



<b>DRAFT SUBMISSION TO THE PRODUCTIVITY COMMISSION INQUIRY INTO DISABILITY CARE AND SUPPORT</b>	
<b>DATE</b>	August 2010

## **Draft Submission on long Term Disability care and Support Scheme**

### **Opening:**

The Local Government Association of NSW and Shires Association of NSW (the Associations) are the peak bodies for NSW Local Government.

Together, the Local Government Association and the Shires Association represent all the 152 NSW general-purpose councils, the special-purpose county councils and the regions of the NSW Aboriginal Land Council. The mission of the Associations is to be credible, professional organisations representing Local Government and facilitating the development of an effective community-based system of Local Government in NSW. In pursuit of this mission, the Associations represent the views of councils to NSW and Australian Governments; provide industrial relations and specialist services to councils and promote Local Government to the community and the media.

The Associations thank the Productivity Commission for the invitation to make a submission to the inquiry into Disability Care and Support.

As key operators and supporters of Home and Community Care (HACC) services, as providers of accommodation services for people with a disability and managers of the local environments enjoyed by people with a disability, Local Government (as represented by the Associations) has a vital interest in the role, functions and administration of future arrangements for the care of people with a disability.

Local Government recognises that people with a disability have a right to quality facilities and services that enable them to live and fully participate in their communities, based on the social justice principles of equity, rights, participation and access.

### **Executive Summary:**

This submission has been developed through consultation with councils in NSW who expressed an interest in contributing.

The Associations see the inquiry as an opportunity to consider the needs of people with a disability in a holistic way, to include the factors which influence the day to day life of people with a disability and enable and facilitate the participation of people with a disability in the community. In the Associations' view, an integral part of care for people with a disability is their engagement and participation in the community enabled by supportive social and physical environments. Within the entire context of a person's life and wellbeing, factors which enhance a person's involvement and participation deserve to be considered equally with more direct formal or informal "care" services.

Specifically the Associations have made a series of recommendations, based on consultation with councils, for consideration by the Inquiry. In summary they are:

- integrating disability service assessments with other health assessments;
- expanding transport options;
- standardising access to respite care;
- adopting a person centred approach;
- examining options for brokerage models;
- including informal care in the package of care provided to people with a disability;
- providing increased housing options;
- funding improvements to public infrastructure;
- ensuring that any Commonwealth based disability care and support scheme does not result in any reduction of service for any person;
- ensuring coordination of all funding for health, disability and aged care services;
- providing timely access to equipment and home modifications; and
- using Local Government Areas to create local health service areas.

### Purpose:

This document presents the NSW Local Government and Shires Associations' (LGSA) initial submission on reforms to long-term disability care and support, and is based on a consultation held with a number of councils in NSW (see list at Appendix 3).

The LGSA will present the issues facing Local Government in NSW with respect to the existing social and institutional aspects of care for people with a disability in Australia, councils' experience in responding to the needs of particular groups within the community and coordination of a range of services available to support the participation of people with a disability in community life.

Councils in NSW currently play a significant role not only in the direct provision of services for people with a disability but also in the support of other providers. As a regulator and manager of the built and natural environments at a local level, councils have a significant impact on the quality of life of people with a disability and their participation in the local community.

In 2009, the LGSA conducted a survey of all 152 councils in NSW (responses were received from 110 councils) on councils' social planning and community services activities (Local Government Association and Shires Association of NSW 2009, *Community Services and Social Policy Survey*). That survey showed that councils in NSW operate HACC facilities which offer services to people with a disability, community transport services for people with a disability and supported accommodation services for people with a disability.

Councils also employ staff for the development of services for people with a disability (99.75 FTE across NSW) and the development of policy for services and activities for people with a disability. Over 70 Councils have Access Committees made up of community representatives and 47 councils identified they have developed mobility access plans for their area.

This report will examine the issues relating to improving care and support for people with a disability in Australia according to the Terms of Reference of the Productivity Commission's Inquiry, as listed below.

The Commission is requested to:

1. Examine a range of options and approaches, including international examples, for the provision of long-term care and support for people with severe or profound disability.

The Commission is to include an examination of a social insurance model on a no-fault basis, reflecting the shared risk of disability across the population. The Commission should also examine other options that provide incentives to focus investment on early intervention, as an adjunct to, or substitute for, an insurance model.

