Submission to Productivity Commission Inquiry into Disability Care and Support

Background

The innov8 Consulting Group was established in 2008 by former IBM executive, Mark Bagshaw, to focus primarily on developing strategic solutions to complex social issues. It operates in the Government, Business and Community sectors in Australia and internationally. Its work has included several significant projects in the disability, education and health sectors.

We welcome the Draft Report from the Productivity Commission Inquiry into Disability Care and Support, and commend the Commission on its far-reaching recommendations.

This submission aims to highlight a number of critical issues that we believe will be important to address in determining the scope and implementation of the proposed National Disability Insurance Scheme and National Injury Insurance Scheme.

At the outset, we believe that the NDIS and NIIS (for brevity, hereafter both will be referred to under the generic term "NDIS") need to be considered in the broad context of the disability reform process, and that the contribution that the NDIS can (and can't) make to that process needs to be clearly understood, articulated and communicated to all parties. There is a risk that the NDIS may be seen as a "silver bullet" and that it will be expected to address all of the issues faced by people with disabilities that are currently preventing so many of them from participating in society at the levels to which they aspire and to which they are capable of achieving.

People with Disabilities in Australia - Current Status

People with disabilities in Australia are not participating in virtually any aspect of society at the same rate as people with disabilities.

Australia has the seventh lowest employment rate for people with disabilities in the OECD. In 2003, nearly two thirds of the OECD countries measured had better employment rates than Australia for people with disabilities[1]. The unemployment rate of people with disabilities is higher than the general population (8.5% versus 5.0%) and the workforce participation rate is significantly lower (53.2% versus 80.6%)[2]. That gap represents over 600,000 working age Australians.

Despite some improvements in participation levels of people with disabilities in the national Vocational Education and Training over the past decade, they remain significantly underrepresented in VET. 16.8% of the working age population in Australia have a disability, but only 7.2% of VET students report having a disability[3]. Equal participation of people with disabilities would see an additional 161,000 people with disabilities participating in VET.

The majority of these people are currently—and will most likely remain—dependent on Australia's welfare system unless we can improve participation rates of people with disabilities in education and training that leads to employment.

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[1] OECD, Employment Outlook: Towards more and better jobs, 2003, p141, as referred to in HREOC National Inquiry into Employment and Disability Issues Paper 1: Employment and Disability – The Statistics March 2005
[2] AIHW "Disability & Disability Services in Australia", Jan 2006
[3] Annual National Report of the Australian Vocational and Technical Education System 2006

The Whole of Life Approach to Disability Reform

We believe there are three fundamental reasons why people with disabilities have such low levels of participation in society:

- the massive infrastructure barriers we face make every day hard work (we've spent inestimable trillions of dollars building this world without taking the basic needs of people with disabilities into account);
- the community still doesn't believe people with disabilities can participate fully in society;
- and many people with disabilities have never built the life skills to give them the knowledge, strength and confidence they need to deal with all of this.

And these factors are not independent of each other - each of them has a direct negative impact on the others. To illustrate the point:

➢ One of the reasons why the community's expectations are so low is that citizens see people with disabilities struggling to catch the bus, to read the paper, to hear what people are saying, and the response is often "Poor Johnny, life is hard for him so we can't expect him to do what everyone else does". So the pressure on governments and businesses to provide decent infrastructure is reduced. Of course, if instead the response was "Dear Politician/Bus Owner, Johnny's life is hard because the buses aren't accessible - fix them, or you don't get my vote/business", the result would be quite different.

➢ One of the reasons why Johnny is feeling so disempowered is that facing these huge infrastructure barriers reduces his confidence in his ability to participate. He is further disempowered because his next-door neighbour feels sorry for him and expects little of him.

➢ Observing his disempowerment, his next-door neighbour expects even less of him, and the owner of the bus company sees little point in making the bus accessible. It's a never-ending downward spiral.

