

Productivity Commission

National Disability Insurance Scheme Costs Position Paper

**Children and Young People with Disability Australia
Submission – August 2017**

INTRODUCTION

Children and Young People with Disability Australia (CYDA) welcomes the opportunity to provide feedback on the Productivity Commission Position Paper on the National Disability Insurance Scheme (NDIS) Costs. This submission builds on CYDA's earlier submission to the inquiry.

This submission is informed by the direct experiences of children and young people with disability and their families. It responds to issues considered to be of key relevance to children and young people with disability.

Feedback provided mainly relates to recommendations or areas which CYDA views as either contentious or worthy of additional focus, discussion and consideration.

CHILDREN AND YOUNG PEOPLE WITH DISABILITY AUSTRALIA

CYDA is the national representative organisation for children and young people with disability, aged 0 to 25 years. The organisation is primarily funded through the Department of Social Services and is a not for profit organisation. CYDA has a national membership of 5300.

CYDA provides a link between the direct experiences of children and young people with disability to federal government and other key stakeholders. This link is essential for the creation of a true appreciation of the experiences and challenges faced by children and young people with disability.

CYDA's vision is that children and young people with disability living in Australia are afforded every opportunity to thrive, achieve their potential and that their rights and interests as individuals, members of a family and their community are met.

CYDA's purpose is to advocate systemically at the national level for the rights and interests of all children and young people with disability living in Australia and it undertakes the following to achieve its purpose:

- **Listen and respond** to the voices and experiences of children and young people with disability;
- **Advocate** for children and young people with disability for equal opportunities, participation and inclusion in the Australian community;
- **Educate** national public policy makers and the broader community about the experiences of children and young people with disability;
- **Inform** children and young people with disability, their families and care givers about their citizenship rights and entitlements; and
- **Celebrate** the successes and achievements of children and young people with disability.

HOW IS THE SCHEME TRACKING?

Draft Finding 2.1

The scale and pace of the National Disability Insurance Scheme (NDIS) rollout to full scheme is highly ambitious. It risks the National Disability Insurance Agency (NDIA) not being able to implement the NDIS as intended and it poses risks to the financial sustainability of the scheme. The NDIA is cognisant of these risks.

CYDA agrees with Draft Finding 2.1.

Draft Finding 2.4

Early evidence suggests that the National Disability Insurance Scheme is improving the lives of many participants and their families and carers. Many participants report more choice and control over the supports they receive and an increase in the amount of support provided. However, not all participants are benefiting from the scheme. Participants with psychosocial disability, and those who struggle to navigate the scheme, are most at risk of experiencing poor outcomes.

Experience reported to CYDA indicates that services and support are more readily available and greater utilised currently compared to the time prior to the National Disability Insurance Scheme (NDIS).

CYDA agrees that not all participants are benefiting from the scheme and urges ongoing critical evaluation of the structural weaknesses producing this outcome to inform continual improvement. Of the CYDA constituents who responded to our survey for this inquiry, the majority stated negative experiences of the NDIS and just over a third reported that the scheme had not made a difference when compared to previous arrangements. Additionally, it has been reported that in some instances children or young people receive reduced services support as participants of the NDIS compared to what was received prior to the introduction of the NDIS.

Key areas in which improvements are critically needed include: the provision of information to assist participants to navigate the scheme; and planning processes.

It is CYDA's view that the methods and assumptions used to evaluate participant experiences should be more transparent and require further refinement. In some instances statements around improved circumstances are causally linked to participation in the NDIS when many other variables could have contributed to the reported improved outcome.

SCHEME ELIGIBILITY

Draft Recommendation 3.1

When determining that an individual is eligible for individualised support through the National Disability Insurance Scheme under the disability requirements, the National Disability Insurance Agency should collect data on which of the activity domains outlined in section 24 of the National Disability Insurance Scheme Act 2013 (Cth) are relevant for each individual when they enter the scheme.

CYDA supports Draft Recommendation 3.1.

