



National Disability Services Victoria

**Submission: A Registration and  
Accreditation Scheme for the Victorian  
Disability Workforce**

October 2017

## **Introduction**

NDS welcomes the opportunity to respond to the consultation paper developed for the proposed registration and accreditation scheme for the Victorian disability workforce. NDS has discussed the issue of potential registration of workers and (mandatory) accredited training with our members on numerous occasions, most recently at a targeted consultation on the paper. The views outlined in this submission reflect NDS member feedback.

National Disability Services (NDS) is the peak body in Victoria and Australia for non-government disability service providers. NDS has more than 200 members in Victoria and more than 1,100 members nationally. NDS provides information and networking opportunities to its members and policy advice to state, territory and Commonwealth governments. We have a diverse and vibrant membership, comprised of small, medium and larger service providers supporting thousands of people with disability. Our members collectively provide the full range of disability services – from accommodation support, respite and therapy to community access and employment. Our members employ over 8,000 people in Victoria alone and are supported by countless volunteers in delivering vital services to Victorians with disability.

NDS is committed to improving the disability service system to ensure it better supports people with disability, families and their carers, and to building a more inclusive community. NDS has advocated strongly over a number of years for the introduction of a National Disability Insurance Scheme (NDIS) and is now supporting service providers across Victoria as they transition to the new Scheme.

## **Intended aims of a Victorian registration and accreditation scheme**

Based on our reading of the consultation paper, we understand that the reasons the Victorian Government wishes to introduce a local accreditation and registration scheme for disability workers are to:

- improve safeguards
- grow a quality workforce
- collect workforce data

NDS abhors any abuse of, neglect of or crimes against people with disability, and we are committed to working to protect and promote the rights of people with disability. We are dedicated to safeguarding against abuse of people with disability and to the provision of high quality service by the disability workforce. NDS has a long history of leading sector responses to quality and safeguarding, including initiating the development of, and funding, the *Zero Tolerance* initiative, established prior to the *Victorian Parliamentary Inquiry into Abuse in Disability Services 2016*.

NDS agrees that the attraction and retention of a workforce of sufficient size, with the appropriate skills, training and values, is pivotal to delivering on the promise of the NDIS to increase the availability of high-quality, person-centred support for people with disability. We

welcome both the NDIA's and the Victorian Government's commitment to ensure the disability workforce has the appropriate safeguards and is working within a 'zero tolerance' framework.

NDS supports an innovative, resilient and sustainable workforce which offers stable career paths and appeals to a wide range of demographic groups across society. A diverse workforce can aid in ensuring supports provided are person-centred and help to propagate participant choice.

NDS is well aware of the lack of reliable and comprehensive data on the disability workforce which is required to inform and enable workforce planning and development, and to inform the choice of workers by people with disability, and their family and carers. As a response to this identified gap, NDS developed Workforce Wizard, a quarterly disability workforce data collection and benchmarking tool. Use of Workforce Wizard has continued to rise since its introduction in October 2015 with it now covering 35,000 disability workers nationally. We continue to work with Commonwealth and state and territory governments to improve the data on the disability workforce.

NDS supports the Victorian Government's intended aims with the proposed registration and accreditation scheme. However, we question that such a scheme is the most effective and efficient way to reach these aims. This submission outlines a summary of the NDS position, lists our key concerns, and then addresses each issue in turn.

### **Summary of NDS's position**

NDS's primary preference is for Victoria to not legislate for a state based registration and accreditation scheme. We instead support a national worker screening system covering both NDIS-registered and non-registered providers, and acknowledge the NDIS Quality and Safeguarding Framework and the contributions it is set to make in this regard. NDS highlights the risk of duplication with the introduction of a Victorian scheme and remains concerned that the introduction of a number of state-based schemes would undermine a key and valued element of the national scheme, with its promise of a national and consistent approach to disability supports and safeguards.

NDS is also concerned about the likely significant cost of such a scheme and suggests that such funds would be better utilised in supporting existing disability advocacy services, and in extending the Victorian Government's implementation of a 'zero tolerance' approach to abuse across all disability services. NDS believes this approach would be a more effective strategy to tackle abuse of people with disabilities.

Should the Victorian Government continue with implementation of a scheme, NDS recommends that such registration ought to be primarily voluntary in nature, except in a limited number of circumstances. Allied health providers and teachers already undergo registration; NDS recommends that this qualify them for automatic registration under the scheme. In addition, registration should be mandatory for any workers responsible for the implementation of restrictive practices.

