

**National Disability Services Submission:  
The Australian Government response to the  
Royal Commission into Violence, Abuse,  
Neglect and Exploitation of People with  
Disability Consultation**

# About National Disability Services

National Disability Services (NDS) is Australia's peak body for non-government disability service organisations, representing more than 1000 non-government service providers. Collectively, NDS members operate several thousand services for Australians with all types of disability. 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 a full range of disability services, from supported independent living and specialist disability accommodation, respite and therapy, to community access and employment. NDS is committed to improving the disability service system to ensure it better supports people with disability, their families and carers, and contributes to building a more inclusive community.

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## **1.0 Introduction**

In its final report, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission) made recommendations to foster a more inclusive society that upholds the autonomy of people with disability, ensuring their right to live free from violence, abuse, neglect, and exploitation.

Over the course of the proceedings, the Commissioners heard substantial evidence of a system in crisis. NDS recognises and appreciates the impactful contributions made by numerous individuals, particularly people with disability and their representative organisations. The cases of abuse, violence, exploitation, and neglect raised during this inquiry are unacceptable.

The final report is extensive and reflects the diverse settings and contexts in which people with disability encounter violence, abuse, neglect, and exploitation. The number of recommendations underscores the multifaceted nature of the challenges faced by people with disability, demanding a comprehensive and nuanced approach to address the complexities within different environments.

NDS is fully committed to working collaboratively with government, people with disability, advocates and the sector to ensure that all Australians with disability have access to the safe, quality and culturally appropriate services they deserve.

## **2.0 Scope of submission**

NDS welcomes the opportunity to provide input into the government response to the recommendations made by the Royal Commission. Our submission recognises the multiple reform agendas currently underway across the care and support economy. The convergence of recommendations from both the Royal Commission and the independent review of the National Disability Insurance Scheme (NDIS) signifies a period of significant transformation for the disability sector. Co-designing the implementation roadmap is critical, with providers needing a seat at the table to ensure that changes can be safely and practically implemented.

In its capacity as a member organisation, NDS represents a range of perspectives on the matters raised by the Royal Commission. Existing positions, shaped through sector consultations and pertinent to the Commission's recommendations, are outlined in this submission. However, for other issues, while there might be signs of sector support or interest, unresolved questions necessitate ongoing consultation. This submission thus incorporates established NDS policy positions, imparts preliminary advice and insights from industry engagement on new policy areas proposed by the Royal Commission, and makes recommendations to the government for subsequent actions.

## **3.0 Current Environment**

### **3.1 State of the Disability Sector data**

The NDS 2023 State of the Disability Sector annual survey and report (National Disability Services 2023), done in collaboration with the Centre for Disability Research and Policy at the University of Sydney, sheds light on the current challenges faced by disability providers across the nation. With 432 respondents ranging from sole traders to large multi-state organisations, and not-for-profit (69 per cent) entities, the findings depict a sector teetering on the brink.

The report found:

- 72 per cent of not-for-profit providers and 67 per cent of for-profit providers are worried that they won't be able to provide NDIS services at current prices.
- 34 per cent of providers made a loss in FY 2022-23. 18 per cent just broke even.
- 82 per cent of respondents said they had received requests for services that they could not fulfill.
- 78 per cent reported extreme to moderate difficulty in finding support workers, with availability of allied health professionals ranging from low to non-existent.

More than a collection of statistics, the data provides context for the reform environment from a provider perspective, offering valuable insights to inform implementation considerations. As NDS responds to the Royal Commission's recommendations, the State of the Disability Sector report findings point to the urgency and significance of

addressing the issues at hand in a way that will foster and build a sustainable and effective disability sector for people with disability.

### *Organisation finances and general operating environment*

In the last three surveys, between 19 and 23 per cent of providers reported a loss. This year, a concerning 34 per cent of providers reported a loss and 18 per cent just broke even. This is the worst year for financial viability in the eight years of the survey.

Opinions about the general operating conditions remain poor, with 70 per cent saying that they have worsened in the last 12 months. When asked about the wider Australian economy, 68 per cent say that conditions have worsened.

This underscores the challenging financial situation faced by many disability providers, with organisations having to make tough decisions about whether they can continue offering services in the current environment, emphasising the need for strategic interventions to ensure the sustainability and financial well-being of service providers in the disability sector.

### *National Disability Insurance Scheme operating environment*

Discontent with the NDIS operating environment continues to grow. Dissatisfaction with NDIS policy reforms increased significantly from 20 per cent in 2022 to 26 per cent this year. Perceptions of how the National Disability Insurance Agency (NDIA) is working with providers remains poor, with 64 per cent of respondents saying they disagree or strongly disagree that the NDIA is working well with providers. Operational risks and pricing uncertainties are growing, with an increasing proportion of respondents concerned about the challenges outweighing opportunities and the ability to provide high quality and safe services at current prices. Criticisms of NDIS systems and processes are prevalent, with over two-thirds of respondents indicating dissatisfaction, and 70 per cent saying there is not enough advocacy for the people with disability they support. Respondents report ongoing challenges in navigating the NDIS, citing excessive rules and regulations that do not improve safety and quality, staff exhaustion due to constant changes, and leadership spending substantial time addressing NDIS-related modifications. The persistent nature of these issues suggests a need for comprehensive evaluation and improvement in the NDIS ecosystem to better support both people with disability seeking assistance and the providers delivering services.

### *Quality and Safeguards*

Perceptions of the NDIS Quality and Safeguards Commission (NDIS Commission) continue to lean towards the negative. 50 per cent of respondents express dissatisfaction with its collaboration with providers. The overall sentiment regarding the NDIS Quality and Safeguarding Framework declined in 2023, with a notable increase in respondents (48 per cent in 2023 compared to 41 per cent in 2022) disagreeing with the statement "We are confident that the NDIS Quality and Safeguarding Framework supports the quality of services/outcomes." Half of the respondents acknowledge positive outcomes resulting from the NDIS Commission practice guides, while only 47 per cent believe that the behaviour support requirements aimed at reducing and eliminating restrictive practices are yielding favourable results.

### *National Disability Insurance Scheme registration*

Nearly 18 per cent of respondents are contemplating dropping their registration with the NDIS Commission. Services established during or after 2014 are significantly more likely (26 per cent) to consider dropping their registration, almost double the rate for organisations established before 2014 (14 per cent). Additionally, smaller organisations, both in terms of headcount and turnover, and for-profit entities show a higher likelihood of considering deregistration compared to their counterparts. Respondents express concerns about the administrative burden, costs, lack of benefits in registration, and the perceived lack of accountability for unregistered providers. These findings are underscored by concerns surrounding the potential establishment of a two-tier service provider market, with registered providers on the one hand, shouldering the costs and administrative burden of registration, and unregistered providers on the other delivering many of the same services but with less oversight and accountability.

Recommendations from the Royal Commission to simplify the registration process should be a priority.

Notably, 77 per cent of respondents find that, collectively, NDIS pricing and regulation hinder the provision of innovative services responsive to participant needs, a sentiment consistent with previous years. Concerns around the regulatory environment and quality and safeguarding framework need to be addressed urgently and carefully.



