



Bridging the gap to independence

Submission to Productivity Commission

Inquiry into Disability care and Support

Oak Tasmania is a statewide community business (not for profit) that specialises in working with disadvantaged people. Oak Tasmania is committed to 'empowering disadvantaged people to become active and equal citizens of our society'. We aim to achieve this through our vision of 'bridging the gap to independence'.

56 Clydesdale Avenue Glenorchy Tasmania 7010 | PO Box 294 Glenorchy Tasmania Australia 7010
Ph (03) 6272 8244 | Fax (03) 6273 1468 | info@oak.org.au | www.oak.org.au | ABN 44 055 920 306

Businesses Mailhouse Tasmania | Oak Sewing Service | Walkabout Industries | Oakdale Industries | Tahune Fields
Services Oak Lifestyle Options | Oak Community Living Program | Oak Training Service | Oak Respite Service

Patron – His Excellency the Honourable Peter Underwood AO, Governor of Tasmania

Introduction & Context

This submission reflects Oak Tasmania's position and recommendation in the area of care and support for people with disability.

Every person, regardless of their circumstances, has a right to feel that they are valued members of society. People with disability frequently state that they had often lost touch with any prospect of a meaningful life, equal participation in society and worthwhile employment.

If we are serious about ensuring that people with disability are able to flourish and if we consider ourselves responsible for contributing to their future wellbeing, we need to reflect on current practices in a range of care and education settings to improve engagement and outcomes. If we find in our reflections that our current system is not meeting the needs of people with disability, we clearly need to challenge embedded and underlying assumptions about services, education and community expectations and look at learning through a new lens.

Increasing engagement and participation in society by people with disability benefits not only the individual but everyone in the wider community by increasing the social prosperity. People who are connected to their communities and become active citizens will contribute to the social wellbeing of the whole community. People who successfully integrate into society can expect improved life outcomes as well as greater health and social status: they are more likely to gain employment (if that is their wish) and many will choose to live and work in their own communities. The wider community therefore benefits from increased engagement with people with disability by accruing both economic and social benefits.

Social inclusion strategies aim to reduce social disadvantage by combating social distress and improving health outcomes, community safety, economic opportunities and opportunities for education among individuals, groups and communities.

It is our belief that specialist services fill an important role in enabling society to be more accepting of people with disability in their community. To ensure people with disability in Tasmania are not socially excluded, it is essential that they are connected to the community and to each other. The question is more around the preparedness for society to 'enable' people with disability to participate and under whose terms?

About Oak Tasmania

Oak Tasmania (formerly Oak Enterprises) is a leading provider of services to Tasmanians with a disability. Our services are innovative, creative, and focused on the individual needs of each person. We support the ability of each person to connect with their local community and to maintain a strong link with their families. As a result of the development of the Oak Tasmania Strategic Plan 2008-2012, the scope of services offered by the organisation was extended to include people who are disadvantaged.

Oak Tasmania was originally known as the Retarded Citizens Welfare Association (R.C.W.A.) and was founded in 1953 to provide services for children with an intellectual disability. Today, Oak Tasmania is an independent not-for-profit company with a Board of Directors and Senior Management Team who demonstrate exceptional governance and fiscal responsibility. Oak Tasmania is also a member company of the Tasmanian Council on Intellectual Disabilities (T.C.I.D.).

Oak Tasmania now provides day services; supported accommodation and independent living support to enable people with disabilities to live in the community; employment in one of five business services; and a range of training and development activities. Services are available to any person with a disability or who is disadvantaged.

We have developed a flexible approach to service delivery recognizing that service models need to be both flexible and measurable. We anticipate that we will be recognised by our peers and government for our capacity to be responsive and provide high quality services.

At Oak Tasmania we believe that there is the capacity within everyone to live life without community restrictions. Our job is to break down barriers to achieving life's opportunities and to **bridge the gap to independence**. We believe that the gap to independence can be bridged through seizing opportunities that show an innovative approach to challenging barriers.

Our approach values people being empowered to exercise the same rights and responsibilities as is available to the rest of the community. We link people accessing our services with all aspects of their communities. We strive to achieve best practice in all that we do through innovation and continuous improvement.

