



NDS Submission

to Department of Human Services in Victoria
in consultation with the National Quality Framework Working Group

Draft National Standards for Disability Services



National Disability Services

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About National Disability Services

National Disability Services is the peak industry body for non-government disability services. Its purpose is to promote and advance services for people with disability. Its Australia-wide membership includes around 740 non-government organisations, which support people with all forms of disability. Its members collectively provide the full range of disability services—from accommodation support, respite and therapy to community access and employment. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Federal governments.

NDS supports the decision to update the National Standards for Disability Services. While the existing Standards are generally well accepted by providers of disability services, a review of the language and concepts is appropriate particularly in order to reflect the growing focus on outcomes for consumers and contemporary organisational practice.

The desire to produce a set of Standards to apply to all providers of disability services across Australia is also supported, particularly to facilitate the introduction of the National Disability Insurance Scheme. Ensuring they are appropriate for disability employment services—which currently have separate Standards—will be challenging but is a goal which NDS supports.

An added complexity—which must be resolved—is how these Standards will interface with the quality processes in other states and territories. For instance, Victoria has recently introduced a common set of standards for the community sector, and some other jurisdictions are undertaking similar work. A disability service provider should only have to meet one set of Standards (and the associated indicators of practice and evidence).

At the outset it is important to state that some providers—particularly employment services—are concerned that the draft Standards could impose a responsibility for the elements ‘Rights’, ‘Participation’ and ‘Individual Outcomes’ that is broader than they can achieve. Employment service providers should be judged according to their achievement of employment outcomes, not outcomes in other domains of a person's life.

A clear statement about the responsibilities of service providers needs to be incorporated in the introduction to the document. Even now (but definitely into the future) one service provider will rarely be the sole provider of disability services to an individual. The responsibility for ensuring ‘Rights’, ‘Participation’ and ‘Individual Outcomes’ will, therefore, be shared. Acknowledgment of this needs to be explicit. While organisations should—where appropriate and desired by the person with disability—work together to produce a single support plan this is not yet widespread practice. And for disability employment services, the work goals they are helping people with disability achieve will not always neatly align with life goals that other service providers may be supporting.

Responses to specific questions

Prior involvement

NDS participated in the UNSW consultation in 2010 and is pleased that many of our suggestions have been incorporated into the draft Standards including: the incorporation of freedom from abuse and neglect; a reference to good governance; acknowledgement of the need to have processes that support the employment of skilled staff; an explicit statement about cultural sensitivity; the inclusion of

information to be provided in accessible formats; and, where appropriate, the need to engage with family carers and friends.

Given the importance of compliance with Work Health and Safety (WHS) regulations in the daily operations of service providers (and the conflict such compliance can have with the choices individuals make about their service provision) NDS continues to recommend that explicit reference to WHS be made in the 'Service Management' Standard.

Understanding and meaning

While the draft Standards cover the areas that are important to individuals with disability NDS makes a number of suggestions to strengthen them.

Given that they are to apply to disability employment services, the reference to work and training within the 'Participation' Standard should be strengthened. The indicator of practice—"Staff understand, respect and facilitate individual interests and preferences, in relation to work, learning, social activities and community connection over time"—contains the only mention of employment or training within the entire document. While the document acknowledges the importance of both economic and community participation, community participation that has the greater focus.

To reflect current policy directions, NDS believes that the Standard on 'Individual Outcomes' should be modified to include reference to choice. The Commonwealth and State and Territory Governments have all committed to the implementation of more personalised services, including the need for more choice and control to be given to individuals:

The agreed shared principle for person-centred approaches is:

a focus on the needs and preferences of the individual, rather than the service, and partnerships in all aspects including evaluation of effectiveness of service delivery;

an approach which is holistic and considers all key life stages; and

people with disability, their families and carers are supported to have **choice and control** over their own lives and the supports they receive¹.

It has also been suggested by some disability service providers that the term 'Outcomes' (as in the Standard on Individual Outcomes) is not one that has meaning to people with disability and should be changed to something like 'Individual Goals'. Within this Standard, we suggest changing the term 'life goals' so that it does not exclude disability employment services. Suggested alternatives are 'life or work goals' or just 'goals'.

¹ Disability Policy and Research Working Group 2010, 'Framework for Early Intervention and Prevention, Lifelong Planning, and Increasing Independence and Social Participation Strategies'

NDS supports the inclusion of references to families and carers within the indicators of practice for a number of the draft Standards. However, the focus is currently primarily on protecting rights and promoting community connection and participation. Disability service providers working with children would like to see families mentioned more broadly to reflect that families are often involved as co-practitioners in therapy sessions or that work with children with disability must include consideration of the family and its support needs.

Consideration needs to be given to presenting the final Standards in alternative formats. While the trend is to include an Easy English version of documents, thought should be given to having a Plain English version as well. Many people with disability and families would welcome this. Video and audio formats should also be available. Information materials should inform people with disability, their families and carers broadly about the Standards—what they are, what they mean and how they can engage with a service provider to improve service provision.

Application and use

Most disability service providers will be well placed to work under the new Standards. However, they will require clear information and comprehensive resource materials to assist the interpretation and practical application. Adequate time to adjust systems used to collect and document evidence must be provided.

NDS again, however, stresses the need to resolve the complexities that will arise as some states and territories implement common standards for community services, weakening the alignment with the National Standards for Disability Services. If two different sets of standards are to operate, careful mapping needs to occur to ensure that there is no additional compliance burden and that only one monitoring or accreditation process will be required.

The preface of the current Standards states:

The National Standards must be viewed in the context of both international agreements or statements and relevant Australian legislation such as laws relating to discrimination, guardianship provisions, Equal Employment Opportunity, Occupational Health and Safety, and Freedom of Information. If a conflict occurs services should meet the relevant legal provisions.

This is not in the draft Standards but should be included to make it clear as to how the Standards fit with other legal obligations.

WHS provides a good example of why this is needed. Disability service providers regularly struggle with tensions that arise between the Standards and WHS (or OHS) legislation. This legislation requires the elimination, minimisation or control of workplace risks and treats all service delivery sites as work-sites. But in the context of disability services, these work-sites may also be a person's home or a community space, which it is impractical or intrusive to treat like any other work-site.

Some clients of disability services display challenging behaviours which may be violent and erratic. While service providers should regularly update their risk assessment and risk management plans for such clients, they must ensure that any such plan is compatible with Standards and legislation which strictly limits the use of constraint and seclusion and emphasises the participation of clients in everyday activities.

In empowering a consumer to participate as fully as possible in decisions, organisations may feel they are compromising the duty of care they owe (which limits choice). The development of new Standards must provide a clearer message about the primacy of legislation where conflicts occur².

² See NDS submission July 2008, The National Review of Model OHS Laws



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