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## The Greens NSW Parliamentary update on Disability Services – November 2013

This report provides an update relating to Disability Services including the NDIS and the recent legislation and Parliamentary questions regarding some of the concerns regarding the Hunter trial / launch and the implementation of the NDIS including the transfer of assets and staff to the NGO sector.

### Information re NDIS implementation in NSW

**29 October 2013 – Legislative Council – NDIS Enabling Bill – 2R and Committee stage (amendments)**

[http://www.parliament.nsw.gov.au/Prod/Parlment/hansart.nsf/V3Key/LC20131029041?open&refNavID=HA8\\_1](http://www.parliament.nsw.gov.au/Prod/Parlment/hansart.nsf/V3Key/LC20131029041?open&refNavID=HA8_1)

#### Budget and Services

Current budget for NSW disability is \$2.5B pa, under NDIS there will be \$6.4B pa by 2018/19 (half C'wealth)  
The NDIS will provide an additional 50,000 people who do not receive service to be NDIS participants  
650 NGO's currently provide 60% of services including 70% of the supported accommodation services and over 80% of other services, such as therapy. The NGO is currently the only provider of some types of support eg. Transition to work for young PWD leaving school and day program activities.

The NDIS will be administered by the National Disability Insurance Agency (NDIA) overseen by a Board and an Advisory Council and will register the service providers. The Commonwealth will fund the National Disability Advocacy Program (NDAP) providing advocacy and legal support to PWD and local area coordinators.

Since 1998 there has been a commitment by the NSW Government to **redevelop large residential centres (LRC)**, to meet state and national standards. Consultation to determine the preferred future living arrangements will define the redevelopment and provision of future living options. A commitment has been given that there will be some community living redevelopment at the Stockton site.

In relation to the **transfer of current ADHC staff** there are provisions in the NDIS Enabling Act that provide for the transfer of staff on the same terms and conditions as applied under an industrial agreement immediately before the transfer and an employment guarantee period. There is currently a process of consultations with the union representatives including Unions NSW, PSA, United Voice, NSW Nurses and Midwives Association, HSU, NSW Teachers' Federation and Australian Salaried Medical Officers' Federation (ASMOF).

#### Background

**July 2013** – NDIS Hunter trial begins

**December 2012** – NDIS Heads of Agreement between Commonwealth & NSW Government

<http://www.ndis.gov.au/document/184>

**August 2012** – Commonwealth & NSW agreement for Hunter NDIS trial

**August 2011** the Productivity Commission released its report into *Disability Support Services*

<http://www.pc.gov.au/projects/inquiry/disability-support>

**November 2010** the NSW Social Issues Committee tabled its report on the Inquiry –

*Services provided or funded by the Department of Ageing, Disability and Home Care*

[http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/18A4D07B967F5640CA2577D800031A6D?open&refnavid=CO5\\_2](http://www.parliament.nsw.gov.au/prod/parlment/committee.nsf/0/18A4D07B967F5640CA2577D800031A6D?open&refnavid=CO5_2)

### Recent Questions in Parliament

27/11/2013 Question on Notice – **Workforce Recruitment Strategy**

27/11/2013 Question on Notice – **Complaints and Compliance Monitoring**

19/11/2013 Question on Notice – **Stockton Centre & Large Residential Centres (LRCs)**

31/10/2013 Question without Notice – **NDIS Base Unit Pricing in Hunter Launch Area**

22/10/2013 Question without Notice – **Health Services to People with a Disability**

19/09/2013 Question without Notice - **Police Force Policy Re: Boarding House Residents**

30/05/2013 Question without Notice - **ADHC Community Complaints Policy**

### **27 November 2013 Question on Notice: Workforce Recruitment Strategy**

Ms Barham to the Minister for Ageing, Minister for Disability Services—

1. Recommendation 51 of the Standing Committee on Social Issues 2010 Inquiry into Services provided by the Department of Ageing, Disability and Home Care (ADHC) recommended:

"That six months before the end of funding of the Workforce Recruitment Strategy, ADHC, with the assistance of stakeholders, review the strategy in consultation with stakeholders, with a view to

extending it for a further two years."

As the transition of disability services to the National Disability Insurance Scheme is not due to be completed until mid-2018, *can the Minister for Ageing and Disability Services advise of the status of any review or extension of the Workforce Recruitment Strategy?*

2. Recommendation 52 of the Standing Committee on Social Issues 2010 Inquiry into Services provided by the Department of Ageing, Disability and Home Care recommended that ADHC convene a **cross sector working party** to develop a workforce retention strategy. As the transition of disability services to the National Disability Insurance Scheme is not due to be completed until mid-2018, *can the Minister advise of any progress in the development of a workforce retention strategy for the New South Wales disability services sector?*

