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Disability Care and Support
Productivity Commission
GPO Box 1428
Canberra City ACT 2601

Dear Commissioners

Productivity Commission Inquiry into Disability Care and Support

Under the *Community Services (Complaints, Reviews and Monitoring) Act 1993*, the NSW Ombudsman plays a key role in relation to people with disabilities, including:

- handling and investigating complaints about disability services;
- inquiring into major issues affecting people with disabilities and disability service providers;
- reviewing the care, circumstances and deaths of people with disabilities in care;
- coordinating Official Community Visitors in their visits to licensed boarding houses and supported disability accommodation; and
- monitoring, reviewing and setting standards for the delivery of disability services.

Central to this legislation was the establishment of a Community and Disability Services Commissioner to head the work of the Ombudsman in relation to people with disabilities.

The NSW Ombudsman supports the development of a national disability scheme based on a no-fault social insurance approach. We consider that there is a pressing need for a national scheme to deliver simplified and reliable access to services and support for people with disabilities.

Consistent with information provided to the Inquiry by other parties, our work in relation to people with disabilities has highlighted the need to reform the existing disability system. As indicated in the Commission's issues paper, the problems with the current system are well known, including high unmet demand for critical services such as supported accommodation and respite, and inequitable access to disability services.

We have identified and reported on a range of issues in relation to services and support for people with disabilities in NSW. This has included recent reports to NSW Parliament on improving service delivery to Aboriginal people with disabilities, and the closure of residential centres. We have also provided submissions to the current NSW Inquiry into services provided and funded by Ageing, Disability and Home Care. Copies of relevant reports and submissions are enclosed for the Commission's reference.



It is important that any national disability scheme is closely aligned with the National Disability Strategy, and consistent with the UN Convention on the Rights of Persons with Disabilities. In addition, our work indicates that the following areas warrant particular consideration:

Clear and simple entry to the scheme

The difficulties that people with disabilities and their families experience in trying to find and obtain disability support are well known. In designing a new scheme, consideration should be given to how to minimise the work/ burden on people with disabilities and their families, such as through:

- identifying individuals already known to disability services who would be eligible for the scheme and implementing arrangements for automatic or easy access;
- providing clear and accessible information about what is available, the entry process, eligibility criteria and who to contact;
- instituting a 'no wrong door' approach to entry; and
- minimising the assessments and paperwork associated with accessing the scheme.

Consideration should also be given to how to raise awareness of the scheme among people with disabilities who have a low uptake of disability services, such as Aboriginal people, people from CALD backgrounds, and people in rural and remote areas. For example, through making links at a local level with key organisations, groups and individuals who can promote the scheme.

Equity of access

One of the key problems of the existing disability system, resulting at least in part from insufficient funding, is the inequitable access to disability support. People with the same level of need can be afforded different types and amount of support, due to factors such as where they live, when they seek assistance, who they contact, and how strongly they advocate for support.

We consider that eligibility criteria to the national disability scheme should be clear, and decisions regarding access should be consistent, transparent and accountable. Eligibility to the scheme should be based on the support needs of the individual related to their disability – irrespective of the type of disability, how the disability was acquired, or other factors such as where they live (such as whether living in a residential centre, at home in the community, or in a boarding house).

Complaints and appeals

We consider that any national disability scheme should include a clear complaints and appeals process. People with disabilities must have the opportunity to appeal key decisions relating to the scheme, such as decisions about eligibility. They should also have access to a rigorous internal complaints process, as well as recourse to an external, independent agency that can handle complaints relating to the operation of the scheme.

Consistent and portable support

One of the likely benefits of a national disability scheme is the potential integration of support to people with disabilities across governments and program areas. It is important that the

support or funds provided through the national scheme are portable throughout Australia, to enable consistent and reliable support.

A common issue raised by people with disabilities and their families in relation to the current disability system is that support changes or reduces at key life stages. For example, the amount of support available to families with children with disabilities reduces significantly once the child starts school. Support provided under the national scheme should be reliable and consistent across key life stages.

Flexible and responsive support

Meeting the individual needs of people with disabilities who are eligible for the national disability scheme will require a flexible and responsive approach. In NSW, people with disabilities and their families have clearly communicated that they want disability support to work for them; they want services to provide flexible support that meets their individual needs rather than being required to fit in with the needs of the service provider.

Thank you for the opportunity to provide input to the Inquiry. We understand that there will be the opportunity to make a further submission following release of the Commission's draft report in February 2011.

Yours sincerely

**Bruce Barbour
Ombudsman**

**Steve Kinmond
Deputy Ombudsman
Community and Disability Services Commissioner**