2. The Commission is to consider the following specific design issues of any proposed scheme:
  - eligibility criteria for the scheme, including appropriate age limits, assessment and review processes
  - coverage and entitlements (benefits)
  - the choice of care providers including from the public, private and not-for-profit sectors
  - contribution of, and impact on, informal care
  - the implications for the health and aged care systems
  - the interaction with, or inclusion of, employment services and income support
  - where appropriate, the interaction with:
    - national and state-based traumatic injury schemes, with particular consideration of the implications for existing compensation arrangements
    - medical indemnity insurance schemes.
3. Consider governance and administrative arrangements for any proposed scheme including:
  - the governance model for overseeing a scheme and prudential arrangements
  - administrative arrangements, including consideration of national, state and/or regional administrative models
  - implications for Commonwealth and State and Territory responsibilities

- the legislative basis for a scheme including consideration of head of power
  - appeal and review processes for scheme claimants and participants.
4. Consider costs and financing of any proposed scheme, including:
- the costs in the transition phase and when fully operational, considering the likely demand for, and utilisation under different demographic and economic assumptions
  - the likely offsets and/or cost pressures on government expenditure in other systems as a result of a scheme including income support, health, aged care, disability support system, judicial and crisis accommodation systems
  - models for financing including: general revenue; hypothecated levy on personal taxation, a future fund approach with investment guidelines to generate income
  - contributions of Commonwealth and State and Territory governments
  - options for private contributions including copayments, fees or contributions to enhance services.
5. Consider implementation issues of any proposed scheme, including:
- changes that would be required to existing service systems
  - workforce capacity
  - lead times, implementation phasing and transition arrangements to introduce a scheme with consideration to service and workforce issues, fiscal outlook, and state and territory transitions.

## **Terms of Reference**

### **Term of Reference 1 Social insurance and other options**

The Associations have no input for this Term of Reference.

### **Term of Reference 2 Specific design issues**

The following provides input into the specific design issues of a future scheme of care and support for people with a disability. A key element of the Associations submission is the need to consider all the features which contribute to the optimal participation of people with a disability in the community in which they live. A significant contributor to enabling people with a disability to make decisions about their support is the design of the accommodation where they live and the physical environment surrounding them.

- **Eligibility criteria**

The Associations are concerned that the eligibility criteria for the scheme should not be confined to a narrow definition of “severe and profound” disability. Over a person’s lifetime it is likely that the extent of disability may change and it is important to provide resources early in order to minimise the deterioration or worsening of a disability. Some people may not reach a “severe” level of disability if they are given appropriate support early.

Currently, a person may be defined by their disability in terms of their eligibility for a service (housing, transport). This can lead to unnecessary segregation and isolation of some people with a disability. In addition, people with mental illness are often hospitalised unnecessarily because there is not enough support within the community such as case management and other service provision.

The Associations seek that any future assessment system be standardised across all health systems so that the needs of people with a disability are considered as part of the spectrum of all health needs. Importantly there should be a single assessment for access to services provided by different departments or jurisdictions.

*Recommendation 1: that any assessment system be integrated with other health assessments to consider the needs of people with a disability as part of the spectrum of health needs (including mental health) over a lifetime.*

- **Coverage and Entitlements**

Two areas of entitlements are of concern to Local Government in NSW, transport and respite care. Access to reliable and appropriate transport is a key contributor to the participation of people with a disability. Currently, transport for people with a disability is provided by a variety of providers within a local area. It is

often limited by resources and inflexible in terms of the geographic area it is able to cover. For example, people with a disability who require transport to a place of employment or a health service may not be able to use community transport if their destination is not within the same area as their home. Similarly people in supported accommodation are not always eligible to access community transport. Expanded transport options which allow an individual to take independent trips are needed, such as taxi services for short trips.

*Recommendation 2: expand transport options to allow people with a disability to access services, employment or other activities regardless of accommodation type or geographic boundaries.*

Current provision of respite care options is inconsistent between respite for carers of older people and respite for carers of people with a disability. It is the Associations' view that respite should be available equitably to all carers, regardless of who they are caring for.

*Recommendation 3: make access to respite care consistent for all carers*

- **Choice of care provider**

People with a disability may not have access to a range of care providers if there are limited numbers of care providers in the area where they live. People with a disability are often in the position of having to accept care in the form or at the time of day that is not their preference. Local Government in NSW acknowledges that a critical component of choice is the right to manage your lifestyle according to your own preferences, not those of your care provider. Self directed funding as part of a broader person centred approach can empower people with a disability, through a brokerage system, to source care from a number of providers, rather than being limited to (perhaps) one provider that may be funded to provide services in a region.

Similarly, in areas where there are a limited number of care providers, a local system of brokerage of care operated by councils has been effective in some Local Government Areas (for example Shellharbour/Kiama/Wollongong and Shoalhaven) to broaden the availability of appropriate care for people with a disability by using a casual pool of care workers (2002, *Local Government Focus*, February).

