



Araluen Participants, Families & Carers Network meeting 13 March 2024

Introduction

Araluen CE, Tamara Cattach, hosted an in-person meeting with families and carers to talk about some significant recommendations from the **Disability Royal Commission into Violence, Abuse, Neglect & Exploitation of People with Disability** as well the **NDIS Review**, that we think will impact you, our organisation and our sector. We also explored **Araluen's new Values & Behaviours framework** and the meaning this holds for our community.

Please remember:

- the recommendations of the Disability Royal Commission and the NDIA Review are still only recommendations.
- we see some common views arising from both investigations that we believe will heavily influence the government's decisions about matters that fundamentally affect the lives of people with disability.
- we expect to see impact to critical services like support coordination and group homes.
- we await many details from Government who have not given a clear timeframe for implementing change.
- we're flagging likely changes and starting a conversation with our community so we can plan a response that is inclusive and supportive of your needs.
- we do not think change will happen suddenly and without wide consultation.
- the Royal Commission and NDIS Review are ultimately about ensuring the rights of people with disability are widely recognised and upheld. So the recommendations include many positive and necessary reforms too.

Meeting information and resources

Tam's speaking notes are included here on the following pages.

You can find video extracts of all the discussion topics on the news page of our website or via the links below.



<https://www.araluen.org/news/>

Video: [Tam's summary of the Disability Royal Commission](#)

Video: [Tam's: summary of the NDIS Review](#)

Video: [Our new Values & Behaviours](#)



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Disability Royal Commission

(*speaker: Tamara Cattach*) As you all know, Araluen has been following the Royal Commission very closely over the last four years.

The Royal Commission released its final recommendations on 28 September 2023.

The report consists of 12 volumes and contains 222 recommendations.

Today I am going to briefly talk through the recommendations that we are beginning to look at and the recommendations that may impact you.

Please keep in mind that these are still recommendations. The Australian government was expected to make their response to the recommendations to Parliament by 31st March this year but it has just been announced that this deadline will be extended until mid-2024.

Recommendations from the Disability Royal Commission (DRC)

1. A Disability Rights Act

The DRC recommends that the Australian government establish a Disability Rights Act (DRA) to translate the international human rights set out in the Convention on the Rights of Persons with Disabilities (CRPD) into domestic and enforceable Australian law.

2. A National Disability Commission

The National Disability Commission would have capacity-building functions, including research, publishing guidelines, providing advice, handling complaints, and intervening in certain court proceedings. It would also have the power to address non-compliance with the Disability Rights Act, using inquiries, enforceable undertakings, compliance notices, and injunctions. The DRC wants this new commission established by mid-2025.

3. A new government portfolio

The DRC has recommended a new ministerial portfolio be established specifically for disability to give it the status and attention required to drive reforms and change practices and attitudes. This would include a dedicated senior ministerial position, the Minister for Disability Inclusion. This minister would be responsible for national leadership on disability issues, policies, and programs. guidelines,

4. Reducing and ending segregation

The DRC heard overwhelming evidence that people living in segregated settings are more likely to experience violence, abuse, neglect, and exploitation.

All commissioners agreed that reforms are required to ensure that no one is forced to participate in settings designed exclusively for people with disability.

However, commissioners were split over the future of settings such as special schools, Australian Disability Enterprises (ADEs), and group homes, including whether they always constitute segregation.

Commissioners Bennett, Galbally, and McEwin (two of whom have lived experience of disability) advocate for phasing out these settings, in the knowing that children who are educated in segregated schools, are more likely to go on to segregated employment and live in segregated settings.

They argue that the segregation that occurs across these settings is incompatible with inclusion and an unconscionable policy default for Australia in the 21st century. The other commissioners did not agree that all specialist settings exclusively for people with disability warrant the term segregation and took a less hard-line approach in their recommendations.

Recommendations from the Disability Royal Commission (DRC) continued

5. Employment

The commissioners recommend that the Department of Social Services develop a plan to support people with disability working in ADEs to move into inclusive, open employment options if they choose. They also call on the Australian government to raise the minimum wage for supported employees to 50%, with a transition to the full standard minimum wage by 2034.

Commissioners Bennett, Galbally, McEwin, and Mason go further in their recommendation and want to see ADEs phased out by 2034 through a National Inclusive Employment Roadmap.

6. Group homes *(more information is available in meeting video too)*

The DRC recommends a review of mechanisms to transfer away from Supported Independent Living (SIL) and Specialist Disability Accommodation (SDA) being delivered by the same provider. So, in other words, if a provider owns the home (the building), they cannot also provide support in that home (staffing) because this is seen as a possible conflict of interest. Note that Araluen does not own all the properties where we provide support.

The DRC wants actions that see disability providers implement new models of practice, such as active support, which we are planning to do later this year and we'll be talking more about that in the coming months.

The DRC offers recommendations for establishing more inclusive housing options and wants to see NDIS funding models reformed to provide greater flexibility. It calls for pricing mechanisms that do not favour group home living over other models of inclusive housing. Some commissioners have also called for a roadmap to phase out group homes within the next 15 years.