### Questions awaiting answers

#### 27 November 2013 Question on Notice: **Complaints and Compliance Monitoring**

Ms Barham to the Minister for Ageing, Minister for Disability Services—

1. Noting that Recommendation 46 of the Standing Committee on Social Issues 2010 Inquiry into Services provided by the Department of Ageing, Disability and Home Care (ADHC) was that a review be conducted of complaint and grievance policy and procedures for disability services, and that the review report and actions resulting from the review are published on ADHC's website:
  - a. *Can the Minister for Ageing and Disability Services advise whether the audit report completed in October 2012 into improving the complaints process in ADHC will be published?*
  - b. *If so, when?*
  - c. *If not, why not?*
  - d. On 20 August 2013 a deferred answer by the Minister to a question without notice asked by Jan Barham MLC on 30 May 2013 indicated that the revised ADHC Community Complaints Policy would be finalised by the end of 2013. *Has the policy been finalised and published?*
2. Noting that Recommendation 47 of the Standing Committee on Social Issues 2010 Inquiry into Services provided by the Department of Ageing, Disability and Home Care was that the Government establish an **independent organisation** to monitor the quality of disability services, handle complaints and monitor compliance:
  - a. *Can the Minister advise of any progress toward fulfilling this recommendation, bearing in mind that the transition of disability services is not due to be completed until mid-2018?*
  - b. *What action is the Government taking to ensure appropriate **monitoring, complaints handling and compliance safeguards** are provided in New South Wales under the National Disability Insurance Scheme?*

### Questions awaiting answers

#### 19 November 2013 Question on Notice: **Stockton Centre & Large Residential Centres (LRCs)**

Ms Barham to the Minister for Ageing, Minister for Disability Services—

1. Ageing, Disability and Home Care (ADHC) commissioned a **Post Implementation Review**, in accordance with the Gateway Review System, of the closure of three ADHC Large Residential Centres (LRC): Grosvenor, Peat Island and Lachlan Centres.

*Will an equivalent Post Implementation Review be undertaken after the closure of the Stockton Centre and other remaining Large Residential Centres?*
2. *Will there be a similar review process on the closures and redevelopment of all Government-owned LRCs once they transfer out of Government hands?*
3. *What processes will be put in place by the Government to ensure positive outcomes and an enhanced and sustained quality of life for all current residents of LRCs once they close and responsibility is transferred to the NGO sector?*
4. *Will the redevelopment process of all remaining LRCs, including the Stockton Centre, take a person-centred approach to accommodation support?*

### Questions awaiting answers

#### 31 October 2013 Question without Notice: **NDIS Base Unit Pricing in Hunter Launch Area**

*My question is directed to the Minister for Disability Services. During budget estimates the Department of Family and Community Services advised that it is participating, along with the National*

Disability Insurance Scheme, in a joint review concerning the base unit price of assisted self-care activities in the Hunter launch, noting that it is considerably less than equivalent State-based programs. *Is there any update on this information? If not, when will the Department of Family and Community Services provide clarification?*

**Answer - JOHN AJAKA:** The Hunter launch of the National Disability Insurance Scheme has proven that both the State and Federal governments were correct to first launch the scheme at a number of sites. We had to ensure that all appropriate measures were taken before the launch throughout the State and Australia. The bipartisan approach that was shown has delivered many successes and some terrific stories from clients, carers, staff of Ageing, Disability and Home Care and various other community members. The clear theme is that everybody wants to ensure that people with disabilities are receiving the best care from the best people available.

The aim of the launch was to minimise the impact on the lives of people with a disability and support them to achieve their life goals of participating in the economic and social life of the community. In August 2012 the New South Wales and Commonwealth governments agreed to a New South Wales site for the first stage. The full rollout of the National Disability Insurance Scheme launch agreement, which covers the Hunter local government areas of Newcastle, Lake Macquarie and Maitland, commenced on 1 July 2013 and overall will support approximately 10,000 people. The Hunter launch is an opportunity for New South Wales to demonstrate a leadership role.

Once fully rolled out 140,000 people with disabilities will directly benefit from the National Disability Insurance Scheme across New South Wales. Currently approximately 93,000 people with disabilities are supported in the New South Wales specialist disability system. A key factor of the National Disability Insurance Scheme rollout is that not only will there be a substantial increase in total funding from \$2.7 billion to \$6.4 billion a year but also the number of people assisted will increase from 93,000 to 140,000—that is, approximately 50,000 additional people who currently do not receive any disability services. The New South Wales contribution to the Hunter launch is \$550 million from 2013-14 to 2015-16, plus \$35 million over four years from 2013-14. Members opposite, including members on the crossbenches, can take credit for their bipartisan approach to ensuring that we continue this launch throughout New South Wales

**Note: Question put on notice due to inadequate response**

## **22 October 2013 Question without Notice: Health Services to People with a Disability**

My question without notice is directed to the Minister for Police and Emergency Services, representing the Minister for Health. **The Ombudsman's report** of deaths in disability care for the period 2010-11 recommended that the Department of Health report to the Ombudsman on its progress in implementing action under the National Disability Strategy NSW Implementation Plan. *Has the Department of Health reported to the Ombudsman? If the answer is yes, what proposals has the Department of Health made to improve services to people with disabilities attending, being admitted to or leaving hospital?*

**Answered 26 November:** MICHAEL GALLACHER: On 22 October 2013 Jan Barham asked me, representing the Minister for Health, a question without notice in relation to people with disability in care. The Minister for Health has provided the following response:

The Ministry of Health has provided a full response to all of the Ombudsman's recommendations from his report into the deaths of people with disability in care.