*Recommendation 4: examine options for a person centred approach combined with brokerage models which enable people with a disability to access appropriate care and to expand service options in areas where providers are limited*

- **Impact on informal care**

Local Government recognises that the consideration of the needs of people with a disability must include the family and carer support 'bubble' that surrounds them. Carers' needs must be considered as important as those of people with a disability, and services such as respite, social interaction and carers support groups must be adequately resourced.

*Recommendation 5: Informal care needs be considered as part of the package of care services provided to people with a disability.*

- **Implications for health and aged care systems**

Local Government in NSW identifies, provides or facilitates the provision of facilities services and housing options which meet the needs of people with a disability to maximise quality of life and wellbeing and remain in their local community. This means that the Associations view the "coordinated package of care services" that should be available for people with a disability in a holistic way. By providing an accessible physical environment, community transport and opportunities for social participation, councils enable people with a disability to determine their own level of social engagement. Sometimes only a few resources are required to enable people with a disability to participate in community life, resulting in a significant impact on quality of life. Resources are required to improve the public domain for people with a disability, such as footpaths, accessible bus stops, public toilets, accessible recreation and tourism facilities.

People with a disability need to be supported to remain independent for as long as possible. Some practical ways to support the independence of people with a disability include promoting the development of adaptable and universal design housing. The recent discussions about universal design need to be reinforced by offering incentives to the building industry to develop housing suitable for both people with a disability

and older people, and by integrating the Building Code of Australia and *Disability Discrimination Act*. A minimum percentage of existing housing stock could also be nominated for conversion to adaptable housing, and made available at reduced rents for people with a disability. In addition, the new Access to Premises Standards under the Disability Discrimination Act, need to be seen as a ‘minimum’ acceptable standard and not as a limit for future developments.

*Recommendation 6: provide increased in-home care services and housing options to enable people with a disability to remain independent at home through incentives for universal and adaptable house design, that funding be provided for improvements to public infrastructure to comply with the requirements of the Disability Discrimination Act and that resources be made available to enable Local Government to modify infrastructure to comply with the requirements of the Disability Discrimination Act.*

- **Interaction with employment services and income support**

Local Government in NSW supports the choice of people with a disability to participate in the workforce and, as noted in Recommendation 2 above, seeks that adequate and appropriate transport services be provided to enable that participation.

### **Term of Reference 3 Governance and administrative arrangements**

Given the recent COAG announcements regarding the split of Home and Community Care services between the States and the Commonwealth, the Associations are concerned that any disability care and support scheme that is to be managed by the Commonwealth in the future, ensures seamless provision for people with a disability receiving services from State based organisations.

*Recommendation 7: that any Commonwealth based disability care and support scheme does not result in any reduction of service for any person with a disability and that any support scheme does not require additional eligibility assessments on top of those required for State based disability services.*

Currently many disability service providers are specialized for the “type” of disability. This can mean that an individual with a number of disabilities may need to negotiate services from a number of providers which can be both confusing and inefficient. Personalised funding packages do not really simplify this negotiation process. The Associations suggest that a locally based resource brokerage system may provide better service. Funding could be provided to a central agency within an area which, based on knowledge of local need, could identify a range of services that may be appropriate for all the people with a disability in the area, regardless of the type of disability. This local agency should be linked with any health or aged care funding agency in the area, so that people with a disability can access all services through the one brokerage agency.

*Recommendation 8: ensure all funding for health, disability and aged care services in a local area is based on knowledge of local needs and is coordinated through a locally based agency which provides a single point of contact for all health and care services required by people with a disability.*

### **Term of Reference 4 Cost and financing**

Local Government in NSW identifies, provides or facilitates the provision of facilities services and housing options which meet the needs of people with a disability to maximise quality of life and wellbeing and remain in their local community. One important consideration is the suitability of housing. Home modifications and supportive devices and equipment can mean the difference between a person with a disability remaining in their own home or having to move to supported accommodation. These services may incur an initial “one-off” cost which provides long term benefits. Funding streams for disability care and support should therefore be flexible enough to accommodate an “uneven” pattern of payments, such as initial large payments for capital equipment or building modifications, when necessary, while not impacting on recurrent living cost payments.

*Recommendation 9: that people with a disability be given timely access to funding for equipment and home modifications to support them remaining in their own home.*

### **Term of Reference 5 Implementation**

- **Changes to existing service systems**

The segregation of the disability service sector from other health services is a key concern for the Productivity Commission in this inquiry. The Associations see that the proposed reforms to the health and hospital system, and to Home and Community Care services, provide a unique opportunity for the Commonwealth government to create an integrated, coordinated system of care that allows a person to access the appropriate care they need at all stages of their life, regardless of the reason they need the care. In this way, if a person needs care because they have a chronic illness, are frail aged or have a disability, they can access a system which equitably provides the care they need at any time in the life cycle.

