

# Issues paper on Disability Supports for Older Australians (DSOA) Program and supporting Australians over aged 65 with a disability

## About NDS

National Disability Services is the peak industry body for non-government disability services. We represent service providers across Australia in their work to deliver high-quality supports and life opportunities for people with disability. NDS's Australia-wide membership includes more than 1,000 non-government organisations which support people with all forms of disability. NDS 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.

## Background

NDS has received feedback from members about issues with the Disability Support for Older Australians (DSOA) program, which replaced the former Continuity of Supports program from 1 July 2021. Since the introduction of the program, NDS has consulted with a wide range of members across Australia, including through four DSOA Discussion and Networking Meetings during 2022. These meetings were attended by more than 110 providers in total. The most recent meetings were held on the 2<sup>nd</sup> and 7<sup>th</sup> of December 2022.

While many organisations were hopeful that the DSOA program would promote positive outcomes for older Australians with disabilities, NDS is concerned about significant issues in the rollout of the program. We have collated these below and look forward to working collaboratively with government on behalf of the sector to enhance the effectiveness of the program.

NDS has also been engaged in broader discussions with the sector on the disparity of supports between the needs-based NDIS and the aged care system. This is also an area of growing concern among NDS members and the major issues, and our position statements, are summarised below.

The purpose of this paper is to inform ongoing discussions with government considering the extension of the current DSOA program until 31<sup>st</sup> December 2023 and in the lead up to the 2023-24 Federal Budget.

## Member consultations on DSOA program

Attendees at the December 2022 virtual meetings were asked to complete a short issues poll as part of the consultation to identify their top three concerns related to the DSOA program. The issues poll serves as a useful snapshot of what's front of mind for many providers at this time.

At both December consultation sessions, funding shortfalls followed by lack of transparency in decision making ranked highly with attendees, alongside concerns about the burden of the change of needs process. Inadequacy of service coordination funding rated very highly at the second meeting.

Other issues raised by members across all meetings held in 2022 include:

- Lack of Specialist Disability Accommodation funding for DSOA participants.
- Pricing structures relating to evening and afternoon shifts are not consistent with Award requirements.
- Issues with access to and adequacy of COVID-19 participant safety measures.
- Inadequate amount of funding being received by participants whose supports have been grandfathered. Providers are cognisant of the importance of participants staying connected with their existing supports (e.g.: continuing to attend the day program that they have attended for 10 years) and are stepping in to cover the cost (at great cost to the organisation) in order to ensure that the participant maintains those connections.

The overwhelming concern voiced by members is the at times significant disparity between the funding available under DSOA and the NDIS. In order to address this inequity and to ensure good quality of life for DSOA participants that they are supporting, many providers feel that they have little choice but to deliver the support required and cover the out of pocket cost themselves.

There is also a perception that current DSOA policy assumes that the needs of people currently receiving DSOA support should and will be able to be met by the aged care system, which is not well equipped to provide the level of supports required by ageing participants with complex needs.

This approach does support good practice such as supporting people with disability to age in place and maintain their connections with their natural supports in the communities where some have lived for many years.

There is a sense that DSOA clients have been let down after the promise that no one would be worse off under the transition to the NDIS. Some are finding that they are worse off and feel stuck between inadequate (or provider subsidised) supports under DSOA, or inadequate and unsuitable support in the aged care system.

### Disparity of supports for people over the age of 65 with disabilities

In addition to issues specific to the DSOA program, a more generalised issue driving significant concern within the sector is the difference between the supports available to NDIS participants and people with disabilities over the age of 65 who are not NDIS participants. This is particularly stark where:

- a person has a lifelong disability who is not eligible for the NDIS, but whose function deteriorates over the age of 65; and
- the disability diagnosis is the same, occurs in people both under and over the age of 65, and their support needs are comparative.

In NDS consultations with members, a frequent call to action that emerged was whether the NDIS Act should be amended to include people over the age of 65 with disabilities.

While we support the intent, which is to improve the lives and support options available for people over the age of 65 with disabilities, NDS is not calling for changes to the NDIS Act that would extend the eligibility criteria to include people over the age of 65 with disabilities, but is rather focused on equity of funding regardless of age and funding mechanism. The NDIS is one vehicle for supporting people with a disability but cannot be the sole means of support available. It is crucial that the systems that intersect with the NDIS, such as the aged care system, are meeting the needs of all Australians with a disability, regardless of their age or personal circumstances.