Information Request 3.1

The Commission is seeking feedback on the advantages and disadvantages of maintaining 'List D — Permanent Impairment/Early Intervention, Under 7 years — No Further Assessment Required' in the National Disability Insurance Agency's operational guidelines on access. Feedback is sought on the extent to which the list:

- *reduces the burden on families to demonstrate that their child will benefit from early intervention and/or provides certainty that support will be provided*
- *reduces the burden on the National Disability Insurance Agency of assessing whether children are eligible for early intervention support under the National Disability Insurance Scheme Act 2013 (Clth)*
- *may be contributing to supports being provided to children who are unlikely to benefit from such supports*
- *may be discouraging or inhibiting exit from the scheme*

Information request 3.2

The Commission is seeking feedback on the benefits and risks of maintaining 'List A — Conditions which are Likely to Meet the Disability Requirements in section 24 of the NDIS Act'. In particular:

- *to what extent does List A reduce the burden for people with permanent and significant disability of entering the National Disability Insurance Scheme under the disability requirements?*
- *is there any evidence that people who do not meet the disability requirements are entering the scheme under List A?*

CYDA acknowledges there are strong reasons for and against the maintenance of these lists. It is important to acknowledge that there are risks to retaining a rigid diagnostic approach as a mechanism for entry to the scheme. However, CYDA supports maintaining Lists A and D because they streamline access to services and supports for people with disability and reduce the stress of establishing and assessing whether people with disability meet the disability requirements of the NDIS. This is on the understanding that these lists do not constitute an exhaustive list of disability qualifying an individual for entry into the scheme.

CYDA is concerned that undue focus on diagnosis at the access stage may lead to a prescribed approach in planning and consideration of supports that is not aligned with the social model of disability. It is imperative that planning processes are focused on the functional impact of disability for the person concerned and are not primarily prescribed by assumptions based on diagnostic labels.

CYDA also believes there should be greater transparency regarding the process and criteria used to establish these lists. It is unclear to CYDA what the criteria is for inclusion in the lists and this information does not appear to be publicly available.

SCHEME SUPPORTS

Information Request 4.1

Is the National Disability Insurance Scheme Act 2013 (Clth) sufficiently clear about how or whether the 'reasonable and necessary' criterion should be applied? Is there sufficient clarity around how the section 34(1) criteria relate to the consideration of what is reasonable and necessary? Is better legislative direction about what is reasonable and necessary required? If so, what improvements should be made? What would be the implications of these changes for the financial sustainability of the scheme?

CYDA does not support changes to the wording of the section 34(1) criteria relating to the consideration of what is 'reasonable and necessary'. These criteria provide welcomed flexibility around planning and the scope of support that can be provided through the NDIS.

However, CYDA is concerned that court and tribunal assessment of what is 'reasonable and necessary' may become unduly focused on economic costs and benefits to the detriment of children and young people with disability, whose functional capacity and support needs cannot necessarily be measured in these terms. The way in which economic considerations inform court and tribunal decision making in this respect should be closely monitored, with a view to future reform of the section 34(1) criteria if it appears that participants are being denied needed.

CYDA also has ongoing concerns in relation to section 34(1)(a) which requires the CEO to be satisfied that 'the support will assist the participant to pursue the goals, objectives and aspirations included in the participant's statement of goals and aspirations'. As raised in our previous submission, the requirement that a *Participant Statement of Goals and Aspirations* is developed is seen as problematic. This process is seen as not reflective of the reality of the lives of children, young people and families. For school age children, goals and aspirations may be related to ongoing health issues or educational attainment, which are not the primary role of the NDIS. The formal setting of goals is viewed by CYDA as a highly contrived and unnatural activity. CYDA did not support the inclusion of this requirement during the drafting of the original legislation and rules and there has been no evidence regarding the effectiveness of having such statements.

CYDA accepts that there needs to be a service plan in order to activate funding, however the relevance and purpose of this additional layer is questionable.