Commissioner Ryan suggests an alternative approach to phasing out group homes over time, starting by not approving new SDAs with 4 to 6 bedrooms. Ryan suggests that new NDIS participants should only be able to enter group homes as a last resort and that priority should be given to moving existing residents out of group homes into smaller groups over time.

7. Independent support coordination

The DRC has called for an NDIS rule that stipulates the separation of support coordination and other funded supports. This is to protect people from conflict of interest. The report states that exceptions to the rule should be defined in consultation with people with disability, First Nations people, and representative bodies.

The DRC also says that the NDIA should ensure people at higher risk of abuse – especially those living in supported accommodation – have support coordination funding in their plans. It recommends that by 30 September 2025 funding for support coordination should reflect NDIS participants' needs and be sufficient to facilitate face-to-face contact at least monthly.

I will talk more about this recommendation later as it is reflected in the NDIS review also (see NDIA Review, page 5). Given that both reports take a similar view, we expect this recommendation is likely to be accepted, though we do not have a lot of detail yet.

8. Disability worker registration

The DRC has recommended the establishment of a national disability support worker registration scheme by 1 July 2028. The design would include defining a disability support worker, a code of conduct and minimum standards, mandatory NDIS worker screening, recognition of qualifications, experience, and skills, continued professional development, and portable training and leave entitlements and an accessible portal to enable participants to view the profiles and registration status of disability support workers.

At present, police checks are not mandatory for staff of small providers or individuals working under their own ABN. Staff of registered providers (like Araluen) are required to have a police check when hired. We have a new process where an external provider (OHO) now monitors for any changes to the status of our staff's police records.

Recommendations from the Disability Royal Commission (DRC) continued

9. Worker screening

The DRC has called for strengthened agreement between federal and state governments to improve the consistency of worker screening, including clarifying the role of police or other national bodies in monitoring new charges relating to disability workers and sharing information with state and territory worker screening units.

10. Behaviour support and restrictive practices

The Report recommends several practices which should be prohibited across different settings like the reduction of using psychotropic medicines against people with cognitive disability. legislative prohibition on non-therapeutic sterilisation by the end of 2024, except when there is a threat to life or the person gives voluntary informed consent.

The DRC suggests providing incentives for practitioners and NDIS providers to deliver behaviour support services, This is positive for Araluen as we have just launched this service this year and we know there is a healthy and unmet demand for this support.



Learn more about the recommendations of the Disability Royal on their website:

www.disability.royalcommission.gov.au or [CLICK HERE](#)



NDIS Review

(speaker: Tamara Cattach)

The Minister for the National Disability Insurance Scheme, the Hon Bill Shorten MP, announced a review of the National Disability Insurance Scheme (NDIS) on 18 October 2022.

The NDIS Review was to investigate the major issues facing the NDIS, including poor participant experience, the interaction between the NDIS and other parts of government, market stewardship, quality and safeguarding, Scheme sustainability, the breakdown of trust, and pretty much anything NDIS-related.

Recommendations from the NDIS Review

1. Foundational supports

There will be two types of foundational supports:

1. General: Things that all people with disability can access, including Information, advice and capacity building, systemic advocacy, peer support, disability employment services.

2. Targeted: For people with lower support needs who are not eligible for NDIS. Supports can include:

- Home and community care
- Aids and equipment
- Psychosocial supports
- Early intervention for kids with developmental delays
- Support for young people navigating key life transitions
- Support navigating all these supports and services

Yesterday, National Cabinet reached a landmark agreement that will see the Commonwealth, states and territories all pitch in to fund foundational supports.

Recommendations from the NDIA Review continued

2. Improve the participant experience of the NDIS

Access and Eligibility:

More consistent and robust methods for making eligibility decisions and measuring functional capacity and creating a new access form and guidance materials.

Assessments:

Develop a new assessment process to better evaluate a person's support needs. At the Press Club, Minister Shorten emphasised that this process would be very different from the Independent Assessments proposed by the last government. Assessments would be conducted by a Needs Assessor, who is a trained allied health professional, social worker, or has similar disability expertise. The Needs Assessor would be the funding decision-maker and sign off on the plan budget. The assessments would not be time limited and participants would have an opportunity to provide input on the findings.

Planning:

- Setting budgets at a whole of plan level, rather than line-by-line.
- Plans will be made of three components: flexible budget (based on assessments), home & living, and one-off assistive technology and capital.
- Adopt a trust-based approach to oversight of how people use their budget.

3. Replacing Support Coordinators, Local Area Coordinators (LAC) and Psychosocial Recovery Coaches (PRC)

One of the most substantial recommendations in the Report is replacing existing Support Coordination, LAC and PRC services with the introduction of a new 'Navigator' function.