NSW Health and Ageing, Disability and Home Care (ADHC) has released a joint guideline on supporting residents of Ageing, Disability and Home Care operated and funded accommodation supported services who present to a New South Wales public hospital. This guideline is available on the internet at [http://www.health.nsw.gov.au/policies/gl/2013/GL2013\\_001.html](http://www.health.nsw.gov.au/policies/gl/2013/GL2013_001.html).

The guideline aims to ensure staff working in hospitals and Ageing, Disability and Home Care operated or funded disability accommodation support services are aware of their respective roles and responsibilities before, during and after transfer of care from hospital. It provides a framework to assist health and disability staff to identify areas of risk, agree on additional supports and negotiate responsibility and resources to achieve the best outcomes for people with disability during their hospital stay.

### **19 September 2013** Question without Notice: **Police Force Policy Re: Boarding House Residents**

My question without notice is directed to the Minister for Police and Emergency Services.

*Will the Minister outline what education and training measures have been rolled out across the NSW Police Force to assist police officers to identify and help people with disabilities who seek police assistance?*

*What are the protocols for New South Wales police officers where a person with a disability reports neglect or abuse associated with boarding house accommodation?*

**Answer -MICHAEL GALLACHER:** I thank the member for her serious question. As part of their initial training, NSW Police Force recruits study subjects that deal with issues affecting people with disability and those who have a mental illness. Police officers also receive ongoing training, through seminars and a series of videos that have been produced and disseminated across the NSW Police Force. It is the job of every New South Wales police officer to act with impartiality. In the case of people with disabilities, this means ensuring that differences in ability do not result in someone being assessed negatively based on their disability alone. I advise the House that New South Wales police officers do not diagnose or screen persons for disabilities but are instead guided by key indicators or descriptors or a statement from the person or their carer as to the nature of the disability. People with disabilities are also classified as vulnerable persons under the **Law Enforcement (Powers and Responsibilities) Regulation 2005**. When a disability is established or strongly suggested, the vulnerable person should have the right to a support person when being interviewed by police. That is the case whether the person is a witness, a victim or an alleged offender. Each local area command should have a customer service duty officer who deals with the local issues regarding people with disabilities, and police officers can be pursued through that officer. In relation to reports of neglect or abuse of someone with a disability who is housed in boarding house accommodation, a police officer would deal with such report as they would any other. I would expect that to be done, as would the House, with compassion and professionalism and in accordance with the New South Wales laws and the policies of the NSW Police Force.

### **30 May 2013** Question without Notice: **ADHC Community Complaints Policy**

My question is directed to the Minister for Finance and Services, representing the Minister for Disability Services. In response to a question on notice on 14 June 2011 I was informed that the **revised community complaints policy** of Ageing, Disability and Home Care will strengthen the principles regarding threats and retribution. In budget estimates on 8 October 2012 I was told that the complaints management process review was expected to report its outcomes during October 2012.

*Will the Minister advise why the web page of Ageing, Disability and Home Care on complaints procedures still does not have a revised community complaints policy available?*

*What is the Government doing to protect people with disabilities from mistreatment by service providers?*

**Answered on 20/08/2013:** The Minister for Disability Services provided the following response: In October 2012, the Department of Family and Community Services completed an internal audit report into improving the complaints process in Ageing, Disability and Home Care. Work has now commenced on updating the community complaints policy. The revised policy, which will be finalised later this year, will provide clearer guidance regarding complaints management practices within Ageing, Disability and Home Care.

From 1 July 2012, Ageing, Disability and Home Care introduced a new funding agreement requiring service providers to establish and publicise a complaints management process for their organisation and to demonstrate they meet NSW Disability Services Standards including a strengthened standard on feedback and complaints.

Ageing, Disability and Home Care is supporting service providers to implement the standard through the provision of a range of tools and resources that aim to strengthen their capacity for good governance and complaints handling. Additionally, a **transitional safeguards framework** is currently under development and will be **finalised by the end of 2013**.

#### **Further Info**

[http://www.adhc.nsw.gov.au/about\\_us/strategies/ready\\_together](http://www.adhc.nsw.gov.au/about_us/strategies/ready_together)

[http://www.adhc.nsw.gov.au/about\\_us/news/enabling\\_bill\\_a\\_major\\_step\\_on\\_road\\_to\\_disability\\_reform](http://www.adhc.nsw.gov.au/about_us/news/enabling_bill_a_major_step_on_road_to_disability_reform)

<http://www.ndis.gov.au/>

People with Disability Australia <http://www.pwd.org.au/>