### *The state of the workforce*

Disability providers, particularly within the NDIS, continue to face chronic challenges in the attraction, supply, and retention of workers. Recruiting staff remains a significant challenge, especially for roles such as occupational therapists (92 per cent report difficulties in recruitment), psychologists (91 per cent), behaviour support practitioners (88 per cent), speech therapists (86 per cent), physiotherapists (78 per cent), and disability support workers (78 per cent).

Barriers to recruitment include a tight labour market, lack of qualified staff, competition from other sectors, pay expectations, job security concerns, and challenges in accommodation availability, especially in regional areas. Facilitators of recruitment include positive word of mouth, organisational reputation, relationships with educational institutions, and fair pay.

On retention, organisations are finding it increasingly difficult to retain professionals like psychologists (81 per cent), dietitians (69 per cent) and other allied health professionals, as well as behaviour support practitioners (65 per cent), early childhood educators (61 per cent), Local Area Coordinators and planners (60 per cent).

Barriers to retention encompass competition, low pay rates, burnout, lack of career pathways, and the complexity of work. Facilitators for retention include a positive organisational culture, flexible working arrangements, competitive pay, training and development opportunities, manageable workloads, and recognition programs.

Strategic interventions are needed to address recruitment and retention challenges effectively. Without the essential workforce in place, implementation of significant reforms becomes even more challenging and may pose risks to both participants and existing workers. A workforce strategy is imperative, including the strategic staging of reforms so that providers have the right staff, and the workforce is adequately equipped to implement changes. Collaborative efforts with providers are crucial to ensure that policy changes, which encompass training, skills development, oversight, and remuneration, can be effectively and safely implemented.

### *The state of disability employment*

The disability employment sector is currently undergoing extensive and intricate reforms driven by various policies, including Australia's Disability Strategy 2021–31, the

Disability Services Inclusion Bill, the Royal Commission's final report, the NDIS Review, the Employment White Paper, the Workforce Australia Senate Inquiry, and the Government's Supported Employment and Disability Employment Services reform agenda. These reforms aim to reshape disability employment support provision and align service interfaces more effectively.

The Royal Commission's recommendations propose significant changes to wage and employment settings, necessitating careful consideration and implementation to safeguard the jobs of employees with disabilities. Amid rising costs and economic uncertainties, reforms in this area may exert considerable pressure on the financial and service delivery strategies of employment providers. The disability employment sector faces uncertainties and concerns, with ongoing efforts directed toward better participant support, reducing compliance burdens, and supporting those with significant barriers to employment.

The 2023 State of the Disability Sector report zooms in on Specialised Supported Employment. Out of the 56 survey respondents offering these services, 59 per cent indicate heightened uncertainty in the operational landscape. Negative sentiments regarding the NDIS' ability to offer employment opportunities decreased to 29 per cent, a decline from the previous year's peak of 42 per cent.

### **3.2 Feedback from NDS Executive Leader's Conference**

At the recent NDS Executive Leader's Conference (December 2023), delegates (comprised primarily of service providers but including advocates, people with disability, other peak bodies and experts) were asked to respond to an online poll, indicating their support across a range of recommendations from the Royal Commission's final report. The findings are summarised in Table 1:

*Table 1: Which of the following recommendations from the Disability Royal Commission do you support?*

<b>Recommendation</b>	<b>Do not support</b>	<b>Support</b>	<b>Total number of responses</b>
Establishing a Disability Rights Act	4 per cent	96 per cent	224
A national disability support worker registration scheme	3 per cent	97 per cent	222
Separating support coordination/service navigation from service delivery	41 per cent	59 per cent	220
Setting up an effective provider of last resort mechanism	13 per cent	87 per cent	206
Incentivising disability employment through targets, starting with the public service	21 per cent	79 per cent	199
Requiring providers to consider appropriate redress	34 per cent	66 per cent	194
Developing a roadmap to reform and phase out segregated employment settings and group homes	36 per cent	64 per cent	202

Delegates at the conference shared their perspectives on the Royal Commission recommendations through short free-text comments, yielding 43 responses. The general sentiment towards the recommendations was positive, especially on disability leadership, integrated supported decision-making, and co-design principles. Survey participants also expressed that a comprehensive government-wide approach is crucial to bring about the necessary change in community attitudes to foster a more inclusive society.

A diverse range of opinions emerged regarding the envisioned pathway for reform and the potential phasing out of specialised education, employment, and housing settings.

Respondents expressed a need for more information on proposed changes, criteria for identifying segregated settings and defining segregation (or conversely, defining inclusion), and improvements in mainstream education and employment settings to enhance accessibility. Considerations of an individual's choice and control, including their right to make an informed decision to stay in more traditional settings that may be

considered segregated, was also raised. It is crucial to provide clear, comprehensive information to address these concerns and ensure transparency in the reform process.

## **4.0 Considerations for implementation**

### **4.1 Promoting rights-based inclusion in the Australian mainstream**

NDS is broadly supportive of recommendations in the final report aimed at promoting rights-based inclusion for people with disability in Australia, such as the proposal for a Disability Rights Act. However, caution is advised, highlighting the need for more information, consultation, and co-design within the sector before firm positions can be established on these recommendations.

#### **4.1.1 Human rights Act**

The Royal Commission recommends that the Australian Government create a Disability Rights Act (DRA) to embody the international human rights outlined in the Convention on the Rights of Persons with Disabilities as enforceable Australian law. There are differing opinions among Commissioners; some propose the Act should initially apply to public authorities, with a review after 5 years to consider extending duties to private sector providers under the NDIS. Others advocate for the inclusion of private entities from the Act's inception.

NDS generally supports the intent behind these recommendations while emphasising that there are a range of issues that will require careful consideration. Understanding the scope of the proposed DRA is crucial because it directly influences the responsibilities and obligations of various entities, including public authorities and potentially private sector providers such as those providing NDIS supports. If providers were to be included, it would necessitate substantial capacity building within the sector to fully comprehend the implications and applications of the Act. This includes aligning organisational practices with the defined rights, ensuring compliance, and effectively participating in the co-design and implementation processes. The scope will determine

the extent of legal and systemic changes required, and thus the ability for all stakeholders to come to an informed view on the proposal.

A critical aspect is the interaction between the proposed DRA and existing legislation, particularly the Disability Discrimination Act 1992, the envisaged national Charter of Rights, alongside State and Territory Human Rights Acts where they exist. Clarity on how these legal frameworks align and interact is paramount to avoid conflicts and ensure comprehensive protection. State and Territory governments will have a key role in monitoring and reporting on the ways in which locally enacted legislation supports the goals of the Disability Rights Act, if implemented.

The new Act, including its objectives and principles, should undergo development through extensive collaboration with people with disability, their representative organisations and the broader disability sector. The principles embedded in the Act should ideally mirror those outlined in the CRPD, emphasising the importance of a co-design process for inclusivity.