With that in mind, NDS has developed the following position statements to inform our ongoing work with government and the sector to support people over the age of 65 with disabilities.

### NDS position statements:

- All Australians with disability should have access to the supports that they need in line with human rights principles.
- A successful NDIS relies on capable, adequately funded and resourced mainstream service systems including aged care. This is critical in ensuring that the NDIS does not remain 'an oasis in the desert' for people with disabilities in Australia.
- Proposed changes to the aged care system such as the new Support at Home program and other reforms arising out of the Aged Care Royal Commission need

to adequately support the needs of people with disabilities over the age of 65, including ensuring that supports available in the two systems are equitable.

- Existing and future supports for older Australians with more complex and higher support needs including those with disabilities need to be reviewed including how these are funded and the model for means testing contributions. This includes people with lifelong disability who are not eligible for the NDIS, but whose function deteriorates over the age of 65.
- Supports need to recognise the importance of ageing in place for people with disabilities in residential and home settings and that support via the specialist disability service system may better meet their needs than supports available under the aged care system.
- NDS supports advocacy efforts by members and aged care peaks for increased funding for people with disabilities over the age of 65.
- Current and immediate issues with DSOA funding need to be addressed, including more transparent review processes, to ensure that DSOA participants needs are met and that they are not worse off under the DSOA program than under previous state and territory funding models.

### Next Steps and ways forward

NDS is seeking opportunities to engage and work with government and the Department of Health to address the sector's concerns about the implementation and future of the Disability Supports for Older Australians scheme. We are eager to discuss how processes could be improved to ensure that participants receive continuity of supports and providers are able to sustain their involvement with the scheme.

Participants, families and providers need certainty regarding program funding and program design. Many DSOA participants have experienced 3-4 different funding models/programs in the last 10 years. A decision around the future of the program beyond 2023 is required.

In its current form, NDS holds grave concerns that a number of older Australians with disabilities will have their supports withdrawn due to insufficient funding. We are aware that many providers are currently providing unfunded or severely underfunded supports to participants at an unsustainable rate. Urgent action is required to ensure that participants continue to receive the supports that they need.

## Recommendations

Acknowledging that DSOA is funded in its current form until December 2023 the following recommendations for short term improvements are made:

### **Communication and information**

- Improve communication with providers, work to improve relationship management, and supply providers with a single point of call to enable faster problem solving.
- Provide training and information to the sector to improve efficiencies and ensure they are best equipped to support DSOA clients. Case studies and decision making criteria are needed.
- Provide better education to participants so that they can better understand the DSOA system.
- Provide more information and workshops to the sector to improve sector knowledge and understanding of DSOA and its processes. NDS would be happy to assist with this.  
Quarterly meetings with the sector peak body, NDS, to address current and emerging issues with the program

### **Planning and processes**

- Consider longer plan approvals beyond 6 months to provide greater certainty for participants, their families, and providers.
- Create clear criteria for the evidence needed to establish change of needs and improve transparency in decision making by providing detailed feedback on why decisions are made.
- Reduce the need to resubmit forms multiple times (often for seemingly minor issues, like spelling mistakes), and aim to reduce administrative burden where possible.
- Remove the current process related to aged care assessments assessments. The outcome of ACAT assessments should not impact DSOA funding. Participants should have choice and control about which program they access and should be able to access supports as their needs change under the DSOA program.

### **Beyond 2023**

Current DSOA program funding runs until December 2023. Given the type of supports the program provides the relatively small number of participants, one option may be to simply move existing DSOA participants onto the NDIS. This would ensure that their ongoing disability support needs are met and would provide access to the full range of supports required.

Mechanisms exist within the NDIS already that mean that participants exit the Scheme when they become permanent residents of residential aged care and current operational guidelines identify those supports that should be funded by other systems such as aged care for those participants who entered the NDIS prior to but have since turned 65.

Alternatively, the DSOA program or future iterations must be redesigned in consultation with current program recipients and providers. Funding should be allocated in the 2023-2024 budget to support this redesign and to fund appropriate supports that are suited to individual participant needs.

More broadly, for people with disability over the age of 65 who are not eligible for the NDIS, funding available through the various programs (such as the new Support at Home program) should be commensurate with funding available through the NDIS, with a view to reducing or removing inequity between the schemes and the people they support. This is particularly important for people with a lifelong disability who are not eligible for the NDIS, but whose function deteriorates over the age of 65; and in situations where the disability diagnosis is the same, occurs in people both under and over the age of 65, and their support needs are comparative.