Care and Support

Oak Tasmania is an innovative service that is making a significant difference to the life choices of people with disability in Tasmania. Government funding to the organisation represents approximately 40% of the total annual income, the remaining 60% being derived from a range of Australian Disability Enterprises and other investments.

As with most contemporary service providers, Oak Tasmania follows a process of developing individual plans and pathways based on the expressed wishes of service users. The process of individualized planning is a specific requirement of both State and Federal quality systems.

Specialist services – Infrastructure Needs

Oak Tasmania provides a range of specialist services for clients funded by both State and Federal Governments. These include a range of day and residential services, and business services (now known as Australian Disability Enterprises).

Specialist services exist as a choice option for people with disability. In order for them to exist in the first place they need to have an infrastructure to both meet accountability requirements of various departments within Government (eg finance and audit; standards; quality framework; and OH&S to name a few) and to provide a base of operations from which to operate (generally requiring a Lease of at least 3 years) with associated utility costs. Services need to be funded to ensure that they have long-term capacity. IT services and infrastructure is a necessary part of modern service communications.

Government funding for specialist disability services generally (but not always) requires that the service is a not-for-profit and is structured to meet its obligations under whatever Act of parliament applies. In the case of Oak, we are a Company limited by guarantee and incorporated under the Corporations Act 2001. This requires a Board of Directors (usually unpaid volunteers) with appropriate insurance coverage for Directors and Officers; building; professional indemnity; vehicle; and workers compensation etc

One of the key requirements of disability care and support services is to be able to respond to the demands of Government and its bureaucracy as well as to address the needs of people with disability and their families. Specialist Services need to have a peak body that can raise issues of concern with Government without fear or favour. Membership of a Peak body (either a service or person based) comes at a cost that needs to be budgeted as an integral part of the service system. In Tasmania, for example, the Tasmanian office of the National Disability

Service (NDS) exerted considerable pressure on the bureaucracy for greater accountability for the dollars committed to the sector and to reform Disability Services generally (including the bureaucracy and services provided by the Government at the time). The response has been the engagement of KPMG to review the system and to provide a better funding rationale. The tender for the Review was announced in October 2007 and at the date of preparing this paper the report had still not been completed and discussed with the sector – ie 2 ½ years.

It is recommended that consideration be given to ensuring that the service system be supported through a continuation of a form of block funding, specific to the services provided. There is potential for the service system to collapse without some recognition and financial support for the role they play.

Why Specialist Services?

One of the criticisms leveled at Specialist Services is that they are not responsive to the individual needs of people with disability and that people with disability are shaped to fit the program rather than the reverse. This argument should be acknowledged but at the same time recognise that the limitation of Government Funding has been at the root cause of this situation.

People with Disability and their families, generally want the individual to be ‘engaged’ out of the home for five days a week, between the hours of 9 – 3 or longer. The reason is self evident both in terms of respite for families, the fact of both parents being wage earners and anticipating that their disabled son/daughter is socially isolated at home and may not have the skills to remain at home unassisted, to provide a range of choices for the individual as learning experiences, employment opportunities, and to occupy their day.

State funding of residential services (Group Homes) for people with disability is restricted to their residential support and these services are not staffed during the day, necessitating people with disability to be out of the home from 9 to 3. This is often regardless of whether the individual is tired or unwell. The choice of a person with disability to stay at home is disregarded.

People with disability and their families usually make a choice as to what specialist service they want to use. This may be through a referral process and is usually supported by the person spending time with the service of their choice to ensure a good fit. There may be other considerations such as compatibility of ‘clients’ and whether the property and staffing are capable of supporting the individual, particularly if the person has a profound physical disability or is profoundly deaf or blind.

In Tasmania, the average cost of a support worker is around \$48,000 pa (including superannuation, workers compensation and leave loading) for a 38 hour week and 6 weeks annual leave. In this scenario, 1:1 support would be unsustainable. The ability to access a specialist service, where choice of programs and services can be made, enables economies of scale to be created whereby a larger group could be accessed and which could enable occasional 1:1 support to be implemented.