Additionally, in the event that a scheme is implemented, it is strongly recommended that worker registration be fully subsidised by the Victorian Government on an ongoing basis.

With the above qualifications in mind, NDS has some significant concerns about the scheme as it is proposed. Our primary concerns are below.

1. Risk of duplication of national framework (and other state mechanisms and bodies) and the potential for multiple state-based schemes, exacerbating confusion in the sector
2. Risk of acting as a barrier to workforce supply (including additional cost to workers)
3. Competitive disadvantage for Victorian providers
4. There is little evidence that qualifications result in reduction of abuse of people with disabilities or in higher quality service
5. Funds would be better used on advocacy and 'zero tolerance' initiative
6. NDIS pricing does not allow for training or recognition of registered workers
7. Limits choice and control by limiting the range of workers who may be engaged
8. Any scheme should be primarily voluntary, except in a limited number of circumstances
9. Risk of excluding people with disability from mainstream services to the extent these services' workers would also be required to be registered and accredited in order to provide services to people with disability.

## **Consideration of Issues**

### **1. Support for a single national quality and safeguards framework**

NDS strongly supports the move to a national scheme under the NDIS. This will reduce jurisdictional differences and regulatory burden for the disability sector across Australia. A major strength of the NDIS is in its national implementation, one of the many advantages of which is a nationally consistent approach to safeguards under the NDIS Quality and Safeguarding Framework. NDS's opposition to a Victorian scheme is two-fold in this regard:

1.1 Firstly, we wish to avoid implementation of multiple state-based schemes which will not only undermine the hard work that has gone into the development of a single, national scheme (and all the advantages which come with national consistency, including participants and workers being able to travel freely between states and a reduction in red tape), but will also only further obscure what is already a confusing regulatory landscape for workers, providers and people with disability alike.

1.2 Secondly, there is a real risk of a state-implemented scheme duplicating what is already proposed at a federal level with the NDIS Quality and Safeguarding Framework. The Framework stipulates that a nationally consistent screening process will be developed, the results of which will be valid throughout Australia. NDS recommends that should a registration scheme be implemented, it is applied nationally and take into consideration the status of workers screened under the NDIS Quality and Safeguarding Framework. NDS

recommends that any registration scheme should cover workers employed by both NDIS-registered and non-registered providers.

## **2. Barrier to workforce supply**

In order to support demand created by the NDIS, it is estimated that the Victorian disability workforce will need to grow from 19,550-23,900 to 34,400-42,000 full-time equivalent workers in 2019<sup>1</sup>. It is worth noting that, as this is full-time equivalent, and given the high percentage of casual and part-time workers in the sector, the actual number of workers – i.e. the number who will need to undergo registration/accreditation – will be significantly higher. A recently released Productivity Commission report on NDIS prices found that ‘the disability care workforce will not be sufficient to deliver the supports expected to be allocated by the National Disability Insurance Agency by 2020.’<sup>2</sup>

At a time when workforce growth is a priority for the sector, there is a significant risk that a mandatory scheme will create unreasonable barriers to entry through high costs (to providers or prospective workers) and/or lengthy delays, without improving the quality of the workforce or protecting participants from abuse. Such unintended consequences could contribute to serious staff shortages and these shortages would inevitably have a significant negative impact on quality of service. Any barriers will further exacerbate staffing issues in rural and remote areas, where there are already thin markets, limiting NDIS participants’ choice of services, due to a lack of workers.

In the sector, workers commonly move between disability support, aged care, retail and other areas with no such costs and requirements. Mandatory accreditation would deter potential workers such as university students, who regard support work as an option fitting in with other life and study commitments for the short term, from entering the sector. For those workers who work across multiple sectors, NDS is concerned that an administrative registration requirement will cause them to pursue the components of their work that do not include disability and ultimately push them from the disability sector.

In a recent consultation session NDS members also identified older workers (including those currently employed under former Home and Community Care programs) as those who may leave the sector for aged care, which has equivalent pay and is also in need of extra workers, but does not have the barriers as proposed. We also note that some workers have low levels of education, but bring much needed skills, experience and enthusiasm to the sector, for whom even an online registration process, and the costs associated with it, will be a deterrent to staying in the sector.