The broad nature of the recommendations demands a co-design process to work out specific details collaboratively with people with disability, and the sector at large. While recognising the importance of a human rights approach, there is also a need for careful evaluation to avoid limiting the utility of the efforts by exclusively addressing human rights breaches within the disability sector. The Royal Commission's proposed framework, while providing a solid starting point, is acknowledged as part of a larger picture requiring legislative, administrative, and other measures to fully realise the rights of people with disability.

#### **4.1.2 Supported decision making**

NDS has advocated for a significant shift to Supported Decision-Making (SDM) from substitute decision-making approach for many years. SDM emphasises empowering individuals to make choices about their own lives with support when needed, recognising their capacity to make decisions. It is fundamental to a human rights-based approach.

NDS supports the need for a national framework to establish a shared understanding of the concepts, principles and processes that underpin SDM. This framework is crucial

for achieving consistency and coherence in the implementation of SDM practices across various sectors and service types, ensuring that people with disability are adequately supported in their decision-making processes.

The Royal Commission has highlighted the pivotal role of service providers in fostering SDM. The recommendations for a co-design approach involving people with disability and service providers is welcomed and essential for successful implementation.

[NDS Submission to the Royal Commission on Supported Decision Making](#) has previously detailed numerous practical hurdles linked to the application of SDM. Preliminary efforts must focus on addressing diverse state and territory legislative frameworks, including modifications to guardianship and administration legislation, with a primary objective of achieving national alignment.

Recognising the intricate nature of the skills essential for supported decision-making, it is imperative to highlight the elevated level of complexity involved. Ensuring service provider staff receive sufficient, consistent, and high-quality training and support is of utmost importance. Addressing challenges such as limited budgets, staff turnover, and the diverse skill set required is crucial to guarantee the effectiveness of education provided under new functions proposed for public advocates or public guardians for disability service providers and their staff.

There is also a delicate equilibrium that service providers must navigate daily between the dignity of risk and the duty of care, emphasising the critical need for greater clarity and support to manage this balance effectively. Anecdotal reports from providers indicate a cautious approach, often involving seeking legal advice to mitigate potential risks and liabilities.

The NDIS Review report (Department of the Prime Minister and Cabinet 2023) underscores significant challenges within the application of SDM, particularly with support workers. Despite the NDIS Code of Conduct's explicit emphasis on respecting individual rights and autonomy, a notable gap exists in formal training for support workers engaged in decision-support. The nuanced task of balancing a person's autonomy while managing potential risks can be a substantial hurdle for workers and may result in decisions that override the preferences of the individuals they support. This struggle is compounded by a range of factors, including inadequate training

opportunities, pricing and time constraints, and difficulties in navigating the intersection of rights, practicalities, and risks.

Providers will also need to feel confident that the surge in compliance action, fines and increased administrative burden from the NDIS Commission, since the publication of the Royal Commission report, leaves scope for a robust SDM framework that appropriately manages the balance between provider duty of care and participant dignity of risk.

The NDIS Review has proposed a comprehensive approach to address these challenges. It advocates for better access to information and training for decision-supporters, both informal and formal, with a specific focus on supporting participants with cognitive disability. The aim is to enhance the overall quality of support available for individuals benefiting from SDM. The Review recognises the need for substantial improvements in aligning policy with practice, as highlighted by feedback from stakeholders, indicating persistent struggles for individuals to access necessary support. The recommendations also emphasise the need for enhanced resources to decision-supporters, aiming to create a more effective and supportive framework for individuals navigating the complexities of decision-making within the NDIS.

NDS emphasises the importance of working through real-world scenarios, clarifying compliance expectations, and ensuring adequate funding and training to achieve a successful and meaningful shift in this important area.

### **4.1.3 Advocacy**

Our research shows that only 15 per cent of providers think that there is “sufficient advocacy for people we support” (National Disability Services 2023). NDS strongly supports appropriately funded reforms to increase advocacy and self-advocacy development for people with disability. Greater investment is needed in advocacy programs, independent advocacy services and SDM for people with disability, both within and outside the NDIS.

Advocacy organisations have historically supported a significant amount of decision making, often through arrangements that are not directly funded. Many have a key role in supporting people to become self-advocates, which often requires ongoing capacity-

building support. These supports are valuable to people with disability however they cannot rely on these supports into the future if they are not funded appropriately.

The Royal Commission's recognition of the inadequacy in national advocacy funding aligns with previous inquiries and underscores the urgent need for additional financial support. Notably, Recommendation 6.21 proposes substantial funding increases—\$16.6 million annually for the National Disability Advocacy Program and \$20.3 million annually for the National Disability Insurance Scheme. Ensuring the indexation of these amounts to maintain their real value over time, the recommendation emphasises the responsibility of both federal and state/territory governments to provide stable, long-term funding for disability advocacy programs. NDS welcomes the call for improved data collection and reporting on met and unmet demand, advocating for annual publications with demographic indicators and a focus on underrepresented groups.

NDS has long been advocating for more advocacy support. The early recommendations look promising, suggesting an increase in advocacy services, especially within supported accommodation settings – is a move we believe is crucial. The plan is to co-design this advocacy program with people with disability and disability representative organisations. However, the details on consulting with providers are unclear and need consideration to make sure we hit all the goals of the new advocacy program. It is crucial to strengthen collaboration between providers and disability advocacy organisations, and we passionately believe in its significance.

#### **4.1.4 Restrictive practices and positive behaviour support**

NDS advocates for the reduction and elimination of restrictive practices. Restrictive practices involve actions that limit the rights or freedom of movement of people with disability, predominantly affecting those with cognitive, neurodiverse, or psychosocial disability. These practices occur across various settings, including schools, homes, disability service providers, prisons, and hospitals. The Royal Commission uncovered disturbing evidence of violence, such as staff disabling electric wheelchairs, administering excessive medication for sedation, and involuntary sterilisation for convenience. Notably, First Nations people with disability are disproportionately subjected to such abuses, as revealed by the Commission's findings.



Despite the existence of the National Framework for Reducing and Eliminating the Use of Restrictive Practices, the Royal Commission recommendations underscore the urgency for more robust research, enhanced monitoring, and increased transparency. The spotlight on positive behaviour support as a focal point for change, while lacking explicit details, introduces new benchmarks, reduction targets, and heightened data transparency as potential instruments for accountability.

However, the Royal Commission's avoidance of explicit recommendations for the outright elimination of restrictive practices, coupled with concerns expressed by the United Nations, underscores the intricate nature of addressing this multifaceted issue. Notably, the Royal Commission's emphasis on enhancing legal frameworks at the state and territory level is paramount, recognising the existing disparities in legislation.

The absence of a fully realised nationally consistent approach in restrictive practice authorisation, coupled with historical jurisdictional differences, presents significant challenges. Additionally, frontline staff and managers require substantial upskilling to ensure uniform understanding and implementation. Realising this goal involves consistent practices, upskilling, increased behaviour support practitioners, and comprehensive data to effectively move towards reducing and eliminating restrictive practices. Data sharing arrangements need to be in place between the NDIS Commission and State and Territory Senior Practitioners to ensure quality of life and safety of people with disability and the people that support them, which in turn enable actions to reduce and eliminate restrictive practices to be reviewed.

