

A quality NDIS for participants, providers & workers

How we can achieve it



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Overview

The success of the National Disability Insurance Scheme (NDIS) hinges on the shared cooperation of all those delivering the scheme: governments, service providers and workers. Without this, the high quality NDIS that people with disabilities so rightly demanded will not be achieved.

It will be imperative that organisations will need to grow their workforce by recruiting and retaining employees to ensure ongoing quality and support for people with disabilities.

This can only be successful if potential and existing employees do not have to relinquish job security and career paths. There will need to be an increase in permanent employees who have access to ongoing accredited training.

More importantly, addressing workforce issues will provide well-trained employees to assist people with a disability to achieve meaningful outcomes in their lives, and will provide the continuity of support so essential for the realisation of participant goals.

To achieve an NDIS that delivers for people with a disability we need to see four significant changes to the current model. These grouped under the following:

- 1. NDIS prices that cover the real cost of service delivery and provide good jobs**
- 2. Disability workforce standards and accreditation**
- 3. Properly funded workforce training and professional development for quality NDIS services**
- 4. Protection of secure jobs and minimum safety net for all NDIS workers, ensuring a level playing field for all NDIS service providers**

With an election imminent and the NDIS roll-out at a critical juncture, these initiatives are more important than ever. We seek your support to lobby and campaign all political parties and candidates to see the following reforms to the NDIS.

1. NDIS prices that cover the real cost of service delivery

Independent price setting

In its 2017 NDIS Costs Review, the Productivity Commission recommended that the Commonwealth amend the *National Disability Insurance Scheme Act 2013 (Cth)* so that the National Disability Insurance Agency (NDIA) could no longer set price caps and that this power is instead transferred to the NDIS Quality and Safeguards Commission (QSC) by no later than 1 July 2020. In the interim, the QSC would begin taking on responsibility for price monitoring.

We support this recommendation and recommend that the government adopt it. We also submit that the legislative amendment giving effect to this change imposes an obligation for the QSC meaningfully consult with workers and their representatives, alongside providers and participants, during scheduled price reviews.

Workforce and Market Stabilisation Fund

Prior to the introduction of the NDIS, the disability sector in Australia had built its operating model on the basis of block-funding. This operating model had matured over decades, yet within the span of less than five years, the foundations upon which it rested have been stripped away and replaced with a fee-for-service, market-based model.

This represents a seismic shift, one which hundreds of disability service providers are struggling to adapt to, and which is further compounded by inadequate NDIS pricing. The consequences for providers, those employed by them and most importantly, those they support, have been catastrophic.

Across the country we are seeing employment security destroyed (more than 40% of the workforce is now casual); training budgets eviscerated and longstanding conditions (such as 21 days personal leave and higher long-service leave) being cut. National Disability Services, in its 2018 State of the Sector report found that over half of all disability providers reported that operating conditions have worsened, with over 1 in 10 providers (13%) reporting closure discussions. This comes at a time when the NDIA needs to approve an average of 394 new plans per day to meet roll-out targets and the workforce needs to double to meet demand.

Put simply, current market and policy settings preclude the NDIS from delivering on its ambitions, particularly for those participants with complex needs.

The government must urgently introduce an NDIS Workforce and Market Stabilisation Fund to allow the sector space to adjust to the new operating environment. Importantly, this will allow time for other policy changes to flow through the system without compromising immediate supports.

We note that this recommendation is supported by the Parliamentary Joint Standing Committee on the NDIS in its recent report, Market Readiness for Provision of Services Under the NDIS, which recommended “a disability transition industry plan with a transition assistance fund program be urgently developed and established.”

Implement bargaining across the NDIS-funded sector

Since the commencement of the scheme's roll-out, NDIS prices have been based on the Modern Award which, we emphasise, is an industrial safety net, not an industrial standard. Given the characteristics of the disability sector—multiple small and medium-sized employers, nearly 100% reliant on government funding and a low-paid workforce, chronically undervalued for their skills, knowledge and emotional labour—it desperately requires workers to have better bargaining power. This is essential to attract and retain the workers needed to deliver high-quality supports to NDIS participants.

We call on the government to introduce sector-wide bargaining to the NDIS sector, alongside broader industrial relations reform. This will allow the wages and other key employment conditions of disability workers to be taken out of competition; instead, providers will have to compete on quality, a scenario which is in the interests of participants and providers.

Genuine sector-wide consultation

Since 2013, senior NDIA officials have met with union leaders only once (during the tenure of former CEO, David Bowen). We understand that the NDIA holds a number of advisory panels and reference groups for participants, carers, advocates, providers and provider peak bodies, however, as far as we are aware there is no formal group covering workforce matters and no avenue for workers and unions to share their expertise.