NDS considers there are better, more effective and efficient ways to support workforce growth. We have multiple well-established and successful initiatives for workforce supply. Examples include carecareers, which aims to attract talented workers from all backgrounds

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<sup>1</sup> National Disability Insurance Agency (April 2016) Victoria Market Position Statement, p 27. <https://www.ndis.gov.au/html/sites/default/files/documents/Market%20Position%20Statement/Victorian-MPS.pdf>

<sup>2</sup> Productivity Commission (October 2016) Study Report: National Disability Insurance Scheme (NDIS) Costs, p 336. <https://www.pc.gov.au/inquiries/completed/ndis-costs/report/ndis-costs2.pdf>

to work in the sector; projectABLE, in which people with disability run workshops for school children to introduce them to concepts surrounding disability and encourage them to consider a career in the disability sector; and a value-based recruitment toolkit to support providers and participants to recruit workers with the right values.

Another opportunity is for the growth of the disability workforce to be supplemented by workers who are exiting declining industries such as manufacturing. For this to be capitalised upon, the sector needs to be attractive to such prospective workers, especially when compared with other similar sectors.

### **3. Competitive disadvantage**

NDS submits that a scheme which applies only to Victorian workers would create a competitive disadvantage for Victorian providers, in particular providers who are situated on borders with other states. Providers in Wodonga, for example, would lose workers to providers in Albury, where costs and administrative burden will be lower as such regulations do not exist in NSW. There is also the risk that providers working in several states and territories may begin to reduce their provision of services in Victoria in preference to other states with fewer regulatory restrictions. This is contrary to the intention of a national NDIS and will ultimately have a detrimental impact on the service Victorians with disability receive.

Another element of competitive disadvantage would arise if Victorian-based service providers are required to meet costly compliance requirements above those imposed on interstate services. This could undermine their financial viability vis-à-vis interstate services and expose the market to increased risk of provider failure. It is noted that 22 per cent of disability service providers are reporting that they're currently making a loss.<sup>3</sup>

### **4. Qualifications, quality and abuse**

NDS questions whether worker registration or an increase in qualifications will lead to reduction in abuse or an increase in quality of service. NDS is not aware of any research which shows a correlation between worker registration or qualifications and reduction of abuse of people with disability. Strategies which address organisational culture and processes as well as empowerment of people, within a human rights approach backed by strong advocacy, are arguably more effective at tackling abuse and improving quality of service.

NDS notes that many service providers are now recruiting on the basis of values rather than qualifications. Service providers report this approach delivers high-quality, committed workers who can be upskilled. A recent report on learning needs for the disability sector in Victoria found that senior managers in particular 'have no confidence that the qualifications for disability work reflect current or future skill needs of the sector'<sup>4</sup>. Anecdotal reports made to NDS by providers reinforce this finding, as does a report compiled by the Department of Employment which noted that 89 per cent of providers said 'personal qualities' were

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<sup>3</sup> National Disability Services 2016, State of the Disability Sector Report, p. 14 ([https://www.nds.org.au/images/news/sods2016/State\\_of\\_the\\_Disability\\_Sector\\_report\\_2016.pdf](https://www.nds.org.au/images/news/sods2016/State_of_the_Disability_Sector_report_2016.pdf))

<sup>4</sup> Spencer, B 2014, Disability Sector Learning Needs Analysis, Report to Field, p 7.

‘important or very important’ in terms of the characteristics they sought, and they preferred these over relevant experience and relevant qualifications.<sup>5</sup>

The diverse requirements of workers’ roles, and vastly different needs and preferences of participants, make it difficult to nominate relevant qualifications for a mandatory accreditation scheme. For example, a certificate in youth work or personal fitness may be as relevant as one in disability for some roles under the NDIS. Further, some of the more specialised skills required by support workers to provide more advanced complex support are not incorporated in formal qualifications or even adequately addressed by accredited vocational training.

‘It is imperative that the disability sector pursues value based and role based employment, rather than more qualifications, if people are to be assisted to lead normal lives. Value based employment means that people with disability will be supported to lead ordinary lives by those with appropriate skills and values. People with these skills and values may be better sourced from the full diversity of people in the community, perhaps through family or school networks, rather than solely from the pool of those with disability or medical qualifications. Role based employment means that support staff may be selected partially based on roles they fill in the community that may directly benefit a person with a disability due to that person’s interests or goals.’