CYDA recommends that ongoing monitoring of the NDIS include specific attention to how participant statements of goals and aspirations are being used within the scheme, with consideration given to issues including:

- the utility of goals, objectives and aspirations included in individual plans and whether they are aligned appropriately with support needs, considering a sample of participants statements;
- the repercussions for planning if it appears that the goals, objectives and aspirations are not being met,;
- the relevance of this outcomes-based approach for children and young people with disability, given that the end point of particular supports and services is often unknown and may shift depending upon the child or young person's development;

- whether this approach may result in denial of needed supports on the basis they are not aligned with a particular goal, objective or aspiration;
- alternative approaches to assessing participants' progress, such as whether plans, supports and services are fostering inclusion, participation and belonging in society.

CYDA is of the view that improved direction and training should be provided to planners regarding how to interpret the section 34(1) criteria so that appropriate decisions can be made in a range of contexts. Experiences reported to CYDA at times reflect a rigid approach to decision making by planners around the provision of a support without due consideration of a range of other contextual factors, which suggests that there is uncertainty amongst decision makers about how the section 34(1) criteria relate to the consideration of what is 'reasonable and necessary'.

'Reasonable and necessary' supports should have different meanings depending upon individual situations. Consideration should be given to a range of circumstances including age, gender, cultural background and other life circumstances.

Anecdotally it appears that the current approach to planning and supports may involve formulaic use of clinical assessments tools to determine support needs in a way which does not reflect the individual functional capacity and support needs of participants. In deciding on appropriate supports for children and young people with disability, clinical assessment tools may have some role to play but care should be taken in their use by non-clinical decision makers. Their use within bureaucratic decision-making without adequate clinical knowledge is highly problematic.

Information Request 4.2

Should the National Disability Insurance Agency have the ability to delegate plan approval functions to Local Area Coordinators? What are the costs, benefits and risks of doing so? How can these be managed?

In response to Information Request 4.2, CYDA is of the view that Local Area Coordinators (LACs) are not an appropriate mechanism for plan approval functions. The role of the LAC has shifted over time resulting in significant changes in the definition and functions of this position. This additional change would add further confusion for participants and other stakeholders. There is also a risk of conflict if LACs approve plans whilst also having functions to provide independent advice.

Draft Recommendation 4.1

The National Disability Insurance Agency should:

- *implement a process for allowing minor amendments or adjustments to plans without triggering a full plan review*
- *review its protocols relating to how phone planning is used*
- *provide clear, comprehensive and up-to-date information about how the planning process operates, what to expect during the planning process, and participants' rights and options*
- *ensure that Local Area Coordinators are on the ground six months before the scheme is rolled out in an area and are engaging in pre-planning with participants.*

CYDA partially supports Draft Recommendation 4.1. In particular, CYDA supports the Commission's recommendations for improving the planning and pre-planning processes, which have been clearly identified as problematic through much of the direct experience reported to CYDA and in the

broader community. Implementing a process to allow plan adjustments to be made without a full plan review would better reflect the rapidly and routinely evolving nature of children and young people's developmental needs. Greater flexibility and timeliness in the planning process is critical to ensure that the scheme is responsive to the lives of children, young people and families.

A particular problem identified by CYDA constituents is that the plans they are ultimately presented with do not appear to reflect their prior discussions with planners and understanding of what supports had been negotiated. CYDA suggests that a staged process to planning may assist, whereby participants are given an opportunity to view and comment on proposed plans before finalisation.

In relation to review of protocols relating to use of phone planning, CYDA recommends that face to face planning be the default method for planning, and that phone planning be used only as a last resort and in clearly defined circumstances. CYDA constituents reported problematic experiences of negotiating plans over the phone and some participants were actively discouraged from having face to face planning meetings.

Significant improvements are needed in the provision of information to participants about how the planning process operates and their rights and options. Although CYDA does not support changing the section 34(1) criteria relation to consideration of what are 'reasonable and necessary' supports, participants would benefit from information, which is easily accessible, about how these criteria are applied by decision makers.

CYDA does not agree that earlier availability of LACs is necessarily the best solution. There is a clear need for better support and information in the pre-planning phase. However, further consideration should be given to a range of mechanisms that could be put in place to assist with the pre-planning stage.

Draft Recommendation 4.2

The National Disability Insurance Agency should ensure that planners have a general understanding about different types of disability. For types of disability that require specialist knowledge (such as psychosocial disability), there should be specialised planning teams and/or more use of industry knowledge and expertise.