We recommend that the government establish a workforce committee comprising unions, providers and participants, which brings together officials from the Department of Social Services (DSS), the NDIA and the QSC to work on workforce policy matters such as market intervention strategies, market stewardship and price controls.

2. Disability workforce standards and accreditation

Implement a National Disability Worker Registration and Accreditation scheme

On 23 August 2018, the Victorian Parliament passed the *Disability Services Safeguards Act 2018 (Vic)*. This legislation established the first ever disability worker registration and accreditation scheme of its kind in Australia, introducing an essential policy lever to influence quality standards in the disability sector. Importantly, the scheme also maps clear career pathways for the disability workforce, providing a missing career ladder for workers who want to make disability services their vocation. The scheme should also be extended to NDIA Planners and Local Area Coordinators, ensuring these workers who are critical in the NDIS architecture are appropriately trained and supported.

The government should work with Victoria and other jurisdictions to expand the scheme nationally, embedding it within the National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Act 2017 (Cth) and ensuring that the scheme properly interfaces with other NDIS Rules, prices and Practice Standards.

3. Workforce training and development

Workforce development strategy

Despite repeated acknowledgments from all levels of government that NDIS participants will be unable to access supports without significant workforce growth, there remains no national, sector-wide workforce development strategy. Instead, disjointed and less effective initiatives are being pursued by individual jurisdictions and different arms of the Commonwealth bureaucracy. Ultimately, without a skilled, professional and available workforce to deliver supports to NDIS participants, the disability sector will continue to be one characterised by unmet demand. Rationed supply will simply replace the rationed funding of pre-NDIS support arrangements, thereby failing to achieve the ambitions of the scheme.

The government must establish an NDIS Workforce Taskforce comprising workers and their unions, service providers, NDIS participants and their advocates to develop and implement a sector-wide disability workforce development strategy. This strategy must examine how training is funded and delivered in the NDIS environment.



It appears that the NDIS has been created with a particular set of disabilities in mind, or at least as a priority, but in the case of intellectual disability there is not enough consideration given to the complexities of supporting those with complex care needs.

Where participants are unable to self-manage or advocate strongly for themselves, supervisory staff are not being given the resources to properly provide choices and to collect the evidence that quality services are being delivered.

What was sold as an opportunity to address the inequalities inherent in the block-funded arrangements has instead delivered a cost-cutting exercise; whether through accident or design, the lofty ideals of the NDIS are not being going to be achieved for a great many participants.”

- Disability worker, Tasmania

Reform of disability workforce data collection

Currently, it is impossible to disaggregate disability and aged care employee data from ABS Labour Force and Census data due to limitations with the Australian and New Zealand Standard Classification of Occupations (ANZSCO). The cost of a wholesale ANZSCO review was recently estimated by the ABS at \$4m.

Consistent with recommendation 9.2 of the Productivity Commission's NDIS Costs Review, the government should provide additional funding to the Australian Bureau of Statistics (ABS) to make changes to ANZSCO that allow the collection of robust data on the social care workforce.

4. Protection of secure jobs and minimum safety net for NDIS workers

Employment protections for workers paid with NDIS funds

The NDIS had been designed to allow Australians with disability to lead a fulfilling life and disability support workers are essential to this goal: supporting NDIS participants to participate in our society and economy. Yet there are increasing reports that "Uber-style" online platforms are being used to deny support workers the same economic and social opportunities by robbing them of their legal minimum wages and employment conditions through sham-contracting arrangements. These platforms also put more traditional NDIS service providers at a significant competitive disadvantage and open up a race-to-the-bottom on wages, conditions and service quality.

We call on the government to introduce regulation that prohibits the use of NDIS funding, including funding used by NDIS participants to directly employ workers, to pay workers less than the relevant Modern Award. Further, any NDIS funded supports used to pay workers must attract the compulsory superannuation guarantee as part of a broader reform to remove the \$450 monthly wages earnings threshold.

Portability of entitlements

Given the nature of employment in the disability sector (where workers often hold multiple jobs or regularly move between employers) it is sensible and reasonable for the establishment of portable entitlement schemes, which allow workers to access their accrued benefits like long service leave and personal leave for as long as they remain employed in the sector. Importantly, these schemes support participant choice and control by removing an impediment for participants to have their preferred disability support workers follow them to another service provider.

Currently, if a participant is happy with their support worker but displeased with the service provider who employs them, there is little or no incentive for the worker to switch providers. Entitlement portability would remove this barrier to worker mobility and supports the exercise of choice and control by NDIS participants.

The government should work with unions, providers and other jurisdictions to develop entitlement portability schemes for disability-sector workers, which includes relevant amendments to NDIS price controls to enable this to occur.

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