(Family Advocacy’s Submission to consultation on National Disability Insurance Scheme Quality and Safeguarding Framework)

NDS has real reservations about the possibility of disability workers being required to complete particular courses in order to receive accreditation. In addition to needing to grow in size, the workforce will need to attract a wide array of people from different backgrounds, cultures, gender and ages – and with varying life and personal experiences – to be able to provide the person-centred, tailored supports central to the NDIS. The requirement to complete a particular qualification (for example, Certificate III in Individual Support) could create a barrier to a large number of existing and prospective workers without providing people with disability with better outcomes in terms of service provision.

Current Victorian funding of accredited vocational training is problematic. Prospective workers outside the sector who have existing qualifications in an array of areas and who wish to join the sector, if their qualifications are at or above disability related qualifications, are ineligible for subsidies. As a result, they face a cost of approximately \$3,000 to \$4,000 in order to gain a qualification associated with disability. This is a major disincentive for already qualified workers considering a career in the disability sector. At an NDS member consultation session, a service provider gave the example of an electrician who now works for their organisation as a support worker providing support to people with complex needs. Despite

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<sup>5</sup> Department of Employment (2014) Personal Care Worker Survey, pp. 2, 5 (as cited in Productivity Commission (2017) Study Report: National Disability Insurance Scheme (NDIS) Costs, p 327. <https://www.pc.gov.au/inquiries/completed/ndis-costs/report/ndis-costs.pdf>)

no prior sector experience or qualifications, the provider described that, with the relevant training, he is now an excellent support worker.

Whilst NDS has concerns about mandatory accredited qualifications for much of the work undertaken by disability support workers, we do acknowledge the need for staff to have appropriate training. NDS supports a compulsory national orientation and induction module for all workers, as stipulated in the NDIS Quality and Safeguarding Framework. Such a module should ensure all workers have a basic understanding of the underpinning human rights principles of the NDIS; a knowledge of NDIS processes, terminology and underlying policies for service provision; and a basic understanding of culturally appropriate disability supports. All workers should also undergo basic Occupational Health and Safety training, which could be coupled with induction and orientation. NDS also recognises that workers often need targeted skill sets relating to particular cohorts of participants or types of interventions.

Other than those people undertaking specialist work, such as therapists and kindergarten teachers, NDS would be loath to specify a requirement for specific qualifications. It is important to acknowledge that, even at the supervisor and manager level, staff often have formal qualifications not associated with disability, and yet bring expertise which the sector needs to retain. Similarly, it is important to recognise the multitude of points and levels of entry to the sector and the myriad paths workers may take, within the sector, to progress their careers. NDS has developed a diagram which illustrates the multiple career paths operating in the sector, which is attached with this submission.

People with disability and their families have also been vocal in raising concerns about the weak link between formal training and the quality of support. A recent report profiling the disability workforce noted that many people with disability, and their families, associated formal training with outdated and often patronising attitudes and approaches. As a result, a number of participants and their families preferred workers with no previous training or experience in disability. Others recognised the value of having an appropriately trained workforce but were often not confident that existing qualifications delivered this.<sup>6</sup>

It is noted that, despite the Victorian Government disability sector being significantly more qualified (in terms of qualifications) than the non-government sector, there appears to be no difference in rates of abuse; both Victorian sectors reported shocking abuse and this is reflected in regular reports by the Office of the Public Advocate, Disability Services Commission and in the report on the *Victorian Parliamentary Inquiry into Abuse in Disability Services 2016*.

## **5. Use of funds**

NDS considers that the establishment of a Victorian registration and accreditation scheme as proposed would be at significant cost, and that this funding would be better utilised elsewhere. We recognise and support the Victorian Government's commitment to respond

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<sup>6</sup> National Disability Services (2014) Roadmap to a Sustainable Workforce, p 108.  
<https://www.ready4.org.au/people-and-capability/roadmap-to-a-sustainable-workforce-improving-the-quality-of-disability-workforce-data>



to the findings of the *Victorian Parliamentary Inquiry into Abuse in Disability Services 2016*, however we suggest that a more effective use of the funds would be in supporting existing disability advocacy services, and in extending implementation of a 'zero tolerance' approach to disability abuse across all disability services.

## **6. NDIS pricing**

NDS notes that under current NDIS pricing, providers are not in a position to absorb any additional costs that may be imposed by the proposed scheme. The cost of registering staff and potentially having to train them in order to get and keep them accredited and registered for the work that they do, will not be covered by NDIS pricing. Providers are already finding it extremely difficult to train staff within the pricing constraints and many workers report being expected to gain skills prior to being hired.

