

## **Submission to the Productivity Commission Inquiry into Disability Care and Support**

The Local Government Association of South Australia (LGA) welcomes the opportunity to provide a submission to the Productivity Commission's inquiry into Disability Care and Support.

The LGA is recognised as the peak representative body for Local Government in the State of South Australia. It is a membership organisation that provides quality service and leadership relevant to the needs of member Councils.

### **Long term scheme for care and support of people with disabilities**

The United Nations Convention, ratified by the Australian Government in July 2008 forms the basis of the approach adopted by the Federal Government in relation to long term scheme for disability care and support.

This submission is particularly guided by the Convention's adoption of the social model of disability described as:

"(e) Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,..." (UN Convention "Preamble").

### **Local Government**

Local Government is a contributor to physical infrastructure, economic and social development. It has been frustrated by a lack of research into, and funding assistance for, measures to most efficiently and effectively remove barriers to participation by people with an experience of disability discrimination, their families and carers.

For this reason the Local Government Association supports the "Way Forward" report of the Disability Investment Group Canberra 2009 Recommendation 6:

*"DIG recommends that the Commonwealth and State and Territory Governments allocate \$30 million per annum under the new National Disability Agreement to fund a National Disability Research Institute as a centre of excellence to lead and promote disability research in Australia. The National Disability Insurance Scheme would be expected to maintain and expand this research."*

The LGA also supports the recommendation in the submission by the Australian Human Rights Commission (29 June 2010) in Clause (5) that a research body be set up prior to final decisions about a long term scheme for the support and care of people with disabilities.

### **The need for cultural change - the concept of citizenship to be innate, rights based and fully inclusive**

A national campaign would help to raise awareness about disability issues among mainstream Australians, to encourage greater acceptance of people with disabilities and a better understanding of the issues they face daily. For example an impaired

ability to function socially can be interpreted by some as 'bad' or 'poor' behaviour rather than perhaps of conditions such as Asperger Syndrome.

For a national scheme to work the LGA believes that a key initial activity is to redefine the concept of citizenship to be innate, rights based and fully inclusive. People with a disability must be seen as equal and valued for who they are as people.

A national media awareness campaign to educate all Australians that:

- all people regardless of ability have the right to authentic citizenship
- people with a disability are people first and foremost and should not be defined by their disability
- emphasises valuing what unites us as people from our childhood, education and into working life and retirement
- how easily what it means to be seen as a valued 'person' can be fractured by disability whether that be congenital or acquired and can happen to anyone at anytime
- fiscal support directed towards people with a disability it should not be seen as going to 'someone other' but rather as a proactive assurance that may be needed by anyone at anytime

Government and its statutory authorities as the focal point for Australians must lead the way. State and Federal governments must be at the 'cutting edge' in breaking down barriers – both physical access through infrastructure, and also attitudinal barriers by being naturally inclusive in all policies and practices. There must be a genuine commitment and resourcing to ensure people with disabilities have equal access to all aspects of community life.

Local Government has a role to play in assisting the other spheres of government with information, support and programs, but it needs funding support from the other spheres of government to deliver real and sustainable outcomes.

### **Strengthen legislation and support structures**

Any new policy to improve disability care and support should examine the current structure of the DDA.

- As complaint based legislation the onus and responsibility is placed on people with a disability who are currently among the most disempowered and vulnerable people in the community.
- Having to complain to gain what should be their natural right reinforces attitudes that people with a disability are the 'other' and that including them in society is difficult, costly and something extra that needs to be done.
- The focus should be on ensuring equal access is provided as a right.

A more positive and proactive course of action is for **all** organisations whether public or private to be required to have DDA Access Action Plans. These Action Plans must be highly visible and have their processes and outcomes clearly stipulated and resourced so that they can be measured and independently reviewed with regular reporting of achievements to the community.

### **National Disability Insurance Scheme**

The establishment of a national Medicare type insurance scheme to fund services for people with disabilities needing high levels of support would have the potential to release the services they currently consume to others with lower care needs. Thus resulting in more support for the wider population of people with disabilities.

### Consumer directed care

Funding for care should be based on an individualized funding model which offers eligible people a range of range management options including:

- Consumer directed care in which direct cash payments are made to consumers
- The choice of other options including the management of services by employed case workers.

The risks for consumers who receive direct cash payments to manage their care need to be taken into account in a system of safeguards. Safeguards also need to be provided for those consumers who choose to have less direct control over their care funds.

These safeguards include sufficient access to:

- A suitably trained and skilled workforce
- A workforce whose remuneration and other conditions provide sustainable employment through Commonwealth, State and Territory Government funding of the outcome of the national “Equal Remuneration Case” of the Australian Services Union currently before Fair Work Australia
- A workforce with access to generic DDA awareness training
- A workforce trained in the use of Community Capacity Building processes
- A mutually safe system for individuals to directly contract with support workers including relevant Occupational Health Safety and Welfare conditions and disability service standards
- Well resourced, free and independent advocacy for consumers

### Employment and training

Unemployment, under employment and a lack of genuine choices in open employment are issues that significantly affect people with disabilities. People with a disability are still at the lowest end of the socio-economic scale even when they are in full employment.