Finally, the disability reform process needs to be understood as a social investment, and that to date nowhere near enough investment has been made in addressing these issues, and as a result people with disabilities do not have equal access to the facilities, services and supports that average Australians take for granted.
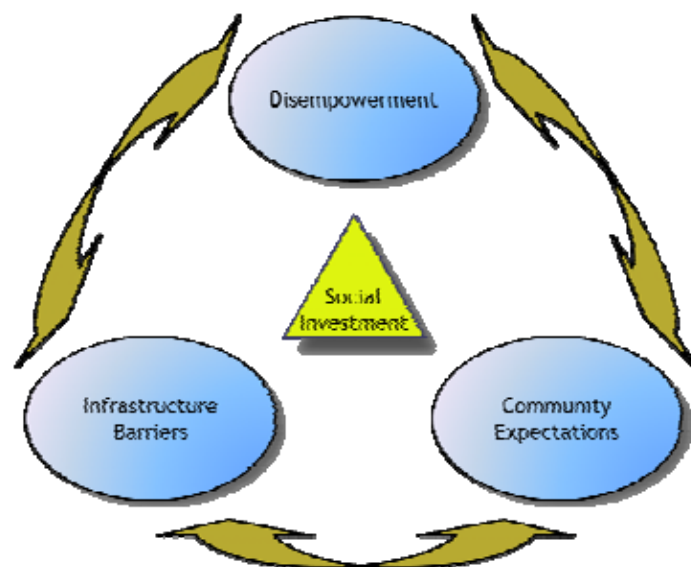

Figure 1: The Whole of Life Approach to Disability Reform

There are demonstrated solutions to address each of the issues identified above:

➢ Our physical infrastructure can be made accessible by adopting a universal design principle in the development of our physical environment and of all new products and services, and adaptive solutions can and have been developed (many based on the application of proven technologies) to remove or minimise existing barriers. It is particularly important that the business sector be engaged in this process as it creates the majority of infrastructure in our society and it also possesses the majority of the resources required to do so.

➢ Consistent and constant reinforcement of positive images of people with disabilities across all sectors of the community, using proven social marketing techniques, can significantly lift the community's expectations of people with disabilities.

➢ And integrating the teaching and development of life skills into effective life learning pathways for people with disabilities has been shown to have a dramatic effect in empowering individuals with disabilities, improving their ability to manage the challenges they face.

Responses to Productivity Commission Recommendations

1. Reach and Expectations of the NDIS

Having waited so long for disability reform to get some significant attention, it is imperative that we get this right. There is a risk here that, having lived in desperation for so long, people with disabilities will be so relieved to have some of their fundamental needs met that Australia might squander the opportunity that this level of focus can bring to do far more than just plug some of the massive holes in disability services that have existed for far too long.

While the Productivity Commission recommendations touch on all of the areas outlined above, they are primarily focused on disability specific services. While we believe that it is appropriate that they do so, it needs to be clearly understood that an NDIS will not, on its own, address many of the barriers faced by people with disabilities as outlined above.

A National Disability Insurance Scheme will not remove the massive infrastructure barriers that are preventing so many people with disabilities from participating fully in society (it won't make the public transport system accessible, make websites accessible, etc), nor will it remove discrimination against people with disabilities and lift community expectations of them. Unless we address these two factors, many people with disabilities may live more comfortably under an NDIS, but they won't necessarily be participating more fully in all aspects of the community. It is important that the community does not see the NDIS as a panacea for all ills.

However, as one of (if not the) most significant reforms in the disability area in Australia for many years, the NDIS and the profile of disability reform that it has created, has created an opportunity to make progress in areas that the NDIS itself is not intended to directly impact (removal of barriers in the physical environment, for example). At the same time it will be important for the NDIS to achieve its aims of improving opportunities for people with disabilities to participate more fully in society that these other areas be addressed.

Unless public transport is made fully accessible to people with disabilities, for example, the improvements that will result from the implementation of an NDIS will not result in the increased participation of people with disabilities that is potentially possible. Not only will this be a lost opportunity, it will also put unnecessary financial burdens on the proposed NDIS fund due to the proven increased cost of supporting a person with a disability who is not actively participating, particularly in education and/or employment.

2. Culture

Our second comment relates not to WHAT the NDIS proposes to do, but to HOW it goes about doing it.

