Development of artist mentoring and peer support programs
 - Development of mechanisms to gather and promote success stories
 - Assist in the development of quality standards and monitoring systems.
- Work in partnership with artists with disability, state based arts and disability organisations to:
 - Organise disability-led capacity building opportunities for artists with disability and their families and carers.
 - Organise disability-led capacity building for mainstream organisations on creating accessible arts programs.
- Assist the NDIS to implement disability-led capacity building for planners, support coordinators and LAC's about arts and cultural engagement, emerging and professional career and employment pathways in the arts.

APPENDIX – Review of AAA advocacy:

AAA advocacy and action to date and is informed by the following information sources:

- Previous NDIS Working Group Minutes & Actions 2014 - 2016
- Feedback from the NDIS Working Group 22/2/2017
- NDIS panel discussion Meeting Place 2017, 2/03/2017,
- QUT Research Proposal 1/05/2017.

1.1 Timeline of Advocacy Activity & Actions to date

2011 AAA Campaign kicks off in lead up to 2012 May budget

- **2011 (April) Submission** in response to the draft report on Disability Care and Support and the NDIS, AAA urges State and Federal Governments to support the introduction of a NDIS and states that “other initiatives, like the National Arts and Disability Strategy, still need your support. Now, 18 months after the release of the National Arts and Disability Strategy, we look forward to seeing how these two exciting initiatives can both be given the resources to help make better outcomes for everybody”.

- **2012 Making it real video** was created to support *Every Australian Counts* campaign and NDIS. AAA states that the NDIS will help “build a system where the recommendations of the Cultural issues were raised at the Minister’s Council National Arts and Disability Strategy could more effectively implemented”.
- **2013 (Jan) Submission** on the National Disability Insurance Scheme Bill exposure Draft. AAA advocates for Arts Planning Resources, and advocacy and complaints mechanisms to be included.
- AAA’s CEO presents on the draft NDIS legislation to the Community Affairs Senate Committee Hearing.

2014 AAA NDIS Working Group Forms

- **August, Issues identified** at the meeting to present to NDIS CEO David Bowen
 - What is going to be the long-term response to variation in fees for services in remote and regional areas?
 - Funding of group activities?
 - Whole of government approach?
 - How will pathways for young people with the arts and disability be maintained in the current environment?
 - What is the workforce development plan in relation to the arts in particular?
 - Question about language used in terms of giving people the choice to access arts in their plan. People need to know that there is a choice.
 - What is being done in terms of planning processes to incorporate the arts as a planning tool?
- The role of the **Australia Council** was raised, a Council representative at the meeting states that they are not directly involved with the NDIS but happy to work with the Ministry; wants to be a strong advocate to ensure that the arts are included, but needs tangible examples. Representation needs to be driven by evidence of demand and need. It was agreed that we need the support of the Australia Council to assist with advocacy.
- **AAA works with the Ministry for the Arts** to develop case studies in relation to the NDIS roll-out.
- Identified the need for KPI’s in the NADS to prepare and support people with disability to exercise choice and control in the arts.
- **September, NDIS Show Reel** – Partnership developed with Octopod to create a visual show reel that demonstrates the capacity of the NDIS to build relationships and programs across the arts and disability sectors.
- **Support Cluster Document** drafted in preparation for the official evaluation of the trial sites in February 2015, to campaign for the inclusion of arts and disability in the NDIS through a separate support cluster. Questions were raised if there was support from the sector to campaign for a separate support cluster.

- **October, Arts Activated Conference** - AAA presents paper on 'Preparing for NDIS'
- **Fact Sheets & Case Studies are prepared:** Thomas Banks & Jenna's case study.

2015 AAA NDIS Working Group Continues to Meet

- **February, Our Choice Disability expo and Having a Say conference** – AAA partners with Back to Back Theatre to exhibit and present. Support for a campaign for a separate support cluster is mustered.
- **April, National NDIS Quality and Safeguarding Standards Consultation Paper.** Concerns were raised regarding consumer safeguards, in response to inquiry into abuse featured on Four Corners program. Questioning how the NDIA will measure quality.
- **October, Reasonable and Necessary project.** AAA supports Access2Arts, to develop campaign to promote the case for arts and what people consider reasonable and necessary in their support.
<http://reasonableandnecessary.org>

2016 AAA NDIS Working Group Advocates for Policy Changes

- **April, Submission to Minister for Communications and the Arts, Senator Mitch Fifield's office, advocating for the following policy changes:**
 - Guidelines around recreation to include professional artistic career paths and broadened to include arts and cultural participation
 - Developing a fee structure around arts and culture.
- **Feedback on NDIS Pricing Schedule discussion paper** with regards to personal care and community participation.

2017 AAA NDIS Working Group membership and commitment reviewed

- **February, NDIS Panel at Meeting Place** raises several issues and concerns.
- **April, NDIS Workforce Development Fund.** AAA supports Arts Access Victoria to write an application to develop Art & You Planning Resources nationally. Not funded, but encouraged to apply for future grant rounds.
- **May, QUT NDIS Research Project.** AAA supports QUT research application to scope arts and disability sector, research barriers etc.
- **June, NADS & NDIS Interface.** Department of Communications and Arts invites NDIS Working Group to comment on emerging issues and concerns, and suggestions for how the department can work better with the NDIS.