- An NDIS could see people with disabilities purchasing tangible resources such as skill development or training and workplace supports to enable them to achieve meaningful and concrete employment opportunities
- Employment for people with disabilities relieves some of the income support pressures on the Australian Government and also contributes to improvement of community attitudes through interaction with people with disabilities in key roles
- A national media awareness campaign should promote the capabilities of people with disabilities and the benefits of employing them
- Employers need training and support to understand how to identify and remove the barriers to the employment of people with disabilities
- In addition industry should be supported to develop work placement programs to provide work experience opportunities as a part of a pathway leading to employment for people with disabilities and thus relieving some of the income support pressures on the Australian Government *and* contribute to improvement of community attitudes through interaction with people with disabilities in key roles
- Nationally co-ordinated training for professionals and regulators responsible for the development of physical infrastructure at a national level.

## Housing

Ensuring people with a disability have access to secure and accessible low cost accommodation of their choice, with appropriate levels of support to live independently will ultimately reduce the cost of providing remedial services and addressing the myriad of social issues arising from isolation and mental stress.

An NDIS must enable people with a disability to have choice to purchase accommodation services to meet their needs and to live as independently as possible with whom they choose both through the allocation of any funding and improving the availability of housing/accommodation options (Links with Consumer directed care above).

The Australian Government's initial report on its response to the United Nations Convention on the rights of Persons with Disabilities, Australian Government, May 2010, reported on the initiatives meeting the Convention's Article 19: *"Living independently and being included in the community accessible community housing for persons with disabilities."*

This is a landmark development because people with disabilities have not had access to a broad range of affordable housing options to meet their various needs including:

- There is a need to research innovative ways to enable people with disabilities to enter the housing market given their lower levels of paid employment and over-representation among low income earners
- Adaptable / accessible housing options available throughout the community to help facilitate lifestyle choices. This needs to be supported through the requirements of the Building Code of Australia and the Disability Discrimination Act
- People with disabilities must have the choice of living options, including groups of home units. However they must not be 'herded' into such unit groups along with other people with disabilities unless this is a clear decision on their part. Like many other people they may prefer an age appropriate "village" setting but in which they may be the only person receiving low to high level support services
- Low, medium and high level services need to be provided for those who require more intensive support living in the general community along with access to advocacy and neighbourhood development programs which increase community capacity to value citizens with higher support requirements. (Links with Consumer Directed Care above)
- New public housing stock should include a percentage built to Universal Housing Design standards
- Local Government should be supported to work with developers and provide incentives to offer greater accessibility in all new housing developments including houses built to Universal Housing Design standards
- Urban regeneration projects for older housing stocks to include a percentage upgraded to Universal Housing Design standards
- Focus on providing early intervention and support for people to learn skills to live as independently as possible and reduce reliance on support services
- People living in supported accommodation should have sufficient funding and rights to choose their care and support and who they live with, and to have access to meaningful activities and community interaction
- People living in supported accommodation should receive an acceptable level of care and support with suitably trained staff and a transparent and responsive review and complaints process.

## **Transport**

Lack of access to transport infrastructure is a significant impediment to independence for people with a disability:

- Provision of affordable, accessible, flexible and integrated transport options are crucial to people's independence and well being in facilitating access to vital services and the community. (This includes a full range of rolling stock – not only buses and trains)
- Improving access to public transport will reduce reliance on higher cost services
- Transport should facilitate movement *within* communities as well as linking to key destinations
- Public transport should be integrated into new housing developments in the early stages rather than after several years
- Programs should be available to support public transport use by people who have previously been excluded from it, both providing knowledge and skills in public transport use *and* in educating transport providers and passengers about the human rights of people with a disability to use public and community transport.

## **Accessible public space / physical infrastructure**

Accessible public space (including footpaths) is critical to enabling many people with disabilities the capacity to move safely within the community:

- Barriers to access to buildings, streetscapes, transport and facilities prevent people with a disability from living independently and participating fully in everyday life.
- The provision of infrastructure that promotes independence, decision making and choice will reduce the level of dependence on support services and the resources required to support them
- The NDIS could fund research and development projects into the development of accessible infrastructure for parks, streetscapes etc
- Barriers to access to buildings, streetscapes, transport and facilities prevent people with a disability from living independently and participating fully in everyday life
- Local Government authorities have a significant role to play and should be supported in ensuring built environments are accessible for all through development and planning mechanisms for streetscapes, neighbourhoods, housing, parks and public buildings
- Builders and developers must be made accountable for ensuring access is provided to meet the needs of people with a disability to all buildings and developments.