Standards

In both the State and Federal system there is a requirement for funded agencies to meet both Disability Standards and a range of other Standards including OH&S, employment, etc. To ensure that people with disability receive a quality service (as determined by them rather than Government) there still needs to be a process of measuring the quality and standard of the service provided, to both ensure safety of the individual but also to ensure value for money. This is regardless of whether the service is provided by a specialist service or purchased separately.

It is recommended that an Agency be established in each State, potentially called the **Disability Care Standards Agency**, to monitor the provision of service by both specialist services and other self directed funded providers.

Australian Disability Enterprises

The Draft report make little mention of ADE's in the list of specialist services supported by the NDIS.¹ Oak Tasmania operates a number of ADE's in southern Tasmania that offer real jobs for people with disability. They include:

Walkabout Industries in Glenorchy – collection and shredding of paper with a contract with Veolia; manufacture of potting mix for a variety of companies including Yates;

Mailhouse Tasmania and Oak Sewing Service in Glenorchy – bulk mail distribution; collating of mail; plastic wrapping of mail; sewing of biodegradable plastic bags and other items;

Oakdale Industries in Warrane – manufacturing of timber products including timber flooring, architraves, moldings, lattice, garden furniture, fine Tasmanian timber furniture;

¹ Draft report Chapter 7 box 4.1 and section 4.12

Tahune Fields in Lucaston and **Grove Heritage Nursery** at Grove – growing of pome fruit trees for the wholesale orchard industry (approximately 200,000 trees sold each year around Australia).

We are currently in the process of opening a new service in Launceston in partnership with the Waverley Woollen Mills.

All of the Oak ADEs must operate on clear business foundations and without appropriate infrastructure. All business units have Business Plans that reflect the corporate Strategic Plan and with clear performance outcomes. All business units are required to operate with a surplus to enable the purchase of equipment etc that is not funded outside the organisation.

Oak has a contractual obligation with FaHCSIA to provide supported employment for 152 people with disability. Given the nature of the employment and the ageing workforce, Oak maintains around a 95% capacity. There are around 11 ADEs in southern Tasmania mainly concentrated around Hobart, unlike the north of the State where there are 3 or 4, spread from Devonport to Launceston. Access to ADEs is usually by referral and after Centrelink confirms they are eligible for a service.

a. Employee Criteria.

People with disability employed in ADEs usually fit the criteria of not being 'capable' of being engaged in general employment without significant ongoing support ie without significant dollars for increased staff time. One of the usual ongoing supports is assistance with concentration spans and sticking to tasks; prompts; behavior management; comprehension; and communication.

Funding from FaHCSIA is based on the support needs of each individual. It is not linked to the number of days in employment although all employees at Oak must work a minimum of 2 days each week. The funding is minimal and is not indexed.

b. Capital Purchases

Each ADE has a Business Plan that links into the organizational Strategic Plan. Each ADE must operate as a business and produce a surplus each year that can be used to purchase equipment for the business. As reported in the Oak Tasmania 2009-2010 Annual Report, the Oak Board approved \$556,000 in capital expenditure for that year. Government does not fund equipment replacement or capital purchases for the businesses.

The issue of capital equipment purchases is a significant and real issue for ADEs. In the

past there has been some funding to enable the Federal Government to assist with the purchase but in recent years this has not been the case.

c. Duality of purpose

ADEs fill a dual role of being both a business while at the same time meeting the personal and emotional needs of people with disability. It is not uncommon for staff in an ADE to have to assist an employee with disability resolve an issue to do with family disputes; banking; medication; behavior management; personal relationships including sexuality etc

d. Wage determination

As required by FaHCSIA and the Industrial Relations system, Oak subscribes to an endorsed system of identifying the productivity of each employee with a disability and pays them a wage, based on an Award, accordingly. Oak subscribes to the Greenacres system but there are in excess of 20 such approved systems in operation including the Government endorsed system currently at the centre of a legal challenge.