Moving forward, it is imperative to establish a clear roadmap that includes:

- *Detailed Legislation:* The development of clear and comprehensive legislation at both national and state/territory levels that explicitly outlines prohibited practices and mechanisms for authorisation and oversight.
- *National Consistency:* A concerted effort towards achieving true national consistency, with a focus on aligning legislation, practices, and training across all jurisdictions.
- *Training and Education:* Robust funded training programs for frontline staff and managers, emphasising a person-centred, least restrictive approach, and ensuring they are well-versed in the latest definitions and requirements.

- *Behaviour Support Practitioners*: An increase in the number of behaviour support practitioners to meet the growing demand, coupled with ongoing professional development to keep abreast of evolving best practices.
- *Transparent and Streamlined Reporting*: Implementing transparent reporting mechanisms that allow for regular and accessible reporting of incidents and their resolutions.
- *Data-Driven Decision-Making*: Prioritising data collection, analysis and publication to better understand the causes and trends related to restrictive practices, allowing for informed decision-making and targeted interventions.
- *Collaborative Approach*: Encouraging collaboration between various stakeholders, including people with disability, their families, service providers, and regulatory bodies, to co-design and implement effective strategies.
- *Continuous Improvement*: Establishing a culture of continuous improvement, where feedback loops are integral to refining practices, policies, and legislation over time.

By addressing these aspects systematically, the sector can work towards the goal of reducing and eliminating restrictive practices, ensuring the safety, dignity, and rights of people with disability are at the forefront of support services.

#### **4.1.5 Segregated Settings**

The Royal Commission's analysis and final recommendations, particularly those that are split on the nature of segregated settings, demonstrates how important it is to ensure there are nuanced discussions and consultations with all stakeholders on the future of certain settings exclusively designed for people with disability across education, employment and group homes.

Within NDS, there are actively engaged members in each of these sectors, occupying significant roles that add to the ongoing conversation, particularly around supported employment services and group homes. The specific details of these positions are detailed below.

In a broader context, the varying perspectives among the Commissioners and the ultimate recommendations underscore the significance of reaching a consensus on the definition of segregation. Additionally, it emphasises the importance of implementing measures to enhance pathways for participants to access a variety of services tailored to their needs and personal choices, and robust supported decision-making

mechanisms, particularly when individuals are accessing services and settings designed for people with disability.

The Royal Commission, focused on investigating instances of violence, abuse, neglect, and exploitation, uncovered numerous cases of these issues within the community.

Despite the negative findings, post-recommendations, positive experiences have emerged from participants, providers, and community members regarding settings exclusively designed for people with disability, such as special schools, supported employment, and group homes. Parents, in particular, are now openly expressing the value of special school settings, especially for children with intellectual disability and/or who are neurodiverse. The message emphasises that a one-size-fits-all policy for segregated settings is inadequate, and individuals should have the autonomy to make informed choices about their education, employment, and living arrangements.

Disability support organisations must not shy away from conversations about the future of disability-specific settings however complex they can and will be. Broad dialogue will be a critical step towards a safer and more inclusive Australia, and we all have a vital role to play in it.

#### **4.1.5.1 Employment**

NDS is committed to fostering sustainable reform within the supported employment sector, improved wage outcomes and greater support for employees with disability in mainstream settings.

NDS has formulated several positions through extensive consultations with the disability community that are relevant to the recommendations of the Royal Commission on supported employment.

NDS believes supported employment remains a valid, legitimate and positive option for those who make an informed choice and who value the engaging, understanding and supportive environment it provides. NDS also notes that the term 'Australian Disability Enterprise' or ADEs has been superseded and the term 'supported employment service' currently defines providers of this service model in the Supported Employment Services (SES) Award 2020. Providers in this sector are also sometimes referred to as Disability Enterprises.

In 2023 NDS released an [Industry Vision for the Supported Employment Sector](#), intended to guide Supported Employment Services through a period of significant reform in the sector.

The Industry Vision was developed by a reference group, comprised of providers, disability representative organisations and advocacy groups, people with lived experience, academics and other experts and has been widely shared with NDS's members who provide this support. It was developed to guide the sector to achieve the following six goals:

1. Lift the employment rate among people with significant disability.
2. Increase the proportion of supported employees who work in inclusive or mainstream settings.
3. Expand the provision of training and career pathways to supported employees.
4. Ensure the provision of good working conditions, including fair wages complying with Article 27 of the UN Convention on the Rights of Persons with Disability
5. Promote innovation that enhances employment opportunities and business sustainability.
6. Collect and publish data that measures the sector's progress in achieving the goals above.

The aim of the Industry Vision is to ensure that the supported employment sector continues to transform and provides service delivery models that align with the principles of the NDIS, that the sector has the capacity to offer a wide range of quality employment options and supports for people with disability, that it can adapt to changes in the industrial relations environment, including new wage structures for people with disability and can implement reforms stemming from the Royal Commission.

The Vision outlined by NDS aims to overcome key barriers identified by the Royal Commission, including attitudinal, structural, physical/environmental, and organisational obstacles. By setting ambitious goals, NDS seeks to elevate the employment rate among people with disability, improve working conditions, and broaden the range of employment options. This includes promoting inclusivity, providing training and career pathways, engaging employers, and fostering community awareness.

To implement these goals, NDS suggests specific strategies, such as leveraging NDIS supports and Disability Employment Services to diversify employment options, placing

individuals in mainstream employment at fair wages, and upskilling the employment support workforce. The proposal also calls for active engagement with employers to enhance their confidence in hiring people with disability.

NDS has also consulted widely and developed a wages position paper as part of this work that was also released in 2023, '[The future of wage setting in supported employment](#)'.

Pro rata wages for employees with disability remain a controversial and complex topic. The key pillar of NDS's advocacy on wage reform is the "Social Wage," which ensures employees receive at least the equivalent of a full award wage by adding up their Disability Support Pension (DSP) and wages paid by their employer, assisted as necessary by government to make up the difference. In addition, the wages position paper recommends:

- Extending the Pensioner Work Bonus to people receiving DSP in paid employment.
- Supporting the financial viability of supported employment services to ensure a modernised and sustainable supported employment sector (including for example through social procurement by government)
- Involving supported employees and their families in determining the future of their jobs through a co-design process.
- A continuum of employment options

On the Royal Commission's recommendation for specific and disaggregated targets for disability employment within the public sector, NDS is broadly supportive of targets for the public service and improved reporting and data on levels of employment of people with disability. We have done some exploration with members around how this could translate to other sectors, including disability service providers, and considerations in terms of how targets could be set, monitored and reported. There is certainly interest in the sector about how policies around employment targets could be useful in lifting the rate of employment for people with disability including to address workforce shortages. The sector is also interested in how measures in this space could be used to leverage greater investment in organisations that provide quality and sustainable jobs for people with disability (for example through social procurement frameworks).

#### **4.1.5.2 Group Homes**

NDS agrees with the Royal Commission conclusion that the challenges in existing approaches to home and living supports are multifaceted. Our advocacy in the past has acknowledged that housing and supports are different service types, that participants need secure housing tenure, and that any conflict of interest needs to be managed.