## **The service system and continuity of care**

### *Disability and aged care interface*

This is an important area which has been acknowledged, but with further work needed to explore opportunities for the two sectors to work together co-operatively:

- Service systems need to be more integrated to manage a whole of life and holistic approach. Under the current division of service sectors i.e. disability, ageing, mental health there is confusion and wasting of time and resources differentiating whose portfolio or 'problem' the person is. For the person experiencing Dual Diagnosis or multiple needs, this uncertainty often prolongs stays in hospital, hinders recovery and significantly affects families and service organisations

- Consumers receiving disability services remain at risk of being 'handed over' to aged care providers on reaching 65 years of age meaning they lose their existing services and relationships with service providers often after many years. This is stressful and disruptive to consumers and their families and support networks.

### Equity / portability of services

The funding and provision of services needs to be equitable across geographical regions and portable for families who may need or wish to move into another area. In the past funding has often been distributed in ad hoc ways in response to funding submissions from organizations rather than through a planned approach aiming for equitable distribution. There has been anecdotal evidence over the years of families remaining within particular areas or trying to move into areas in which they can access services they need.

Services need to be designed and delivered to meet the needs of people rather than the other way around and need to consider the whole person and take a whole of life approach.

To achieve this there needs to be:

- A single point of data collection, information and assessment that:
  - Travels with the person for their life span rather than stays with a compartmentalised service
  - Can be added to and accessed as appropriate
  - Avoids duplication of systems such as medical, administration, ageing and disability
  - Reduces administration costs.
- Portability of funding and services. Current service models restrict people by geographical boundaries and funding criteria restrictions. People should be able to move location or change services without losing services or continuity of service delivery. The quality and quantity of service delivery should not depend on where a person lives or whether they are fortunate enough to get the 'good' teacher or doctor who understands disability
- A national system of funding and service models and standards
- Access to appropriate and timely information is vital particularly at developmental life stages and key transition points. Information about services, eligibility and anything relevant to a person's disability should be provided and promoted so that people/families are not floundering and are aware of what is available and how to access it
- All educators, medical and allied health professionals to have disability awareness training as a mandatory component of their professional education/training.

### Workforce issues

A standard approach to the regulation and funding of the workforce (both paid and unpaid) is required:

- Agencies have often competitively tendered for funds to deliver services to people with disabilities. These agencies seek to employ the cheapest labour, which usually means employing unskilled and untrained workers to support people with disabilities. Often people without training are supporting some of our most vulnerable members of society, particularly those people with dual diagnosis
- Funding for disability related services comes from both Commonwealth and State Sources

- Part of a NDIS success would see the Federal Government unifying both legislation and funding at the Federal level instead of funding for disability related services coming from both Commonwealth and State sources
- While volunteers can play vital roles in connecting people with disabilities into the wider community and addressing social support needs, they should not take over the role of paid staff especially in the higher risk areas requiring extensive skills and appropriate training
- Volunteers require support including training and reimbursement of out of pocket expenses so should not be seen as a cost free resource
- The relatively low rates of pay in the community services sector is an issue in attracting and retaining appropriately skilled staff. (See Consumer directed care above)

### **Equipment**

- National funding should be available providing equity for all with a similar range of options
- There should be a portability of equipment use i.e. across home/work/study/parenting/community participation
- Equipment and training needs should be met in all domains
- The capacity to cash out an equipment allocation and add people's own funds to purchase more appropriate or better quality equipment should be an available option
- Funding should be included in a 'service agreement' for the maintenance of equipment for the life of that equipment
- Sufficient funding for the replacement of equipment as it ages would enable a more readily available supply of specialized equipment. This would help to further develop the industry which is currently very costly due to the relatively slow rate of replacement.

### **Parents of children with disabilities**

Government has utilised carers and their skills as a means of vastly reducing expenditure on the welfare system. Now is the time to legitimately support families, friends and unpaid carers in their often unique and sustaining role of caring for individuals with disabilities.

- Parents and carers need pro-active advice and support as soon as they become aware their child is not developing as expected.
- They need access to timely, regular and appropriate respite and support services to reduce carer stress and enable them to continue as 'normal' a life as possible to reduce the economic and social 'burden' on families and the community in general
- A review of the current carer support payments which currently do little to ameliorate the hardship experienced by carers and need to be lifted in line with the Australian basic wage, especially where the responsibility of caring for a person with a disability reduces opportunities for employment.

### **Recreation / arts / culture**

Successful participation in recreation, the arts or cultural activities can be a precursor for employment, community awareness & health & well being.

- Additional funding for inclusive facilities and programs at all levels (including local) in these areas would facilitate increased opportunities for participation and hence the development of pathways to employment and more positive community expectations.

(Comments link with Employment and training above)

## **Summary**

The LGA believes that there are a range of strategies and programs that should be established to enable persons with a disability to be able to participate more fully in all aspects of life. We believe that there are barriers now and that funding and promotional programs are required to assist in removing these barriers.

Local Government in SA does not consider that it has the answer to all approaches in local communities but stand ready to participate in new initiatives and research on this important topic.

We seek representation on national committees and structures established to tackle the issues, identify the solutions, roll them out and monitor effectiveness.

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