This is about culture. Unless the implementation of the NDIS brings with it a significant shift in community culture in relation to people with disabilities, we will continue to think of people with disabilities as welfare recipients who need to be "looked after", rather than focusing on removing the obstacles that are preventing so many people with disabilities from achieving their full potential.

The culture we need in every aspect of the proposed NDIS is a truly aspirational one - one that truly understands that the vast majority of people with disabilities, irrespective of the type or severity of their disabilities, could achieve far more and participate more fully in every aspect of society if it wasn't so damn hard to do so. We have spent an inestimable amount of money over millennia making this world a welcoming, productive place for the "average" person - but we haven't designed it with people with disabilities in mind. It's not the disability itself that is the key problem here.

Why does this matter for the NDIS? It matters a great deal. For example, in relation to the section of the draft Productivity Commission report on "assessment", if the assessors are driven by a welfare culture, their assessment of "reasonable needs" is likely to be very different to an assessment based on an aspirational culture.

Just one of many thousands of examples: if the assessor believes that my chances of getting a job are low, my view that I need a wheelchair accessible van with an advanced joystick control system (costing upwards of $200,000 every five years) to get from point A to point B independently, quickly and reliably is likely to be viewed very differently than it would be if the person believed that my chances of (open) employment are high. "He doesn't really need all that money spent on him, we'd be better just to pay for (unreliable) taxis". To those who might (justifiably) respond to this by pointing out that currently the chances of many people with disabilities gaining well paid, full-time open employment ARE low for a range of reasons (including employer prejudices), we reiterate that, yes, we must address these issues as well.

A second example relates to the section about funding options. It is encouraging to see a preferred recommendation about an allocation from consolidated revenue. But this is not really driven by an aspirational culture. We need to consider offsetting those allocations over time against reduced pensions and increased taxation and GDP. We need a discussion about "social investment" - funding through the establishment of social bonds, sold to investors with a guaranteed minimum return and a premium based on reduced welfare costs and increase GDP. A welfare culture wouldn't think there would be a significant reduction in welfare costs and an increase in GDP, but an aspirational culture certainly would.

3. Assessment of Needs

One of, if not the most important process related issues in the implementation of an NDIS will be the process(es) associated with the assessment of needs of people with disabilities. The Draft Report treads a fine line in this area, seeking to achieve a balance between underestimating and over estimating the needs of individuals.

While we understand the need to ensure equity, sustainability and accountability in the delivery of the NDIS, finding the right balance between achieving these objectives and ensuring that people with disabilities receive the best possible support to ensure that they are able to achieve the maximum level of participation and fulfilment will be a significant challenge.

We believe that disability services have traditionally been too heavily skewed towards minimising costs at the expense of the long-term potential for people with disabilities to participate in and contribute to the economy and to our society. The Aids and Appliances Program in New South Wales, for example, has often been criticised for supplying the cheapest but not necessarily the most appropriate or

beneficial aids to people with disabilities, in order to spread the largely inadequate funding across the greatest number of people with disabilities who need support.

We believe this is a false economy as it can often dampen the potential practical and emotional benefits to the individual of more advanced (and often more expensive) solutions, ultimately restricting the individual's capacity to contribute to society.

It will therefore be crucial that sufficient funds are made available to provide the best and most appropriate solutions; that the individuals making the assessments understand the short and long-term benefits of investing in quality solutions rather than just the lowest cost ones and that they are empowered to make decisions in line with this understanding; and that the proposed Assessment Tools are developed in line with this approach and in line with the culture outlined above.

4. Availability of Quality Solutions

In parallel to the cultural and assessment issues outlined above, it will also be important to ensure that the best quality solutions are actually available for acquisition under the NDIS. An aspirational culture and an investment oriented assessment process will only be fully effective if quality solutions can be acquired.

We raise two points in relation to this matter. First, we need to ensure that the cost of solutions imported from other countries is not inflated unnecessarily through import duties and other taxes and by inefficient shipping methods. Second, consideration needs to be given to investments in R&D and manufacturing of quality solutions in Australia, and particularly to how the NDIS can encourage and facilitate this.