Considering the recommendations from the Royal Commission and the findings from the NDIS Review, there is a clear call for more flexible approaches to housing and living support for people with disability.

The NDIS Review specifically points out the limitations of current data on living arrangements and highlights the prevalence of group homes, which may exhibit semi-institutional characteristics. This aligns with the Royal Commission's observations that individuals in these settings often have limited say over their living conditions and experience a culture more akin to a workplace than a home.

To address these challenges, the proposed reforms not only focus on phasing out group homes but also advocate for a broader review of SDA categories and design standards. The recommendation to separate SDA and living support providers aims to introduce more diversity and options in service provision, reducing the potential for institutionalised living arrangements.

Furthermore, the call for state and territory governments to upgrade or repurpose aging SDA accommodations and transition participants to housing in line with their preferences emphasises the importance of individualised and person-centred approaches.

Policy reforms of home and living arrangements must also pay particular attention to the issue of group homes in thin markets, particularly rural and remote areas where there may only be a single provider/limited services.

To enhance home and living outcomes, it is essential to invest in and develop the capability of providers and workers. This involves addressing various organisational factors, such as cultivating a positive organisational culture, ensuring the quality of staff, implementing techniques like Active Support, providing effective supervision through methods like frontline practice leadership, fostering collaboration among staff, coordinating services efficiently, ensuring the health needs of all residents are actively

supported and actively involving staff in planning and supported decision-making processes. However, providers face challenges in establishing these structures due to limitations in the current pricing models and due to the chronic workforce recruitment and retention challenges previously described.

In the [NDS Submission to the NDIS Review What We Have Heard Report](#), NDS posed critical questions regarding the management of increasing costs of supported independent living supports, resident autonomy, balancing individual and shared needs, reasonable and necessary funding decisions, and system responsiveness to participants trying new living arrangements. The submission also highlighted challenges in understanding supply and demand dynamics, considering the evolving expectations of NDIS participants and the considerable number with longstanding arrangements.

NDS proposes a project co-designed with participants and providers, outlining a 5–15-year pathway to enhance home and living supports. This could encompass, for example, housing infrastructure, data collection, participant-centred service design, funding models, planning processes, navigation and coordination functions, an accessible housing register, vacancy management and provider and worker capabilities. NDS emphasises the importance of viewing housing as 'home' and suggests building on research conducted by various entities, including the NDIS Commission and the Royal Commission.

NDS calls for a collaborative, comprehensive, and long-term approach to transform the home and living support landscape, considering the diverse needs and preferences of people with disability, addressing existing challenges, and fostering an inclusive and supportive housing ecosystem.

## **4.2 Ensuring high-quality and safe services for people with disability**

The Royal Commission's recommendations for ensuring high-quality and safe services for people with disability cover critical aspects that demand careful consideration and strategic planning. The sector eagerly anticipates delving into the promising practices highlighted by the Royal Commission, with some of them potentially necessitating extra

support and resources for implementation; NDS is prepared to collaborate with the government to provide assistance.

#### **4.2.1 Redress**

The recommendations regarding redress represent a pivotal aspect of ensuring accountability and justice within the disability service sector. While the current recommendation proposes changes to legislation to require providers to consider redress and grants the NDIS Commission the authority to require providers to afford redress to NDIS participants where deemed appropriate, questions linger about the consistency of this approach. The implementation of redress requirements, from apologies to financial compensation, will depend on how the government and the NDIS Commission incorporate these recommendations into their powers.

Although the final report did not propose a National Redress Scheme, it talked to issues around the absence of a dependable and uniform approach to redress, emphasising the evident need for such a system, which includes financial compensation.

Not having an overarching national scheme underscores the need for a systematic and consistent approach to redress. The nuances of implementing the Royal Commission recommendations involve examining potential hurdles and ensuring that the process is fair, transparent, and accessible to all stakeholders.

A proactive approach to developing consistent policies and procedures is crucial, particularly in addressing challenges related to providing apologies, managing complaints, and conducting investigations. Barriers to data-sharing, a key element in safeguarding, also need to be addressed to enhance transparency and accountability.

#### **4.2.2 Support Coordination**

The Royal Commission emphasises a strategic separation of support coordination from other funded supports within the NDIS through a proposed rule, with exceptions to only be made through collaboration with defined stakeholders. NDS recognise the critical role of support coordination in system navigation, especially for individuals living in supported accommodation who are at higher risk of unmet need and abuse and neglect. The Royal Commission advocates for an extensive review by the NDIS



Commission, integrated into their ongoing Own Motion Inquiry into Intermediary Supports, to make recommendations to improve the quality of support coordination in diverse circumstances.

Concurrently, the NDIS Review (Department of the Prime Minister and Cabinet 2023) has recommended the creation of Navigators to replace existing roles such as Support Coordination, Psychosocial Recovery Coaching (PRC), and Local Area Coordinators (LACs). Navigators, envisioned as an evolution of Support Coordinators but with an enhanced focus on accessing non-NDIS support, are proposed to include Specialist Navigators with relevant qualifications. Importantly, this support framework is intended to be accessible to all people with disability, irrespective of their NDIS participation status.

The motivation behind this shift is to address inefficiencies in the current system and streamline the overall support process. The NDIS Review recommendations underscore the need for careful workforce transition management, acknowledging potential concerns about job impacts within the sector and continuity of support for participants, especially during this period of reform.

NDS calls on government to work with the sector to develop a comprehensive strategy that aligns with these various recommendations. The changes proposed by both the Royal Commission and NDIS Review, particularly the workforce considerations and impact on service continuity and organisational viability, are significant.

Following the release of the NDIS Review report, support coordination providers have been voicing their concerns about the future of these services. Providers are questioning whether to continue to provide support coordination supports, how best to retain and motivate their current support coordination workforce and are grappling with strategic decisions about whether to continue invest in these supports.

At the core of both sets of recommendations lies the crucial concept of ensuring uninterrupted support throughout the transition. NDS, agrees any transition will require methodical management, active participation of stakeholders, and the ongoing provision of support people with disability. Urgent work with the sector is required to prevent market failure and provide continuity of support during this period of uncertainty.

### **4.2.3 Provider of Last Resort**

The concept of a "provider of last resort" introduces the need for specific funding and procurement arrangements to address continuity of service provision concerns identified by participants and providers. Delving into the financial and logistical aspects of implementing such a measure is essential to ensure its efficacy. Determining the criteria for designating a provider as a last resort and establishing a clear framework for procurement and ongoing evaluation are critical steps in making this recommendation a practical and successful reality.

Addressing potential challenges, such as defining exceptions or contingencies, is imperative to ensure the seamless operation of the provider of last resort mechanism. The financial implications, including the budgetary allocations required to support such a measure, must be thoroughly assessed. Engaging with providers and stakeholders to co-design and gather insights will contribute to the success of this recommendation.

### **4.2.4 Complaints and incident management**

Overall, NDS believes the recommended actions from the Royal Commission on complaints and incident management can streamline incident reporting, strengthen oversight, and improve the effectiveness of investigations.

