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# NDIS Quality and Safeguarding Framework

*NDIS Review*

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**SUBMISSION**



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# NDIS Quality and Safeguarding Framework

**Associate Professor Des Graham**

**President**

**Rohan Greenland**

**Chief Executive Officer**

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MS Australia is Australia's national multiple sclerosis (MS) not-for-profit organisation that empowers researchers to identify ways to treat, prevent and cure MS, seeks sustained and systemic policy change via advocacy, and acts as the national champion for Australia's community of people affected by MS.

MS Australia represents and collaborates with its state and territory MS Member Organisations, people with MS, their carers, families and friends and various national and international bodies to:

- Fund, coordinate, educate and advocate for MS research as part of the worldwide effort to solve MS
- Provide the latest evidence-based information and resources
- Help meet the needs of people affected by MS.

Multiple Sclerosis (MS) is the most acquired neurological disease in younger adults around the world with over 2.8 million people affected. More than 33,300 Australians live with MS and over 7.6 million Australians know someone or have a loved one with this potentially debilitating disease.

Symptoms vary between people and can come and go; they can include severe pain, walking difficulties, debilitating fatigue, partial blindness and thinking and memory problems. For some, MS is characterised by periods of relapse and remission, while for others it has a progressive pattern of disability. MS robs people of quality of life, primarily driven by the impact of MS on pain, independent living, mental health and relationships.

# NDIS Quality & Safeguarding Framework

MS Australia welcomes the opportunity to make a submission to the National Disability Insurance Scheme (NDIS) Review on the NDIS Quality and Safeguarding Framework. Over the past seven years, MS Australia has actively advocated on behalf of people living with MS for improvements to the NDIS. We have written over 29 submissions relating to the NDIS, including submissions to the NDIS/NDIA, the Joint Standing Committee on the NDIS and the Productivity Commission. We also wrote a [submission](#) to the NDIS Review in December 2022 to provide a broad overview of the issues facing people living with MS and recommended solutions for the NDIS Review Panel.

To support our NDIS advocacy, MS Australia has launched a campaign [A better NDIS for people living with MS](#) to highlight essential areas for reform in the NDIS.

## MS Australia Recommendations

- The NDIS Quality and Safeguards Commission introduce improved training and education materials for the NDIS Quality and Safeguarding Framework including:
  - ❖ Clear guidelines for providers on interpreting and implementing the framework in a variety of settings including best practice examples and face-to-face workshops
  - ❖ Clear measures and reporting requirements for ensuring the Framework is implemented, such as key performance indicators
  - ❖ Clear definitions of abuse, violence, neglect, exploitation and other important terms
  - ❖ Compulsory training modules for staff on the Framework including a requirement for providers to report on completion of this training.
- The NDIS Quality and Safeguards Commission introduce:
  - ❖ Consolidated information on provider registration, compliance and banning orders
  - ❖ Transparency around assessment processes.
- The NDIS Quality and Safeguards Commission review complaint and reporting processes to ensure that:
  - ❖ People with disability are provided with a supportive and confidential process that caters to all communication needs
  - ❖ People with disability, carers and advocates can access information on abuse and unsafe behaviours, including in easy to read and pictorial formats
- The NDIS Quality and Safeguards Commission and the National Disability Insurance Agency consider how to professionalise the disability workforce and work in consultation with the aged care sector.

## NDIS Quality and Safeguarding Framework

MS Australia supports the current NDIS Quality and Safeguarding Framework (Framework) and the need to have a guiding document to ensure high-quality support and safe environments for all NDIS participants. importance of having a framework. We have no recommended changes to the Framework as it currently stands and commend the National Disability Insurance Agency (NDIA) and the NDIS Quality and Safeguards Commission (Commission) for keeping the framework updated and in line with current practice. However, MS Australia does have concerns

with how the Framework is implemented, which we have outlined below.

### *Education and Training*

MS Australia is concerned about the lack of education and training around the Framework. Providers and staff have a limited understanding of the Framework and do not know how to implement it in a real-world environment. Many providers do not consider it a requirement and do not engage with it. There is limited guidance for providers on how to implement the Framework and how it works across a variety of settings and with different client groups. There are no clear definitions in relation to abuse, neglect and harm or best practice examples for providers to follow. This leads to inconsistencies in how the Framework is implemented across providers and by individual staff. Additionally, there are currently no clear measures or reporting requirements for how the Framework is implemented, such as key performance indicators. As such, it is difficult to measure whether providers are operating correctly within the Framework

Clients are receiving inconsistent information and inconsistent responses to complaints or concerns regarding their care and services. Clients and carers must become experts in the Framework to ensure it is implemented. This puts the burden for reducing abuse and inappropriate behaviours on clients rather than providers and staff.

Disability support workers provide the majority of front-line service to NDIS participants including tasks that require close personal contact. Most of this work is done unsupervised and in many instances the support worker is the main point of social contact for the participant. It is therefore crucial that these workers understand the Framework and know how to act in accordance with the Framework requirements. They must be able to deliver care in a respectful and supportive manner and support participants with decision making, making complaints and reporting abuse and serious incidents.