Therefore, the cost of registration could fall to disability support workers, who are generally low paid. Mandatory registration would present an unfair imposition on workers earning often minimal incomes, particularly given the high proportions of workers employed on a part-time and casual basis in the disability service sector. It would involve an annual financial, administrative and time burden to such workers. In particular, a time-consuming and complicated governmental registration process would be a deterrent to workers with poor English and IT skills.

Mandatory accreditation works best for established white collar professions in which the workforce is committed to ongoing professional development and, as importantly, is paid enough to fund an annual membership fee to a professional accreditation body. Such a model is successful for clearly designated professional groups, such as architects, lawyers or chartered accountants, however these occupations, and their wage levels, are a far cry from much disability support work.

Given the above, in the event that a scheme is implemented, it is strongly recommended that worker registration and accreditation should be fully subsidised by the Victorian Government for an ongoing basis.

## **7. Limit to choice and control**

NDS is aware that, during the consultation process for the proposed scheme, people with disability again expressed concerns that the proposed scheme has the potential to restrict participant choice and control by limiting the range of workers they may choose from. By establishing itself as the determinant of quality, the Victorian Government risks limiting choice, and thereby undermining one of the key drivers of the NDIS. A scheme that sets out to define quality – and who is qualified to deliver this – goes against the idea that the person receiving the services should, in all but high-risk activities, determine what a quality service is as each individual's perception of a good life, and how they want to be supported to live it, is unique. That said, it is important to ensure appropriate safeguards, and implementation of a national screening process which should apply to all workers.

## **8. Scheme should be voluntary**

Should the Government proceed with the proposed scheme, registration should be on a voluntary basis. This would allow those workers interested in doing so, to perhaps enhance their marketability, to opt into the scheme, whilst others would be required to meet national screening requirements. Whilst NDIS pricing does not reflect higher qualifications, skills or experience, worker registration may not be highly valued in the marketplace. NDS would support mandatory registration in a limited number of circumstances only. Allied health providers and teachers already undergo registration; NDS recommends that this qualify them for automatic registration under the scheme. In addition, registration should be mandatory for any workers responsible for implementation of restrictive practices.

It is worth acknowledging that there is a cohort of workers who wish to demonstrate a commitment to training and professional development, and that NDS offers a platform for this through National Disability Practitioners (NDP). NDP is a division of NDS which provides access to free (or low-cost) information and professional development resources, primarily delivered online. Resource formats cater for all preferences and categories of material cover disability-specific information, professional development and topics ranging from abuse and neglect, challenging behaviours, and person-centred approaches through to communication skills, technical skills, management, marketing and personal development.

A key component of NDP's work is recognising, supporting and inspiring the workforce to continuously improve, maintain best practice and ultimately, remain in the sector. NDP actively promotes and supports career pathways, offering a range of supports to help connect and mentor those individuals who are looking to develop their career.

NDS has offered to work with the Victorian Government to extend the offerings of NDP to include a formal voluntary continuous professional development standard which workers could be encouraged to seek.

## **9. Scope of scheme**

NDS is concerned that if the scheme is broad in its scope, and requires registration beyond a narrow group of specialists – for example, to people providing one-on-one support, volunteers, lead tenants, housemates in lead tenant models, swimming teachers, etc. – then registration may become a significant disincentive for mainstream providers to provide services to people with disability. In this way, an unintended consequence of a mandatory Victorian registration and accreditation scheme may be the inadvertent segregation of people with disability, at a time when community accessibility and participation is a primary goal.

## Summary

NDS wholeheartedly supports safeguarding against the abuse of people with disability and ensuring that they are supported by a workforce of the highest quality, and will continue our work in this area. However, we have significant concerns that a mandatory registration and accreditation scheme would have an adverse impact on the disability workforce, and the wider sector, without significantly improving outcomes for people with disability. With the roll out of the NDIS, the sector is moving towards a single, national scheme which will allow participants, workers and providers to move freely between states and territories; a state-specific scheme will deny them this. At a time when the disability workforce needs to grow significantly, the scheme risks making jobs in disability less attractive to workers, creating real barriers to increased workforce supply, making Victoria a less attractive state to provide services in for providers, and limiting choice for - and potentially excluding - people with disability.

A handwritten signature in black ink that reads "David Moody". The signature is written in a cursive style with a long, sweeping underline.