NDS has been calling for regulatory approaches that strike a balance between compliance and auditing, and educative, developmental strategies that foster innovation and good practices. NDS acknowledge the significant role that good complaint and incident management systems play in continuous quality improvement.

When considering the effectiveness of the NDIS Quality and Safeguarding Framework, the State of the Disability Sector 2023 report (National Disability Services 2023) reveals concerns about existing complaints management, dispute resolution and incident management systems, with almost a quarter of respondents reporting they do not believe they contribute to positive outcomes for participants. Qualitative responses indicate that reporting systems, especially concerning restrictive practices, are burdensome and repetitive. This burden is compounded by the NDIS Commission's data collection and analysis systems, where providers are unsure how the information is used. Providers want to see more information on compliant and incident trends

published to support improvements in practice. NDS has conveyed feedback to the NDIS Commission on these concerns, anticipating potential improvements.

In addressing these challenges, it is crucial to minimise the regulatory burden associated with reportable incidents, considering the strained workforce in the sector, whilst upholding and supporting quality services to safeguard participants. The cost model related to regulatory obligations also requires thorough consideration, along with sustained support to equip all providers with the necessary information and resources for delivering safe, high-quality services.

A robust implementation of service provider systems for recording, reporting, and responding to complaints and incidents is paramount in driving quality. Incident management systems are crucial safeguards, that provide vital information to boards, leadership teams, and workers about potential risks and how to mitigate harm. NDS's [Zero Tolerance initiative](#) includes a suite of free resources on recognising, responding and preventing abuse and neglect. NDS also has freely available resources through the [Risk, Incidents and Complaints Management project](#) (or RICM), which have been codesigned with people with disability.

NDS supports the Royal Commission's recommendations to enhance the NDIS Commission's procedures for monitoring reportable incidents. This includes optimising the NDIS Commission's online reporting portal, providing feedback to providers on the quality of provider incident handling and collaborating with all stakeholders to identify gaps in processes. Additionally, the significance of harmonising national reporting requirements with those at the state and territory level cannot be overstated. It is imperative that these requirements undergo a collaborative re-evaluation; otherwise, we risk perpetuating existing dual reporting systems. Recognising the challenge posed by a high volume of incidents, NDS backs the risk-based reporting approach proposed by the Royal Commission emphasising "class or kind" determinations and exempting the reporting of less serious incidents for providers demonstrate competence in managing and investigating incidents. There needs to be stronger definitions of what constitutes a serious incident.

## 4.2.5 Provider registration

In 2023, NDS developed a position on provider oversight, accountability and enablers, which includes recommendations for provider registration.

NDS acknowledges the presence of a substantial number of unregistered providers, emphasising the necessity for improved accountability and quality assurance in the disability sector. The NDIA has historically used growth in the number of providers entering the sector and limited number of providers ceasing to offer services as signals that the market is functioning well. It is not good enough that market health is assessed on numbers alone. Access to quality supports is critical, and there is a need for strategies that ensure increased supply aligns with high-quality, safe, culturally appropriate, and trauma-informed supports.

NDS proposes an innovative approach that involves embedding minimum standards, aligning regulatory systems, addressing the uneven playing field, and introducing a tiered system for provider registration. This tiered system would entail greater oversight and compliance requirements for more specialised supports with higher potential risks. Additionally, NDS suggests implementing pricing premiums for quality compliance and assurance, aiming to incentivise providers to meet and exceed minimum standards, fostering a culture of continuous improvement.

The [NDS Policy position: provider oversight, accountability and enablers](#) covers the NDIS Code of Conduct, NDIS Worker Screening, provider registration, and the cost of compliance. Emphasising the need for a risk-based assessment for providers, cross-recognition of quality systems, and continuous improvement strategies, NDS also highlights the importance of independently pricing compliance costs and ensuring that current pricing does not discourage providers committed to operating within the regulatory framework.

## 4.2.6 Housing and living supports

The Royal Commission has issued recommendations aimed at elevating the standards of the disability support sector. Recognising the importance of a skilled, capable, diverse, and sustainable provider landscape, the Royal Commission focuses on housing improvements, particularly in group homes. While there is unanimous

agreement on the need for major improvements in group home practices, varying views exist on the future role of group homes, ranging from phasing them out over 15 years to adopting a generational transition approach.

The report emphasises the necessity of a broader range of accommodation options, providing greater flexibility in support packages to empower people with disability to choose where they live. Reforms proposed include increasing the supply of accessible housing, enhancing regulatory oversight of supported accommodation, and addressing homelessness issues.

The Royal Commission final report highlight that people with disability are conspicuously absent from national housing and homelessness policy frameworks.

Accessible, sustainable, and suitable housing options enable people with disability to engage in social, economic, and community activities. In contrast, poor housing can lead to adverse outcomes, including homelessness, diminished health, and reduced access to employment and education opportunities.

As a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), Australia has specific obligations to uphold rights of people with disability related to homes and living. In accordance with Article 19, "Living independently and being included in the community," States Parties emphasise their recognition of the fundamental right of all people with disability to live within the community, with the autonomy to make choices on par with others. They commit to implementing effective and suitable measures to enable people with disability to fully enjoy this right and participate actively in the community. This commitment encompasses three key aspects.

Firstly, people with disability must have the opportunity to choose their place of residence and the people they live with, and they should not be compelled to reside in specific living arrangements. This upholds their right to self-determination and independence, as outlined in Article 19.

Secondly, people with disability should have access to a range of support services within the community, which includes in-home assistance, residential support, and other resources that facilitate their inclusion and prevent isolation or segregation from the wider community, in line with the principles of Article 19.

Lastly, community services and facilities that are available to the general population must be equally accessible to people with disability. This ensures that their specific needs are recognised and addressed, promoting inclusivity and equality for all, as articulated in Article 19. This commitment underscores the importance of fostering an inclusive and supportive community for people with disability, in compliance with the spirit and letter of Article 19.

Creating inclusive homes and communities is one of the seven outcome areas in Australia's Disability Strategy (ADS). The ADS is designed to help Australia meet its obligations under the UNCRDP and articulate the commitment of all governments to improve the lives of people with disability. Addressing issues with housing affordability, accessibility and increasing the choice and control people with disability have over where they live, who they live with, and who comes into their home are priorities in the ADS. At this point in time, NDS is not aware of a targeted housing action plan in the ADS and homelessness is not identified as a priority.

Notwithstanding these prescribed duties and obligations, people with disability continue to encounter substantial barriers when seeking suitable housing. As highlighted by the Royal Commission, this predicament is, in part, a consequence of national policy frameworks neglecting to place the experiences of people with disability at the forefront of housing considerations. Consequently, enduring challenges hinder their ability to secure safe and appropriate housing.

Developing a plan that seeks to take a coordinated approach to housing and homelessness policy and embed national leadership can address this shortcoming.

The National Housing and Homelessness Plan is an opportunity to address the additional issues experienced by people with a disability in meaningful ways.