As established in the Review's recent workforce report<sup>1</sup>, 1 in 4 NDIS workers received less than one day of training in the past year and only 1 in 3 receive the supervision they need (with the rate dropping to 1 in 4 for casual workers). There is clearly a gap in training and supervision for staff and this can have a detrimental impact on participants. Further these untrained staff need to understand what constitutes abuse and inappropriate behaviours in the specific environment they are working in. They also need to understand the difference between their duty of care versus allowing individuals to make informed choices about how they choose to live and undertake day-to-day activities.

MS Australia recognises that the Commission currently provides [eLearning units](#) for NDIS workers. However, these are generalist units and do not provide detailed information on complex issues including abuse, neglect and restrictive practices. While the Commission encourages providers to use this as part of their induction process for workers the units are not compulsory.

**MS Australia recommends** that the Commission introduce improved training and education materials for the Framework including:

- Clear guidelines for providers on interpreting and implementing the framework in a variety of settings including best practice examples and face to face workshops
- Clear measures and reporting requirements for ensuring the Framework is implemented, such as key performance indicators
- Clear definitions of abuse, violence, neglect, exploitation and other important terms
- Compulsory training modules for staff on the Framework including a requirement for providers to report on completion of this training.

## *Transparency and Consumer Information*

Transparency around the compliance of providers with the Framework and their obligations is crucial. Currently, participants must go to three different locations on the Commission website to access information on accreditation, banning orders and compliance and enforcement actions. A participant could search for a providers registration status on the [NDIS provider register](#) and be unaware they currently have compliance action against them. There is also limited public facing information on how providers are assessed, qualifications/requirements of assessors and the separation of powers between the Commission and the Government.

Consolidating information on providers including registration, compliance and other actions taken by the Commission would improve transparency and consumer access. For example, aged care consumers can current access all relevant information on aged care providers at the Aged Care Quality and Safety Commission [Find a Report](#) website.

**MS Australia recommends** that the Commission introduce:

- Consolidated information on provider registration, compliance and banning orders
- Transparency around assessment processes

## *Disability and Abuse*

People living with disability are exposed to violence, abuse, neglect and exploitation at much higher rates than the rest of the Australian population. Nearly half (47%) of adults with disability have experienced violence since the aged of 15 and 20% before the age of 15<sup>2</sup>. Women with disability experience high rates of sexual abuse and intimate partner violence, this is particularly concerning since 3 in 4 people living with MS are women. Research undertaken by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Royal Commission) shows that people with disability struggle to report violence, abuse, neglect and exploitation due to a lack of clear definitions, lack of systems, a poor reception when reporting and a reluctance to report<sup>3</sup>. Further, people with disability are at particularly high risk of experiencing violence, abuse, neglect and exploitation if they are not provided with adequate education to identify and recognise such behaviours.

People with disability must be able to identify abuse and inappropriate behaviours and report without fear of retribution. They must feel that they will be listened to and understood, regardless of how they communicate. The Commission must provide a suitable reporting environment and empower people with disability to self-advocate. They must provide appropriate education materials so people can better informed. There should also be materials for carer, family members and informal advocates/supporters so they can support the people in their lives with disability.

**MS Australia recommends** that the Commission review complaint and reporting processes to ensure that:

- People with disability are provided with a supportive and confidential process that caters to all communication needs
- People with disability, carers and advocates can access information on abuse and unsafe behaviours, including in easy to read and pictorial formats.

## *Professionalisation of the Disability Workforce*

The best way to ensure high-quality care and to reduce the rates of abuse and inappropriate behaviours in the NDIS is to professionalise the disability workforce. Currently, the disability workforce is made up overwhelmingly by part-time, untrained and lowly paid support workers. There are high rates of turnover and casualisation across the sector. Professionalising the disability workforce makes it an attractive career prospect and would ensure that people with disability are provided care and services by trained, motivated and experienced professionals.

Steps to support professionalising the disability support workforce include:

- Mandatory minimum training requirements including undertaking NDIS eLearning units before commencing work and a certain number of staff having a minimum qualification e.g., Certificate III in Individual Support
- Financial support for people to upskill including undertaking Certificate, III, Certificate IV and Diploma qualifications
- Development of a scope of practice for support workers
- A registering body to oversee the profession, provide training and development programs, mentoring and professional support and structured career pathways.

Given the currently reforms underway in the aged care sector, joint work could be undertaken to professionalise the care work roles in both the aged care and disability sectors.

**MS Australia recommends** that the Commission and the NDIA consider how to professionalise the disability workforce and work in consultation with the aged care sector.

## Reference

<sup>1</sup> NIDS Review (May 2023). *Building a more responsive and supportive workforce*. Retrieved from: <https://www.ndisreview.gov.au/sites/default/files/resource/download/building-a-more-responsive-and-supportive-workforce.pdf>

<sup>2</sup> Australian Institute of Health and Welfare (2022). *People with disability in Australia 2022*, DIS 72, retrieved from: <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/about>

<sup>3</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (August 2021). *Rapid Evidence Review: Violence, abuse, neglect and exploitation of people with disability*. Retrieved from: <https://disability.royalcommission.gov.au/publications/rapid-evidence-review-violence-abuse-neglect-and-exploitation-people-disability>