It is critical that the Disability care and support system does not remain isolated from the future local networks for health services. Using Local Government Area boundaries, Commonwealth health services which are locally based, can be created to provide for all members of the local community. This approach should achieve resource efficiency by reducing duplication between health, disability and aged care services, and should streamline access for the people requiring services. Councils can liaise with this locally based Commonwealth health service and can inform these services with their knowledge of local needs.

*Recommendation 10: use Local Government Areas to create local health service areas which are responsive to local needs and resource Local Government to provide accessible local environments*

- **Workforce capacity**

The Associations consider that there may be some requirements to broaden the awareness of the workforce to recognise that the needs of people with a disability go beyond “care and support” and include the provision of appropriate housing, accessible physical environments and engagement with the local community. Many of these services are currently provided by councils and Local Government in NSW is keen to work with the Commonwealth to provide, as resources permit, the services and facilities which result in the best outcomes for people with a disability in the local community.

### **Conclusion & Recommendations**

The Associations thank the Productivity Commission for the opportunity to provide input to the Inquiry into Disability Care and Support. The review is an opportunity to change the way “care and support” for people with a disability is considered. In the Associations’ view, an integral part of care for people with a disability is their engagement and participation in the community enabled by supportive social and accessible physical environments. Within the entire context of a person’s life and wellbeing, factors which enhance a person’s involvement and participation deserve to be considered equally along with more direct formal or informal “care” services.

## **APPENDIX 1: Extracts from Associations' Policy Statements**

**T**

**he LGSA policy statement for people with a disability states that:**

Local Government recognises that people with a disability have a right to quality facilities and services that enable them to live and fully participate in their communities.

Local Government:

- Recognises the importance of including people with a disability in council planning and regulatory activities relating to infrastructure and council social/community planning
- develops local Disability Discrimination Act Action Plans and leads their implementation.
- seeks to improve access to existing Local Government infrastructure and facilities as resources permit and in accordance with the local Disability Discrimination Act Action Plan
- ensures physical access to all new Council infrastructure and facilities
- encourages improved physical access to community and privately owned publicly accessible facilities
- ensures that local pedestrian networks are accessible to all people in the community
- identifies, provides or facilitates the provision of facilities services and housing options which meet the needs of people with a disability to maximise quality of life and wellbeing and remain in their local community
- provides or facilitates the provision of local support services and programs relevant for all people with a disability, irrespective of their gender, marital status, sexuality, language, culture, race, religion, or status.
- pursues work practices which do not discriminate against people with a disability

Local Government seeks:

- The Commonwealth and State Governments develop a framework for funding improvements to public infrastructure to comply with the requirements of the Disability Discrimination Act.
- The Commonwealth Government make available resources to enable Local Government to modify infrastructure to comply with the requirements of the Disability Discrimination Act.



## **APPENDIX 2: Recent Conference Resolutions on Disability**

### **2006 Local Government Association Conference - Intellectual Disability Services**

#### **31 Canterbury**

That the Association set up a special taskforce with the State Government to investigate ways of improving the delivery of State Government and council services to people with intellectual disabilities.

### **2006 Local Government Association Conference - Disabled Access to Council Facilities**

#### **76 Canterbury**

The Local Government Association calls on the State Government to amend Section 94 of the Environmental Planning and Assessment Act to enable councils to use to a greater extent than at present Section 94 contributions for the improvement of disability access to council owned facilities such as libraries and swimming pools.

### **2006 Shires Association Conference - Co-location of HACC services in rural areas**

#### **16 Bland**

Treasurer and Ministers for Community Services and Ageing, Disability and Home Care to have the NSW government adopt as a matter of policy a model for preferred co-location of HACC and related community services operating in rural and regional communities and that adequate project feasibility/planning funding is allocated, whenever redevelopment or upgrade of such services in a community is planned.

### **2005, Local Government Association Conference - Consistent standards for accessible pathways**

#### **42 Gosford**

That the Local Government Association support and encourage that the standards for accessible pathways and premises be consistent between Local Government Areas and that by utilising the Human Rights and Equal Opportunity Commission's Advisory Notes on Access to Premises alongside the Australian Standard 1428 and the Building Code of Australia until such time as the new Disability Standards for Access to Premises are developed and adopted.

**APPENDIX 3: Councils contributing to the submission:**

Ku-ring-gai Council  
Lane Cove Municipal Council  
Marrickville Council  
Shellharbour City Council  
Sutherland Shire Council  
Warringah Council  
Willoughby City Council