Acknowledging the interconnectedness of various aspects of individuals' lives and environments in relation to their disability, and the heightened vulnerability experienced by some people with disability, is crucial. The measures proposed by the Royal Commission, including the necessity for all government levels to adopt a 'no exit into homelessness' policy for individuals leaving institutional and service settings, are a welcome necessity.

The [NDS Submission: National Housing and Homelessness Plan](#) makes recommendations to the Department of Social Services for the National Housing and Homelessness Plan with the following recommendations:

- *Prioritise People with Disability*: Designate people with disability as a high-priority demographic in the National Housing and Homelessness Plan, aligning with Royal Commission Recommendation 7.33.
- *Prioritise Accessibility*: Set targets for accessible housing construction, adopt Liveable Housing Design Standards, and monitor their impact to enhance accessibility.
- *Enhance Data Collection*: Improve data collection to better understand disability housing needs, covering those outside the NDIS scope.
- *Define Government Role in SDA*: Clearly define the government's role in owning and constructing Specialist Disability Accommodation (SDA) within the National Housing and Homelessness Plan.
- *Ensure Ample Supply and Choice*: Incorporate measures to guarantee a sufficient supply of housing and provide authentic choice for people with disability, including the implementation of a housing register and vacancy management system.
- *Facilitate Smooth Transitions*: Develop well-defined pathways within the plan to facilitate smooth transitions between various housing options for people with disability.
- *Explore Comprehensive Models*: Explore a range of models empowering people with disability to exercise choice and control over their housing and prevent homelessness, including support for 'at risk' tenancies and innovative homeownership models.
- *Embrace Co-Design*: Foster co-design principles, involving people with disability and their support networks in the planning and implementation of housing policies.
- *Invest in Universally Designed, Sustainable Social Housing*: Focus on investing in universally designed, sustainable social housing, and review policies impacting access for people with disability.
- *Facilitate Affordable Housing Development*: Design and implement policies that facilitate the development and funding of affordable housing, addressing the broader issue of housing affordability.

These recommendations collectively aim to address the unique housing needs of people with disability, aligning with the Royal Commission's findings and fostering a

more equitable and accessible housing landscape for both people with disability and the broader community.

#### **4.2.7 Enhancing the disability workforce**

A steady, adequately trained, and well-supported disability workforce is crucial for ensuring the provision of secure and high-quality services to people with disability. Disability support workers are pivotal in preventing, recognising, and addressing incidents of violence, abuse, neglect, and exploitation against people with disability who are recipients of support services.

Workforce shortages in the disability sector are well known and remain at crisis levels as tight labour market conditions coincide with growing demand for services. Providers face extreme difficulties recruiting the right people into the right roles, building workforce capability, and managing retention of their workforce. Workers and service providers are balancing service delivery, making sure people have choice and control and their human rights are upheld, while also needing to maintain a safe workplace. Given the projected growth of Australia's disability sector, policy, funding and price settings must consider a long-term, sustainable approach to addressing supply, pay and conditions for workers, removing barriers to employment and strengthening retention of existing workers.

The NDIS Pricing Arrangements and Price Limits has a direct impact on the remuneration, career progression, and security of employment for disability support workers. NDS agrees that there is a need for further discussion and collaboration about how to ensure disability support workers are sufficiently trained and supervised, appropriately remunerated and how these costs are managed sustainably through disability funding mechanism, in particular the price limits set by the NDIA.

Evidence from NDS's State of the Disability Sector report (National Disability Services 2023) and Workforce Census (National Disability Services 2023) shows a sector under increasing pressure to attract and retain the workers required to meet demand.

##### **Respondents to the Workforce Census report that:**

- Disability workers and employers consistently report that training and development opportunities in the sector are limited. Providers note difficulties



managing the cost of training – even where the training may be ‘free’ – as backfilling or paying for staff time to attend training comes at a cost that is currently not recoverable.

- Workers also report a lack of support and supervision in their workplaces. The cost modelling that underpins NDIS pricing allows for little or no training and supervision costs. Providers recognise the importance of supervision for service quality, coaching, worker wellbeing and retention but struggle to provide it within current NDIS pricing.
- Pay and conditions represent a barrier to people both entering and remaining in the sector. Providers want to offer workers a living wage and career pathways (including training and development) but are constrained by the cost and pricing model in the NDIS disability support worker cost model.

The evolving landscape of the disability workforce will undoubtedly require careful consideration, collaboration, and strategic planning to ensure the effective implementation of the Royal Commission's recommendations. As the disability sector considers further recommendations from the NDIS Review, the challenges and opportunities in the workforce necessitate ongoing dialogue and concerted efforts to meet the needs of people with disability in and outside of the NDIS. Engaging providers in these discussions is crucial, as they bring valuable insights and firsthand experience that can contribute to the development of effective and sustainable workforce solutions.

### *NDIS Workforce Strategy*

The Royal Commission report highlights progress on the NDIS Workforce Strategy and references [NDS Submission: NDIS Review Building a more responsive and supportive workforce](#) on this subject. The submission urges government to support increased wages in the sector (which must be reflected in price setting) and allocate funding for strategic initiatives encompassing workforce attraction, retention, training, skills development, and safety. The Royal Commission advocates close collaboration between government, NDS, unions, and people with disability to finalise and execute the NDIS Workforce Strategy.

### *Worker Screening*

NDS advocates for an improved quality and safeguarding system, including worker screening. NDS recommends all individuals who provide disability supports to NDIS participants must undergo a NDIS Worker Screening Check and receive a clearance to work. However, for the system to work effectively improvements to the current system are urgently required. The current NDIS Worker Screening Check timelines, expense and processes pose a particular barrier for job seekers. This is particularly the case in a highly competitive labour market where job seekers can immediately commence work in other sectors with comparable pay and working conditions. Providers report cases where high-quality applicants find alternative employment in other industries or with unregistered NDIS providers due to delays of months in receiving their NDIS check.

A well-functioning NDIS Worker Screening process is pivotal to maintaining the integrity and safety of disability support provision. Awareness and adherence to the NDIS Code of Conduct for all workers and providers, including sole traders, needs to be monitored and upheld, as a prerequisite for eligibility to receive Australian Government funding for NDIS services. This includes proactive recording and monitoring mechanism to ensure robust awareness, understanding, and implementation of the NDIS Code of Conduct.

NDS welcomes the final report's recommendations for enhanced information-sharing provisions between federal, state, and territory governments, as well as improved data-sharing among regulatory and law enforcement bodies. These measures, including defined criteria for information exchange, if enacted effectively should help streamline processes, reduce duplication and delays.

### *Worker registration*

The final report of the Royal Commission made recommendations aimed at enhancing the capability and working conditions within the care and support sector, with a central proposal being the establishment of a national disability support worker registration scheme. The proposed scheme includes mandated screening and continuous professional development. NDS is broadly supportive of the recommendation, though noting more detail and codesign with the sector is required as part of any policy development process.

A national disability worker registration scheme should be distinct from NDIS registration of service providers and part of an overall improved system for provider and

service delivery oversight and accountability. A similar example would be the difference between nurses being registered with AHPRA versus the accreditation of the hospital.