CYDA supports recommendation 4.2. In CYDA's view, however, training for decision makers should avoid entrenching an approach to planning which is unduly focused on diagnosis. Consistent with the social model of disability, training for planners should emphasise that disability is experienced differently for every person and that people who have a shared diagnostic label will have different support needs.

CYDA also recommends that planners be given training which includes a specific focus on the developmental needs of children and young people. It is also critical to have knowledge and expertise in relation to families when the NDIS participant is a child or young person.

BOUNDARIES AND INTERFACES WITH THE NDIS

Draft Finding 5.1

It is a false economy to have too few resources for Information Linkages and Capacity Building, particularly during the transition period when it is critical to have structures in place to ensure people with disability (both inside and outside the National Disability Insurance Scheme) are adequately connected with appropriate services.

CYDA noted in its initial submission to this inquiry that it has significant concerns regarding the Information Linkages and Capacity Building (ILC) program. CYDA supports the Commission's finding that the ILC program must be adequately resourced. However, CYDA's concerns about the program remain and have much broader implications than resourcing issues. There is the real risk that the ILC will be a scheme that is subordinated to the NDIS and used to deflect people from engagement with the NDIS to limit scheme costs.

The ILC will not function effectively unless specific policy commitments in relation to enhancing mainstream services and programs, and the interface of these services with the NDIS, are developed and implemented. Disability services still need to be funded to provide supports for people with disability who do not meet the schemes eligibility requirements but nonetheless have support needs.

Draft Recommendation 5.2

The Australian, State and Territory Governments should make public their approach to providing continuity of support and the services they intend to provide to people (including the value of supports and number of people covered), beyond supports provided through the National Disability Insurance Scheme. These arrangements for services should be reflected in the upcoming bilateral agreements for the full scheme.

The National Disability Insurance Agency should report, in its quarterly COAG Disability Reform Council report, on boundary issues as they are playing out on the ground, including identifying service gaps and actions to address barriers to accessing disability and mainstream services for people with disability.

CYDA supports Draft Recommendation 5.2.

Draft Recommendation 5.3

Each COAG Council that has responsibility for a service area that interfaces with the National Disability Insurance Scheme (NDIS) should have a standing item on its agenda to address the provision of those services and how they interface with NDIS services. This item should cover service gaps, duplications and other boundary issues.

Through the review points of National Agreements and National Partnership Agreements under the Federal Financial Relations Intergovernmental Agreement, parties should include specific commitments and reporting obligations consistent with the National Disability Strategy. The Agreements should be strengthened to include more details around how boundary issues are being dealt with, including practical examples.

CYDA supports Draft Recommendation 5.3.

CYDA remains firmly of the view that the NDIS/education interface should be a key consideration. Direct experience reported to CYDA indicates that participants and schools are uncertain about this interface. Education is the most used 'mainstream' service among NDIS participants. It is critical that the NDIS/education interface be properly defined and articulated in the first instance and that boundary issues be addressed in the ongoing refinement of the scheme. Extensive discussion of this issue is included in CYDA's initial submission to this inquiry.

CYDA reiterates the recommendation that further work to define and establish the NDIS/education interface needs to incorporate comprehensive mapping and planning for relevant collaborative action and structures of relevant parties which include the NDIA, state, territory and Commonwealth governments, education authorities and relevant stakeholders including CYDA.

In relation to NDIS costs, CYDA strongly believes that the inadequacies of the school education system, which are commonly experienced by children and young people with disability, have the potential to greatly undermine the success of the NDIS. If systemic measures are not put in place to address these issues many children and young people with disability will continue to become increasingly dependent, limiting their opportunities for social and economic participation and increasing NDIS costs. A coordinated national education reform strategy should be a parallel and complementary measure.

