

# **Joint public statement on the Australian Government's planned reforms to NDIS Provider and Worker Registration**

**The following public statement of key principles is to inform the NDIS Provider and Worker Registration Taskforce in their work, from Disability Representative Organisations (DROs). This is not an endorsement of the NDIS Review proposal for registration.**

The NDIS Review has proposed a new model of registration for all supports that people with disability use through the NDIS. The only way to make sure a new registration and quality system works for people with disability, is to work closely with people with disability and their representative organisations.

Improvements to the design and operation of the registration system are essential. The current registration system is not fit for purpose, does not stop violence and abuse of people with disability, and does not prevent conflicts of interest or provider exploitation of people with disability. The current system does not encourage high quality and innovative services and supports for people with disability. The system is failing to protect those that face particular risks, like people with disability who use 24/7 support in a variety of settings and systems, particularly those that are closed to the community.

The Minister for the NDIS established the NDIS Provider and Worker Registration Taskforce (the Taskforce) to provide advice on the design and implementation of the new system of registration. The Taskforce is running a public consultation that will inform its expert advice to the Government. The Taskforce's advice will assist the government in working further with the disability community.

The NDIS Review recommended a proportionate and risk based approach to regulation that considers both provider and support risk, and the circumstances of the people who use those services. The proposed system would be tiered with 4 categories, graduated from simple enrolment to more complex registration based on the risk for different types of supports and providers.

The major change is that, under a new graduated risk-proportionate regulatory model, all NDIS providers would be enrolled or registered. Under the current system, supports are provided by registered or unregistered providers, and most types of support can be provided by unregistered providers. There are significant safeguarding gaps in both registered and unregistered providers. There is no oversight or visibility of unregistered providers. There is also a lack of scrutiny of quality, and little emphasis on quality improvement and safeguarding.

The uncertainty around what, how and when changes to registration will be made has caused a lot of concern in the disability community. There is significant distress in the disability community around the potential impacts on choice and control if people with disability are restricted to using registered providers. Many people with disability currently use self-management and direct employment. People with disability also rely on accessing mainstream services and use mainstream outlets.

People with disability are particularly concerned that a new system must avoid unintended negative effects on the availability and cost of supports in regional, rural and remote communities:

- People with disability who live in regional, rural and remote communities already face profound challenges with access and cost effectiveness of supports;
- Many locations currently have no or a very small number of registered providers, or providers that provide a small proportion of NDIS supports compared with other services;
- People with disability fear the proposed changes disincentivise local providers from providing supports to NDIS participants, and increase the challenges faced by people with disability in regional, rural and remote communities.

The ability to exercise choice and control of providers is particularly important for intersectional communities of people with disability both inside and outside the NDIS. These communities face additional and unique barriers to accessing safe and quality supports.

The impacts on First Nations, Culturally and Linguistically Diverse (CALD), LGBTQIA+SB, and other diverse communities need to be examined and considered carefully throughout the NDIS reform process. People with disability, their families and organisations representing different communities must be involved in designing and testing improvements to provider registration to ensure they work well for everyone.

Any changes to the system of provider registration must be led by and codesigned with people with disability and their representative organisations. Implementation of any changes to the registration system needs to also include the work of the Taskforce, including their consultation process, and any NDIS Workforce Dialogue recommendations.

Groups most impacted by availability and accessibility of services and supports need to be central in codesign. People with disability who live in regional, rural and remote Australia need to be included in the consultation and codesign through resourced engagement with representative, advocacy and peer support organisations and networks operating in these local communities.

A group of disability rights organisations have developed clear principles to guide the Taskforce and the Federal Government's process.

**The following key principles need to guide the next steps about registration:**

1. People with disability must have **choice and control** over the supports they use, **both inside and outside the NDIS** – for example, people with disability can use mainstream services, and purchase consumables from mainstream outlets.
2. People with disability need to have **safer and higher quality services and supports**.
3. People with disability need to be **involved in co-design** of any new registration and quality system.

4. People with disability who need **support for decision making need to be consulted** about the supports they use, with **independent support for that decision making**.
5. People with disability need to have **access to capacity building information and support** to engage with services and supports – for example, independent, accessible, peer led information and support to build skills and knowledge about what is a good quality service.
6. An individualised evidence-based risk **assessment framework needs to be developed with people with disability**, including changes to the safeguards system to enable this.
7. Issues for people with disability who live in **regional, rural and remote areas must be included and considered**.

The following issues also need to be **addressed and included** in any registration system:

- Services for One
- Purchasing consumables from mainstream services
- People with disability directly employing disability support workers
- Role of independent disability advocacy

Changes need to urgently address the quality and safety of supports to prevent harm and exploitation of people with disability, including major reform to the NDIS Quality and Safeguards Commission. Implementation must not interfere in the continuity of supports for people with disability.

The risk or decision-making framework, particularly to decide which provider goes into which category, needs to be individualised, evidence-based and developed by people with disability. The impacts on choice and control must be carefully considered, including the impact on self-management, directly employing support workers and accessing mainstream services like purchasing consumables.

The process of designing a new system needs to be inclusive and accessible for all people with disability. People with disability who need support for decision making must be involved and be given the independent support they need in the process. There needs to be accessible, peer led information and support to build skills and knowledge about what is a safe and quality service.

## About Us

Disability Representative Organisations are funded by the Department of Social Services (DSS) to represent people with disability. The following organisations have endorsed this joint statement:

- Children and Young People with Disability Australia
- First Peoples Disability Network Australia
- Disability Advocacy Network Australia
- Inclusion Australia
- National Ethnic Disability Alliance
- Women with Disabilities Australia

This submission was prepared by Disability Advocacy Network Australia, in their role as the National Coordination Function for the Disability Representative Organisations program.