

Summary Report

NDIS Review: Quality and Safety



DANA Disability Advocacy
Network Australia

What are the problems?

Discussion paper by Laura Davy and Molly Saunders

The problems identified in the discussion paper are:

1. **Structural issues with NDIS quality and safeguarding framework**
2. **Access to disability advocacy**
3. **Access to natural safeguards**
4. **Accessibility, responsiveness, and accountability**

DANA's engagements on this focus area included online forums, surveys and written feedback.

Surveys

Problems most impacting advocates and people with disability

Problems	Advocates	People with Disability
Not enough advocacy support available for NDIS participants	75.36%	56.76%
Raising an issue does not lead to change	72.46%	75.68%
Mainstream supports (like the legal system) are not accessible for people with disability	65.94%	48.65%
Reporting issues is too difficult	51.45%	40.54%
Not enough support for participants from family, friends, or allies	50.00%	40.54%
No specific support for NDIS participants about quality and safety	46.38%	37.84%
NDIS services being unsafe	39.13%	37.84%
Other- tell us what you think: (problems have been incorporated below)	28.26%	21.62%

Solutions identified by advocates and people with disability

Score reflects overall ranking from most important to least important.

Solutions	Advocates	People with Disability
More advocates funded and available to support people with disability with quality and safety issues	5.70	5.54
Giving the NDIS Commission more power to investigate issues and regulate NDIS services and service providers	5.25	4.68

More information and support about quality and safety to help participants choose safely and make complaints when they need to	4.09	4.36
Focusing on making sure people have community connections and access to friends, family and decision supporters	3.70	3.54
More training requirements for service providers	3.34	3.65
Making sure people with disability are safe accessing mainstream services, like the legal system, to make complaints	3.20	3.57
More safety requirements for service providers	2.72	2.68

What we heard

Problems most impacting advocates and people with disability

Advocates confirmed many of the findings of the original discussion paper and added specific examples:

- Misconduct and unsafe practices of providers (offering to rent properties to people with disability, performing inappropriate renovations, depleting or exhausting funds, colluding with other agencies, and offering incentives).
- Lack of awareness of the Quality and Safety Commission (the Commission). Engagements, particularly in closed settings, revealed low or no awareness about the Commission and how to make a complaint.
- Negative perceptions of the Commission as “toothless” and lack of trust, particularly among First Nations, regional and rural communities with cultural barriers and thin markets.
- Providers often only get a “rap on the knuckles” and a reminder of their professional standards. Where providers have received multiple complaints (30 plus complaints), no action is taken to address their pattern of behaviour and misconduct.
- Advocates and people with disability receive no contact or response, or wait for long periods (over 9 weeks) even when complaints concern serious abuse and neglect or have been referred to the fraud team.
- Advocates are taking on the burden of educating providers and addressing unsafe situations for people with disability in the absence of response and action by the Commission.

“Lack of follow-up by NDIS Quality and Safeguards Commission, including no response to urgent issues of neglect and abuse. No transparency in outcome of complaints to Commission, or no real action taken against provider / individual that caused harm.” Advocate, survey response

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“I don't even know what the point of the Commission is because we've got a service provider right now where there's been lots of service providers locally and plan managers and participants complain about the very same service provider and nothing is happening. Nothing.” - Victoria Advocate, online forum

“Inappropriate, inconsistent & disrespectful decision making being provided causing RISKS to PWD which is SO NOT RIGHT!!” - Person with disability, survey response

“Really think the NDIA themselves needs to evaluate how unsafe they've become too. I couldn't get any satisfactory results from trying to follow their processes when trying to find out why they had made a huge breach of confidentiality and work out how to not have them do anything like it again” - Person with disability, survey response

“Consent issues, properly trained staff, de-emphasis on the market economy and more on provision of services to all” - Person with disability, survey response

What are the solutions?

Advocates endorsed many of the solutions proposed in the discussion paper.

- 1. Investment in individual and systemic advocacy**
 - 2. Reform of the NDIS Quality and Safety framework and NDIS Commission**
 - 3. Stronger preventative approaches**
 - 4. Addressing interface with and accessibility of mainstream safeguarding systems**
- Funding to increase the capacity of advocacy organisations to provide individual support alongside capacity-building, peer groups, and self-advocacy.
 - Increased powers to investigate providers with multiple complaints, enforce mandatory standards and remove providers from people with disability's services and support.
 - Accessible information for diverse disabilities presented in creative and interactive formats.

Additional solutions

- Funding for education and training resources that build capacity and empower people with disability to know their rights and responsibilities regarding the legislation and their NDIS plans.

- Greater consultation with people with disability about desired outcomes of a complaint at an individual and systemic level.
- Mandatory training for people being funded by the NDIS to work with children, including the national child safety principles and the different developmental needs for different age ranges, including the transitions of people approaching 18 years.

Changes to proposed solutions

- Create an additional body to specifically deal with complaints and investigations with a strong focus on triaging, responding and referring alongside guidelines as to referrals and response timeframes.
- People with disability may be reluctant to engage with a public rating and review system for fear of adverse consequences. These systems are also difficult to police against providers misusing the system to create false reviews to boost their rating.
- If independent advocates are appointed, the length of time for the appointment should be clarified and periodically reviewed to avoid advocates being used as a pseudo guardian mechanism.

“It should be easy to lodge a complaint and get a quick resolution. We need to know who the dodgy providers are so we can not use them” - Person with disability, survey response

“More focus on building PWD social capital- people keep people safe, more advocacy and support PWD to build self advocacy” - Person with disability, survey response

“Ensure that any registration and accreditation processes actually ensure quality -tick and flick approaches do not ensure quality or safety” - Person with disability, survey response

“[T]he stronger links people have out into their community, I think the safer they are.” - Victoria Advocate, online forum

“Disability support workers can often be the only other person that someone who is being abused will see in their life, so for them to be able to identify if that person is being abused is a really important part of that role, and then knowing what to do.” - Queensland Advocate, online forums

“[T]here needs to be some kind of unit or response team with power to act and intervene when someone is unsafe and experiencing extreme neglect.” - Victoria Advocate, online forum

Our solutions

Specific funding streams for individual and systemic advocacy services

More funding for independent disability advocacy services for both individual and systemic advocacy that addresses quality and safety issues, such as individual advocacy for people with disability dealing with the NDIS Commission, disability rights education, capacity building, peer support groups and 'safeguarding advocacy' (with legislative changes to enable advocates to enter closed settings). A national public information and awareness raising campaign should be incorporated into the preventative and developmental strategy of the Commission which promotes access to advocacy.

Establish a separate complaints handling agency in addition to the current regulatory body with clear procedures imposed for response timeframes and

Establish a separate independent agency responsible for complaints handling to increase impartiality, accessibility, transparency and accountability. The complaints handling agency should have a clear delineation of roles and responsibilities, including response timeframes and referral pathways. Initial responses to complaints should be provided within 7 working days, and for urgent matters of violence and abuse against a person with disability, within 1 working day. Clear protocols and procedures should be implemented for information sharing and referrals to mainstream safeguarding agencies.

Develop and implement a proactive strategy to promoting quality and safety

Preventative and developmental functions of the Commission need to be properly resourced and should take a multi-faceted approach that encompasses the provision of accessible information and advice, promoting natural safeguards and community connection, and capacity building for people with disability, service providers, and the wider community. Three national awareness campaigns, targeting people with disability, the disability sector and the public, should educate and inform people about human rights, rights to quality and safe services, identifying violence, neglect and abuse, and how to report concerns and make a complaint.