PROVIDER READINESS

Draft Recommendation 6.1

The Australian Government should:

- *immediately introduce an independent price monitor to review the transitional and efficient maximum prices for scheme supports set by the National Disability Insurance Agency (NDIA)*
- *transfer the NDIA's power to set price caps for scheme supports to an independent price regulator by no later than 1 July 2019*

The body tasked with price regulation for scheme supports should:

- *collect data on providers' characteristics and costs. This should include appropriate funding to continue the business characteristics and benchmarking study currently undertaken by National Disability Services and Curtin University*
- *determine transitional and efficient prices for supports at a state and territory level*
- *comprehensively review and publish its price model on an annual basis. This review should be transparent, have public consultation, be evidence-based and evaluate the effectiveness of prices in meeting clearly-defined objectives*
- *assess and recommend when to deregulate prices for supports, with particular regard to the type of support and region, on the basis that prices should only be regulated as narrowly, and for as short a time, as possible.*

CYDA supports Draft Recommendation 6.1. The pricing of disability supports requires urgent attention to improve the ability of the disability sector to effectively service and support both NDIS participants and other people with disability. In this regard CYDA joins the Health Services Union in referring the Commission to the research report *Reasonable, necessary and valued: Pricing disability services for quality support and decent jobs* published by the University of New South Wales Social

Policy Research Centre.¹ This research finds that current pricing does not support the delivery of high quality services.

Draft Finding 6.1

In a market-based model for disability supports, thin markets will persist for some groups, including some participants:

- *living in outer regional, remote and very remote areas*
- *with complex, specialised or high intensity needs, or very challenging behaviours*
- *from culturally and linguistically diverse backgrounds*
- *who are Aboriginal and Torres Strait Islander Australians*
- *who have an acute and immediate need (crisis care and accommodation).*

In the absence of effective government intervention, such market failure is likely to result in greater shortages, less competition and poorer participant outcomes.

CYDA agrees with Draft Finding 6.1.

Information Request 6.1

In what circumstances are measures such as:

- *cross-government collaboration*
- *leveraging established community organisations*
- *using hub and spoke (scaffolding) models*
- *relying on other mainstream providers*

appropriate to meet the needs of participants in thin markets? What effects do each have on scheme costs and participant outcomes? Are there barriers to adopting these approaches?

Under what conditions should block-funding or direct commissioning of disability supports (including under 'provider of last resort' arrangements) occur in thin markets, and how should these conditions be measured?

Are there any other measures to address thin markets?

The market-based model on which the NDIS is based is intended to develop flexibility and innovation in relation to supports. However, the Position Paper highlights the very real risk that rigid adherence to this model may compromise the scheme's ability to implement the person-centred model of care and support underpinning its creation and increase the scheme's long term costs. CYDA encourages, in some instances, consideration of alternatives including block-funding and direct commissioning of disability supports to complement the market-based model as part of strategies to address 'thin markets'.

¹ N Cortis, F Macdonald, B Davidson and E Bentham 2017, *Reasonable, necessary and valued: Pricing disability services for quality support and decent jobs* (SPRC Report 10/17), Social Policy Research Centre, UNSW, Sydney.

WORKFORCE READINESS

Draft Finding 7.1

It is unlikely that the disability care workforce will be sufficient to deliver the supports expected to be allocated by the National Disability Insurance Agency by 2020.

CYDA agrees with Draft Finding 7.1.

Draft Recommendation 7.1

The roles and responsibilities of different parties to develop the National Disability Insurance Scheme workforce should be clarified and made public.

- *State and Territory Governments should make use of their previous experience in administering disability care and support services to play a greater role in identifying workforce gaps and remedies tailored to their jurisdiction.*
- *The Australian Government should retain oversight of workforce development, including how tertiary education, immigration and aged care policy interact and affect the development of the workforce. In doing so, the Australian Government should pay particular attention to immigration policy to mitigate workforce shortages over the transition period.*
- *The National Disability Insurance Agency should provide State and Territory Governments with data held by the Agency to enable those jurisdictions to make effective workforce development policy.*
- *Providers of disability supports should have access to a clear and consistent mechanism to alert those tasked with market development about emerging and persistent workforce gaps.*

CYDA supports Draft Recommendation 7.1.

Draft Recommendation 7.2

The National Disability Insurance Agency should publish more detailed market position statements on an annual basis. These should include information on the number of participants, committed supports, existing providers and previous actual expenditure by local government area.