Families of people with disability are especially pleased with the environment that the person is employed in and respect the safety and non-threatening environment that is also non-judgmental. The families are also concerned that the disabled person is still able to receive the Disability Pension, Mobility Allowance, Health Care cards etc, viewing this as 'security' in the event that the family is not around to continue to be of support.

e. Training

Oak provides ongoing training to employees with disability. Oak is a Registered Training Organization and has access to some funding from the State Government Education Department for funding on a competitive basis. Certificate training is provided across a range of courses appropriate to the business of each Division.

f. Ageing and Retirement

One of the significant issues facing Oak's ADEs is that we have an ageing workforce of people with disability:

What % of all supported employees are >40?	56%
What % of supported employees are >50?	37%
In 5 years time – what % will be >50?	47%

In 10 years time – what % will be >50?

56%

Many people with disability do not have a concept of 'retirement'. A number of employees have been with the organisation for 10, 20, 30 and even 40 years. People with disability made a conscious choice to join a specific business and their support and development has been linked to that business. They strongly identify with the business.

A significant issue is that, without a flow through of employees with disability in each business, there is no capacity to take on new, younger employees. As the capacity of each individual diminishes with age, so the support levels increase and inputs from each Division (unrelated to productive output of the business) increase.

New Services - Ageing and Retirement

A significant question remains unanswered ie whose responsibility is it to fund programs and services for ageing people with disability? Is it a State or Federal responsibility? This question has been 'duck-shoved' around for years and the central issue has never been addressed.

Pilot programs have come and gone. FaHCSIA is currently funding a number of pilot programs on the mainland (none in Tasmania, despite Oak putting its hand up). There is no model of service that has been adopted and no single source of funding.

Anecdotally, people with disability have built strong friendships in ADEs. They have a unique position in that they are valued in the community for the work they do and product produced; they earn income that supplements their Pension; they often socialize with one another. Why would they want to leave the ADE?

A significant requirement is the development of a retirement protocol and appropriate funding of services that can enable the transition of a person with disability exhibiting symptoms of ageing, to retirement, while ensuring that they are not isolated. Anecdotally, the closure of Willow Court (the last of the Tasmanian institutions) in the 1990s created greater isolation for people with disability through a loss of peer networks. This must not be allowed to happen.

<p>It is recommended that, in the absence of any government taking responsibility for ageing people with disability, specific recurrent funding be set aside for the establishment of appropriate programs and services for people facing the dual restrictions of 'ageing' and 'disability'. These needs are not able to be catered for on a Disability or Aged Care Pension.</p>

Transport

One of the areas that need to be addressed by the NDIS is the funding of transport services. One of the key means of transporting people with disability around the community is via vans

and busses, many fitted with hoists etc. This vehicle infrastructure is not generally funded, at least in Tasmania, by either State or Federal Governments. The capital cost is generally born by the specialist services although the running costs can be covered through State funding.

The maintenance and servicing of vehicles, and obviously the negotiation for replacement or a new purchase using State Tender Board pricing schedules (not normally available to the public), organising of insurance and (often) repairs, the training of staff in driving techniques, etc is all undertaken by the specialist service. Without this infrastructure, it is doubtful that people with disability would be able to access the community as well as currently happens. This is particularly evident in Tasmania where there is no rail transport; the bus system only has a limited number of busses fitted with disability access operating to restricted timetables, and an insignificant number of maxi taxis. This is contrary to the argument contained in the Draft report.²

In the Advocacy Tasmania response³ to the Social Inclusion Strategy for Tasmania, the observation was made that there were too few Maxi Taxis in Tasmania and, amongst other things:

- a. They were not available for booking at all at certain times such as 9am or 3 pm;
- b. Customers must book well in advance;
- c. New drivers were not trained adequately; and
- d. The service does not support people in wheelchairs in maintaining employment.

In Tasmania, regional and rural areas receive greatly reduced transport services in regional and rural areas. Accessible transport in many of these areas is non-existent. Some of the regional centres do not have even one maxi-taxi.

The provision of accessible bus services is thought to be decades away due to the ability to claim 'unjustifiable hardship' on the grounds of economic viability.