5. Infrastructure

As outlined in the introduction, the inaccessibility of much of the society's infrastructure for people with all types of disability is one of the key challenges they face.

While there are solutions that individuals with disabilities can acquire to overcome some of the infrastructure barriers (including a range of technologies that help make it possible for people with visual impairments to access the written word, people with hearing impairments to improve their hearing or remotely access AUSLAN interpreters and transcription services, advanced wheelchairs that climb stairs, etc), the extent to which these individual adaptations can remove the broad range of infrastructure barriers that people face is limited. Ultimately our entire society infrastructure needs to become fully accessible to completely remove the barriers people with disabilities face.

It is unrealistic to expect the NDIS to take responsibility for removing all of these infrastructure barriers, partly because of the magnitude of the task and partly because a disability specific program like the NDIS would not be the appropriate way to achieve that - those responsible for creating and owning the infrastructure itself (property developers, bus owners, etc, etc) must take responsibility for providing access to all citizens.

Providing access to solutions for individuals with disabilities is a key role of the NDIS, as the Draft Report acknowledges. There is a significant grey area in between these two extremes, though, and consideration needs to be given to the extent to which the NDIS could and should be expected to become involved at this level.

For example, technologies have emerged that allow quality remote sign language interpreting services by people who are deaf and hearing-impaired. Those services involve the establishment of a central facility that houses remote sign language interpreters, and the provision of technology infrastructure to allow deaf and hearing-impaired persons to access those services from remote locations via often wirelessly connected computers. These services have a profound positive impact on the capacity of people who are deaf and hearing-impaired to participate fully in society, in education and in the

workforce. They simply wouldn't work without the necessary infrastructure. But, like so many disability initiatives, funding for the establishment of these services is always difficult to obtain.

Consideration should be given, therefore, to the role that the NDIS should play in establishing these services. Should the NDIS develop and own this type of infrastructure? Should it provide seed funding to allow these services to develop? Should it simply encourage these services to be implemented, then purchase access to these services for its clients on an as-needed basis?

6. User Control of Services

A key direction articulated by the Draft Report is for increased client control and choice over the services they receive. This is an essential and very welcome element of the NDIS, and is very much in line with Australia's commitment to human rights and to the United Nations Convention on the Rights of Persons with Disabilities.

While we strongly support this direction, we also believe that it needs to be understood that many people with disabilities have not had the opportunity to develop the capacity and skills to effectively manage the responsibilities that a shift towards user control requires.

It will therefore be essential that the NDIS recognises that, in order for this shift towards user control to be successful, it is highly likely that there will be a requirement for the NDIS to provide support and funding for the development of appropriate training for those people with disabilities who require it, to develop the management skills required for people with disabilities to assuming control of their services.

7. The NDIS and the NIIS

While we understand the logic behind the recommendation in the Draft Report for the introduction of two separate schemes, we believe that the conclusion that this approach has merit needs further consideration.

The Draft Report, in pointing to the existence of schemes in several States for people whose disability results from motor accidents and workplace accidents, also indirectly acknowledges that a single scheme covering all disabilities, irrespective of their type or cause, is a more logical approach.

We acknowledge that a significant amount of thought has already been undertaken in relation to this, and we also acknowledge the provision for review of this arrangement in 2020.

However, we believe this needs to be resolved now.

For far too long there have been anomalies in the disability services system that have created inequities, inefficiencies, and confusion - a point acknowledged strongly in the Draft Report. To be at the point where we have the opportunity in this nation to address these anomalies (a key objective of the NDIS) and to remove the unnecessary and often divisive differences in the level of services and support provided to different groups of people with disabilities, but then to stop short of making changes that would finally address these anomalies, primarily to avoid some of the legislative and practical challenges that full integration might present, is, in our view, insufficient justification for not doing so.

The risks in Australia offering two similar but also very different solutions to support individuals who have virtually identical disabilities are significant. The NDIS presents an unprecedented opportunity to implement a fundamental principle: people with disabilities need support that is relevant for them based on who they are, how they live, and the challenges they faced with their particular disability. There should be no distinctions in the nature and type of support people receive based on any other factors, including the short-term challenges that creating an integrated scheme might present.