The Australian Government should provide funding to the Australian Bureau of Statistics to regularly collect and publish information on the qualifications, age, hours of work and incomes of those working in disability care roles, including allied health professionals.

CYDA supports Draft Recommendation 7.2.

Information Request 7.2

How has the introduction of the National Disability Insurance Scheme affected the supply and demand for respite services? Are there policy changes that should be made to allow for more effective provision of respite services, and how would these affect the net costs of the scheme and net costs to the community?

CYDA would assume that the introduction of the NDIS will lead to a reduced demand for respite services where children and young people with disability are concerned. Experience prior to the NDIS is that families often used respite services more frequently requiring a “break” as they were providing high levels of support due to inadequacy of availability of services. Further many families

often use respite, such as that provided in home, to meet the support needs of their child. For example, collecting a young person from school when parents have employment commitments.

Limited feedback has been received from families regarding respite since the introduction of the NDIS. Further CYDA has not focused specifically on this area in the targeted consultation undertaken in relation to members' experiences and views of the NDIS. CYDA would be willing to engage in further consultation with constituents on this issue to inform understanding and future developments in policy and practice.

PARTICIPANT READINESS

Information Request 8.1

Is support coordination being appropriately targeted to meet the aims for which it was designed?

It is commonly reported to CYDA that people are extremely confused about the NDIS. There is a lack of clarity around all phases of planning, utilisation of services and many aspects of how the NDIS works. Support coordination is reportedly being utilised, and in many cases welcomed, to make sense of the new disability service system. However, it appears anecdotally that there is a higher utilisation of support coordination because other information and administrative aspects of the NDIS have been problematic and due to gaps in services. Some CYDA constituents have found it difficult to find a support coordinator.

CYDA's view is that support coordination has the potential to provide valuable assistance to children and young people with disability, but that further work is needed to ensure that support coordinators are appropriately skilled and trained and further guidance needed to clarify the support coordinator role. This should include consideration of the skills and experience needed to register as a support coordinator. To effectively meet the needs of children and young people with disability support coordinators require expertise in an evidence based early childhood intervention model, a developmental framework, working with children and young people and family-centred practices.

Draft Recommendation 8.1

The National Disability Insurance Agency should implement the eMarketPlace discussed in the Integrated Market Sector and Workforce Strategy as a matter of priority.

CYDA supports recommendation 8.1 on the understanding that the implementation of the eMarketPlace is a measure that complements a range of strategies to help participants navigate the NDIS and access the support needed.

GOVERNANCE

Draft Recommendation 9.3

The National Disability Insurance Agency should publicly report on the number of unexpected plan reviews and reviews of decisions, review timeframes and the outcomes of reviews.

CYDA supports Draft Recommendation 9.3.

Draft Recommendation 9.4

The performance of the National Disability Insurance Scheme (NDIS) should be monitored and reported on by the National Disability Insurance Agency (NDIA) with improved and comprehensive output and outcome performance indicators that directly measure performance against the scheme's objectives.

The NDIA should continue to develop and expand its performance reporting, particularly on outcomes, and Local Area Coordination and Information, Linkages and Capacity Building activities. The NDIA should also fill gaps in its performance reporting, including reporting on plan quality (such as participant satisfaction with their plans and their planning experience, plans completed by phone versus face-to-face, and plan reviews).

The Integrated NDIS Performance Reporting Framework should be regularly reviewed by the NDIA and the COAG Disability Reform Council and refined as needed.

CYDA partially supports Draft Recommendation 9.4. CYDA agrees that monitoring and reporting on the performance of the NDIS is critical. There must be honest and ongoing critical reflection on the scheme's operation to allow for continual improvement. CYDA recommends that the monitoring function be performed by a body independent of the NDIA. This process needs to be informed by the direct experience of people with disability, including children and young people with disability, and should engage with their representative organisations.