Here's what has been proposed:

- Navigators would be responsible for things like supporting NDIS participants and other people with disability to connect with mainstream services, apply for the NDIS, implement their NDIS plans and more.
- Specialist Navigators would be responsible for supporting people with more complex life circumstances.
- They would be commissioned and funded by NDIA, outside of participant plans (likely by tender). The idea of this is to allow the amount of support to flex up and down as people need it, rather than the current set up of a fixed number of hours set in advance.
- Psychosocial support and support to navigate home & living would be additional services Navigators provide.
- Every NDIS participant would be able to access a Navigator.
- There is a strong focus on Navigators being local to their communities, based out of 'hubs' where possible and with strong local connections.
- They would be independent from other service delivery, and would have nationally consistent governance, branding, online services, information management, monitoring and training.
- There would be a gradual transition to this new approach, including significant consultation with the sector, pilots and efforts to transition the existing support coordination and LAC workforce to this new model, evidence of risk to self or others from living in a shared arrangement, participants with dependent children, and those with very complex needs.

Recommendations from the NDIA Review continued

4. Home and living

- A new Practice Standard should be introduced to mandate the separation of housing and tenancy. So this is similar to the view of the Royal Commission that the owner of the building where people with disability live should not also provide support in that home.
- Changing the budget setting process to make sure it is 'consistent and sustainable', with the recommendation that funding for participants requiring 24/7 living supports should typically be based on an average shared support ratio of 1:3.
- People should only be funded to live alone (no shared supports) in specific circumstances such as where there is evidence of risk to self or others from living in a shared arrangement, participants with dependent children, and those with very complex needs.
- Creating a process where people can try living arrangements before committing to them.
- Creating a function that allows people sharing supports to exercise joint decision making and pool their funds.

5. Plan management.

There are multiple recommendations relating to suggested technology improvements for the NDIS, including a centralised platform for finding supports and a fully electronic payment system that would allow people to pay all providers, regardless of their registration status.

The Review suggests that the introduction of this digital payments system will reduce the need for plan managers over time, with a strong implication that they will not be needed at all once the system is fully operational. This is major news for plan management providers. It's important to stress here that the Review has been clear that these changes will not happen overnight and should be "coordinated well and communicated clearly and early".

If you have recently received a new plan (not a rollover) you may already have been transferred to the government's new system, My Provider Portal. We will provide support to help with this transition and we will run an information session later in the year. But please do speak to us if you need assistance sooner.

6. Pricing

The key recommendation on pricing is that the NDIA should hand over responsibility for pricing to the Department of Social Services and the Independent Health and Aged Care Pricing Authority (IHACPA).

The Review suggests that these bodies establish a new pricing and payments framework that takes less of a 'one size fits all' approach to better reflect the costs associated with factors like supporting people with more complex needs, in different regions, in group-based settings, training, workers compensation, liability insurances and other indirect labour costs. The Review did not make specific recommendations on the price limit of any supports.

Araluen has made a submission to the NDIA as part of their annual consultation that they undertake when reviewing prices. The submission provides a view on the pricing of the Disability Support Worker price that we are struggling with in day services. **You can request a copy of our submission via email: info@araluen.org**

6. Registration

The review suggests that registration be mandatory in the future for all providers. This is not the case at present. A new registration system is proposed that recognises the differences in risk, complexity and cost that different providers carry.

Advanced registration:

The highest end of the regulation scale where supports are considered high risk or require high-level technical competence. For example, supports delivered in high-risk settings such as group homes.

General registration:

For medium risk supports, for example: high intensity daily personal activities and supports that include significant 1:1 contact with participants.

Recommendations from the NDIA Review continued

6. Registration continued

Basic registration: for all lower-risk supports, applying lighter-touch registration requirements. Though the services that are in scope include sole traders and smaller organisations, social and community participation, and those who have limited 1:1 contact with participants.

Enrolment:

This is a new alternative to registration and would be a simple online process for providers of the lowest-risk supports to enable full visibility of the market. Minister Shorten confirmed in his address today, that the intention is for all service providers to be visible to the NDIA and NDIS Commission. The Review says this would apply to supports where general protections under Australian Consumer Law are sufficient, such as consumables, equipment, technology, and home and vehicle modifications.

7. Mandatory worker screening

Under the current system, only workers of registered providers (like Araluen) in risk assessed roles are required to undergo mandatory screening. If you employ a support worker who does not work for a registered provider, please be aware that they may not have police checks or insurance.

8. A five-year transition

The review suggests a five-year transition period for their recommendations.

Some recommendations that are highlighted for short term action include foundational supports, updating access guidance, and workforce measures.

They also suggested the process should be genuinely designed with people with disability, and that existing participants should have a smooth transition.

Araluen's Values & Behaviours



Our new Values & Behaviours Framework is now the foundation for everything we do at Araluen and how we do it. This set of shared Values and supporting Behaviours will unite us across the organisation and guide us in delivering our core purpose of supporting our participants to achieve great lives. We gathered feedback from our participants, our families and carers, our staff and board members, to understand the most important values and behaviours to us all. Our new framework reflects the common and heartfelt needs of our entire community!

Araluen's People and Organisational Development Lead, Debbie Clarke, presented our new framework, talked about the meaning and origin of each value and explained the matching behaviours that will help us live our values.

Values & Behaviours information and resources

You can find the link to Debbie's video presentation and our Values & Behaviours below.

>>> [CLICK HERE to view Debbie's Values & Behaviours presentation video](#)

>>> [CLICK HERE to download our Values & Behaviours pdf](#)



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