David Moody

State Manager Victoria

National Disability Services



# Disability Sector Career Pathway Map

your background

Cert IV Allied Health Assistant

Cert IV Employment Service

Certificate III  
in Outdoor Recreation

Cert III Individual Support

Cert IV Mental Health

Cert IV Peer Support

Cert III Business

Traineeship

Aged Care

Volunteering

Work Placement

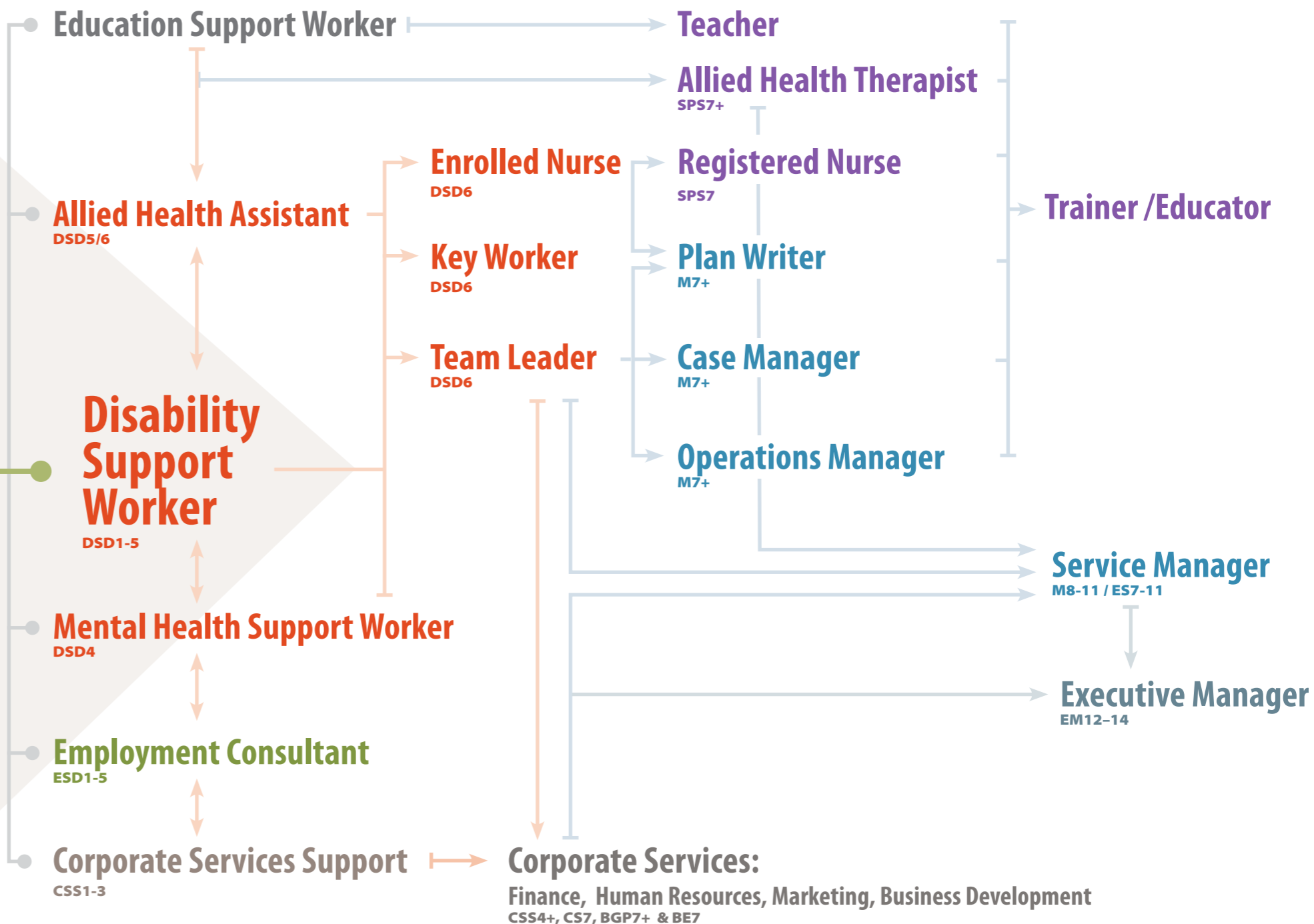
Education Support

Community Services

Alcohol & Other Drugs

Home & Community Care

... plus many other backgrounds



Entry Level  
Vocational & Educational

Diploma or Degree Qualification  
optionally enhanced by disability awareness

Degree Qualification  
optionally in Speech Therapy, Occupational Therapy,  
Developmental Educator, Behaviour Specialist

Excellent opportunities for advancement though study

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