It is recommended that a specific round of capital funding be provided in each state to enable services to apply for funding to purchase buses/vans with wheelchair hoists. It is further proposed that these rounds of funding be offered every five years.

² Disability Care and Support Draft Report, Chapter 7, 4.20

³ A Social Inclusion Strategy for Tasmania. A Consultation paper. Advocacy Tasmania Inc. November 2008. P13.

State-funded Services

Oak provides a range of day, and accommodation services (and a respite service funded by the Federal Government). The employment of staff is a process that involves a significant amount of professional support across the areas of hiring and firing, contracts, industrial relations, mediation, counselling and performance monitoring. Significantly there is the need to manage funds competently to ensure that wages can be paid on time, superannuation is accounted for, and appropriate insurances (ie workers compensation) are purchased. In addition, as a Public Benevolent Institution, Oak is able to offer significant salary sacrifice arrangements that partly compensate for the low wages in the sector. Will this be within the capacity of a person with disability and/or their family?

As mentioned earlier, a specialist service needs to have an infrastructure that is supported and developed with appropriate funding. Oak Tasmania is prepared to stand on its own two feet in continuing to provide competitive services and to be a 'service of choice' for people with disability. We have been striving to achieve this for the last few years through a business and service excellence model.

One of the significant issues for Tasmania is that the State Government continues to fund large accommodation 'institutions' which would appear to be against the tide of how supported accommodation services for people with disability is funded elsewhere in Australia. While there might be economies of scale in running an institutional setting, the deinstitutionalisation movement over the last 20 or more years has been pushing a move towards greater community living and involvement in a more personal care environment. This has been seen as a major step towards social inclusion through a move away from segregated large-scale settings.

Waiting Lists

The issue of waiting lists in both State and Federally-funded services is a vexing question. In Tasmania the responsible Department ie DHHS, has no awareness of the number of people requiring a service. No formal study has been completed to identify the need/gap and the bureaucracy is reliant on people requiring a service to either self-refer or make a very loud noise in the media or through their local politician. The DHHS Policy on Access to Services states:

Determining Priority

The resources available to State Disability Services are limited and they therefore need to be carefully managed. In general people with the most pressing needs should be provided with the most immediate service.⁴

The Australian Institute of Health and Welfare reported⁵ that in 2003 there were an estimated 3.9 million people (20% of the population) in Australia whose lives were affected by an impairment, activity limitation or participation restriction in the environment in which they lived—2.6 million were aged under 65 years (15% of the population aged under 65 years). This is a very broad construct of disability, however, and many of these people would not identify themselves as ‘a person with disability’. Among the 3.9 million people, 1.2 million sometimes or always required help or supervision with self-care, mobility or communication. Of these, 0.7 million were aged under 65 years.

Tasmania (together with South Australia and Queensland) has the highest disability rate (23 per cent) across Australia.⁶

Table 4.1: People with disability, by severity of core activity limitation, as a proportion of the state/territory or Australian population of that age(a), 2003 (per cent)⁷

	NSW	Vic	Qld	WA	SA	Tas	ACT	Australia(a)
0–64 years								
Profound	1.2	1.5	1.5	1.5	1.3	1.5	*0.7	1.4
Severe	2.0	2.8	3.2	2.6	3.1	3.8	1.9	2.6
Moderate	1.9	2.3	3.4	3.0	3.0	4.2	1.4	2.5
Mild	3.7	3.4	3.5	4.0	4.3	3.6	2.7	3.6

⁴ DHHS Disability Services Policy No DS 005 ‘Access to Disability Services’ dated 27 May 2007. P 13

⁵ AIHW Report on Australia’s Welfare 2007 Chapter 4 Disability and Disability Services p 153

⁶ ABS, 2003, Disability Ageing and Carers, Australia: Summary of Findings, Cat 4430.0

⁷ AIHW Report on Australia’s Welfare 2007 Chapter 4 Disability and Disability Services p 157

Contact details:

Mr John Paton

Chief Executive Officer

Oak Tasmania

56 Clydesdale Avenue, Glenorchy Tasmania 7010

PO Box 294 Glenorchy Tasmania 7010

Telephone: (03)6272 8244