Information Request 9.1

The Commission is seeking feedback on the most effective way to operationalise slowing down the rollout of the National Disability Insurance Scheme in the event it is required. Possible options include:

- *prioritising potential participants with more urgent and complex needs*
- *delaying the transition in some areas*
- *an across-the-board slowdown in the rate that participants are added to the scheme.*

The Commission is also seeking feedback on the implications of slowing down the rollout

CYDA does not support the slowing down of the rollout of the NDIS. The real impact and long term costs to children and young people with disability would be extremely significant. This would leave many people with disability without much needed support and services.

It is imperative however that action is clearly articulated that will ensure that there is increased capacity within the Scheme to remedy the flaws in administrative and operational processes, and structural design. CYDA is concerned about the risk that rushed and ineffective policy and processes will become embedded within the NDIS and undermine the long term success of the Scheme.

ADDITIONAL COMMENTS

Early Childhood Early Intervention Pathway

CYDA is concerned that the Early Childhood Early Intervention (ECEI) measures have primarily been designed in response to emerging cost pressures rather than the primary focus being on how best to provide effective early intervention to children with disability. This focus appears evident from

numerous comments in the Position Paper which position the ECEI as a 'tighter gateway' and a mechanism for reducing the number of children entering the scheme.

CYDA welcome's the Commission's comment that the NDIA should 'build its evidence base on what early intervention supports work for children'. An evidence based early intervention model should aim to provide a holistic response to each child based on their individual support needs, taking account of their developmental stage and, to respond to children within their family context. Effective early intervention services also provide support to build family capabilities and assist families to support children. These requirements should be built into the NDIS approach to early intervention and provider accreditation processes.

Specific considerations for children and young people

CYDA reiterates the recommendation that the NDIS operate on the basis of recognition of the specific considerations for children and young people informed by available evidence and theoretical frameworks, and that this distinct approach should be reflected in all levels of the NDIS. Specific principles should be developed to guide the way the NDIS works with children, young people and their families.

The approach taken to children and young people with disability must be situated within a developmental framework. In designing access measures and planning supports for children, young people and their families, the focus must be on the child or young person rather than the disability.

It is reported to CYDA that there is instead a narrow focus on individual therapies and 'deficits'. Where children and young people live with, or receive significant support from, their families, it is also critical that a family-centred approach is used, focused on children and young people but also mindful of the interests of their families.

For child participants, the overarching goal should be to afford children their right to childhood and inclusion in their community as enshrined in the United Nations *Convention on the Rights of the Child*. The approach taken to young people must reflect the unique contexts of this group – such as increasing independence, transition into higher education and employment, and 'emerging adulthood'.

Risk Assessment and Quality Assurance Framework

It is critical that the NDIS quality assurance and safeguarding mechanisms reflect an understanding and recognition of the specific considerations for children and young people. Children and young people with disability are over three times more vulnerable to experiencing abuse and neglect than their peers without disability,² a risk which extends to the risk of abuse by people who provide them with disability support.

As noted in CYDA's earlier submission, specific protective and safeguarding needs of children and young people with disability must be embedded in all aspects of the NDIS. There is currently minimal reference to children and young people in the *NDIS Quality and Safeguarding Framework*. Specific guidelines should be incorporated in the *NDIS Quality and Safeguarding Framework* to address the

² P Sullivan et al. 2000, 'Maltreatment and disabilities: A population-based epidemiological study,' *Child abuse and neglect*, Vol. 24, No. 10, p. 1257, M Maclean et al 2017, 'Maltreatment Risk among Children with Disabilities,' *Paediatrics*, Vol. 139, No. 4.

specific protective and safeguarding needs of children and young people with disability, recognising their heightened vulnerability to abuse.

Information about the risk management tool being used for children and young people is not publically available. CYDA has repeatedly requested access to this document, which has not been provided to date.

Bibliography

N Cortis, F Macdonald, B Davidson and E Bentham 2017, *Reasonable, necessary and valued: Pricing disability services for quality support and decent jobs* (SPRC Report 10/17), Social Policy Research Centre, UNSW, Sydney

P Sullivan et al. 2000, 'Maltreatment and disabilities: A population-based epidemiological study,' *Child abuse and neglect*, Vol. 24, No. 10, p. 1257, M Maclean et al 2017, 'Maltreatment Risk among Children with Disabilities,' *Paediatrics*, Vol. 139, No. 4