Professionalisation of the disability workforce can lead to safer and better-quality services, with the proposed disability worker registration scheme being an entry-level step towards a career in the sector. Establishing quality safeguards and providing attractive career pathways must be balanced with the need to avoid administratively cumbersome barriers for new sector workers.

### *Portable entitlements*

The Royal Commission also recommended that portable leave entitlements and portable training are included within the scope of the proposed support worker registration scheme. The NDIS Review workforce early findings paper released in May 2023 also recommends the creation and testing of a portable sick and carer's leave scheme and a portable training scheme.

With respect to any portable leave entitlement scheme, NDS calls on government to work with NDIS providers to tackle the substantive issues of workforce attraction and retention, rather than risk further entrenching these issues within new systems that may further encourage casualisation of the workforce.

On portable training, if a scheme is developed and introduced, then government must work closely with providers to understand which underlying skills and competencies are universal and portable, versus training that should be delivered through a provider based on participant needs and accompanied by supervision in practice. There are a number of issues to consider with proposals for portable entitlement schemes, which are outlined in more detail in [NDS Submission: NDIS Review Building a more responsive and supportive workforce](#)

### *Worker Qualifications*

While the Royal Commission refrains from endorsing mandatory qualifications, it supports co-designed programs to embed human rights and enhance training and supervision, particularly for frontline support workers in supported accommodation. NDS suggests diverse streams of training funded in diverse ways, advocating for a blended payment model and the capacity for separate funding for training outside participants' NDIS plans.

### *Remuneration and Industrial Conditions*

On remuneration and industrial relations, the SCHADS Award has been a source of confusion and concern for service providers. The Royal Commission recommends a comprehensive update to this award, particularly considering progressive variations over the years. It questions the rationale behind distinctions in pay rates, urging for a re-evaluation of the award to better reflect contemporary disability work and NDIS pricing triggers.

NDS agrees that the current modern award is complex and does not easily align to the provision of NDIS services and price limits set by the NDIA. If the recommended review of the SCHADS Award does proceed, NDS is seeking government funding to support strategic advice and negotiations on behalf of the sector.

### *Training and supervision*

Quality training and adequate supervision of workers is clearly fundamental to preventing harm to service recipients. This is particularly the case for workers providing daily living supports and personal care to people with disability whose circumstances heighten their risk of experiencing violence, abuse, neglect and exploitation.

While recognising the potential efficiencies of recognising training competencies across providers (for example, through portable training schemes), NDS emphasises the continued need for funding to support frontline active support, practice leadership and mentoring, ensuring the delivery of quality services tailored to individual participant needs.

A blended payment model is required, allowing separate funding for training outside participants' NDIS plans, with plan-funded training reserved for specialised needs and preferences in a participant's support plan. NDS advocates for the integration of the cost of supervision and skills mentoring into the NDIS pricing structure, emphasising the importance of effective training implementation at the service level.

## 5.0 Next steps

Everyone has the right to live free from violence, abuse, neglect and exploitation. The recommendations of the Royal Commission can help bring about important reforms and changes within the disability sector. Its findings create opportunities for providers to enhance the quality of their services, strengthen their practices and promote a safer environment for everyone.

Achieving the reform agenda will require structural adjustment across most aspects of service delivery. Careful deliberation, collaboration and co-design will be necessary to implement its recommendations effectively. Providers need a seat-at-the-table to ensure changes can be safely and practically implemented and all stakeholders must work together to ensure high-quality, equitable and sustainable supports that provide choice, control and independence to people with disability.

From a provider perspective, funding is required to support sector structural adjustment over the next 5 years. This could assist, for example, with the introduction of new navigation models and supports for homes and living, managing vacancies, investing in/divesting infrastructure, new regulatory and training requirements for workers, delivering trauma informed supports and adapting to new systems, including enhanced incident reporting, digital platforms, e-markets and payment systems.

NDS will make several recommendations to government on behalf of the disability services sector as part of its upcoming submission to the 2024-25 Federal Budget, to support a coordinated effort across multiple reform agendas, in particular the NDIS Review and Royal Commission, and maintain a viable provider market.

These include:

- Establish a Reform Implementation Taskforce that is sector-led, comprised of people with disability, advocacy organisations, unions, service providers and experts. The Taskforce would work collaboratively with government support to develop a Transformation Roadmap.
- Establish a temporary Industry Transformation Fund to support the structural adjustment required to achieve transformative changes across the sector, acknowledging the need for new business models and structures. The fund

would prioritise spending based on agreed-upon priorities, emphasising workforce adjustments, infrastructure investment, and technological enhancements for sustained change.

- Government funding to NDS to employ dedicated sector support officers and focus on sector development over the next 5 years. This investment will support a network of information, support and resources for providers on the reform agenda and a critical feedback loop to policymakers as reforms are rolled out.

## 6.0 Conclusion

It is important that the views of people with disability, their representative groups, providers and government are all considered in this next phase of work in implementing the recommendations.

The disability services sector is ready and willing to take on recommendations to improve the quality and safety of services they deliver for people with disability.

A skilled, capable, diverse and sustainable provider landscape is a desirable outcome for participants. However, we need to be mindful of how we match the timetabling of reforms with the capacity of the sector to respond.

Having the right workforce in place is the foundation to good practice. Many, if not all, of the topics raised as part of the Royal Commission, from governance and management practices, supported decision making, through to managing risks and complaints, all depend on the workforce. Reforms and initiatives in these areas, appropriately funded and successfully implemented, can give people with disability greater choice and control in how they live and work with providers.

NDS is committed to collaborating with government and the disability sector to ensure Australians with disability have access to the safe, quality and culturally appropriate services they deserve.

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National Disability Services (2023) Victoria, Workforce Census, accessed 17 January 2024, <https://www.nds.org.au/resources/all-resources/nds-workforce-census-key-findings-report>



# Relevant NDS submissions

## NDS Research

- [NDS State of the Disability Sector Report 2023](#)
- [Workforce Census Key Findings Report 2023](#)

## NDS Royal Commission Submissions

- [Public hearing 32 - NDS Response to Counsel Assisting submissions](#)
- [NDS Submission to the Royal Commission on the Safeguards and Quality Issues Paper](#)
- [NDS Submission to the Royal Commission on Employment of People with Disability in Australia](#)
- [NDS Submission to the Royal Commission on Group Homes](#)
- [NDS Submission to the Royal Commission on Restrictive Practices](#)
- [NDS Submission to the Royal Commission on Supported Decision Making](#)

## NDS Position Papers

- [National Disability Services Position Paper: The future of wage setting in supported employment](#)
- [NDS Policy Position: provider oversight, accountability and enablers](#)
- [NDS Policy Position: An Industry Vision for the Supported Employment Sector](#)

## NDS Submissions

- [NDS Submission: National Housing and Homelessness Plan](#)
- [NDS Submission NDIS Review What We Have Heard Report \(NDIS Review\)](#)
- [NDS Submission: Draft National Strategy Care and Support Economy](#)
- [NDS Submission: NDIS Review Building a more responsive and supportive workforce](#)